

REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA SERVICES COMMITTEE
AGENDA

Tuesday, September 3, 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 - July 9, 2019 6

That the minutes of the Electoral Area Services Committee meeting held July 9, 2019, be adopted.
4. DELEGATIONS
5. CORRESPONDENCE
6. PLANNING
 - 6.1 Development Permit with Variance
 - 6.1.1 Development Permit with Variance Application No. PL2019-057 - Lot 31 Seaview Drive, Electoral Area H 11

Delegations Wishing to Speak to Development Permit with Variance Application No. PL2019-057 - Lot 31 Seaview Drive, Electoral Area H

1. That the Board approve Development Permit with Variance No. PL2019-057 to permit the development of a dwelling unit, accessory building, and associated yard area subject to the terms and conditions outlined in Attachment 2.

2. That the Board exempt Lot 31, District Lot 28, Newcastle District, Plan 22249 from Section 13(b) of Bylaw 1469 to allow the construction of a dwelling unit within 15 metres from the natural boundary of any other watercourse including a lake, marsh or pond.

3. That the Board direct staff to complete the required notification for Development Permit with Variance No. PL2019-057.

6.1.2 Development Permit with Variance Application No. PL2019-099 - Lot A, Elm Road, Electoral Area A 25

Delegations Wishing to Speak to Development Permit with Variance Application No. PL2019-099 - Lot A, Elm Road, Electoral Area A

1. That the Board approve Development Permit with Variance No. PL2019-099 to permit the construction of a dwelling unit subject to the terms and conditions outlined in Attachment 2.

2. That the Board direct staff to complete the required notification for Development Permit with Variance No. PL2019-099.

6.2 Development Variance Permit

6.2.1 Development Variance Permit Application No. PL2019-145 - 846 Ackerman Road, Electoral Area G 36

Delegations Wishing to Speak to Development Variance Permit Application No. PL2019-145 - 846 Ackerman Road, Electoral Area G

1. That the Board approve Development Variance Permit No. PL2019-145 to reduce the setback from the exterior side lot line for dwelling units 1 to 5 and 11 to 20 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. PL2019-145.

6.2.2 Development Variance Permit Application No. PL2018-216 - 3835 Charlton Drive, Electoral Area H 46

Delegations Wishing to Speak to Development Variance Permit Application No. PL2018-216 - 3835 Charlton Drive, Electoral Area H

1. That the Board approve Development Variance Permit No. PL2018-216 to reduce the front lot line setback from 8.0 metres to 5.0 metres for a proposed dwelling unit 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. PL2018-216.

6.2.3 Development Variance Permit Application No. PL2019-110 - 1640 Stewart Road, Electoral Area E 60

Delegations Wishing to Speak to Development Variance Permit Application No. PL2019-110 - 1640 Stewart Road, Electoral Area E

1. That the Board approve Development Variance Permit No. PL2019-110 to reduce the setback for an interior side lot line and the natural boundary of the sea to permit the renovation of an existing dwelling unit and to permit a second storey addition 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. PL2019-110.

6.3 Development Variance Permit and Request for Frontage Relaxation

6.3.1 Development Variance Permit Application No. PL2019-134 and Request for Relaxation of the Minimum 10% Frontage Requirement in Relation to subdivision Application No. PL2017-072 - 2925 Turnbull Road, Electoral Area H 68

Delegations Wishing to Speak to Development Variance Permit Application No. PL2019-134 and Request for Relaxation of the Minimum 10% Frontage Requirement in Relation to subdivision Application No. PL2017-072 - 2925 Turnbull Road, Electoral Area H

1. That the Board approve the request to relax the minimum 10% perimeter frontage requirements for proposed Lot 3 in relation to Subdivision Application No. PL2017-072, subject to the terms and conditions outlined in Attachment 2.
2. That the Board approve Development Variance Permit No. PL2019-134 to increase the permitted parcel depth of proposed Lot 2 subject to the terms and conditions outlined in Attachment 2.
3. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2019-134.

6.3.2 Development Variance Permit No. PL2019-156 for lot depth and Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in relation to Subdivision Application No. PL2019-044 1396 Sunrise Drive – Electoral Area G 76

1. That the Board approve the request to relax the minimum 10% perimeter frontage requirements for proposed Lots A and B in relation to Subdivision Application No. PL2019-044, subject to the terms and conditions outlined in Attachments 2 and 3.

2. That the Board approve the request to increase the permitted lot depth for proposed lots A and B for Development Variance Permit No. PL2019-156, subject to the terms and conditions outline in Attachments 2 and 3.

3. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2019-156.

6.4 Request for Frontage Relaxation in Relation to a Subdivision

6.4.1 Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in relation to Subdivision Application No. PL2018-116 - 6961, 6931, 6973 and 6977 Doumont Road, Electoral Area C 83

That the Board approve the request to relax the minimum 10% perimeter frontage requirements for proposed Lots B and H in relation to Subdivision Application No. PL2018-116.

6.5 Other

6.5.1 Temporary Use Permit Application No. PL2019-090 - Kipp Road, Electoral Area A 90

Delegations Wishing to Speak to Temporary Use Permit Application No. PL2019-090 - Kipp Road, Electoral Area A

1. That the Board receive the Summary of the Public Information Meeting held on July 10, 2019.

2. That the Board approve Temporary Use Permit No. PL2019-090 to allow the use of a wind turbine on the subject property subject to the terms and conditions outlined in Attachment 3.

3. That the Board direct staff to complete the required notification for Temporary Use Permit No. PL2019-090.

7. EMERGENCY PREPAREDNESS

7.1 Municipal Insurance Association of British Columbia Society Coverage 102

1. That the Board endorse offering the Municipal Insurance Association of British Columbia Society coverage to the volunteer fire department societies.
2. That the Board endorse contributions of \$5,000 to the insurance deductible reserve accounts to increase the reserve balance to a maximum of \$100,000.

7.2 Emergency Program Bylaws 110

1. That “Regional District of Nanaimo Emergency Program Bylaw No. 1790, 2019” be introduced and read three times.
2. That “Regional District of Nanaimo Emergency Program Bylaw No. 1790, 2019” be adopted.
3. That “Regional District of Nanaimo Emergency Program Extended Service Amendment Bylaw No. 952.01, 2019” be introduced, read three times, and forwarded to the Inspector of Municipalities for approval.

8. FIRE PROTECTION

8.1 Bow Horn Bay Fire Protection Boundary Expansion 120

That “Bow Horn Bay Fire Protection Service Amendment Bylaw No. 1385.10, 2019” be introduced, read three times, and forwarded to the Inspector of Municipalities for approval.

8.2 Dashwood Fire Hall Alternative Approval Process Results 127

1. That “Dashwood Fire Hall Service Area Establishment Bylaw No. 1785, 2019”, be adopted.
2. That “Dashwood Fire Hall Loan Authorization Bylaw No. 1789, 2019”, be adopted.

9. BUSINESS ARISING FROM DELEGATIONS

10. NEW BUSINESS

10.1 Directors' Roundtable

11. ADJOURNMENT

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

Tuesday, July 9, 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
	Alternate	
	Director J. Stanhope	Electoral Area G
	Director S. McLean	Electoral Area H
Regrets:	Director L. Salter	Electoral Area F
Also in Attendance:	P. Carlyle	Chief Administrative Officer
	D. Banman	A/Gen. Mgr. Recreation & Parks Services
	S. De Pol	A/Gen. Mgr. Regional & Community Utilities
	G. Garbutt	Gen. Mgr. Strategic & Community Development
	D. Pearce	Director of Transportation & Emergency Services
	T. Armet	Mgr. Building & Bylaw Services
	P. Thompson	Mgr. Long Range Planning
	T. Mayea	A/Mgr. Legislative Services
	C. Golding	Recording Secretary
	C. Jefferies	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 acknowledged the recent loss of Electoral Area G Director Clarke Gourlay and recognized the contributions he made as an Electoral Director. He noted that Director Gourlay was passionate about his role as a Director and represented his constituents well.

The Chair welcomed Alternate Director Stanhope and Alternate Director Fell to the meeting.

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 - June 11, 2019

It was moved and seconded that the minutes of the Electoral Area Services Committee meeting held June 11, 2019, be adopted.

CARRIED UNANIMOUSLY

COMMITTEE MINUTES

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

Electoral Area A Parks, Recreation and Culture Commission - June 19, 2019

Electoral Area B Parks and Open Space Advisory Committee - June 17, 2019

East Wellington / Pleasant Valley Parks and Open Space Advisory Committee - May 27, 2019

Nanoose Bay Parks and Open Space Advisory Committee - June 12, 2019

Electoral Area H Parks and Open Space Advisory Committee - June 24, 2019

CARRIED UNANIMOUSLY

COMMITTEE RECOMMENDATIONS

Electoral Area A Parks, Recreation and Culture Commission

Request for Statements of Qualifications Inventory of Recreation Services in Electoral Area A

It was moved and seconded that the Request for Statements of Qualifications be issued to conduct an inventory of existing recreation services, programs and facilities within Electoral Area A.

CARRIED UNANIMOUSLY

Electoral Area B Parks and Open Space Advisory Committee

5-year Project Plan - Electoral Area B Spring 2019

It was moved and seconded that the 5-year Project Plan: 2020-2024 for Community Parks in Electoral Area B be approved with the addition of Rollo Park Management Plan to 2022, the addition of Disk Golf feasibility assessment to Additional Project Suggestions, and the transfer of Bells Landing Water Access Boat Launch Feasibility Study from 2022 to Additional Project Suggestions.

CARRIED UNANIMOUSLY

East Wellington / Pleasant Valley Parks and Open Space Advisory Committee

5-year Project Plan – Electoral Area C-EW/PV

It was moved and seconded that the 5-year Project Plan: 2020-2024 for Community Parks in Electoral Area C-EW/PV be approved.

CARRIED UNANIMOUSLY

Nanoose Bay Parks and Open Space Advisory Committee

5-year Project Plan - Electoral Area E Spring 2019

It was moved and seconded that the 5-year Project Plan: 2020-2024 for Community Parks in Electoral Area E be approved with the addition of 2020 beach access signage and 2020 Nanoose Road Community Park signage.

CARRIED UNANIMOUSLY

Electoral Area H Parks and Open Space Advisory Committee

5-year Project Plan - Electoral Area H Spring 2019

It was moved and seconded that the 5-year Project Plan: 2020-2024 for Community Parks in Electoral Area H be approved.

CARRIED UNANIMOUSLY

PLANNING

Development Permit with Variance

Development Permit with Variance Application No. PL2019-076 - 862 Poplar Way, Electoral Area F

It was moved and seconded that the Board approve Development Permit with Variance No. PL2019-076 to permit the construction of an accessory building 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 Permit with Variance No. PL2019-076.

CARRIED UNANIMOUSLY

Development Permit with Variance Application No. PL2018-207 - Lot 2, Island Highway West, Electoral Area H

It was moved and seconded that the Board approve Development Permit with Variance No. PL2018-207 to permit the development of a dwelling unit, accessory buildings and structures, driveway, stream crossings, yard area, and onsite servicing subject to the terms and conditions outlined in Attachment 2, Schedules 1 to 3.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct staff to complete the required notification for Development Permit with Variance No. PL2018-207.

CARRIED UNANIMOUSLY

Development Permit with Variance Application No. PL2019-072 - 585 Wain Road, Electoral Area G

It was moved and seconded that the Board approve Development Permit with Variance No. PL2019-072 to permit the construction of an addition to the dwelling unit and the accessory building 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 Permit with Variance No. PL2019-072.

CARRIED UNANIMOUSLY

Other

OCP and Zoning Amendments for Nanaimo Airport Draft Amendments for Consultation

It was moved and seconded that the Board receive, for the purpose of community and stakeholder consultation, the draft Official Community Plan and zoning bylaw amendments for the Nanaimo Airport lands, as contained in Attachments 6 and 7.

CARRIED UNANIMOUSLY

COMMUNITY PARKS

Active Transportation Infrastructure Memorandum of Understanding

It was moved and seconded that the Active Transportation Infrastructure Memorandum of Understanding with the Ministry of Transportation and Infrastructure be approved.

CARRIED UNANIMOUSLY

BUILDING INSPECTION

Building Permit Activity – Second Quarter 2019

It was moved and seconded that the report Building Permit Activity – Second Quarter 2019 be received for information.

CARRIED UNANIMOUSLY

MOTIONS FOR WHICH NOTICE HAS BEEN GIVEN

Signage for Nanoose Road Community Park

It was moved and seconded that pending project approval by the Union of BC Municipalities, up to \$3,000 of unallocated 2019 Electoral Area E Community Works Funds be allocated to the Nanoose Road Community Park for signage.

CARRIED UNANIMOUSLY

NEW BUSINESS

Directors' Roundtable

Directors provided updates to the Committee.

ADJOURNMENT

It was moved and seconded that the meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 2:16 PM

CHAIR

TO: Electoral Area Services Committee **DATE:** September 3, 2019
FROM: Sarah Martin
 Planning Technician **FILE:** PL2019-057
SUBJECT: **Development Permit with Variance Application No. PL2019-057**
Lot 31, Seaview Drive – Electoral Area H
Lot 31, District Lot 28, Newcastle District, Plan 22249

RECOMMENDATIONS

1. That the Board approve Development Permit with Variance No. PL2019-057 to permit the development of a dwelling unit, accessory building, and associated yard area subject to the terms and conditions outlined in Attachment 2.
2. That the Board exempt Lot 31, District Lot 28, Newcastle District, Plan 22249 from Section 13(b) of Bylaw 1469 to allow the construction of a dwelling unit within 15 metres from the natural boundary of any other watercourse including a lake, marsh or pond.
3. That the Board direct staff to complete the required notification for Development Permit with Variance No. PL2019-057.

SUMMARY

The applicant has applied for a development permit with variance and a site specific floodplain bylaw exemption to allow for the siting of a dwelling unit, accessory building, parking and yard area within 60 metres of a heron colony. Due to the small size of the subject property, development is constrained by zoning regulations and the floodplain setback established by “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006”. The applicant proposes variances to the watercourse setback for a ditch flowing along the property’s frontage, and to the off-street parking regulations to allow for parking within the front lot line setback. The applicant has provided professional assessments stating that in the professionals’ opinions, the proposed development will result in no negative impacts to the heron colony or the proposed dwelling, provided the professionals’ recommendations are followed. Given that the development permit area 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 Schedules 1 to 3 of the draft development permit with variance included as Attachment 2.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Smitty Construction Ltd on behalf of Elisabeth and Tom Chisholm to permit the development of a dwelling unit, accessory building, parking and associated yard area. The subject property is approximately

0.07 hectares (700 square metres) in area and is zoned Residential 2, Subdivision District 'M' (RS2, M), pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is located east of Gainsberg Road in a rural residential land use area (see Attachment 1 – Subject Property Map).

The property is currently undeveloped and is characterized by turf grass and ornamental tree species. A year round, modified watercourse, known as Domey Creek, flows through the property along the front lot line, partially ditched along Seaview Drive. It is serviced by an existing on-site sewerage system and the Deep Bay Improvement District community water service.

The proposed development is subject to the Eagle and Heron Nesting Tree Development Permit Area (DPA) per the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2017".

Proposed Development and Variance

The applicant proposes to develop a dwelling unit within the 18 metre watercourse setback and parking within the front lot line setback, made applicable by the off-street parking and loading regulations of the zoning bylaw. The subject property is located entirely within the 60 metre great blue heron nesting trees development permit area due to the proximity of an active heron colony on an adjacent property. Development within the DPA cannot be avoided. The applicant proposes to vary the following regulations from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987":

- **Section 3.8 – Setbacks – Watercourses, excluding the sea** to reduce the minimum setback from 18.0 metres from the centerline to 5.2 metres from the natural boundary, as shown in Schedule 2 of the draft permit included as Attachment 2.
- **Schedule 3B 1.1 b) – Off-street Parking and Loading Spaces** that the requirement that all off-street parking be located subject to the setback requirements of the zone be varied such that the front lot line setback does not apply.

Land Use Implications

The applicants land use justification for the variance is due to significant site constraints, chief among them the small parcel size. The applicant has worked with their clients to propose a dwelling unit of moderate footprint, to make the most efficient use of the parcel. In addition to the small parcel size, the location of the existing sewerage system impacts the buildable area on the rear of the subject property. To make efficient use of the site and not further impact the heron colony, the proposal is to move the dwelling unit away from the colony, towards the front of the parcel.

It is noted that two off-street parking spaces must be provided for and are subject to the setback requirements of the zone. Watercourse setbacks do not apply to parking spaces. Moving development forward on the subject property to further increase the distance from the heron colony would also require the parking to be located in the setback from the front lot line. The result is to locate the dwelling unit within the watercourse setback.

In support of the variance and site specific floodplain bylaw exemption request, the applicant has submitted a technical memo assessing the proposal. At the shallowest point, water flow was estimated to be 0.7 metres below natural grade. In the event that the watercourse overflows, existing topography around the watercourse would direct flow away from the dwelling unit, down

Seaview Drive. The engineer states that from a geotechnical point of view, the location of the proposed residence with respect to the natural boundary will not pose a hazard to the dwelling provided their recommendations are implemented. The following recommendations were made: waterproof the foundation; place a layer of non-woven geotextile (filter fabric) over the drain rock of the foundation perimeter drainage; meet the minimum flood construction level elevation prescribed by the RDN floodplain bylaw (1.5 metres); and equip the stormwater drainage outlet with a backflow preventer valve. Additional recommendations relate to footings and bearing soils for the foundation. Finally, the engineer recommends registration of the memo on title due to the maintenance requirements of the backflow preventer valve.

Given that the applicant has provided sufficient rationale and the geotechnical engineer confirms that the proposed variance and exemption does not pose a hazard to the dwelling unit where recommendations are followed, the applicants have made reasonable efforts in consideration of “Board Policy B1.5 Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation”. As a condition of the development permit with variance and site specific exemption, the memo and any addendums will be registered on the property title as a covenant, saving the RDN harmless from all losses or damages to life or property as a result of the hazardous condition, per the Terms and Conditions of Permit included in Attachment 2.

Environmental Implications

In support of the proposed development permit with variance, the applicant has submitted a heron nest assessment and a watercourse assessment, prepared by Toth and Associates Environmental Associates, dated May 22, and May 30, 2019 respectively. A total of ~19 great blue heron nests are located, at the closest, ~20 metres from the south side of the subject property. The nests closest to the subject property are located at 160 Kopina Drive, as well as 5076 Seaview Drive and Lot 29 Seaview Drive. The subject property is located entirely within the 60 metre DPA. In addition to the nesting trees, the property is impacted by a ditched portion of Domey Creek, which runs within the front lot line, parallel to Seaview Drive. The watercourse is not mapped.

Heron Nesting Trees

The assessment notes that the herons of this colony are accustomed to human caused noise disturbances, documenting fairly constant and significant disturbances such as leaf blowers, lawn mowing, hedge trimming, construction, and vehicle traffic. Also noted is that the breeding season listed by Develop with Care (and the DPA guidelines) is January 15 to September 15 for the entirety of BC. However, another (older) source indicates that coastal areas have a breeding season of approximately March 1 to September 1. The biologist recommends that site development up to lock up stage occur outside the breeding season, and that at least four trees be planted to provide a visual buffer between the subject property and the nest sites.

The applicant proposes to retain the existing trees at the rear of the site (Honey Locust and Mountain Ash) and perform manual invasive species control (exempt activity). There are upwards of four young trees of significant size, existing in the rear yard area (staff site visit July 26, 2019). Given the constraints of the site, it is recommended that one tree, along the south interior lot line, be planted in addition to the existing trees as a buffer to the nests closest to the subject property. It is also recommended that the applicant seek the advice of a horticultural professional as to a suitable tree species that is appropriate for the constraints of the site and capable of providing the required screening. Site constraints include the existing septic field,

drainage systems and foundations for the proposed and adjacent dwelling units, and limited yard area to accommodate a tree of appropriate canopy width for screening purposes.

Watercourse

The watercourse assessment indicated that Domey Creek flows under Seaview Drive and between 5097 and 5093 Seaview Drive via a culvert, where it drops in a flume to Shoreline drive, at the rear of these two properties. RDN records indicate that a *Water Act* approval was issued in 1999 for the culvert work, in support of the development of these lots. While the Water Act applies to this watercourse, the assessment indicates that the *Riparian Areas Regulation* (RAR) does not, due to the steep, flumed drop to Shoreline Drive and its relatively direct access to the sea. Based on the impassable barriers (to fish) and lack of freshwater habitat within the lower reach of the drainage, the biologist concluded that the drainage does not represent an assessable watercourse under the RAR. A freshwater and fish habitat development permit is not required. In consideration of the close proximity of the subject property to the heron colony the biologist stated that it is preferable that the dwelling unit be sited closer to the watercourse to reduce intrusion into the DPA.

It is anticipated that where recommendations are followed that there will be no negative impacts on the heron colony or the proposed development. It is recommended that the proposed development permit with variance be approved, subject to the terms and conditions of Attachment 2.

Intergovernmental Implications

The application was referred to the Ministry of Transportation and Infrastructure (MOTI) and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNR). MOTI expressed no concern with the proposed variance and advised that no additional drainage is to be directed to the Ministry's drainage system. This information has been passed on to the applicant.

FLNR indicated that with environmental monitoring by a suitably experienced biologist, construction to lock up could continue into January, as long as the herons have not returned to the colony. Coastal herons in general breed earlier than interior populations by up to one month. However, many colonies on the island are not active until February. According to Develop with Care (DWC), herons usually lay eggs between February and April. The Province advised that the nest initiation/courtship phase of breeding is one of the most sensitive times for disturbance, which precludes egg laying. Unusual events, such as mechanical chippers, chainsaws, and large trucks may cause the herons to abandon their nests (DWC). Construction may also reasonably restart in August, where a suitably experienced biologist has confirmed that the herons have fledged and are not using the colony. Extreme caution is advised, as any disturbances can be detrimental to breeding. It is recommended that the development permit with variance be approved per the conditions of permit included in Attachment 2.

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. PL2019-057 subject to the terms and conditions outlined in Schedule 1 to 3 of Attachment 2.
2. To approve the requested site-specific exemption of Lot 31, District Lot 28, Newcastle District, Plan 22249 from Section 13(b) of Bylaw 1469.
3. To deny Development Permit with Variance No. PL2019-057 and the site-specific exemption of Lot 31, District Lot 28, Newcastle District, Plan 22249 from Section 13(b) of Bylaw 1469.

FINANCIAL IMPLICATIONS

The proposed development has no implications related to the Board 2019 – 2023 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The proposed development has been reviewed and the proposal is in keeping with the 2019 – 2022 Board Strategic Plan. The Plan's "Environmental Stewardship" key strategic area states that the Board will focus on protecting and enhancing the natural environment, including land, water and air, for future generations. The proposed variance will reduce the impact of development on the heron colony, allowing for the reduction of development impacts on an environmentally sensitive feature.



Sarah Martin
smartin@rdn.bc.ca
August 14, 2019

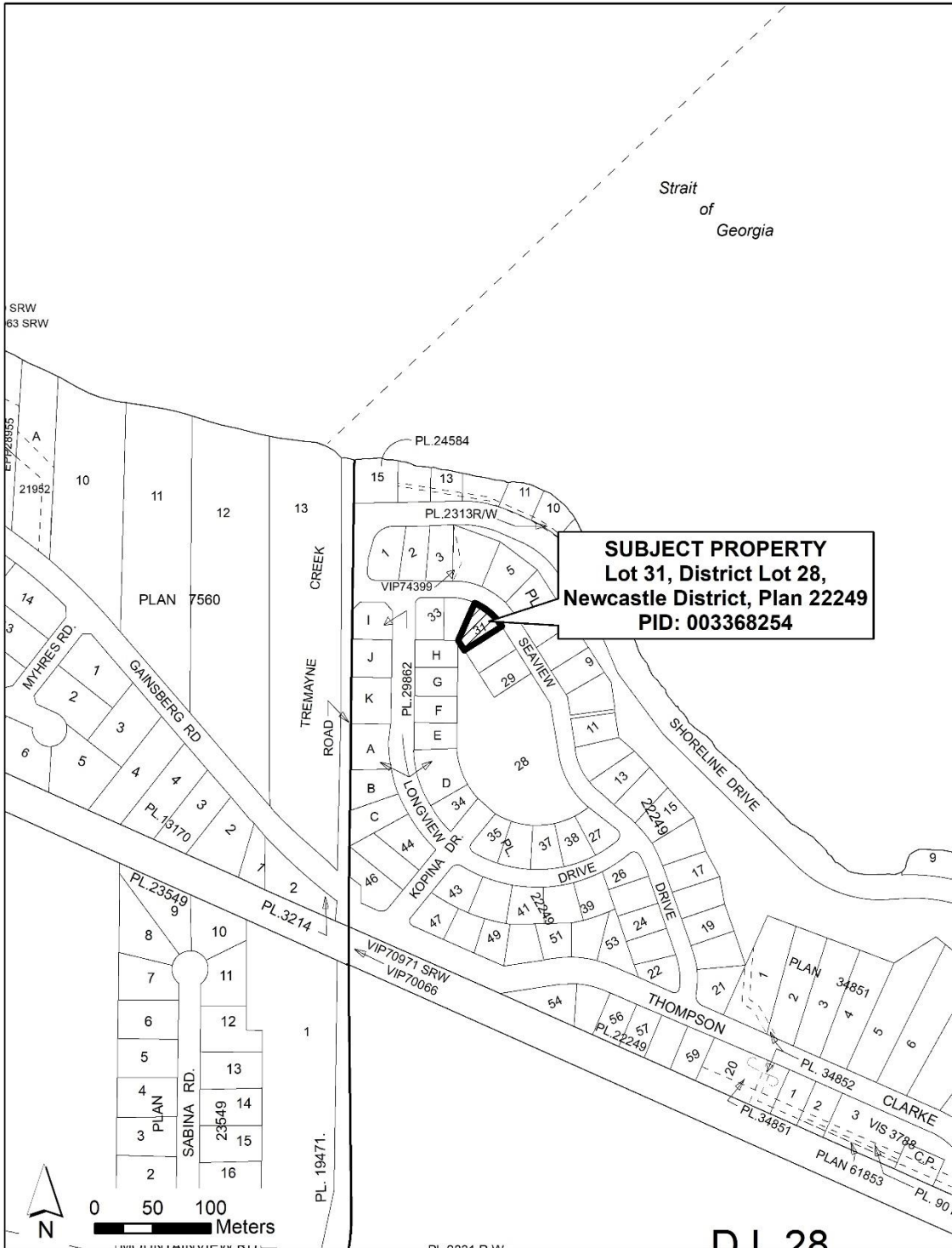
Reviewed by:

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


Attachments:

1. Subject Property Map
2. Draft Development Permit with Variance

Attachment 1 Subject Property Map



**Attachment 2
Draft Development Permit**

 <p>REGIONAL DISTRICT OF NANAIMO</p>	<p>STRATEGIC & COMMUNITY DEVELOPMENT</p> <p>6300 Hammond Bay Road, Nanaimo, BC V9T 6N2 250-390-6510 or 1-877-607-4111 www.rdn.bc.ca</p> <p>DEVELOPMENT PERMIT WITH VARIANCE NO. PL2019-057</p>
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To: ("Permittee") Thomas Avon Chisholm and Elisabeth Camille Chisholm

Mailing Address: c/o Smitty Construction Ltd, 1485 Stone Lake Drive, Nanoose Bay, BC V9P 9M4

1. Except as varied or supplemented by this permit, the development permit is issued subject to compliance with all applicable bylaws and provincial and federal statutes and regulations.
2. This development permit applies only to those lands within the Regional District of Nanaimo described below, and all buildings, structures and other development thereon:

Legal Description: Lot 31, District Lot 28, Newcastle District, Plan 22249 ("the Lands")

Civic Address: Lot 31, Seaview Drive **P.I.D.:** 003-368-254

3. The Lands shall be developed strictly in accordance with the terms and conditions of this permit.
4. The Permittee as a condition of issuance of this permit agrees to comply with the conditions of Schedule 1, which is attached to and forms part of this permit.
5. The Permittee as a condition of issuance of this permit agrees to develop the Lands, in substantial compliance with the plans and specifications included in Schedules 2 and 3, which are attached to and form part of this permit.
6. With respect to the Lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as outlined in Schedules 1 to 3, which are attached to and form part of this permit.
7. Subject to the terms of the permit, if the holder of the permit does not substantially start construction with respect to which the permit was issued within two years after the date it is issued, the permit shall lapse in accordance with Section 504 of the *Local Government Act*.
8. This permit prevails over the provisions of the bylaw in the event of conflict.
9. Notice of this permit shall be filed in the Land Title Office at Victoria under Section 503 of the *Local Government Act*, and upon such filing, the terms of this permit or any amendment hereto shall be binding upon all persons who acquire an interest in the Lands affected by this permit.
10. This permit is not a building permit.

Authorizing Resolution to issue passed by the Board this XXth day of September, 2019.

Schedule 1 Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2019-057:

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 3.8 – Setbacks – Watercourses, excluding the sea** to reduce the minimum setback from 18.0 metres from the centerline to 5.2 metres from the natural boundary, as shown in Schedule 2.
- **Schedule 3B 1.1 b) – Off-street Parking and Loading Spaces** that the requirement that all off-street parking be located subject to the setback requirements of the zone be varied such that the front lot line setback does not apply.

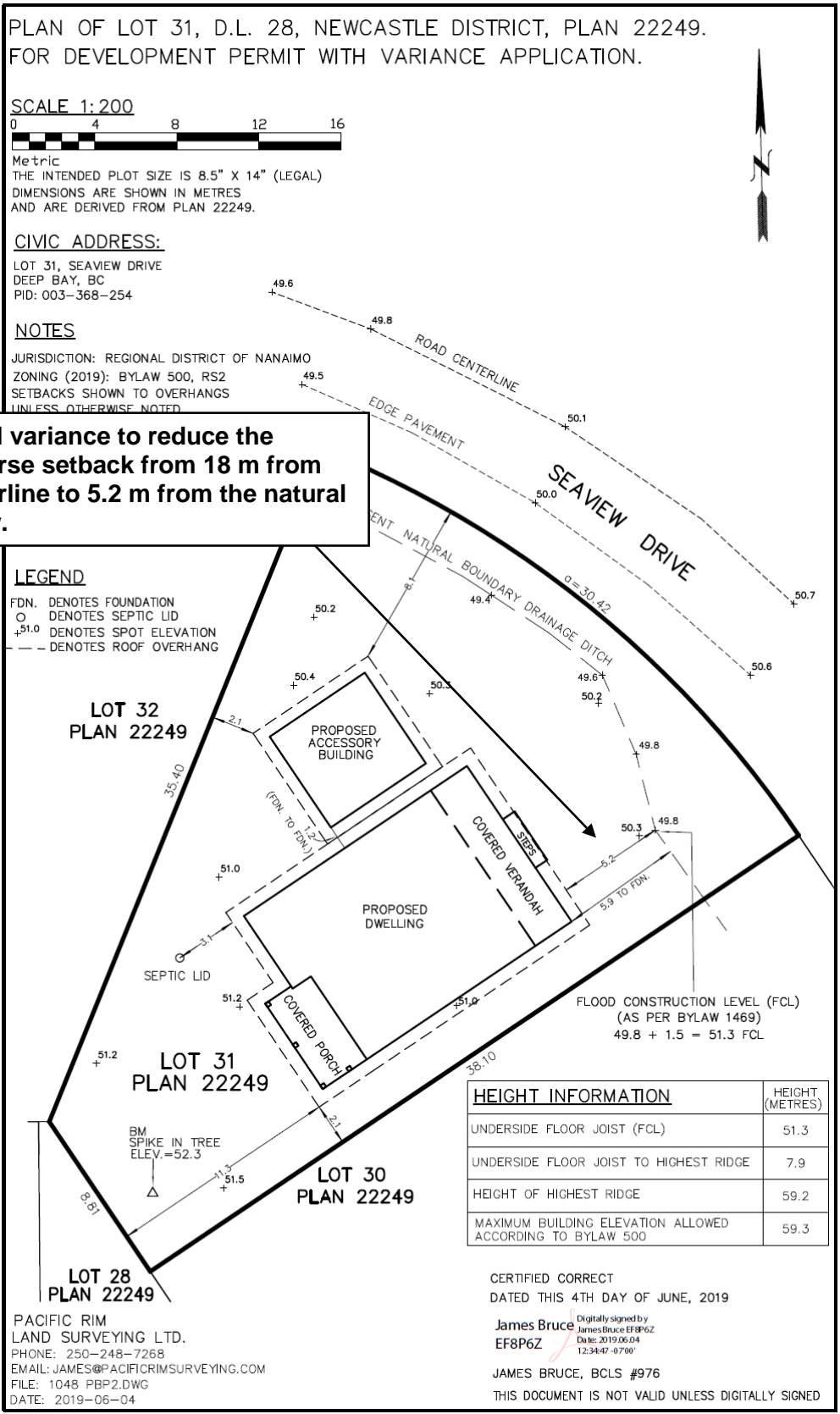
Conditions of Approval

1. The site is developed in accordance with the Survey Plan prepared by Pacific Rim Land Surveying LTD, dated June 4, 2019 and attached as Schedule 2.
2. The proposed development is in general compliance with the plans and elevations submitted by the applicant and attached as Schedule 3.
3. The subject property shall be developed and maintained in accordance with the recommendations of the Technical Memo prepared by Lewkowich Engineering Associates Ltd dated June 11, 2019, as well as any subsequent addendums.
4. The subject property shall be developed in accordance with the Heron Nest Assessment prepared by Toth and Associates Environmental Services dated May 22, 2019.
5. Site development and construction shall occur entirely outside of the nesting season which is from January 15 to September 15 for Pacific Great Blue Herons. Where construction of the dwelling unit and accessory building have achieved lock up stage (exterior doors and windows have been installed), interior construction activity may continue.
6. Notwithstanding Condition of Approval 4, where a registered professional biologist of sufficient experience with Pacific Great Blue Herons is monitoring development, activity may occur up to the end of January, where no herons are present at the colony (for clarity, the herons have not returned to the colony site). Development activity may re-commence as early as August, where the RDN is in receipt of written confirmation from the aforementioned biologist, that the herons have fledged and the colony has been vacated, to the satisfaction of the General Manager of Strategic and Community Development.
7. Notwithstanding Condition of Approval 3, a single tree, of a species and pot/root ball size recommended by a horticultural professional, is to be planted in the rear yard area, sited to screen the south interior lot line, for the purpose of screening the heron colony from the subject property. The recommended species is to be suitable for the site conditions and of a height and crown width sufficient to screen the heron colony. Invasive species are to be

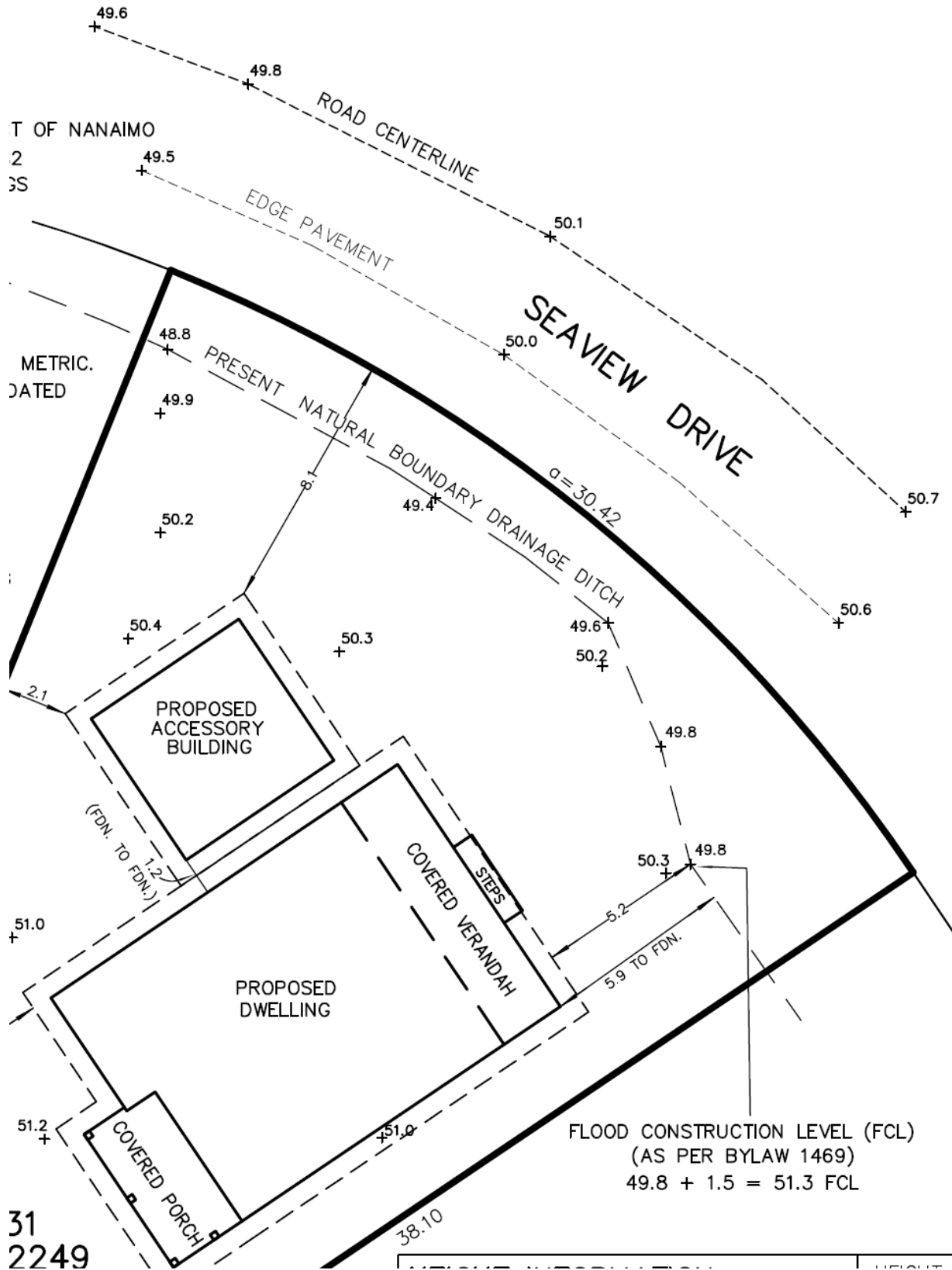
avoided. For clarity, the existing Honey Locust and Mountain Ash trees in the rear yard area are to be retained as screening in lieu of the additional three trees recommended by Toth and Associates Environmental Services.

8. The property owner shall provide confirmation in writing, to the satisfaction of the General Manager of Strategic and Community Development, that development of the subject property has occurred in accordance with this permit, prior to occupancy being granted. Where development continues in accordance with Condition of Approval 6 and/or 7, a confirmation report prepared by a registered professional biologist of sufficient experience with Pacific Great Blue Herons, to the satisfaction of the General Manager shall be required prior to occupancy being granted.
9. The subject property shall be developed in accordance with the recommendations contained in the Technical Memo prepared by Lewkowich Engineering Associates Ltd, dated June 11, 2019 and any addendums. It is noted that no additional drainage is to be directed to the Ministry of Transportation's drainage system (ie. post development drainage flow is not to exceed pre-development flows).
10. The issuance of this Permit shall be withheld until the applicant, at the applicant's expense, registers a Section 219 Covenant on the property title containing the Technical Memo prepared by Lewkowich Engineering Associates Ltd, dated June 11, 2019, and any addendums. The covenant shall include a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard.
11. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

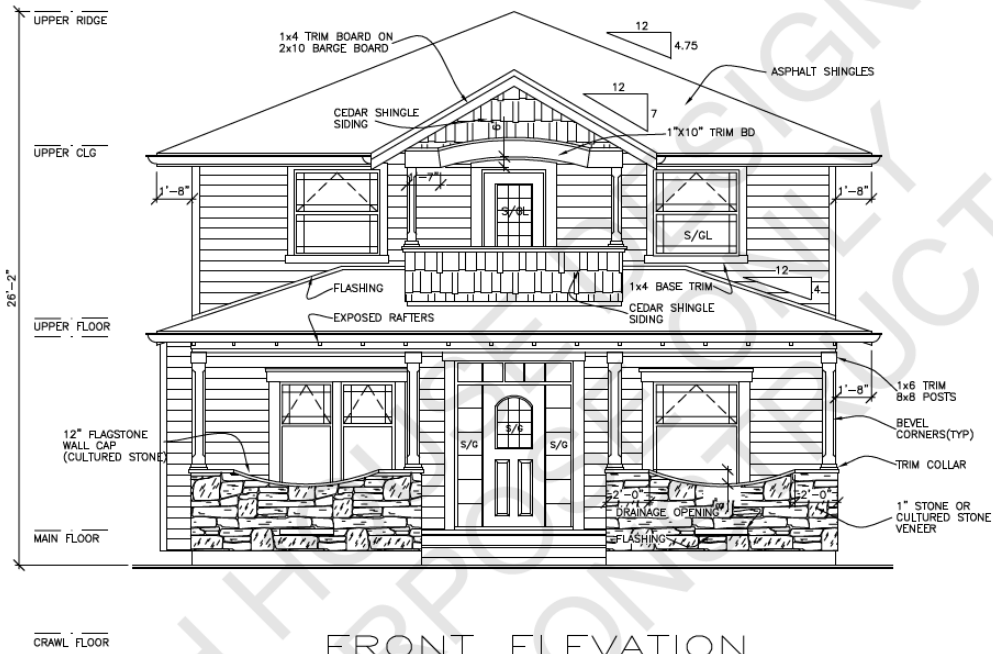
Schedule 2
Survey Plan and Variances (1 of 2)



Schedule 2
Survey Plan and Variances (2 of 2) – enlarged for convenience



Schedule 3
Building Plans and Elevations (1 of 6) – enlarged for convenience

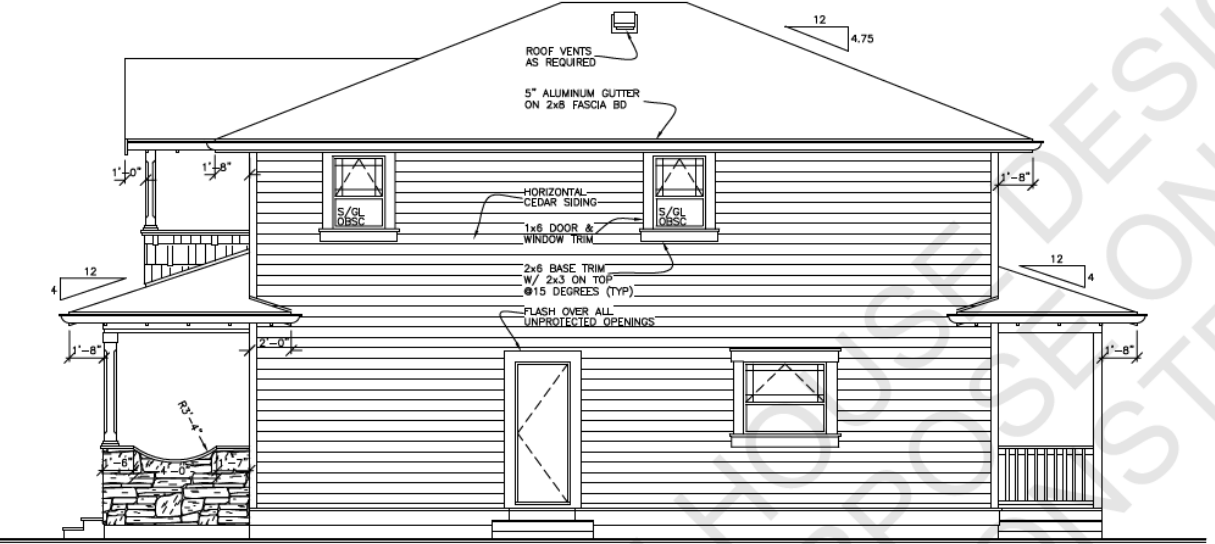


FRONT ELEVATION



REAR ELEVATION

Schedule 3
Building Plans and Elevations (2 of 6) – enlarged for convenience



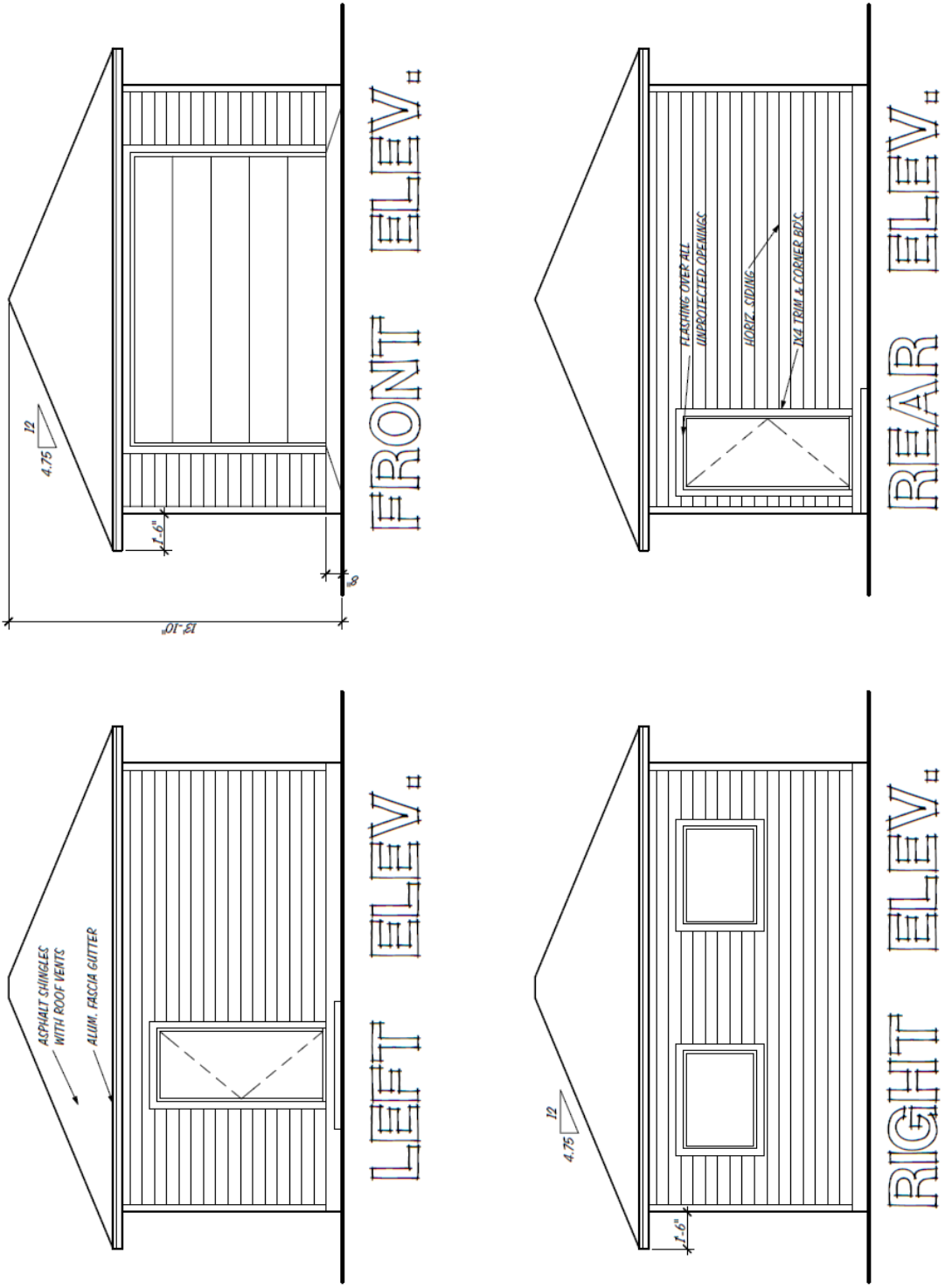
RIGHT ELEVATION



EMENT #85516

LEFT ELEVATION

Schedule 3
Building Plans and Elevations (3 of 6) – enlarged for convenience



TO: Electoral Area Services Committee **DATE:** September 3, 2019
FROM: Angela Buick
Planner **FILE:** PL2019-099
SUBJECT: Development Permit with Variance Application No. PL2019-099
Elm Road – Electoral Area A
Lot A Section 16 Range 8 Cranberry District Plan EPP88175

RECOMMENDATIONS

1. That the Board approve Development Permit with Variance No. PL2019-099 to permit the construction of a dwelling unit subject to the terms and conditions outlined in Attachment 2.
2. That the Board direct staff to complete the required notification for Development Permit with Variance No. PL2019-099.

SUMMARY

The applicant requests to vary the setback for two “Other Lot Lines” for the construction of a residential dwelling unit adjacent to a wetland. The applicant has demonstrated that the lot is constrained by the existing wetland and property line setbacks. The applicant made efforts to reduce the footprint of the dwelling unit to reduce the requested setback variances and remain outside of the environmentally sensitive area and has submitted professional reports in support of this application. Given the site constraints and that the variance is not expected to result in negative environmental implications, 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 Schedules 1 to 4 of the Draft Development Permit with Variance included as Attachment 2.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Matt Schnurch of Turner & Associates Land Surveying Inc. on behalf of Garrick Cuyler Sebastian Wilhelm, Norman Frederick Wilhelm and Marjorie Margareta Rigarda Wilhelm to permit the construction of a dwelling unit on a lot containing a wetland. The subject property is approximately 0.95 hectares in area and is zoned Residential 2 Zone (RS2) Subdivision District ‘M’, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The lot is bound by Elm Road to the northwest, an unmaintained road right-of-way to the southwest, unconstructed road right-of-way and unnamed wetland associated with York Creek to the northeast, and an undeveloped residential lot to the north. The lot is surrounded by RS2 zoned lots (see Attachment 1 – Subject Property Map).

The property is currently vacant and will be serviced by a rainwater harvesting system and an on-site sewerage system.

The proposed development is subject to the Freshwater and Fish Habitat DPA as per the “Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Bylaw No. 1620, 2011” (OCP).

Proposed Development and Variance

The proposed development includes the construction of a new dwelling unit. The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” as follows:

- **Section 3.4.62 – Minimum Setback Requirements** to reduce the minimum setback from 5.0 metres to 2.0 metres for the northwest Other Lot Line.
- **Section 3.4.62 – Minimum Setback Requirements** to reduce the minimum setback from 5.0 metres to 1.9 metres for the southwest Other Lot Line.

Land Use Implications

The applicant is requesting a variance from the northwest and southwest lot lines to accommodate the construction of a 71.0 m² dwelling unit on the subject property. (see Schedule 2 - Site Plan and Proposed Variances). “Board Policy B1.5 Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation” requires that variance applications must provide adequate demonstration of a land use justification prior to the Board’s consideration. With respect to this requirement, the applicant submitted a Riparian Areas Regulations Assessment Report (RAR) by Aquaparian Environmental Consulting Ltd. dated May 21, 2019, a Site Plan prepared by Turner & Associates Land Surveying Inc. dated July 24, 2019, Building Plans and Elevations prepared by Julene Lypkie of Open Interiors and dated July 23, 2019, a sewerage filing accepted by Island Health. The applicant’s submissions provide justification that demonstrates that the subject property has a limited building envelope given the location of the Streamside Protection and Enhancement Area (SPEA) for the wetland (as determined in the RAR report), the RS2 zoning setbacks of 5.0 metres along two highway right-of-way’s and the approved location of the septic disposal field adjacent to the south east lot line (see Schedule 2 Site Plan and Proposed Variances of Attachment 2 Draft Development Permit with Variance)

In an effort to work within the constraints of the site, the applicant has made extensive efforts to reduce the floor area of the proposed dwelling unit to 71.0 m². Given that the site is considerably constrained, that the applicant has provided sufficient land use justification, and the variance will not result in negative view implications for adjacent properties, the applicant has made reasonable efforts to address Policy B1.5 guidelines.

Environmental Implications

In support of the application, the applicant has submitted a RAR, has retained a Registered On-site Wastewater Practitioner (ROWP) and submitted a filing to Island Health confirming a septic location and system type. As the proposal will meet the Freshwater and Fish Habitat DPA

guidelines, the applicant has provided confirmation that a sewerage system can be installed on the property and development is not anticipated to have a negative environmental impact.

The RAR outlines several items to adhere to during and post construction. These include snow fencing to be installed prior to any tree removal along the slope. No development is to occur within the Streamside Protection and Enhancement Area (SPEA), as such, prior to construction commencing, the installation of temporary fencing or flagged stakes marking the protected area is required to avoid encroachment within the areas to be protected through to the completion of the development. Any land alteration shall be conducted within the dry season if possible and if not possible, the applicant shall install silt fencing or leave a soil berm along the toe of the slope on the low side of the building site.

In accordance with the DPA guidelines and the RAR report, the applicant is required to install four permeant sign posts to mark the SPEA boundary to prevent future encroachment (see Schedule 4 of Attachment 2).

The applicant is proposing to service the dwelling unit by installing a rainwater harvesting system and meet the exemption provisions as outlined in the Yellow Point Aquifer Protection DPA. As a condition of the permit, the applicant shall provide proof that the dwelling unit can be entirely serviced by stored and treated rainwater which meets or exceeds Canadian Drinking Water Standards prior to attaining a building permit.

Intergovernmental Implications

The dwelling unit is proposed to be sited within the Ministry of Transportation and Infrastructure (MOTI) 4.5 metres setback of two highway right-of-ways. The proposal was referred to the MOTI and as a condition of approval, the applicant shall obtain a valid encroachment permit from MOTI.

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. PL2019-099 subject to the terms and conditions outlined in Schedules 1 to 4 of Attachment 2.
2. To deny Development Permit with Variance No. PL2019-099.

FINANCIAL IMPLICATIONS

The proposed development has no implications related to the Board 2019 – 2023 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The proposed development has been reviewed and the proposal is consistent with the RDN Strategic Plan key area 2.0 - Environmental Stewardship. The DPA guideline requirement for a biological assessment for the protection of environmentally sensitive features and sensitive habitat, to ensure that the impacts of development are minimized and/or to restore the natural ecosystem components and process which are important to maintain ecosystem function and health meets the key areas goal to protect and enhance the natural environment including land, water, and air for future generations.



Angela Buick
abuick@rdn.bc.ca
August 14, 2019

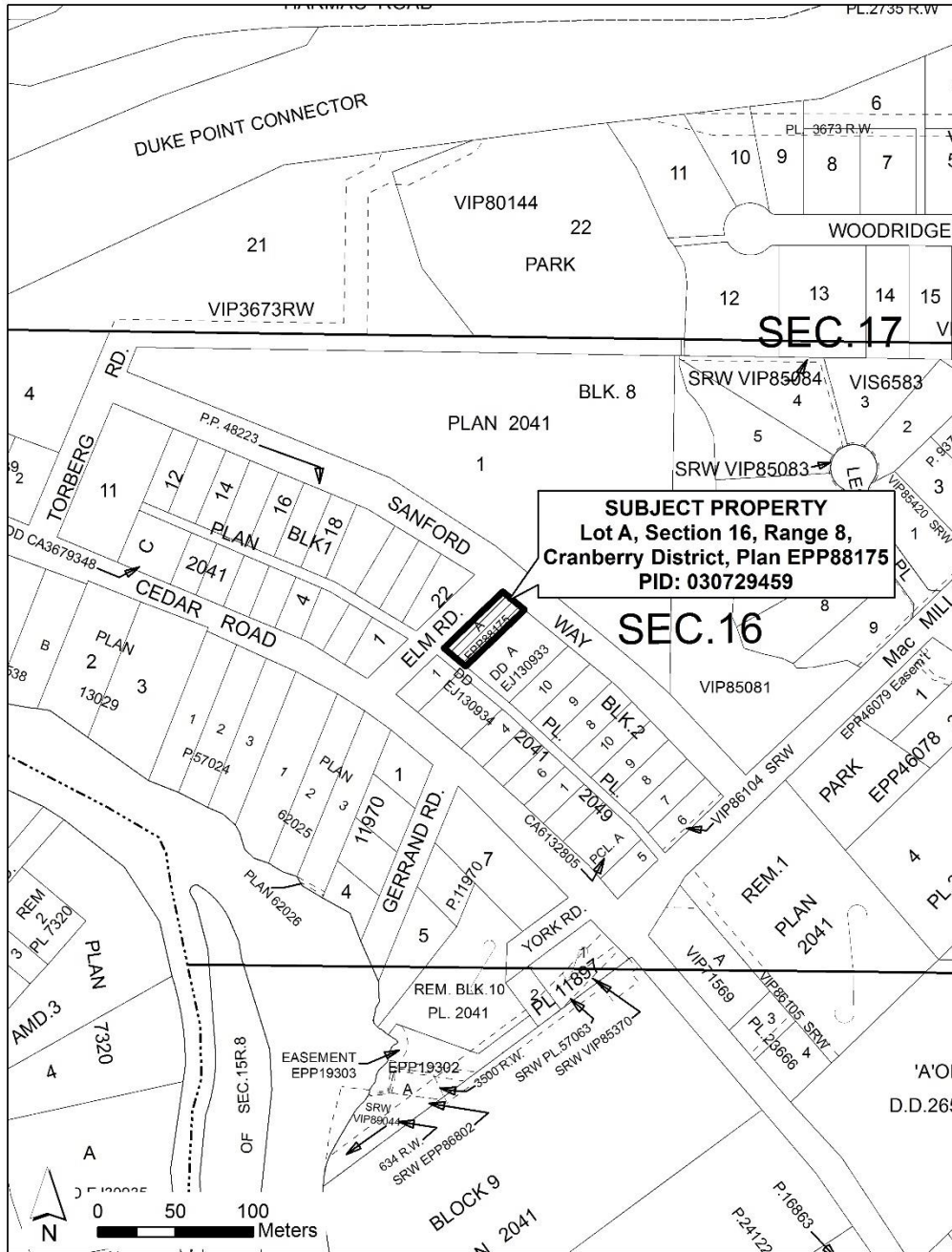
Reviewed by:

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


Attachments:

1. Subject Property Map
2. Draft Development Permit with Variance

Attachment 1 Subject Property Map



**Attachment 2
Draft Development Permit**

 <p>REGIONAL DISTRICT OF NANAIMO</p>	<p>STRATEGIC & COMMUNITY DEVELOPMENT</p> <p>6300 Hammond Bay Road, Nanaimo, BC V9T 6N2 250-390-6510 or 1-877-607-4111 www.rdn.bc.ca</p> <p>DEVELOPMENT PERMIT NO. PL2019-099</p>
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To: ("Permittee") Garrick Cuyler Sebastian Wilhelm, Norman Frederick Wilhelm and Marjorie Margareta Rigarda Wilhelm

Mailing Address: Turner & Associates Land Surveying Inc.
Matt Schnurch, BCLS
435 Terminal Ave N
Nanaimo, BC V9S 4J8

1. Except as varied or supplemented by this permit, the development permit is issued subject to compliance with all applicable bylaws and provincial and federal statutes and regulations.
2. This development permit applies only to those lands within the Regional District of Nanaimo described below, and all buildings, structures and other development thereon:

Legal Description: Lot A Section 16 Range 8 Cranberry District Plan EPP88175 ("the Lands")

Civic Address: Elm Road **P.I.D.:** 030-729-459

3. The Lands shall be developed strictly in accordance with the terms and conditions of this permit.
4. The Permittee as a condition of issuance of this permit agrees to comply with the conditions of Schedule 1, which is attached to and forms part of this permit.
5. The Permittee as a condition of issuance of this permit agrees to develop the Lands in substantial compliance with the plans and specifications included in Schedules 2, 3 and 4, which are attached to and form part of this permit.
6. With respect to the Lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as outlined in Schedules 1 and 2, which are attached to and form part of this permit.
7. Subject to the terms of the permit, if the holder of the permit does not substantially start construction with respect to which the permit was issued within two years after the date it is issued, the permit shall lapse in accordance with Section 504 of the *Local Government Act*.
8. This permit prevails over the provisions of the bylaw in the event of conflict.
9. Notice of this permit shall be filed in the Land Title Office at Victoria under Section 503 of the *Local Government Act*, and upon such filing, the terms of this permit or any amendment hereto shall be binding upon all persons who acquire an interest in the Lands affected by this permit.
10. This permit is not a building permit.

Authorizing Resolution to issue passed by the Board this XXth day of XXX, 20XX.

Schedule 1 Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2019-099:

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 – Minimum Setback Requirements** to reduce the minimum Other Lot Line setback from 5.0 metres to 2.0 metres for the north west side of the dwelling unit.
- **Section 3.4.62 – Minimum Setback Requirements** to reduce the minimum Other Lot Line setback from 5.0 metres to 1.9 metres for the south west side of the dwelling unit.

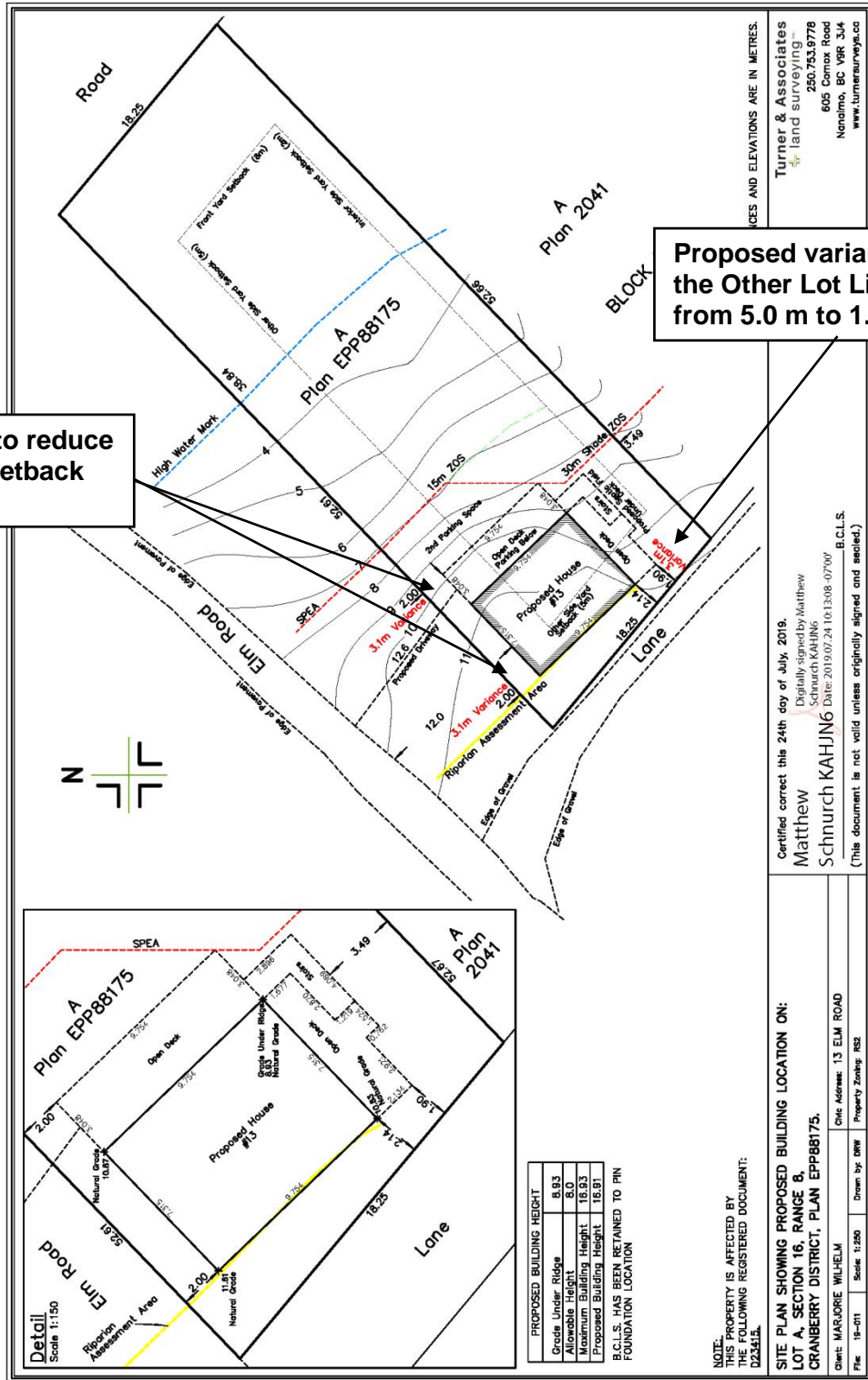
Conditions of Approval

1. The site is developed in accordance with the Site Plan prepared by Turner & Associates Land Surveying Inc. dated July 24, 2019 and attached as Schedule 2.
2. The proposed development is in general compliance with the plans and elevations prepared by Julene Lypkie of Open Interiors, dated July 23, 2019 and attached as Schedule 3.
3. The subject property shall be developed in accordance with the recommendations contained in the Riparian Areas Assessment prepared by Aquaparian Environmental Consulting Ltd., dated May 21, 2019.
4. The property owner shall provide confirmation in the form of a post construction report prepared by a Qualified Environmental Professional (QEP), to the satisfaction of the General Manager of Strategic and Community Development, that development of the subject property has occurred in accordance with the QEP’s recommendations, prior to final occupancy of the dwelling unit.
5. The property owner is to obtain a valid Encroachment Permit from MOTI prior to the issuance of a this Permit.
6. Four signs are to be installed identifying the ‘Sensitive Ecosystem Vegetated Buffer Area’ along the SPEA boundary. The signs shall be permanently installed in a clearly visible location on posts. The sign must be prepared according to the specifications outlined on the sign standard attached as Schedule 4. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.
7. The property owner shall provide proof that the dwelling unit can be entirely serviced by stored and treated rainwater which meets or exceeds Canadian Drinking Water Standards meeting exemption no. 10 of the Yellow Point Aquifer Protection DPA to the satisfaction of

the General Manager of Strategic and Community Development prior to the issuance of a building permit.

8. The issuance of this Permit shall be withheld until the applicant, at the applicant's expense, registers a Section 219 Covenant on the property title containing the report prepared by the qualified professional confirming the rainwater service system and includes a save harmless clause that releases the Regional District of Nanaimo from responsibility for the water supply.

**Schedule 2
 Site Plan and Proposed Variances**



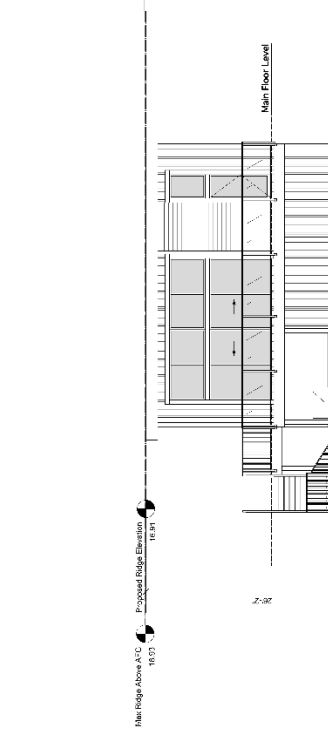
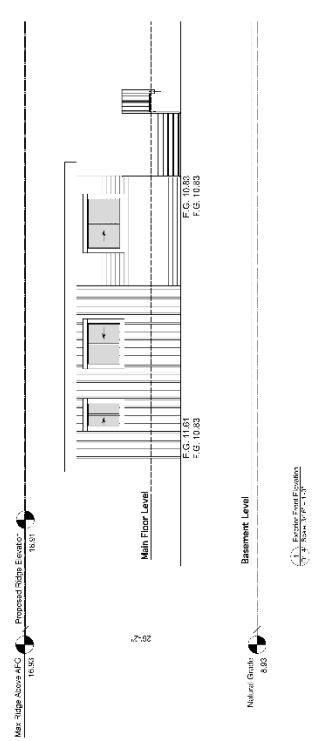
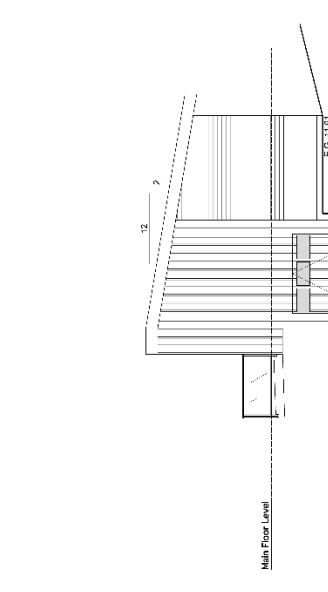
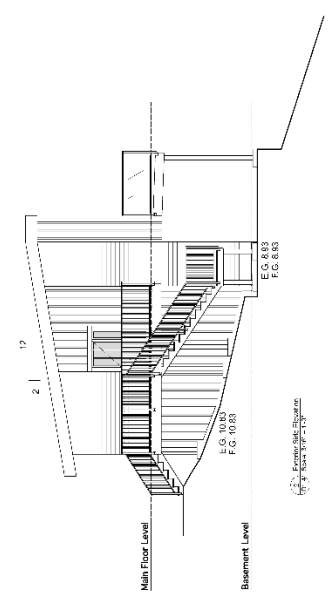
Proposed variance to reduce the Other Lot Line setback from 5.0 m to 2.0 m.

Proposed variance to reduce the Other Lot Line setback from 5.0 m to 1.9 m.

Schedule 3 Building Plans and Elevations

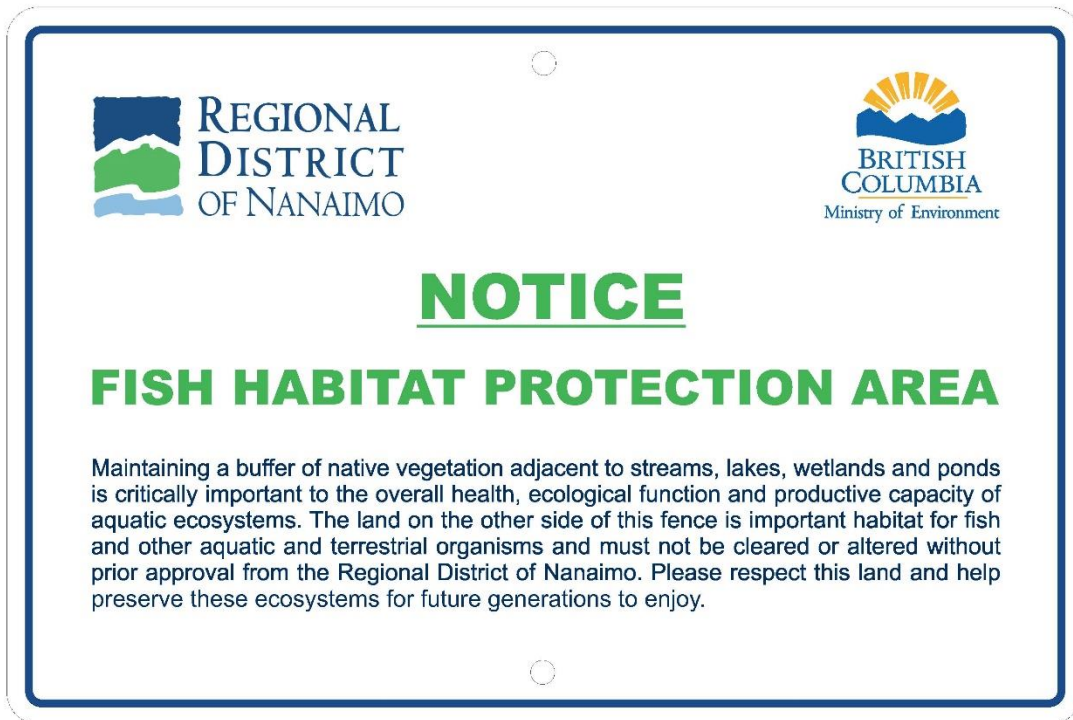
General Notes

1. THESE ELEVATIONS ARE THE PROPERTY OF CHEN LIBERUS INC. AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF CHEN LIBERUS INC.
2. THE DESIGN, CONSTRUCTION, AND MAINTENANCE OF THIS PROJECT SHALL BE THE RESPONSIBILITY OF THE CLIENT. CHEN LIBERUS INC. SHALL NOT BE RESPONSIBLE FOR ANY DAMAGE TO OR DESTRUCTION OF THE PROJECT OR ANY PERSONS OR PROPERTY THEREON.
3. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AUTHORITIES.
4. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.
5. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PROFESSIONAL ENGINEERING AND ARCHITECTURAL SERVICES.
6. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY CONSTRUCTION CONTRACTS.
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<p>Chen Liberus 301 Macpherson Vancouver, BC V6C 2H8 TEL: 604.271.1111 WWW.CHENLIBERUS.COM</p>		Revision 1. Issued for Design 2. Issued for Tender 3. Issued for Construction 4. Issued for Permit 5. Issued for Permit	Date May 21, 2019 May 21, 2019 May 21, 2019 Jun 23, 2019 Jun 23, 2019
Project Name 13 Elm Rd, Nanaimo, BC		Drawing Name Existing Elevations	Drawn By J. B. B.
Project No. 2019-099		Date 2017-2019	Sheet Number 5
Project No. 2019-099		Date 2017-2019	Sheet Number 5

**Schedule 4
Fish Habitat Protection Area**



Aluminum or Dibond 12"x18" Radius corners
Inline border .14"
RDN logo: 2"x5.17"
Ministry of Environment logo: 2.5"x2.92"
Notice: Arial black type .90"
Fish Habitat Protection Area: Arial black type .60"
All other text: Arial bold type .27"

TO: Electoral Area Services Committee **DATE:** September 3, 2019
FROM: Kristy Marks
Planner **FILE:** PL2019-145

**SUBJECT: Development Variance Permit Application No. PL2019-145
846 Ackerman Road – Electoral Area G
Lot A, District Lot 87, Nanoose District, Plan EPP82634**

RECOMMENDATIONS

1. That the Board approve Development Variance Permit No. PL2019-145 to reduce the setback from the exterior side lot line for dwelling units 1 to 5 and 11 to 20 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. PL2019-145.

SUMMARY

The applicant is requesting a variance to the setback from the exterior side lot line to accommodate the eaves of 15 proposed dwelling units on the subject property. Given that a justification has been provided in accordance with Board Policy and no negative impacts are anticipated as a result of the proposed variance, it is recommended that the Board approve the development variance permit pending the outcome of public notification and subject to the terms and conditions outlined in Schedules 1 to 3 of the draft Development Variance Permit (DVP) included as Attachment 2.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. on behalf of Gebhard Investments Ltd., Inc. No. BC0762775 to permit the construction of 20 patio homes with a variance to the setbacks from the exterior side lots lines. The variance is required to permit the eaves of 15 of the 20 proposed dwelling units to encroach 0.6 metres into the exterior side lot line setback. The subject property is 1.24 hectares in area and is zoned Comprehensive Development Zone 51 (CD51), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is triangular shaped and is bordered by the City of Parksville on two sides including the unconstructed Stanhope Road right-of-way and Wembley shopping centre to the south and Island Highway 19A to the east. Lands to the west include Ackerman Road and existing residential parcels within Electoral Area G of the RDN (see Attachment 1 – Subject Property Map). The proposed development will be serviced by community water and sewer.

The property was recently re-zoned under application PL2015-172 and Development Permit PL2017-028 was issued to permit the construction of a 20-unit, patio home development on the subject property. The CD51 Zone requires a setback of 6.0 metres from front and exterior lot lines. The applicant recently applied for a building permit for the first unit (Unit #20). During the plan check review it was discovered that the proposed site plan showed building setbacks to foundation walls rather than to the outermost portion of buildings, in this case eaves or overhang. The same site plan was submitted as part of the zoning amendment and development permit applications and while the buildings are shown at a setback of 6.0 metres, the plan also includes a notation that up to 0.6 metres of the overhang/eave would project into the setback.

The intention for the zone was to include an allowance for projections into the setbacks, similar to other residential zones, but was left out of the CD51 zone when it was drafted. As a result of this technicality the siting of dwellings doesn't have the same siting provisions of other residential zones and 15 of the units may project into the 6.0 metres front and exterior side lot line setbacks unless an allowance for the roof overhang is permitted. Given the nature of the proposed development and the previous public consultation and consideration of the location of buildings and form and character of the multi residential project, the minor variances now required to address the development of the property are not significant and will not impact adjacent areas.

Proposed Development and Variance

The proposed development includes the construction of a 20-unit patio home development. The applicant proposes to vary the following regulations from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987":

- **3.4.151.3 - Minimum Setback Requirements** to reduce the minimum setback from the exterior side lots lines from 6.0 metres to 5.4 metres to accommodate eaves for dwelling units 1 to 5 and 11 to 20.

Land Use Implications

The applicant has provided a proposed site plan and typical building elevation plans in support of the application. "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 an acceptable land use justification prior to the Board's consideration.

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

- The triangular shape of the subject property and fact that it is bound by road on all sides results in a difficult shape and more limited building site to develop;
- All services have been installed and the proposed dwelling units need to maintain an adequate setback from underground services;
- Each unit was designed with a 0.6 metre overhang and removing the overhang to meet the setbacks is not best practice in this wet climate;
- Each unit has just enough room to park a vehicle on the driveway so moving the units to meet the setbacks would result in shortened driveways and vehicles may encroach into the interior road;
- The site plan was provided at the time of re-zoning and development permit application and through the public consultation process there were no concerns raised that related to the siting of the proposed dwelling units;

- The 6.0 metre setback from front and exterior lots lines exceeds the typical setback for residential development from exterior side lot lines of 5.0 metres;
- The variance is requested from front and exterior side lot lines only and the 10.0 metre setback from the Island Highway is not being varied.

The RDN Board Policies are intended to ensure that the character of development is consistent with the surrounding residential properties and that there are no aesthetic, functional or environmental impacts as a result of the requested variance. In this case, the proposed development is consistent with the character of the surrounding neighbourhood. In addition, the proposed setback of 5.4 meters to building eaves would still exceed similar setbacks for adjacent residential development. The proposed projection of 0.6 metres is also less than the 1.75 metres that eaves are permitted to project into exterior lot line setbacks in similar residential zones. The variance will allow more functional development of the site and there are no aesthetic, view, or environmental impacts anticipated as a result of the variance. Given that the applicant has provided sufficient rationale and the variance will not result in negative view implications for adjacent properties, the applicants have made reasonable efforts to address Policy B1.5 guidelines.

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

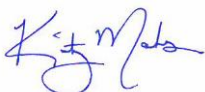
1. To approve Development Variance Permit No. PL2019-145 subject to the conditions outlined in Schedules 1 to 3 of Attachment 2.
2. To deny Development Variance Permit No. PL2019-145.

FINANCIAL IMPLICATIONS

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

STRATEGIC PLAN IMPLICATIONS

The proposed development has been reviewed and has no implications for the 2019 – 2023 Board Strategic Plan.



Kristy Marks
kmarks@rdn.bc.ca
August 12 2019

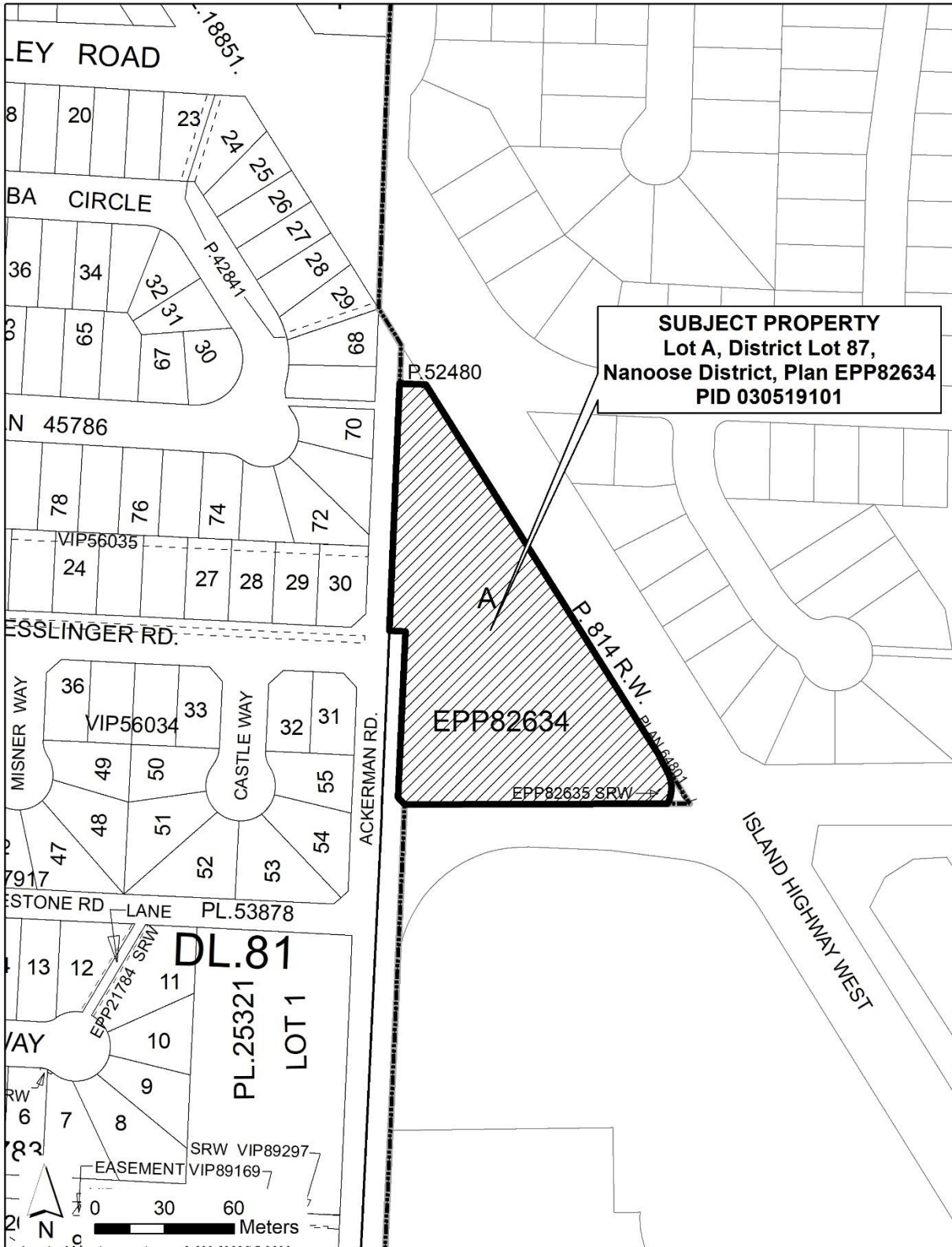
Reviewed by:

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


Attachments

1. Subject Property Map
2. Draft Development Variance Permit PL2019-145

Attachment 1
Subject Property Map



**Attachment 2
Draft Development Permit**

 <p>REGIONAL DISTRICT OF NANAIMO</p>	<p>STRATEGIC & COMMUNITY DEVELOPMENT</p> <p>6300 Hammond Bay Road, Nanaimo, BC V9T 6N2 250-390-6510 or 1-877-607-4111 www.rdn.bc.ca</p> <p>DEVELOPMENT VARIANCE PERMIT NO. PL2019-145</p>
--	---

To: ("Permittee") Gebhard Investments Ltd., Inc. No. BC0762775

Mailing Address: Fern Road Consulting Ltd., P.O Box 405, Qualicum Beach, BC, V9K 1S0

1. Except as varied or supplemented by this permit, the development variance permit is issued subject to compliance with all applicable bylaws and provincial and federal statutes and regulations.
2. This development variance permit applies only to those lands within the Regional District of Nanaimo described below, and all buildings, structures and other development thereon:

Legal Description: Lot A, District Lot 87, Nanoose District, Plan EPP82634 ("the Lands")

Civic Addresses: 846 Ackerman Road P.I.D.: 030-519-101

3. The Lands shall be developed strictly in accordance with the terms and conditions of this permit.
4. The Permittee as a condition of issuance of this permit agrees to comply with the conditions of Schedule 1, which is attached to and forms part of this permit.
5. The Permittee as a condition of issuance of this permit agrees to develop the Lands, in substantial compliance with the plans and specifications included in Schedules 2 and 3, which are attached to and form part of this permit.
6. With respect to the Lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as outlined in Schedules 1, 2 and 3, which are attached to and form/s part of this permit.
7. Subject to the terms of the permit, if the holder of the permit does not substantially start construction with respect to that which the permit was issued within two years after the date it is issued, the permit shall lapse in accordance with Section 504 of the *Local Government Act*.
8. This permit prevails over the provisions of the bylaw in the event of conflict.
9. Notice of this permit shall be filed in the Land Title Office at Victoria under Section 503 of the *Local Government Act*, and upon such filing, the terms of this permit or any amendment hereto shall be binding upon all persons who acquire an interest in the Lands affected by this permit.
10. This permit is not a building permit.

Authorizing Resolution to issue passed by the Board this XXth day of Month, 20XX.

Schedule 1 Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2019-145:

Bylaw No. 500, 1987 Variance

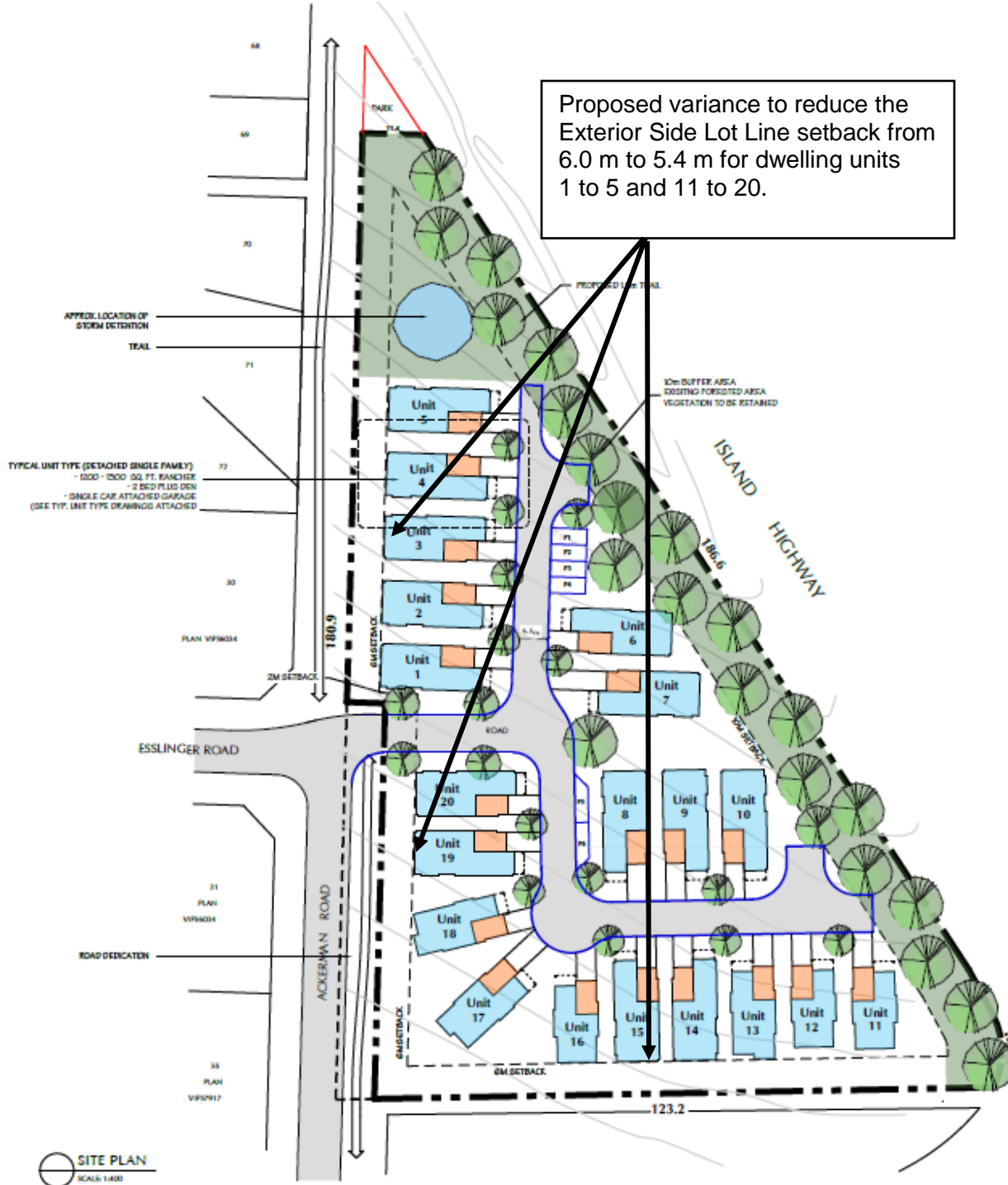
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

- **3.4.151.3 - Minimum Setback Requirements** to reduce the minimum setback from the exterior side lots lines from 6.0 metres to 5.4 metres to accommodate eaves up to 0.6 metres for dwelling units 1 to 5 and 11 to 20.

Conditions of Approval

1. The site is developed in accordance with the Site Plan prepared by C.A. Design, dated October 16, 2015 and attached as Schedule 2.
2. The proposed development is in general compliance with the plans and elevations prepared by C.A. Design, dated October 9, 2015 and attached as Schedule 3.
3. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

**Schedule 2
Proposed Site Plan and Variances**



**Schedule 3
 Building Elevations
 (Page 1 of 2)**



Perspective - Sketch 1
 Scale: N/A

Perspective - Sketch 2
 Scale: N/A

C.A. DESIGN

2020 UNIVERSITY AVENUE, SUITE 100
 VANCOUVER, BC V6T 1W6
 TEL: 604.273.8888
 WWW.CADDESIGN.CO

PROJECT: 816 ISLAND HIGHWAY
 DRAWING: A-4
 DATE: 09/03/19

THIS DOCUMENT IS THE PROPERTY OF C.A. DESIGN
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 TRANSMITTED IN ANY FORM OR BY ANY MEANS,
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 WITHOUT THE WRITTEN PERMISSION OF C.A. DESIGN.

PROJECT: 816 Island Highway
 Municipality: BC

Client: Dick Gehard
 Address: BC

DATE: PERSPECTIVES

NO.	1
DATE	09/03/19
BY	SK
SCALE	1:1

A-4

**Schedule 3
 Building Elevations
 (Page 2 of 2)**



○ Perspective - Sketch 3
 Scale = N/S



○ Perspective - Sketch 4
 Scale = N/S

C.A. DESIGN

PROJECT: 046 Island Highway
 PHASE: 1
 SHEET: A-4

DATE: 08/20/19
 DRAWN BY: [Name]
 CHECKED BY: [Name]

046 Island Highway
 PROJECT NO. 19-001

DRK Gedhard
 PERSPECTIVES

DATE	08/20/19
DRAWN BY	[Name]
CHECKED BY	[Name]
SCALE	N/S
SHEET	A-4

A-4

TO: Electoral Area Services Committee **DATE:** Meeting Date
FROM: Sarah Martin
 Planning Technician **FILE:** PL2018-216
SUBJECT: **Development Variance Permit Application No. PL2018-216**
3835 Charlton Drive – Electoral Area H
Lot 14, District Lot 22, Newcastle District, Plan 30558

RECOMMENDATIONS

1. That the Board approve Development Variance Permit No. PL2018-216 to reduce the front lot line setback from 8.0 metres to 5.0 metres for a proposed dwelling unit 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. PL2018-216.

SUMMARY

The applicant proposes to develop a dwelling unit, accessory building, associated servicing and yard area within the subject property. A variance to the front lot line setback is requested to allow siting of a dwelling unit outside of the environmentally sensitive area associated with Nile Creek. The applicant has worked with their building designer to reduce the extent of the dwelling unit's intrusion into the setback, as well as worked with their registered onsite wastewater practitioner to relocate the proposed septic field, to allow for more efficient site planning. Given that an acceptable land use justification has been provided in accordance with Board Policy B1.5 and no negative impacts are anticipated as a result of the proposed variance, it is recommended that the Board approve the development variance permit pending the outcome of public notification and subject to the terms and conditions outlined in Schedules 1 to 4 of the draft permit included as Attachment 2.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Smitty Construction Ltd on behalf of Gary Sneddon and Jennifer Kobe to permit the development of a dwelling unit, accessory building, associated servicing and yard area. The subject property is approximately 0.25 hectares in area and is zoned Residential 2, Subdivision District 'M', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is located to the west of Island Highway West in a rural residential area, on the south side of Nile Creek (see Attachment 1 – Subject Property Map).

The property previously hosted a seasonally occupied park model trailer (CSA Z241) and currently contains a shed within 30 metres of Nile Creek. The subject property is proposed to be serviced by community water and an onsite sewerage system.

Proposed Development and Variance

The proposed development includes construction of a dwelling unit, accessory building, associated septic servicing and yard area. A variance to the front lot line setback is requested to allow siting of a dwelling unit outside of the environmentally sensitive area associated with Nile Creek. This accommodation results in the requirement to site the dwelling unit closer to Charlton Drive. The 1.5 story, 241.27 square metre dwelling unit is proposed to have a board and batten style façade with shake type gable ends and a covered front porch facing the road frontage. The applicant has worked with their building designer to reduce the extent of the dwelling unit's intrusion into the setback, as well as worked with their registered onsite wastewater practitioner to relocate the proposed septic field, to allow for more efficient use of the property exclusive of the 30.0 metre Streamside Protection and Enhancement Area (SPEA).

The applicant proposes to vary the following regulation from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 3.4.62 – Minimum Setback Requirements** to reduce the minimum front lot line setback from 8.0 metres to 5.0 metres for the proposed dwelling unit as shown on Attachment 2, Schedule 2.

Land Use Implications

The applicant has submitted a survey plan, prepared by Oceanside Geomatics Land Surveying Ltd, building plans prepared by Lindberg CAD Services, and a draft site plan prepared by Smitty Construction Ltd, showing the proposed location of the septic field. Aside from the requested variance, the proposal is otherwise consistent with the zoning bylaw, floodplain bylaw, and Freshwater and Fish Habitat Development Permit Area (DPA) guidelines.

“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 an acceptable land use justification prior to the Board’s consideration. In this case the applicant has provided an acceptable land use justification consistent with the examples provided by the Policy, and has demonstrated a reasonable effort to minimize any potential impacts associated with the variance. It is not anticipated that the proposed variance will have negative aesthetic, functional, or environmental implications. Please refer to Environmental Implications for a discussion of environmental impacts and Intergovernmental Implications for a discussion of functional impacts.

Given the significant constraint posed by Nile Creek on the subject property, the applicant has provided sufficient rationale in support of the proposed variance. It is anticipated that the variance will have positive implications for the long term sustainability of the natural environment and the riparian area of Nile Creek. It is recommended that the requested variance be approved subject to the conditions outlined in Schedule 1 of Attachment 2 – Terms and Conditions of Permit.

Environmental Implications

In support of the application, the applicant has submitted a Riparian Area Assessment (RAA) prepared by Toth and Associates Environmental Services, dated March 8, 2019. A 30 metre

SPEA applies to Nile Creek within the subject property (FLNRO assessment review comments, RAA No. 5562). Nile Creek is a salmon producing stream with returns of pink, coho, and chum salmon, as well as steelhead and cutthroat trout. It has been the focus of significant enhancement efforts; stocking/colonization, fish inventories, and bank stabilization projects. The biologist reports that moderate densities of salmonid fry were observed during the site visit.

The riparian vegetation on the subject property is characterized by mixed mature forest cover, and a floodplain shrub and herb layer. The SPEA has been previously disturbed, with a park model mobile previously sited within the protected area, and some removal of vegetation. The disturbed area has naturalized with a native herb layer to some extent, though turf grasses prevail in areas (staff site visit July 26, 2019). However, the SPEA is relatively intact with significant canopy cover. The assessment recommends that the riparian vegetation of the SPEA be protected from development by a low (~1.0 metre) wooden two rail fence with a gap or gate of sufficient width to permit foot access to the SPEA, but prevent wheelbarrow access (ie. < 0.5 metres). During construction, it is recommended that sections of silt fencing be installed in front of the SPEA fencing at low points that could potentially receive overland run-off, as a precaution against sediment and erosion. All stormwater treatment features must be situated outside the SPEA boundary.

It is noted that previously developed areas within the SPEA may be maintained as they are where they predate the Riparian Areas Regulation (RAR), however the applicant proposes to enhance this area within the SPEA at a future date. They have been advised that such enhancement under the guidance of a registered professional biologist, where adequately demonstrated (ie. a memo providing a list of suitable plant species, guidance on planting, and appropriate care to establish drought hardiness), can meet the DPA exemption criteria. A development permit would not be required, however, the RDN must be satisfied that the DPA exemption criteria is being met.

It is also noted that covenant F32777 (circa 1977) requires a 9.14 metre (30 foot) vegetation protection area associated with Nile Creek. The existing vegetated passage to the bank of Nile Creek and an existing bench sited within this area would not meet grandfathering criteria under the RAR, as the covenant was registered in support of the subdivision that created the parcel (circa 1977). The RAR was enacted under the *Fish Protection Act* in 2004. This development within 9.14 metres of the watercourse is in contravention of said covenant without prior consent from the Province.

As the proposed development is located entirely outside the assessment area and the applicant has sited the proposed buildings such as to provide space to construct and maintain the buildings without encroaching on the SPEA, a development permit for Freshwater and Fish Habitat Protection is not required. It is not anticipated that the proposed development will have any detrimental impacts on the environmentally sensitive feature that is Nile Creek, where the conditions outlined in Attachment 2 are met.

Intergovernmental Implications

The application was referred to the Ministry of Transportation and Infrastructure (MOTI). MOTI did not express any concerns with the proposed development as the proposed variance exceeds their legislated setback of 4.5 metres.

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 Variance Permit No. PL2018-216 subject to the conditions outlined in Schedules 1 to 4 of Attachment 2.
2. To deny Development Variance Permit No. PL2018-216.

FINANCIAL IMPLICATIONS

The proposed development has been reviewed and has no implications related to the Board 2019 – 2023 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The proposed development has been reviewed and the proposal is in keeping with the 2019 – 2022 Board Strategic Plan. The Plan's "Environmental Stewardship" key strategic area states that the Board will focus on protecting and enhancing the natural environment, including land, water and air, for future generations. The proposed variance will reduce the impact of development on Nile Creek, allowing for the protection of an environmentally sensitive area.



Sarah Martin
smartin@rdn.bc.ca
August 14, 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. Draft Development Variance Permit

Attachment 1
Subject Property Map



**Attachment 2
Draft Development Variance Permit**

 <p>REGIONAL DISTRICT OF NANAIMO</p>	<p>STRATEGIC & COMMUNITY DEVELOPMENT</p> <p>6300 Hammond Bay Road, Nanaimo, BC V9T 6N2 250-390-6510 or 1-877-607-4111 www.rdn.bc.ca</p> <p>DEVELOPMENT VARIANCE PERMIT NO. PL2018-216</p>
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To: (“Permittee”) Gary Wayne Sneddon and Jennifer Dawn Kobe

Mailing Address: c/o Smitty Construction Ltd, 1485 Stone Lake Drive, Nanoose Bay, BC V9P 9M4

1. Except as varied or supplemented by this permit, the development variance permit is issued subject to compliance with all applicable bylaws and provincial and federal statutes and regulations.
2. This development variance permit applies only to those lands within the Regional District of Nanaimo described below, and all buildings, structures and other development thereon:

Legal Description: Lot 14, District Lot 22, Newcastle District, Plan 30558 (“the Lands”)

Civic Address: 3835 Charlton Drive **P.I.D.:** 000-611-719

3. The Lands shall be developed strictly in accordance with the terms and conditions of this permit.
4. The Permittee as a condition of issuance of this permit agrees to comply with the conditions of Schedule 1, which is attached to and forms part of this permit.
5. The Permittee as a condition of issuance of this permit agrees to develop the Lands, in substantial compliance with the plans and specifications included in Schedules 2, 3, and 4 which are attached to and form part of this permit.
6. With respect to the Lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as outlined in Schedules 1, 2, 3, and 4 which are attached to and form part of this permit.
7. Subject to the terms of the permit, if the holder of the permit does not substantially start construction with respect to that which the permit was issued within two years after the date it is issued, the permit shall lapse in accordance with Section 504 of the *Local Government Act*.
8. This permit prevails over the provisions of the bylaw in the event of conflict.
9. Notice of this permit shall be filed in the Land Title Office at Victoria under Section 503 of the *Local Government Act*, and upon such filing, the terms of this permit or any amendment hereto shall be binding upon all persons who acquire an interest in the Lands affected by this permit.
10. This permit is not a building permit.

Authorizing Resolution to issue passed by the Board this XXth day of September, 2019.

Schedule 1 Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2018-216:

Bylaw No. 500, 1987 Variance

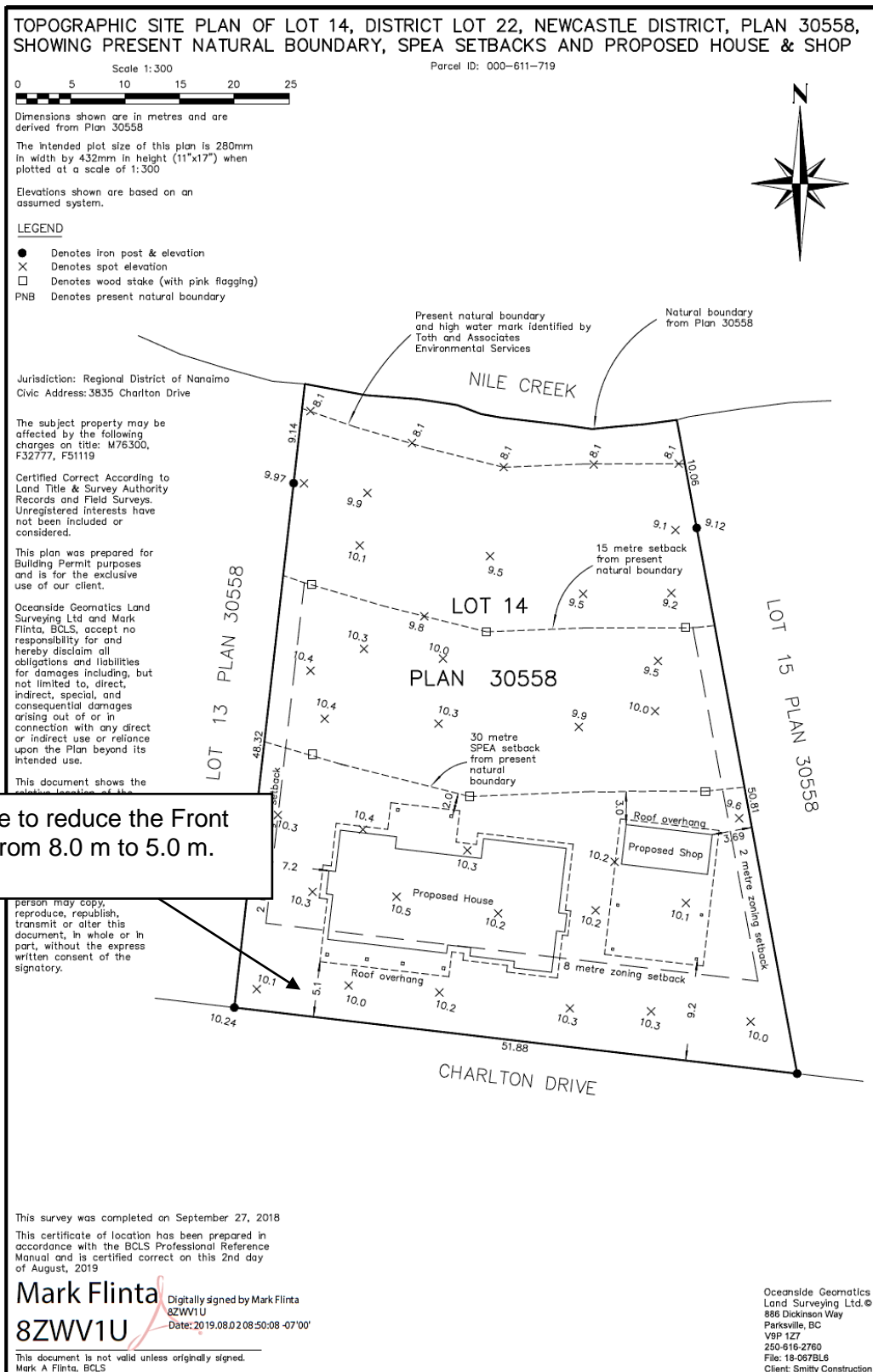
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

- **Section 3.4.62 – Minimum Setback Requirements** to reduce the minimum front lot line setback from 8.0 metres to 5.0 metres for the proposed dwelling unit as shown on Schedule 2.

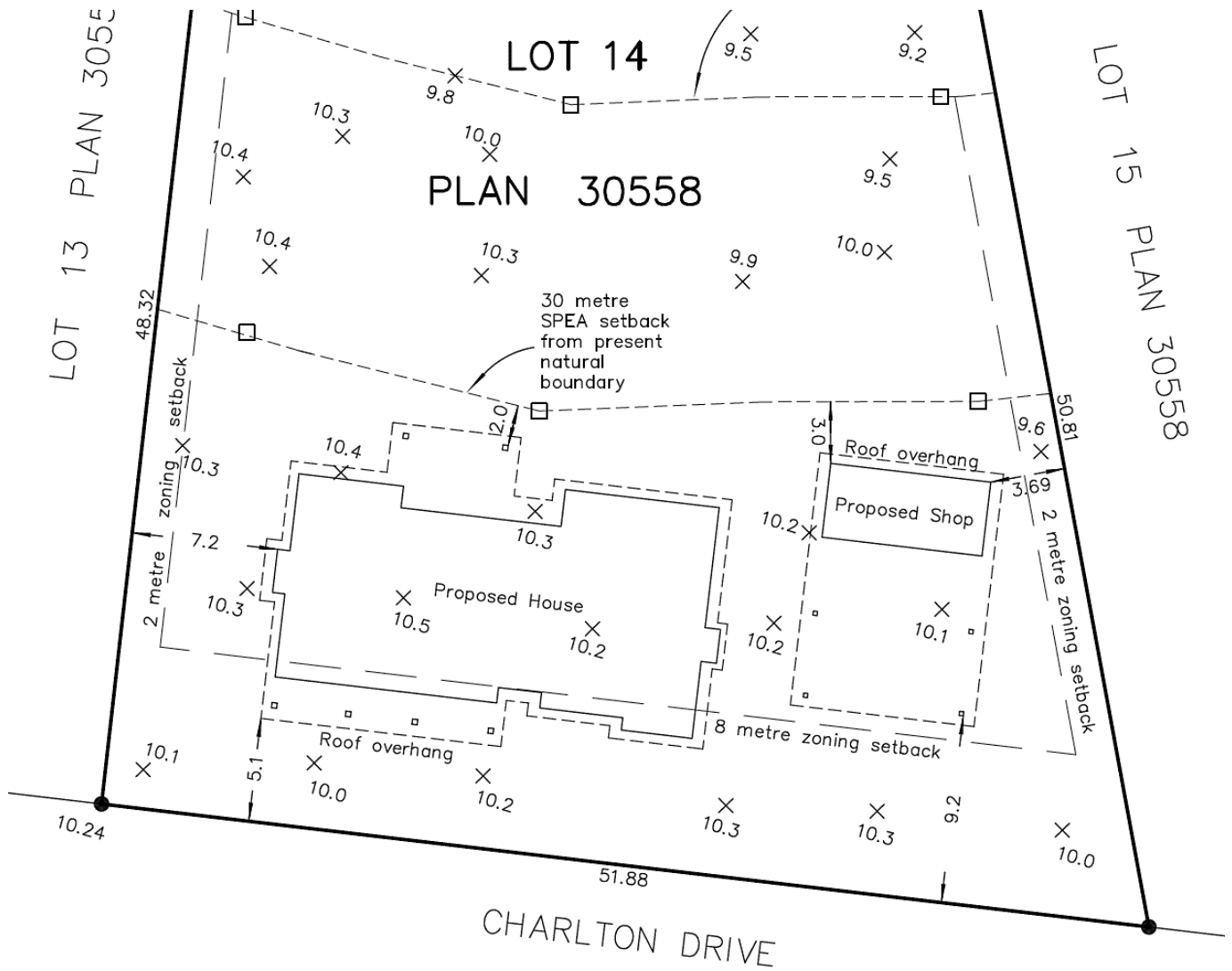
Conditions of Approval

1. The site is developed in accordance with the Survey Plan prepared by Oceanside Geomatics Land Surveying Ltd, dated June 12, 2019 and attached as Schedule 2.
2. The proposed development is in general compliance with the plans and elevations prepared by Lindberg CAD Services attached as Schedule 3.
3. Prior to construction commencing, the installation of temporary fencing (ie. orange construction fencing) marking the 30 metre Streamside Enhancement and Protection Area (SPEA) is required to avoid encroachment within the area through to completion of the development (DPA Guideline 5.1.1.6.b). During construction, silt fencing is to be installed along the temporary fencing at low points that could potentially receive overland run-off.
4. Directing drainage of stormwater into the SPEA shall be avoided. Rainwater is to be managed on site, outside the SPEA, with an emphasis on infiltration approaches to management. If impacts cannot be avoided through onsite infiltration, a sediment and erosion control plan is required. A grading plan may be required where fill is placed near the SPEA (DPA Guideline 5.1.1.9).
5. Notwithstanding condition of permit No. 4, approved instream works as defined by Section 11 of the *Water Sustainability Act* are exempt, where a copy of said approval has been provided to the RDN for review and confirmed to meet this condition of permit (DPA Exemption 5.1.1.9). Drainage into the SPEA should be justified by the recommendations of a Professional Engineer.
6. The SPEA shall be permanently demarcated by a fence permeable to wildlife, to the satisfaction of the General Manager of Strategic and Community Development, confirmation of which to be received prior to the issuance of occupancy. Where a gap or gate (< 0.5 m in width) to allow passage into the SPEA is provided, a sign in accordance with Schedule 4 must be permanently affixed to the gate or immediately adjacent to the gap, identifying the Fish Habitat Protection Area. Fencing must be maintained in good order.
7. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

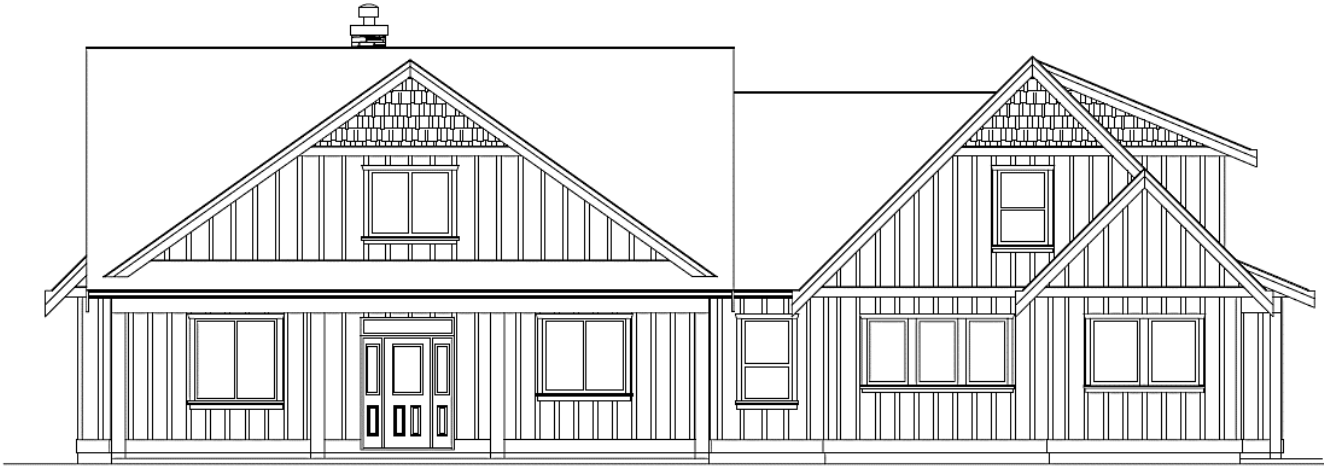
Schedule 2
Survey Plan and Variances (1 of 2)



Schedule 2
Survey Plan and Variances (2 of 2) – enlarged for convenience



Schedule 3
Building Plans and Elevations (1 of 4) – enlarged for convenience



FRONT ELEVATION

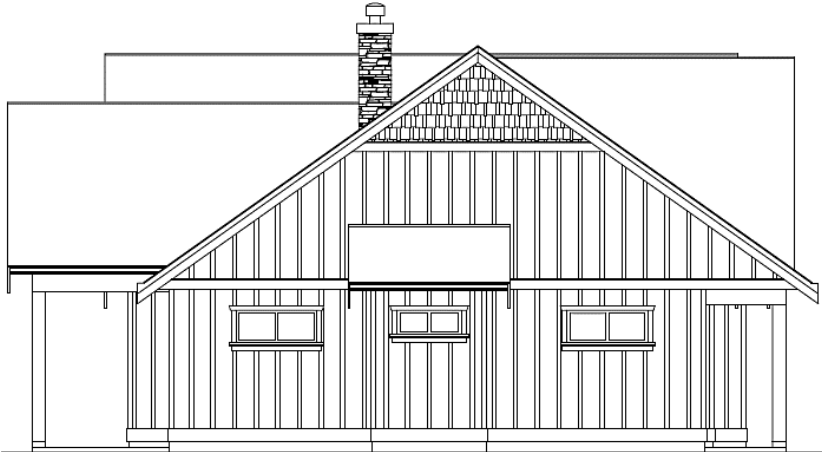


RIGHT ELEVATION

Schedule 3
Building Plans and Elevations (2 of 4) – enlarged for convenience

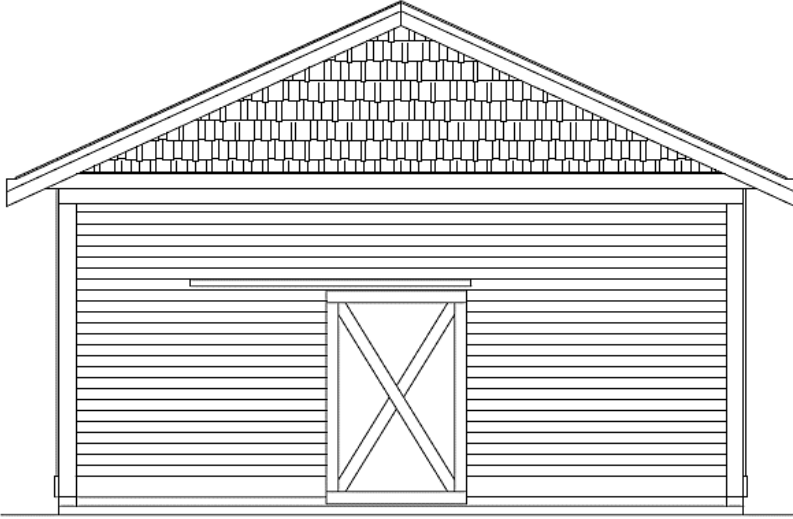


REAR ELEVATION

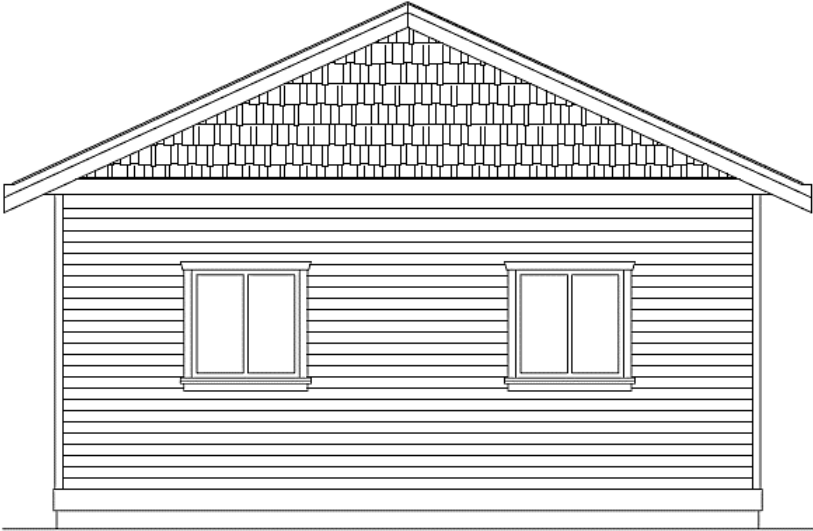


LEFT ELEVATION

Schedule 3
Building Plans and Elevations (3 of 4) – enlarged for convenience

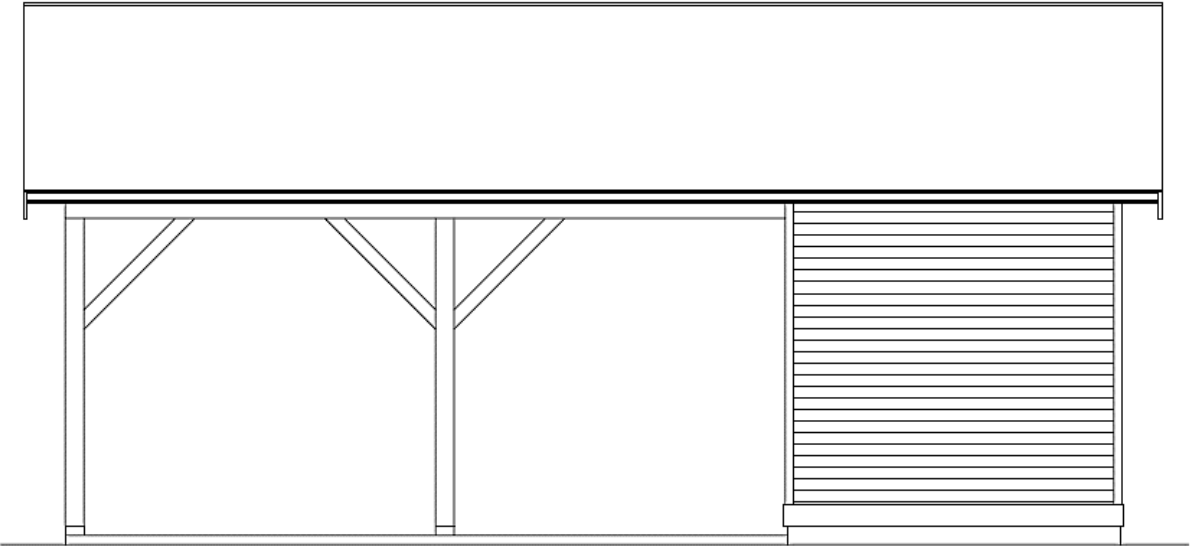


FRONT ELEVATION

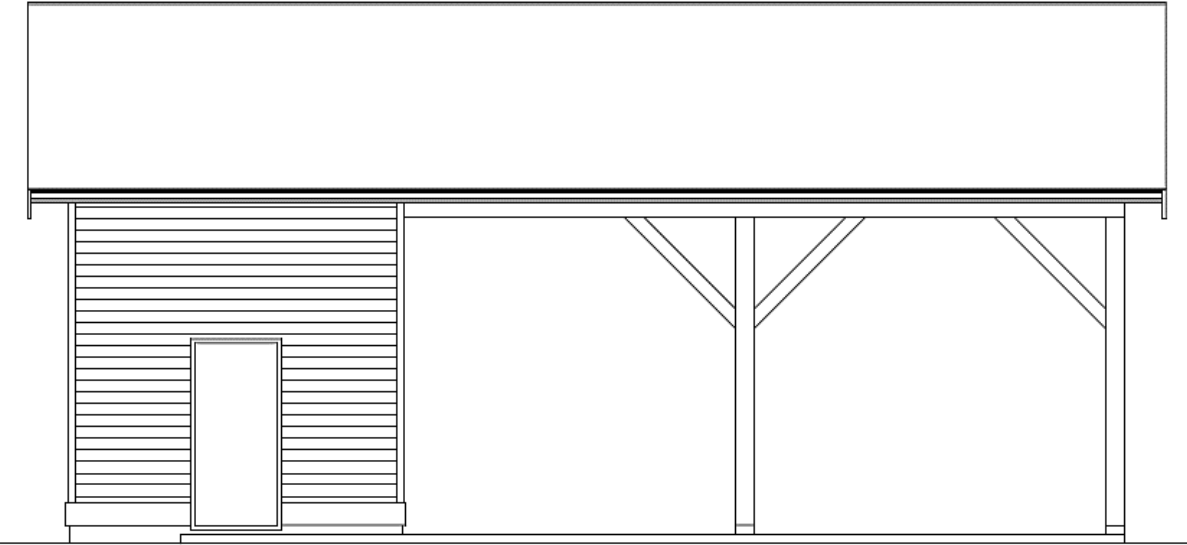


REAR ELEVATION

Schedule 3
Building Plans and Elevations (4 of 4) – enlarged for convenience

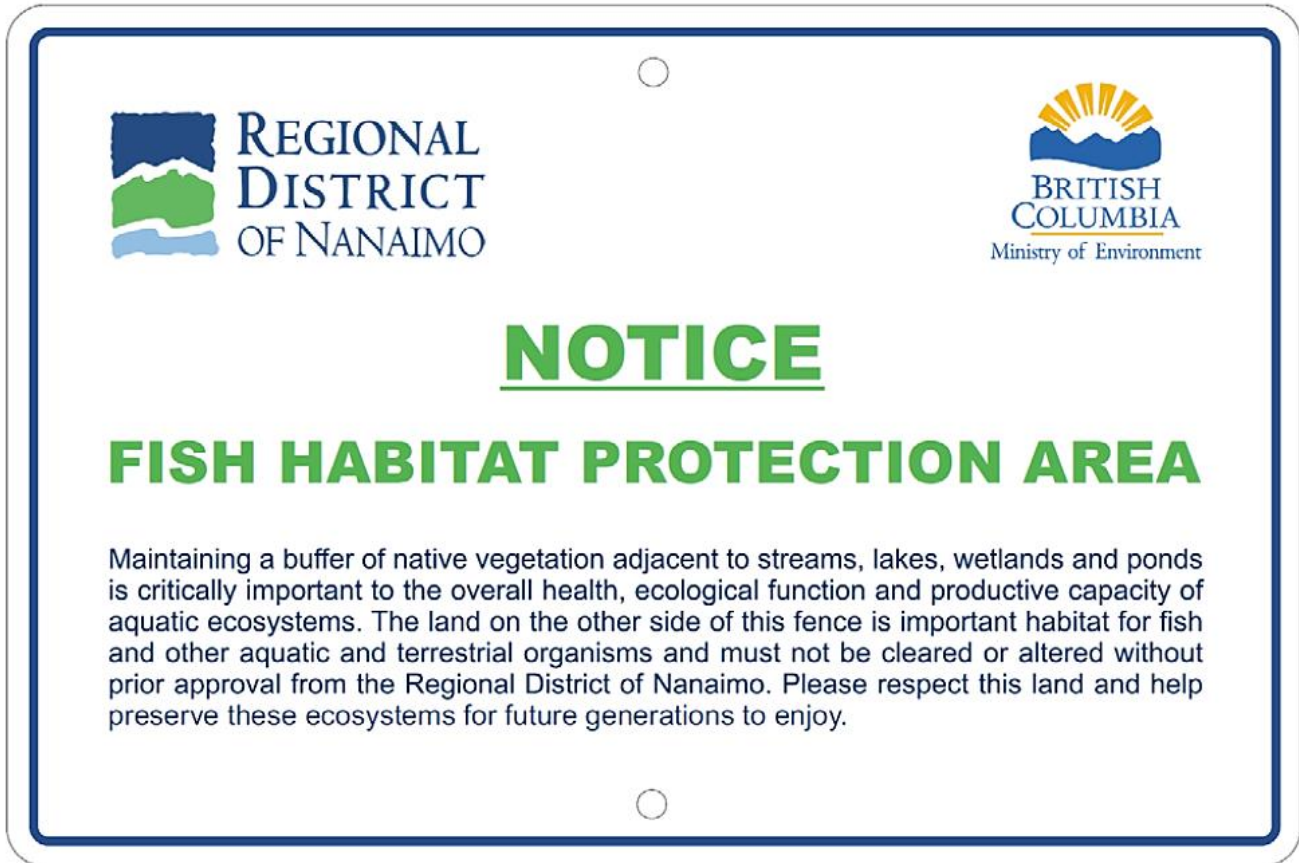


RIGHT ELEVATION



LEFT ELEVATION

**Schedule 4
Fish Habitat Sign**



Aluminum or Dibond 12"x18" Radius corners
Inline border .14"
RDN logo: 2"x5.17"
Ministry of Environment logo: 2.5"x2.92"
Notice: Arial black type .90"
Fish Habitat Protection Area: Arial black type .60"
All other text: Arial bold type .27"

TO: Electoral Area Services Committee **DATE:** September 3, 2019
FROM: Angela Buick
Planner **FILE:** PL2019-110

**Development Variance Permit Application No. PL2019-110
1640 Stewart Road – Electoral Area E
Lot 2, District Lot 131, Nanoose District, Plan 12690**

RECOMMENDATIONS

1. That the Board approve Development Variance Permit No. PL2019-110 to reduce the setback for an interior side lot line and the natural boundary of the sea to permit the renovation of an existing dwelling unit and to permit a second storey addition 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. PL2019-110.

SUMMARY

This is an application to vary the setback from the interior side lot line and to the natural boundary of the sea to permit the renovation of an existing dwelling unit and to permit a second storey addition over a portion of the existing dwelling unit. Given that the existing dwelling unit was constructed prior to zoning bylaws, that the lot configuration, location of watercourses, steep topography, and existing driveway constrains the dwelling unit to its current location and that no negative impacts are anticipated as a result of the proposed variance, staff recommend that the Board approve the development variance permit pending the outcome of public notification and subject to the terms and conditions outlined in Schedules 1 to 3 of the draft Development Variance Permit included as Attachment 2.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Tim Rann of Vectis Ventures Ltd. on behalf of Carol Ann Laws and Peter Truax Laws to permit the renovation of an existing dwelling unit and additional second storey where a portion of the dwelling unit is within the 8.0 metre northern side yard lot line and within the 15.0 metre setback from the natural boundary of the sea. The subject property is approximately 5.0 hectares in area and is zoned Rural 5 (RU5), Subdivision District 'D', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is located on the waterfront of the Salish Sea on Stewart Road and is surrounded by other RU5 zoned lots and Moorecroft Regional Park to the west. (see Attachment 1 – Subject Property Map).

The property contains a dwelling unit and two accessory buildings and is serviced by RDN community water and an on-site sewerage system.

Proposed Development and Variances

The applicant requests two variances for portions of a dwelling unit within the interior side lot line setback and the setback from the sea. The proposed renovation of the existing dwelling unit includes a second storey over the northern portion of the dwelling unit within the setback (see Schedule 2 - Proposed Site Plan and Variances). The applicant has requested to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 3.3.9 b) iv) – Setbacks – Sea** to reduce the setback from the natural boundary of the sea from 15.0 metres to 10.9 metres to permit the renovation of an existing dwelling unit and permit a second storey within the existing footprint.
- **Section 3.4.85 Minimum Setback – Lot Line** to reduce the lot line setback from 8.0 metres to 1.1 metres to permit the renovation of a dwelling unit and permit a second storey within the existing footprint.

Land Use Implications

Given that the subject property is within 100 metres of the sea, the applicant has provided a Geotechnical Hazard Assessment (GHA) by Lewkowich Engineering Associates dated May 2, 2019 to satisfy the “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006” (RDN floodplain bylaw). The assessment calculates the Flood Construction Level (FCL) to be 5.28 metres GSC (Geodetic Survey of Canada datum), based on a minimum allowance for future sea level rise to the year 2100, and confirms the land is safe for the use in its location. The assessment has been prepared in accordance with the “Provincial Flood Hazard Area Land Use Management Guidelines” and the Engineers and Geoscientists of BC’s “Professional Practice Guidelines”, as required by the RDN floodplain bylaw. Height calculations confirm that the underside of the floor joists will meet the determined FCL and will not exceed the 9.0 metre maximum height regulation in the RU5 zone (see Schedule 2 – Proposed Site Plan and Variances and Schedule 3 – Building Plans and Elevations).

As required by “Board Policy B1.5 Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation” for evaluation of development variance permit applications there must be an adequate demonstration of an acceptable land use justification prior to the Board’s consideration. In this case, the existing dwelling unit was constructed prior to “Regional District of Nanaimo Zoning By-law No. 53, 1973”, and at that time it was not regulated by zoning setbacks. The applicants are proposing to renovate the existing dwelling unit on the existing foundation with the addition of a second storey over a portion of the dwelling unit that does not meet the current setbacks from the northern lot line and from the natural boundary of the sea. The applicants are limited to the existing site due to the presence of a watercourse to the south, a steeply sloped driveway to the west and the natural boundary of the sea to the east. As such, the applicants are requesting to legalize the non-conforming siting of the existing dwelling unit and to permit a second storey. Given the siting of the neighbouring dwelling units, the proposal is not anticipated to have negative view implications for the adjacent property owners.

Given that the applicants have provided justification for the variance in that they are not expanding the beyond the existing footprint, demonstrated the property is safe for the intended

use and do not anticipate visual impacts to surrounding properties, the applicants have made reasonable efforts to address Policy B1.5 guidelines. The applicants are required to obtain the necessary building permits prior to construction (see Schedule 1 – Conditions of Permit).

Public Consultation Implications

Pending the Electoral Area Services Committee 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. Prior to the official notice being sent, the two nearest neighbours have provided letters of support for the variance.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2019-110 subject to the conditions outlined in Schedules 1 to 3 of Attachment 2.
2. To deny Development Variance Permit No. PL2019-110.

FINANCIAL IMPLICATIONS

The proposed development has been reviewed and has no implications related to the Board 2019 – 2023 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The proposed development has been reviewed and has no implications for the 2019 – 2022 Board Strategic Plan.



Angela Buick
abuick@rdn.bc.ca
August 15, 2019

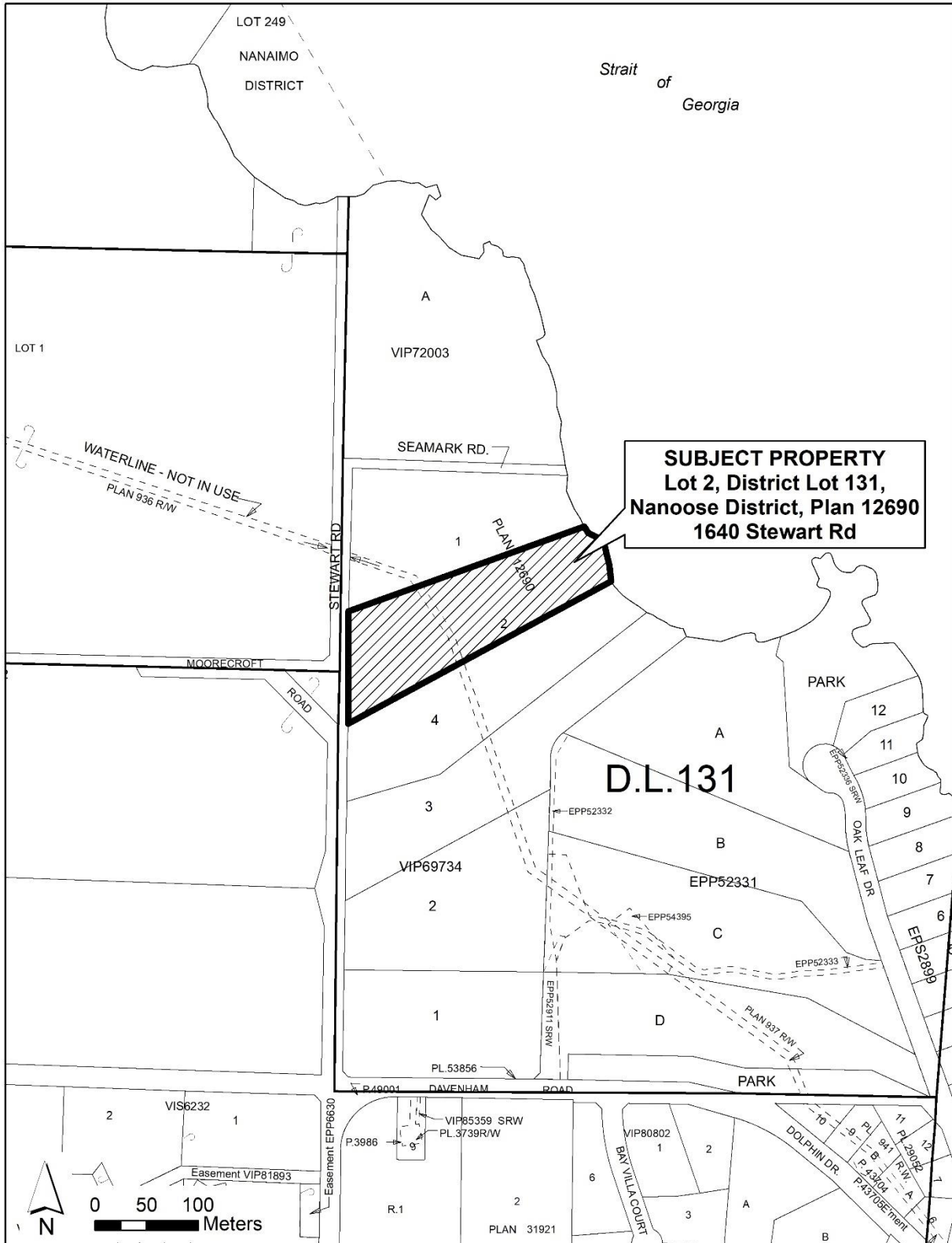
Reviewed by:

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


Attachments:

1. Subject Property Map
2. Draft Development Variance Permit

Attachment 1 Subject Property Map



**Attachment 2
Draft Development Variance Permit**

 <p>REGIONAL DISTRICT OF NANAIMO</p>	<p>STRATEGIC & COMMUNITY DEVELOPMENT</p> <p>6300 Hammond Bay Road, Nanaimo, BC V9T 6N2 250-390-6510 or 1-877-607-4111 www.rdn.bc.ca</p> <p>DEVELOPMENT VARIANCE PERMIT NO. PL2019-110</p>
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To: ("Permittee") Carol Ann Laws and Peter Truax Laws

Mailing Address: c/o Vectis Ventures Ltd.
3387 Blueback Drive
NanOOSE, BC V9P 9H9

1. Except as varied or supplemented by this permit, the development variance permit is issued subject to compliance with all applicable bylaws and provincial and federal statutes and regulations.
2. This development variance permit applies only to those lands within the Regional District of Nanaimo described below and all buildings, structures and other development thereon:

Legal Description: Lot 2, District Lot 131, Nanoose District, Plan 12690 ("the Lands")

Civic Address: 1640 Stewart Road P.I.D.: 004-798-465

3. The Lands shall be developed strictly in accordance with the terms and conditions of this permit.
4. The Permittee as a condition of issuance of this permit agrees to comply with the conditions of Schedule 1, which is attached to and forms part of this permit.
5. The Permittee as a condition of issuance of this permit agrees to develop the Lands in substantial compliance with the plans and specifications included in Schedules 2 and 3, which are attached to and form part of this permit.
6. With respect to the Lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as outlined in Schedules 1 and 2, which are attached to and form part of this permit.
7. Subject to the terms of the permit, if the holder of the permit does not substantially start construction with respect to which the permit was issued within two years after the date it is issued, the permit shall lapse in accordance with Section 504 of the *Local Government Act*.
8. This permit prevails over the provisions of the bylaw in the event of conflict.
9. Notice of this permit shall be filed in the Land Title Office in Victoria under Section 503 of the *Local Government Act*, and upon such filing, the terms of this permit or any amendment hereto shall be binding upon all persons who acquire an interest in the Lands affected by this permit.
10. This permit is not a building permit.

Authorizing resolution to issue passed by the Board this XXth day of Month, 20XX.

Schedule 1 Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2019-110:

Bylaw No. 500, 1987 Variances

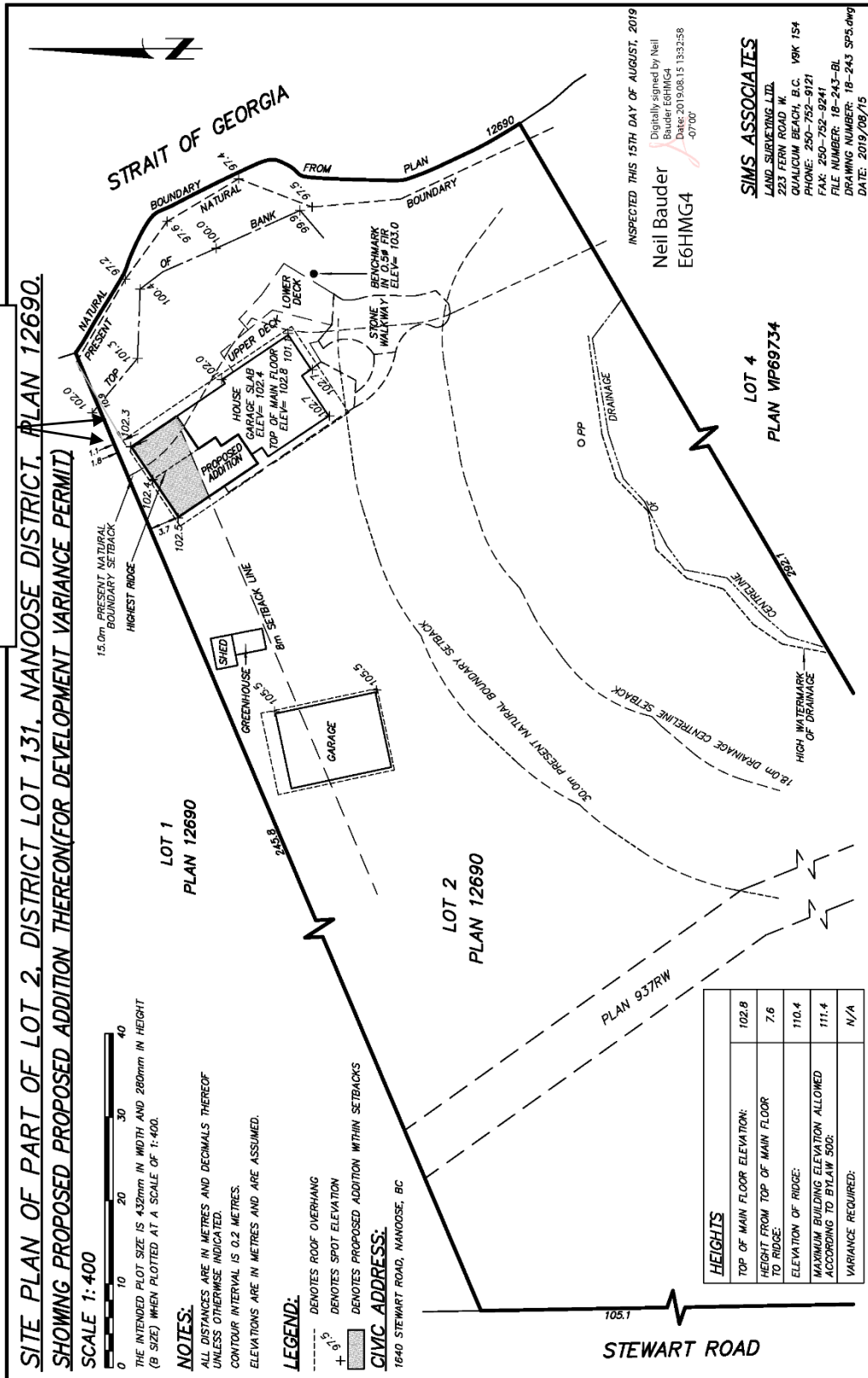
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

- **Section 3.3.9 b) iv) – Setbacks – Sea** reduce the setback from the natural boundary of the sea from 15.0 metres to 10.9 metres to permit the renovation of an existing dwelling unit and permit a second storey within the existing footprint.
- **Section 3.4.85 Minimum Setback Requirements – All Lot Lines** to reduce the lot line setback from 8.0 metres to 1.1 metres to permit the renovation of a dwelling unit and permit a second storey within the existing footprint.

Conditions of Approval

1. The site is developed in accordance with the Site Plan prepared by Sims Associates Land Surveying Ltd., dated August 1, 2019 and attached as Schedule 2.
2. The proposed development is in general compliance with the Building Plans and Elevations prepared by Hoffman Design, dated August 3, 2019 and attached as Schedule 3.
3. The subject property shall be developed in accordance with the recommendations contained in the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. dated May 2, 2019.
4. The issuance of this Permit shall be withheld until the applicant, at the applicant’s expense, registers a Section 219 Covenant on the property title containing the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd., dated May 2, 2019, 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.

**Schedule 2
 Proposed Site Plan and Variances**



Proposed variance to reduce the northern side lot line setback from 8.0 m to 1.1 m and the setback from the natural boundary of the sea from 15.0 m to 10.9 m

Schedule 3 Building Plans and Elevations

Hoffman Design
 1640 Stewart Rd
 Nanose Bay BC
 Laws Renovation Project

BUILDING ELEVATIONS	
A.05	DATE: 09/03/19
PROJECT:	1640 STEWART RD
OWNER:	LAWSON DEVELOPMENT
DESIGNER:	HOFFMAN DESIGN
DATE:	09/03/19
SCALE:	AS NOTED
BY:	[Signature]
CHECKED BY:	[Signature]
DATE:	09/03/19
SCALE:	AS NOTED
BY:	[Signature]
CHECKED BY:	[Signature]
DATE:	09/03/19

Issued for Design Review

All design Copyright provided and are not to be reproduced without the express permission of Hoffman Design.

ELEVATION KEY PLAN
 1/8" = 1'-0"

TYPICAL ELEVATION CONSTRUCTION NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE BC BUILDING ACT AND REGULATIONS.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE BC BUILDING DEPARTMENT APPROVED CODES AND STANDARDS.
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE BC BUILDING DEPARTMENT APPROVED CONTRACT DOCUMENTS.
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE BC BUILDING DEPARTMENT APPROVED SPECIFICATIONS.
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE BC BUILDING DEPARTMENT APPROVED SCHEDULES.
6. ALL WORK SHALL BE IN ACCORDANCE WITH THE BC BUILDING DEPARTMENT APPROVED DETAILS.
7. ALL WORK SHALL BE IN ACCORDANCE WITH THE BC BUILDING DEPARTMENT APPROVED METHODS.
8. ALL WORK SHALL BE IN ACCORDANCE WITH THE BC BUILDING DEPARTMENT APPROVED MATERIALS.
9. ALL WORK SHALL BE IN ACCORDANCE WITH THE BC BUILDING DEPARTMENT APPROVED FINISHES.
10. ALL WORK SHALL BE IN ACCORDANCE WITH THE BC BUILDING DEPARTMENT APPROVED EQUIPMENT.
11. ALL WORK SHALL BE IN ACCORDANCE WITH THE BC BUILDING DEPARTMENT APPROVED UTILITIES.
12. ALL WORK SHALL BE IN ACCORDANCE WITH THE BC BUILDING DEPARTMENT APPROVED MECHANICAL.
13. ALL WORK SHALL BE IN ACCORDANCE WITH THE BC BUILDING DEPARTMENT APPROVED ELECTRICAL.
14. ALL WORK SHALL BE IN ACCORDANCE WITH THE BC BUILDING DEPARTMENT APPROVED PLUMBING.
15. ALL WORK SHALL BE IN ACCORDANCE WITH THE BC BUILDING DEPARTMENT APPROVED HEATING.
16. ALL WORK SHALL BE IN ACCORDANCE WITH THE BC BUILDING DEPARTMENT APPROVED COOLING.
17. ALL WORK SHALL BE IN ACCORDANCE WITH THE BC BUILDING DEPARTMENT APPROVED INSULATION.
18. ALL WORK SHALL BE IN ACCORDANCE WITH THE BC BUILDING DEPARTMENT APPROVED SOUND.
19. ALL WORK SHALL BE IN ACCORDANCE WITH THE BC BUILDING DEPARTMENT APPROVED VENTILATION.
20. ALL WORK SHALL BE IN ACCORDANCE WITH THE BC BUILDING DEPARTMENT APPROVED LIGHTING.

Southwest Elevation (Front Side)
 1/4" = 1'-0"

Southeast Elevation (Right Side)
 1/4" = 1'-0"

Northwest Elevation (Left Side)
 1/4" = 1'-0"

Southwest Elevation (Right Side)
 1/4" = 1'-0"

TO: Electoral Area Services Committee **DATE:** September 3, 2019

FROM: Kristy Marks
Planner **FILE:** PL2019-134 and PL2017-072

SUBJECT: **Development Variance Permit Application No. PL2019-134 and Request for Relaxation of the Minimum 10% Frontage Requirement in Relation to subdivision Application No. PL2017-072**
2925 Turnbull Road – Electoral Area H
Lot 2, Block 360, Alberni District, Plan 35096

RECOMMENDATIONS

1. That the Board approve the request to relax the minimum 10% perimeter frontage requirements for proposed Lot 3 in relation to Subdivision Application No. PL2017-072, subject to the terms and conditions outlined in Attachment 2.
2. That the Board approve Development Variance Permit No. PL2019-134 to increase the permitted parcel depth of proposed Lot 2 subject to the terms and conditions outlined in Attachment 2.
3. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2019-134.

SUMMARY

The applicant requests a parcel depth variance and a relaxation of the minimum 10% perimeter frontage requirement to allow for a 3-lot subdivision at the corner of Turnbull Road and Horne Lake Road in Electoral Area H. To address “Board Policy B1.5 Development Variance Permit Application Evaluation”, the applicant has provided a justification that the proposed lots will be consistent with the character of the neighbouring lots and will accommodate uses permitted by zoning. Given the applicant’s justification, as well as the existing deep lot configuration, the variance is determined to be consistent with Board Policy B1.5 and no negative impacts are anticipated as a result of the proposed variance, it is recommended that the Board approve the development variance permit pending the outcome of public notification and subject to the terms and conditions outlined in Schedules 1 and 2 of the Draft Development Variance Permit (DVP) included as Attachment 2.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from J.E. Anderson & Associates on behalf of Jacqueline Pipes for a 3-lot subdivision. The subject property is approximately 8.1 hectares in area and is split zoned Rural 1 Zone (RU1), Subdivision District ‘CC’ and Rural 6 (RU6), Subdivision District ‘D’ pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is surrounded by Turnbull Road and

Horne Lake Road to the west and by developed rural parcels to the north, south, and east (see Attachment 1 – Subject Property Map).

The property contains a dwelling unit, cabin, and accessory buildings that would be retained on proposed Lot 3. The parcels are proposed to be serviced with individual wells and on-site wastewater disposal.

Proposed Development and Variance

The proposed subdivision will require a variance to the subdivision regulations to allow a parcel depth greater than 40% to 46.03% of the length of the perimeter of the parcel for proposed Lot 2. The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 4.5.1 – Parcel Shape and Dimensions** to increase the permitted parcel depth for Lot 2 from 40% to 46.03% of the length of the perimeter of the parcel.

The applicant has requested the parcel depth variance as follows:

Proposed Lot No.	Perimeter	Maximum Parcel Depth (40%)	Proposed Parcel Depth	Proposed Parcel Depth as a % of the Parcel Perimeter
2	925.560 m	370.224 m	425.997 m	46.03%

Minimum 10% Perimeter Frontage Requirement

Proposed Lot 3, as shown on the submitted plan of subdivision, does not meet the minimum 10% parcel 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.	Perimeter	Required Frontage (m)	Proposed Frontage (m)	% of Perimeter
3	1279.243 m	127.924 m	81.125 m	6.65%

Land Use Implications

The applicant’s proposal will not comply with the maximum parcel depth requirements in Bylaw 500 and road frontage requirements of the *Local Government Act*. The purpose of these requirements is to ensure that each lot created has sufficient access, buildable area, servicing and space for the permitted uses. “Board Policy B1.5 Development Variance Permit Application Evaluation” requires a demonstration of a land use justification or rationale to address why the proposal cannot comply with the regulations and how the proposal can provide for efficient land use. Further, “Board Policy B1.4 Frontage Requirements for Rural Lots” establishes criteria for reviewing frontage relaxation proposals, including site constraints, consistency with the character of surrounding properties, and ability to accommodate the permitted uses.

The applicant has indicated that the proposal is consistent with the character of neighbouring parcels and the properties do not contain constraints that would limit the permitted uses under the RU1 and RU6 zones, including setbacks and parcel coverage. The existing dwelling unit, cabin

and accessory buildings will remain on Lot 3 and Lots 1 and 2 will be vacant. The subject property was recently rezoned to allow the proposed 3-lot subdivision. The proposed plan of subdivision is consistent with the plan provided at the time of re-zoning and is also consistent with relevant policies of the Electoral Area H Official Community Plan that applied at the time of the zoning amendment.

The RDN Board policies are intended to ensure that the character of development is consistent with the surrounding residential properties, and that the impacts from future development of the lot is minimized. In addition, the existing deep lot configuration would also limit the ability to subdivide the parcel in a manner consistent with the required parcel depth and minimum frontage. Given the consistency of the subdivision with the surrounding community, ability to accommodate the permitted uses and existing configuration, the applicant has made reasonable efforts to address Policy B1.4 and B1.5 guidelines.

Intergovernmental Implications

The Ministry of Transportation and Infrastructure reviewed the subdivision application and has issued the Preliminary Layout Approval.

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 Variance Permit No. PL2019-134, and the request to relax the minimum 10% frontage requirement, subject to the conditions outlined in Schedules 1 and 2 of Attachment 2.
2. To deny Development Variance Permit No. PL2019-134, and the request to relax the minimum 10% frontage requirement.

FINANCIAL IMPLICATIONS

The proposed development has been reviewed and has no implications related to the Board 2019 – 2023 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The proposed development has been reviewed and has no implications for the 2019 – 2023 Board Strategic Plan.



Kristy Marks
kmarks@rdn.bc.ca
August 13, 2019

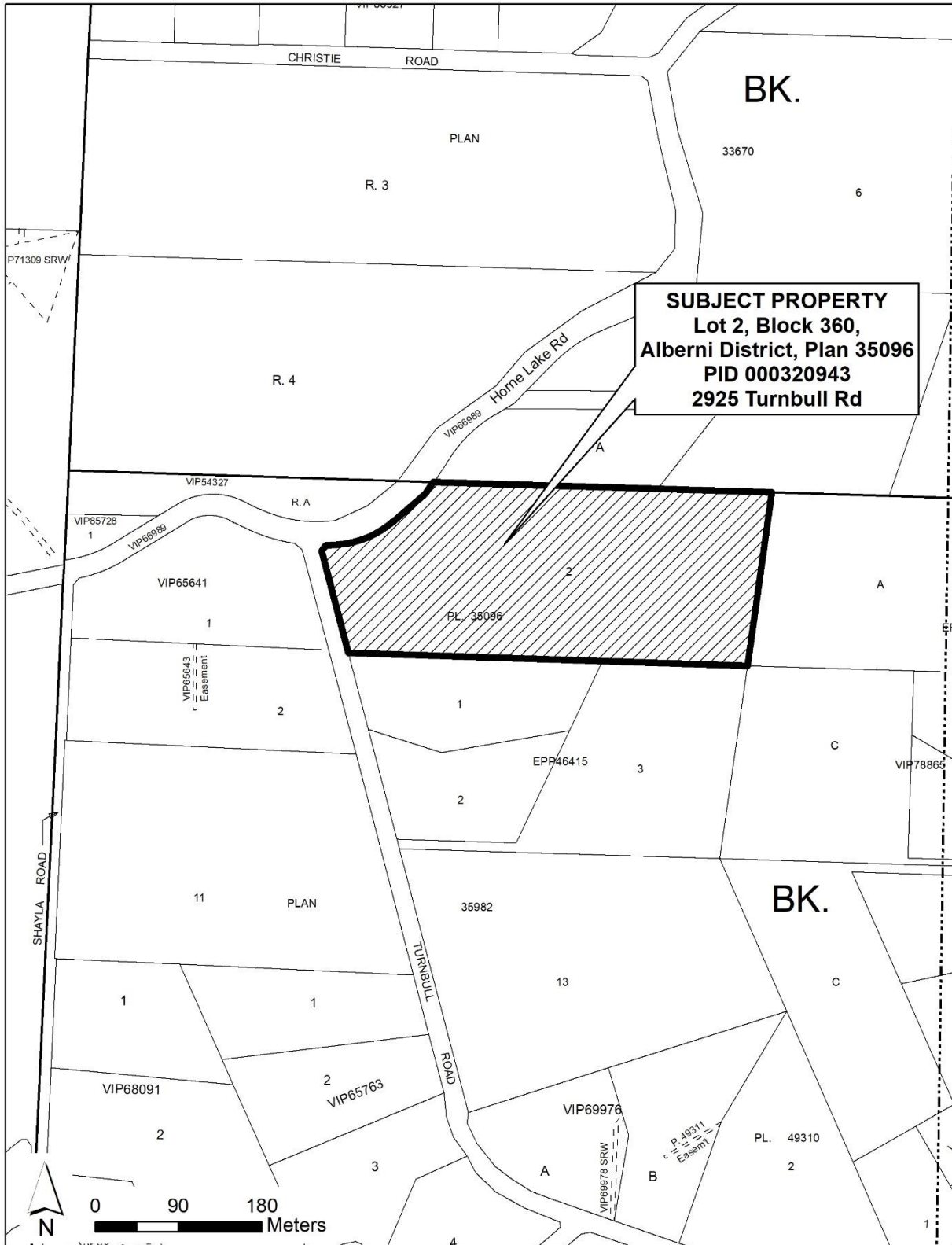
Reviewed by:

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


Attachments

1. Subject Property Map
2. Draft Development Variance Permit PL2019-134

Attachment 1 Subject Property Map



Attachment 2
Draft Development Variance Permit

 <p>REGIONAL DISTRICT OF NANAIMO</p>	<p>STRATEGIC & COMMUNITY DEVELOPMENT</p> <p>6300 Hammond Bay Road, Nanaimo, BC V9T 6N2 250-390-6510 or 1-877-607-4111 www.rdn.bc.ca</p> <p>DEVELOPMENT VARIANCE PERMIT NO. PL2019-134</p>
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To: ("Permittee") Jacqueline Alice Pipes

Mailing Address: J.E. Anderson & Associates, PO Box 247, Parksville BC, V9P 2G4

1. Except as varied or supplemented by this permit, the development variance permit is issued subject to compliance with all applicable bylaws and provincial and federal statutes and regulations.
2. This development variance permit applies only to those lands within the Regional District of Nanaimo described below, and all buildings, structures and other development thereon:

Legal Description: Lot 2, Block 360, Alberni District, Plan 35096 ("the Lands")

Civic Address: 2925 Turnbull Road **P.I.D.:** 000-320-943

3. The Lands shall be developed strictly in accordance with the terms and conditions of this permit.
4. The Permittee as a condition of issuance of this permit agrees to comply with the conditions of Schedule 1, which is attached to and forms part of this permit.
5. The Permittee as a condition of issuance of this permit agrees to develop the Lands, in substantial compliance with the plans and specifications included in Schedules 1 and 2, which are attached to and form part of this permit.
6. With respect to the Lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as outlined in Schedules 1 and 2, which are attached to and form part of this permit.
7. Subject to the terms of the permit, if the holder of the permit does not substantially start construction with respect to that which the permit was issued within two years after the date it is issued, the permit shall lapse in accordance with Section 504 of the *Local Government Act*.
8. This permit prevails over the provisions of the bylaw in the event of conflict.
9. Notice of this permit shall be filed in the Land Title Office at Victoria under Section 503 of the *Local Government Act*, and upon such filing, the terms of this permit or any amendment hereto shall be binding upon all persons who acquire an interest in the Lands affected by this permit.
10. This permit is not a building permit.

Authorizing Resolution to issue passed by the Board this XXth day of Month, 20XX.

Schedule 1 Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2019-134:

Bylaw No. 500, 1987 Variance

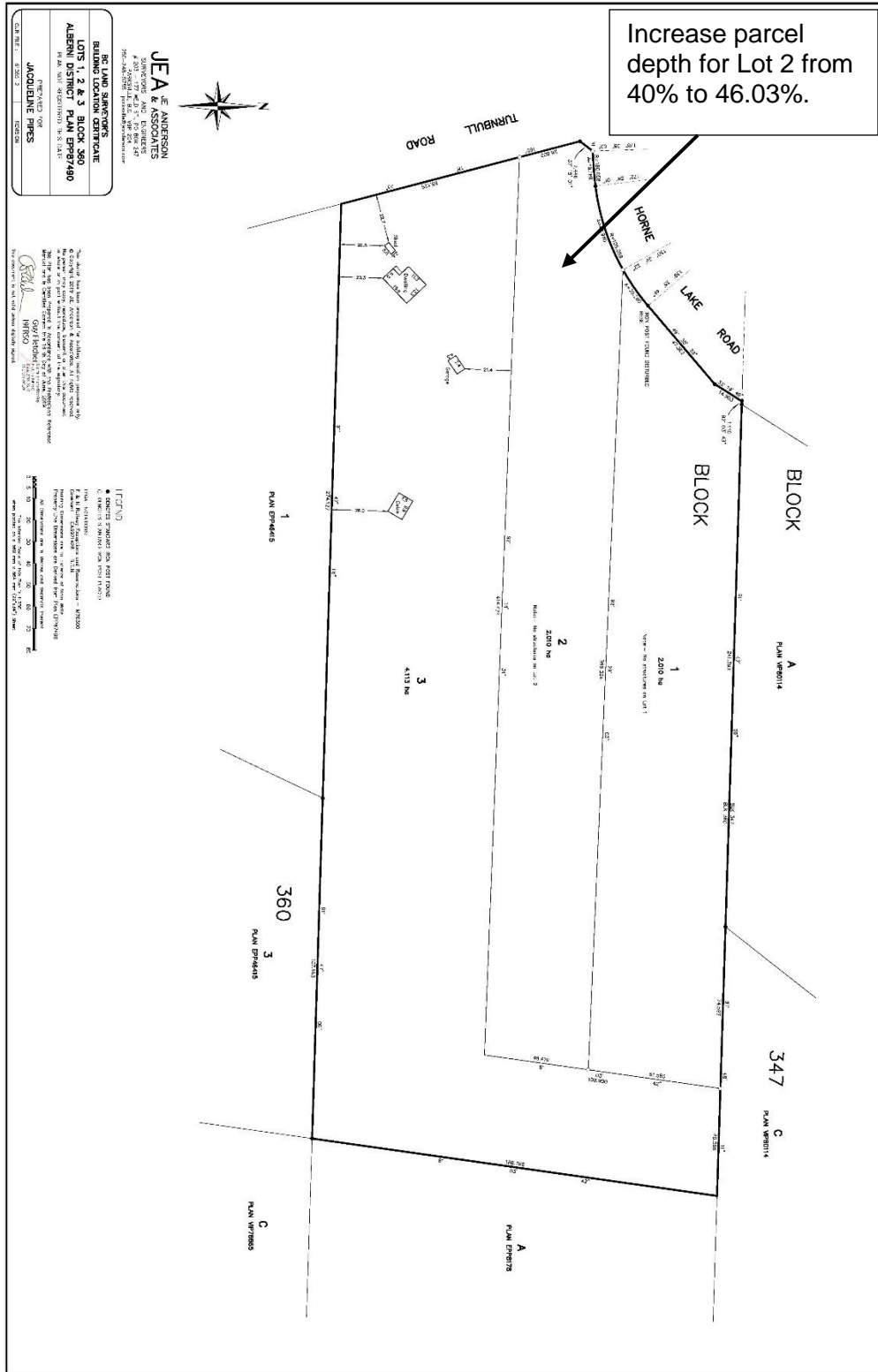
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

- **Section 4.5.1 – Parcel Shape and Dimensions** to increase the permitted parcel depth for proposed Lot 2 from 40% to 46.03% of the length of the perimeter of the parcel.

Conditions of Approval

- The site is developed in accordance with the Site Plan prepared by J.E. Anderson & Associates, dated June 18, 2019 and attached as Schedule 2.

**Schedule 2
 Site Plan**



TO: Electoral Area Services Committee **DATE:** September 3, 2019

FROM: Stephen Boogaards
Planner **FILE:** PL2019-156 & PL2019-044

SUBJECT: **Development Variance Permit No. PL2019-156 for lot depth and Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in relation to Subdivision Application No. PL2019-044**
1396 Sunrise Drive – Electoral Area G
Lot 50, District Lot 49, Nanoose District, Plan 29438

RECOMMENDATIONS

1. That the Board approve the request to relax the minimum 10% perimeter frontage requirements for proposed Lots A and B in relation to Subdivision Application No. PL2019-044, subject to the terms and conditions outlined in Attachments 2 and 3.
2. That the Board approve the request to increase the permitted lot depth for proposed lots A and B for Development Variance Permit No. PL2019-156, subject to the terms and conditions outline in Attachments 2 and 3.
3. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2019-156.

SUMMARY/CONCLUSIONS

The applicant proposes a two lot subdivision and requests a relaxation of the 10% frontage requirement of the *Local Government Act* with a variance to increase the permitted lot depth requirements of the zoning bylaw. Each lot will have adequate access and buildable area for the permitted residential uses on the lot without the need for any additional variances. Also, the variance and relaxation will enable the proposed subdivision of lands that are located within the French Creek Rural Village Centre, an area designated for growth. It is recommended that the Board approve the development variance permit pending the outcome of public notification and subject to the terms and conditions outlined in Attachments 2 and 3.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from JE Anderson and Associates on behalf of Lorraine Edna Roberts to relax the minimum 10% perimeter frontage requirement in relation to a proposed two lot subdivision (Application No. PL2019-044). In conjunction with the subdivision, the applicant has also applied to vary the parcel depth of Lots A and B to be greater than 40% of the perimeter of the parcel. The subject property is approximately 1,726 m² in area and is zoned Residential 1 Zone (RS1), Subdivision District 'Q',

pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is located within the Sandpiper area of French Creek and is adjacent to other detached residential properties (see Attachment 1 – Subject Property Map).

The property contains an existing dwelling unit and detached garage and is serviced by RDN community water and sewer. The detached garage will need to be removed prior to the completion of the subdivision of the property, as the zoning bylaw does not allow accessory buildings on a property without an established principal use.

Proposed Development and Variance

The applicant proposes to subdivide the parent parcel into two lots and will retain the existing dwelling on proposed Lot A (Attachment 3). All parcels exceed the minimum parcel size (700 m²) and will be serviced with RDN community water and sewer. The subdivision will require a variance to the subdivision regulations to allow for a parcel depth greater than 40% of the perimeter of the parcel for both Lots A and B. The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 4.5.1 – Parcel Shape and Dimensions** – to increase the permitted parcel depth for Lot A from 40% to 41.8% of the length of the perimeter of the parcel and Lot B from 40% to 40.5% of the length of the perimeter of the parcel.

The applicant has requested the parcel depth variance as follows:

Proposed Lot No.	Perimeter	Maximum Parcel Depth (40%)	Proposed Parcel Depth	Proposed Parcel Depth as a % of the Parcel Perimeter
A	148.9 m	59.6 m	62.4 m	41.8%
B	138.8 m	55.5 m	56.3 m	40.5%

Minimum 10% Perimeter Frontage Requirement

Proposed Lots A and B, as shown on the submitted plan of subdivision, do not meet the minimum 10% parcel 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.	Perimeter	Required Frontage	Proposed Frontage	% Perimeter
A	148.9 m	14.9 m	12.5 m	8.4%
B	138.8 m	13.8 m	12.5 m	9.0%

Land Use Implications

The applicant proposes a two lot subdivision that does not meet the road frontage requirements in the *Local Government Act* and the parcel depth requirements of Bylaw 500. The applicant identifies that the relaxation and variance are necessary to facilitate the subdivision of the property. The purpose of both requirements is to ensure that each lot created has sufficient access and buildable area for the permitted residential uses. While the frontage will be narrow, the lots incrementally increase in width to the rear property line providing adequate building envelopes and yard areas. An alternate configuration would be for the subdivision to use a panhandle lot, however this form of subdivision has implications for safe vehicle access to the road and privacy between neighbours as a dwelling will be located behind the rear yard of one lot. The lot shape and dimensions as proposed will allow for the subdivision of the property within an area designated for growth, the French Creek Rural Village Centre, while still complying with the intent of frontage and lot depth requirements to ensure adequate building envelope and preferred pattern of development.

Intergovernmental Implications

The Ministry of Transportation and Infrastructure reviewed the subdivision application and issued Preliminary Layout Approval.

Public Consultation Implications

Pending the 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 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. PL2019-156 and the request for relaxation of the minimum 10% perimeter frontage requirement for proposed Lots A and B as shown on Attachment 2.
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 2019 – 2023 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The proposed development has been reviewed and the proposal will be in keeping with the growth management key strategic area of the 2019 – 2022 Board Strategic Plan by increasing density on land within the Growth Containment Boundary.



Stephen Boogaards
sboogaards@rdn.bc.ca
August 2, 2019

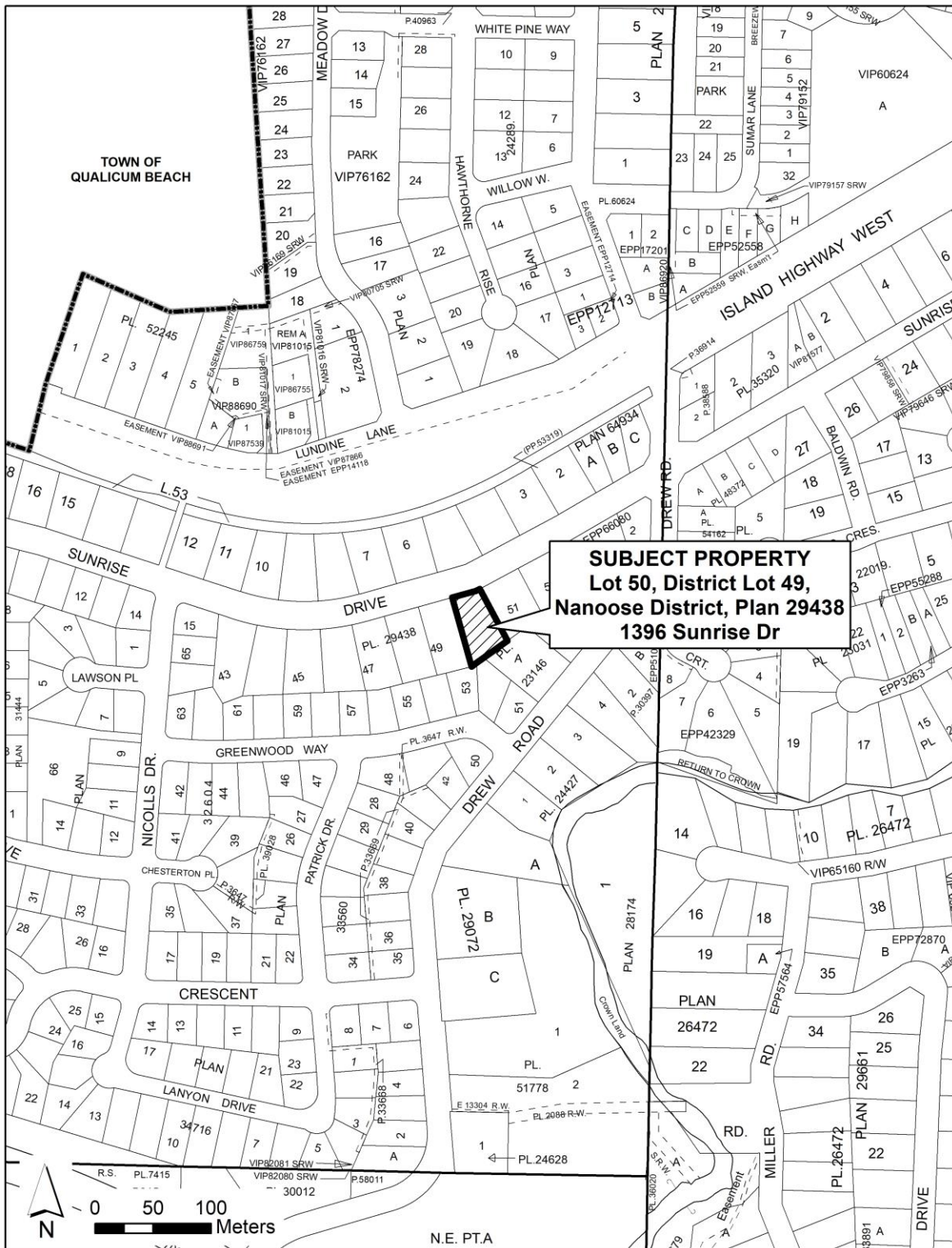
Reviewed by:

- 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. PL2019-156:

Bylaw No. 500, 1987 Variances:

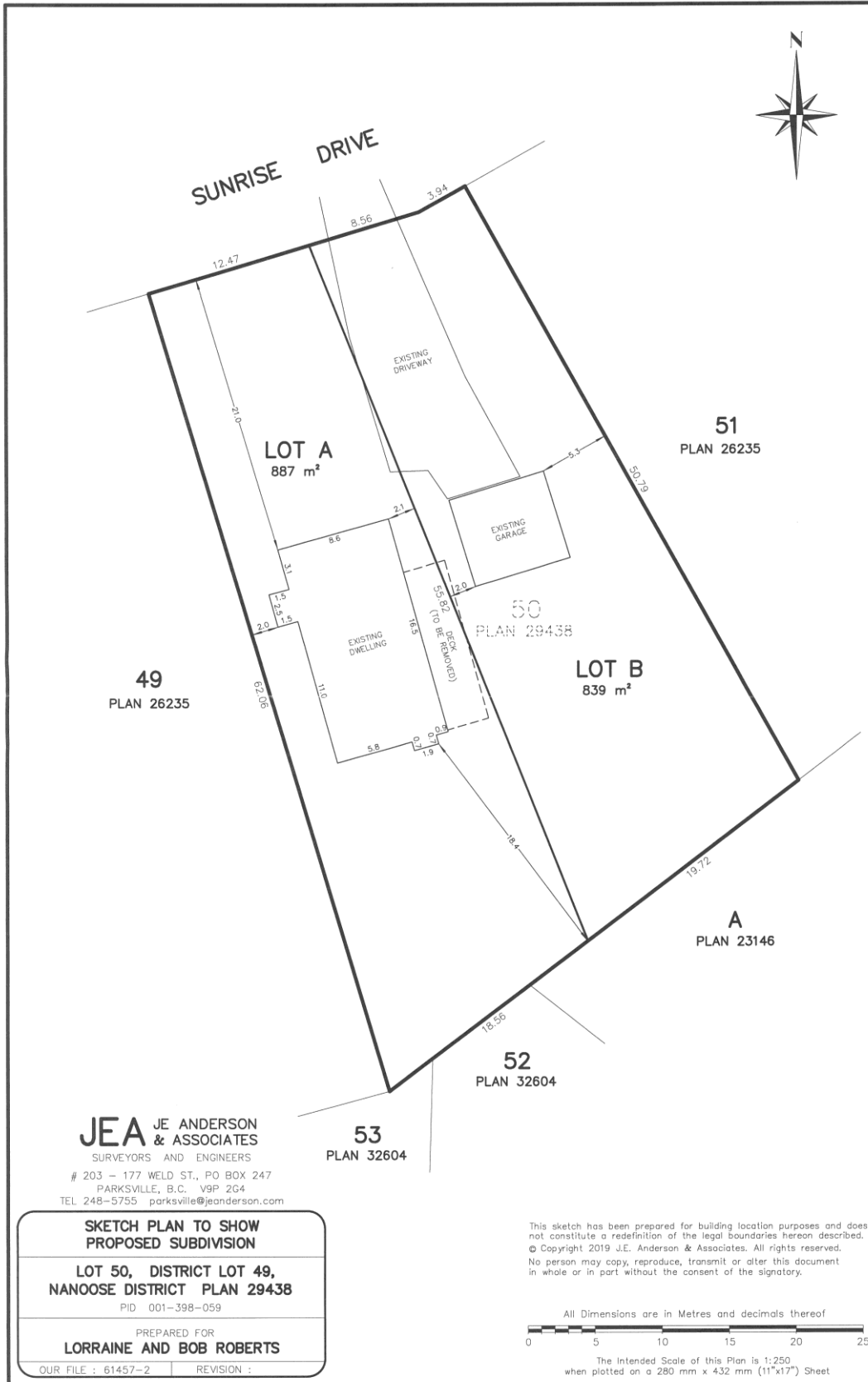
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

Section 4.5.1 – Parcel Shape and Dimensions to increase the permitted parcel depth for Lot A from 40% to 41.8% of the length of the perimeter of the parcel and Lot B from 40% to 40.5% of the length of the perimeter of the parcel.

Conditions of Approval

The property is subdivided in accordance with the Subdivision Plan prepared by JE Anderson & Associates attached as Attachment 3.

**Attachment 3
 Proposed Plan of Subdivision**



JEA JE ANDERSON & ASSOCIATES
 SURVEYORS AND ENGINEERS
 # 203 – 177 WELD ST., PO BOX 247
 PARKSVILLE, B.C. V9P 2G4
 TEL 248-5755 parksville@jeanderson.com

SKETCH PLAN TO SHOW PROPOSED SUBDIVISION

LOT 50, DISTRICT LOT 49, NANOOSE DISTRICT PLAN 29438
 PID 001-398-059

PREPARED FOR
LORRAINE AND BOB ROBERTS

OUR FILE : 61457-2 REVISION :

This sketch has been prepared for building location purposes and does not constitute a redefinition of the legal boundaries hereon described.
 © Copyright 2019 J.E. Anderson & Associates. All rights reserved.
 No person may copy, reproduce, transmit or alter this document in whole or in part without the consent of the signatory.

All Dimensions are in Metres and decimals thereof

0 5 10 15 20 25

The Intended Scale of this Plan is 1:250 when plotted on a 280 mm x 432 mm (11"x17") Sheet

TO: Electoral Area Services Committee **DATE:** September 3, 2019

FROM: Angela Buick
Planner **FILE:** PL2018-116

SUBJECT: Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in relation to Subdivision Application No. PL2018-116 6961, 6931, 6973 and 6977 Doumont Road – Electoral Area C Lot 1 and Lot 2, District Lot 57, Wellington District, Plan 25008

RECOMMENDATION

That the Board approve the request to relax the minimum 10% perimeter frontage requirements for proposed Lots B and H in relation to Subdivision Application No. PL2018-116.

SUMMARY

The applicant has requested a relaxation of the minimum 10% perimeter frontage requirement for proposed Lots B and H within a proposed 9 lot subdivision of the subject property. All proposed parcels will exceed the minimum parcel size requirements. Despite the reduced frontages, no negative land use implications are anticipated, and Ministry of Transportation and Infrastructure have no concerns with the requested frontage relaxation. Therefore, it is recommended that the requested frontage relaxation be approved.

BACKGROUND

The Regional District of Nanaimo has received an application from Glen Carey of Glencar Consultants Inc. on behalf of 1057703 B.C. Ltd. and Kenneth Krall to relax the minimum 10% perimeter frontage requirement in relation to a proposed 9-lot subdivision, Application No. PL2018-116. The subject properties are approximately 21.5 hectares in area in total and are zoned Rural 1 Zone (RU1), Rural 2 (RU2) and Industrial 3 (IN3) and within Subdivision District 'D', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The properties are located to the north of Biggs Road, south of Doumont Road, east of an unconstructed road right-of-way (ROW) and west of a Recreation 3 (RC3) zoned lot within the Agriculture Land Reserve and currently utilized as a campground. Lands surrounding the subject properties are generally large acreages and are a mix of resource management, agricultural, rural residential and recreational uses (see Attachment 1 – Subject Property Map). Lot 2 is split zoned where the IN3 portion contains an unutilized shop and an uninhabited mobile home while the RU2 portion is vacant land. Lot 1 is zoned RU1 and contains two dwellings.

Proposed Development

The applicant proposes to subdivide the parent parcel into 9-lots (see Attachment 3 – Proposed Plan of Subdivision). All parcels exceed the minimum parcel size of 2.0 hectares and will be serviced with individual private wells and on-site sewerage systems.

Minimum 10% Perimeter Frontage Requirement

Proposed Lots B and H do 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 (m)	Proposed Frontage (m)	% of Perimeter
B	93.7	16.3	2.0
H	62.4	25.8	4.0

Land Use Implications

The proposed development is subject to the following Development Permit Area per the “Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1997”; however, the applicant is requesting a development permit be submitted under a separate application.

The proposed 9-lot subdivision is intended for rural residential use with the exception of one industrial lot. (see Attachment 4 – Zoning Map). The majority of the lots will be accessed off of Doumont Road by the creation of a cul-de-sac. Proposed panhandle Lot B will be utilizing an existing panhandle access and will remain unchanged. This subdivision proposal would create eight large rural lots compatible with the rural character of the surrounding properties and one Industrial zoned lot. (subject property Lot 2). If the subdivision is approved the industrial portion of Lot 2 will become its own lot as Lot E and the remaining lots will include four RU1 and four RU2 zoned lots (See Attachment 3 – Proposed Plan of Subdivision).

The layout of the proposed subdivision is influenced by two watercourses that bisect the subject properties. The applicant has made an attempt to configure the new lots to have property boundaries follow the natural boundaries of the watercourses to meet the DPA guidelines which direct that subdivisions be designed to minimize lot lines within the SPEA. The proposed layout will provide for access to each of the lots without having to cross the watercourses. As a result, the boundary of proposed Lot I and a portion of Lot B are located along the two watercourses. A frontage request cannot be avoided by way of reconfiguration and maintain the proposed maximum density of 9 lots. Based on these points the proposal addresses the evaluation criteria in “Board Policy B1.4 Frontage Requirements for Rural Lots”.

If approved, proposed panhandle Lot B will have a road frontage of 2.0% of the perimeter of the lot and Lot H will have a road frontage of 4.0%.

Environmental Implications

As identified above, the subdivision layout is influenced by the location of two watercourses on the subject properties and the specifics of protecting the environmentally sensitive areas will be

addressed through the development permit process. The subdivision application is subject to the Freshwater and Fish Habitat Protection Development Permit Area (DPA) and prior to RDN subdivision compliance, the applicant is required to submit a development permit application. This application will be considered pursuant to “Regional District of Nanaimo Delegation of Authority Bylaw No. 1759, 2017” to ensure that the proposed development will meet the DPA guidelines and will pose no anticipated negative impacts on the environment.

Intergovernmental Implications

MOTI has reviewed the application and has issued a Preliminary Layout Approval (PLA) for the proposed subdivision subject to written confirmation that the RDN has waived the 10 % frontage requirement pursuant to Section 512 of the *Local Government Act*.

ALTERNATIVES

1. To approve the request for relaxation of the minimum 10% perimeter frontage requirement for proposed Lots B and H as shown on Attachment 3 – Proposed Plan of Subdivision.
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 2019 – 2023 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The proposed development has no implications for the 2019 – 2022 Board Strategic Plan.



Angela Buick
abuick@rdn.bc.ca
August 15, 2019

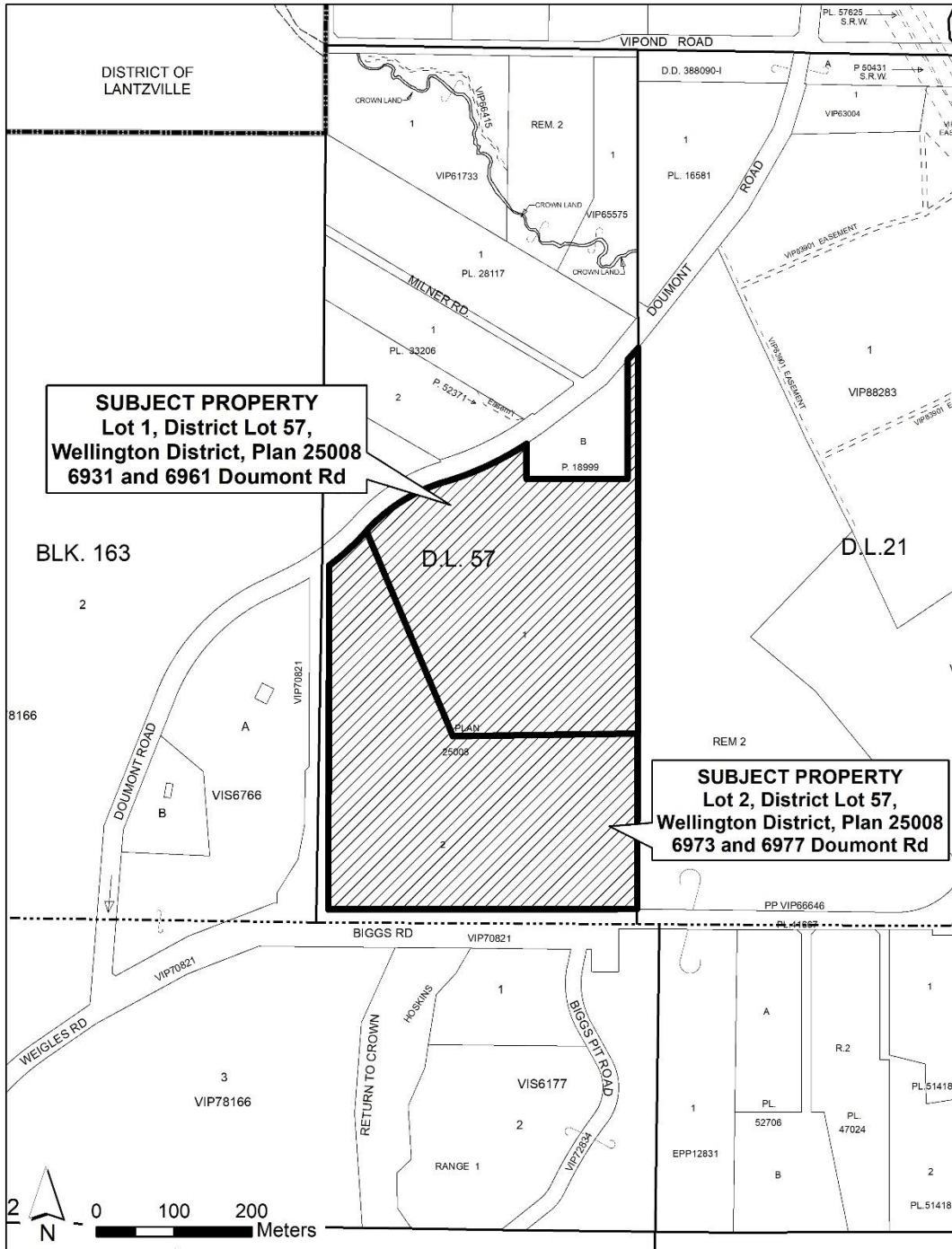
Reviewed by:

- 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
4. Zoning Map

Attachment 1 Subject Property Map



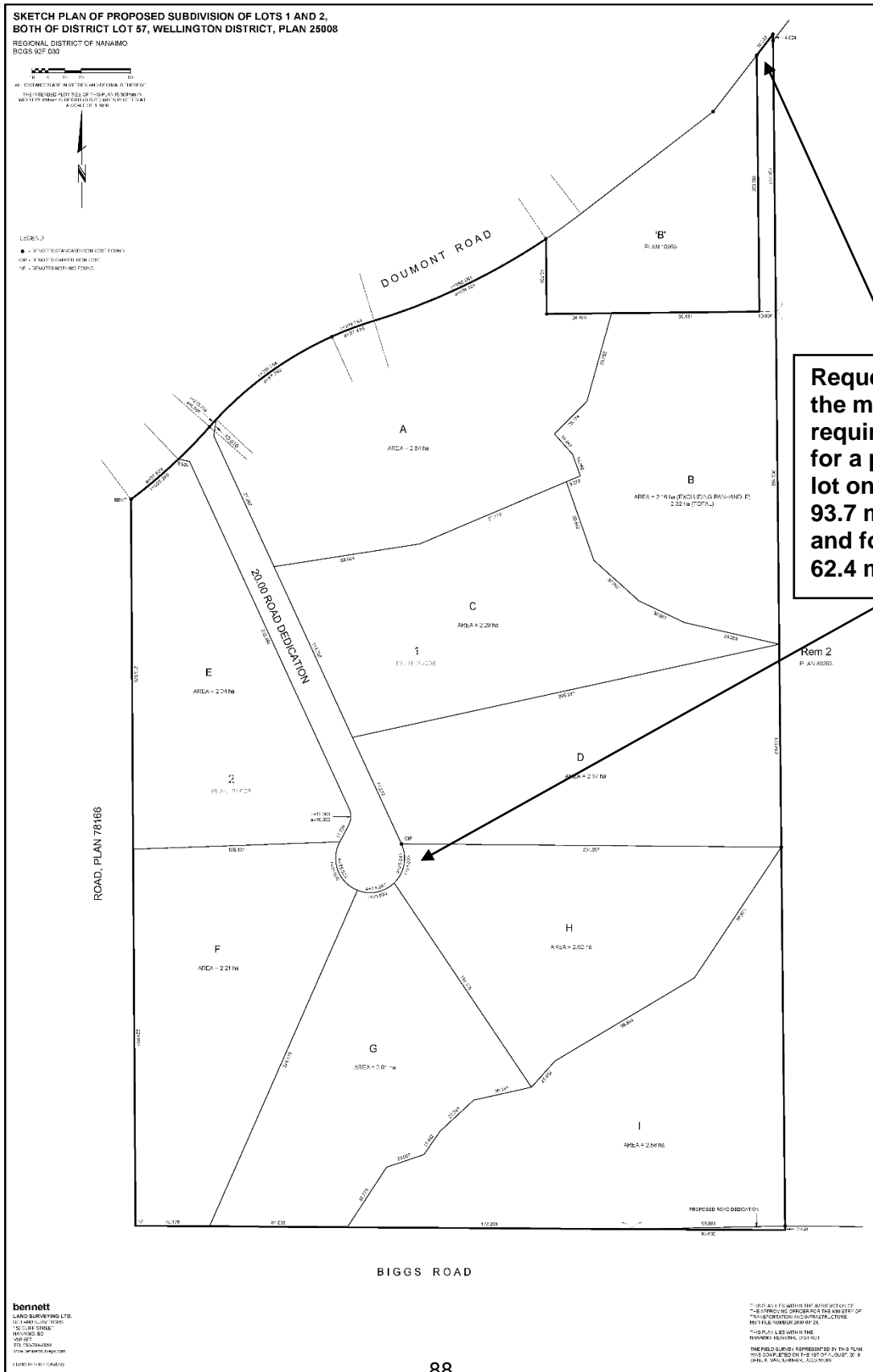
Attachment 2
Conditions of Permit

The following sets out the conditions of Development Permit No. PL2018-116:

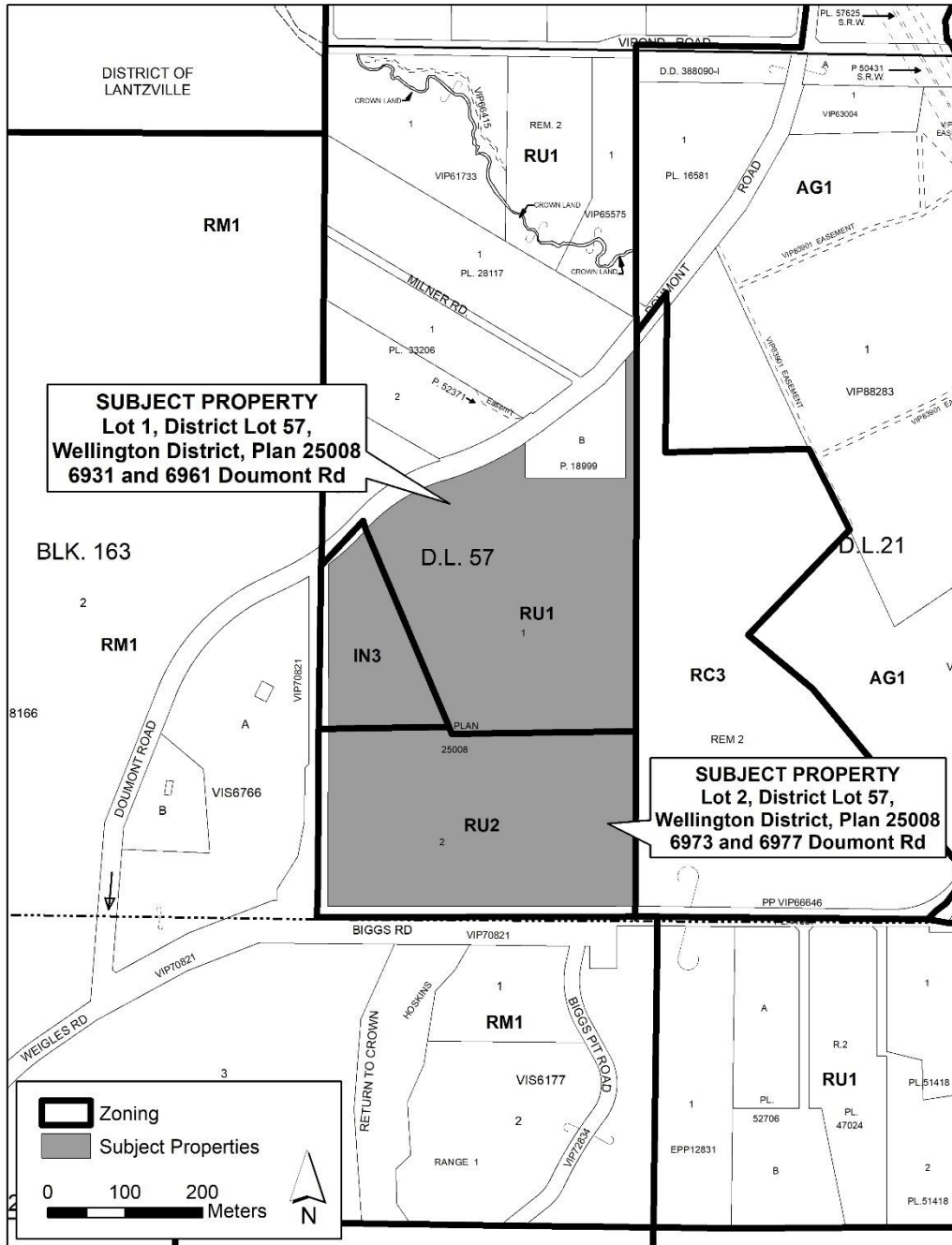
Conditions of Approval

1. The site is developed in accordance with the Sketch Plan of Proposed Subdivision prepared by Bennett Land Surveying Ltd. dated August 1, 2019 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



**Attachment 4
 Zoning Map**



TO: Electoral Area Services Committee **DATE:** September 3, 2019
FROM: Angela Buick
Planner **FILE:** PL2019-090
SUBJECT: **Temporary Use Permit Application No. PL2019-090**
Kipp Road – Electoral Area A
Lot 1, Sections 14 and 15, Range 6, Cranberry District, Plan VIP78539

RECOMMENDATIONS

1. That the Board receive the Summary of the Public Information Meeting held on July 10, 2019.
2. That the Board approve Temporary Use Permit No. PL2019-090 to allow the use of a wind turbine on the subject property subject to the terms and conditions outlined in Attachment 3.
3. That the Board direct staff to complete the required notification for Temporary Use Permit No. PL2019-090.

SUMMARY

The applicant is requesting a Temporary Use Permit (TUP) to allow for a wind turbine on the subject property. A Public Information Meeting (PIM) was held on July 10, 2019. Given that the proposed use is consistent with the Official Community Plan (OCP) and Board policies, is compatible with adjacent land uses and is not anticipated to have any significant negative impacts on adjacent properties or the environment, it is recommended that the Board approve the TUP pending the outcome of public notification and subject to the terms and conditions outlined in Schedules 1 to 4 of the Draft Temporary Use Permit included as Attachment 3.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Colleen Rohde on behalf of Kipp Road Holdings Inc. to permit the temporary installation of an experimental wind turbine. The subject property is approximately 4.016 hectares in area and is zoned Residential 2 Zone (RS2), Subdivision District 'F', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (Bylaw 500). The property is located to the north of Kipp Road, east of Comprehensive Development Zone 15 (CD15), which is the home-site of Vehicle Mounted Air Compressors (VMAC) manufacturing facility, and west of the Trans-Canada Highway. The surrounding land consists of industrial lands to the east and south, residential and vacant lands to the south, and a large park to the north and west containing a well-established network of trails (see Attachment 1 – Subject Property Map).

The property is currently vacant and un-serviced. At this time the provision of water and wastewater services are not required.

Proposed Development

The applicant proposes to erect a wind turbine prototype, with a height of 26.5 metres, for a testing period of approximately two years on the subject property. The wind turbine is an innovative design by Jim Hogan, President of Kipp Road Holdings Inc., and VMAC, the adjacent manufacturing facility to the west. The product nameplate will read “Experimental Low Wind Resource Vertical Axis Wind Turbine” (WTX1) Rated Power: 0.95 kW, Rating Wind Speed: 12.5 MPH (20 KPH), which is consistent with the RDN definition of “Micro Wind Turbine”. The WTX1 is a vertical axis wind turbine (VAWT) rather than the more traditional horizontal axis wind turbines (HAWT); (see Schedule 3 - Structural Design and Elevation Plan).

Official Community Plan and Environmental Implications

The subject property is designated within the Rural Residential Land Use designation pursuant to “Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Bylaw No. 1620, 2011” (OCP). Lands within this designation include lands located outside the Growth Containment Boundary (GCB) which typically share some of the same characteristics of larger rural acreages. As well, the subject property has been designated as having potential for future industrial. The OCP supports green developments under Policy 4.6 - Encouraging Sustainable Development and more specifically, Policy 4.6.8 that encourages the use of renewable energy systems such as wind.

Temporary Use Permits (TUP’s) may be considered on lands where the use is not permitted in the zoning bylaw provided that the applicant can satisfy the conditions in Section 3.3 (17) - Temporary Use Permits. Therefore, as the zoning and OCP do not recognize a micro wind turbine specifically, the applicant has provided a number of documents in support of their application to meet the TUP conditions. These include an information and consultation letter by Colleen Rohde, the agent, a site plan by Matthew Schnurch, BCLS of Turner & Associates Land Surveying Inc. dated March 13, 2019, an Elevation View with Metric Dimensions by Jim Hogan dated May 9, 2019, and a Bird Nest Survey and Visual Impact Report (the report) by Terrawest Environmental Inc. dated, May 24, 2019, that includes a Bird and Fauna Survey for on-going monitoring for the duration of the TUP.

The Bird Nest Survey and Visual Impact Report conclude that there was no evidence of active stick nests or breeding detected in the area during the survey. The site indicated poor nesting habitat for Bald Eagles and Great Blue Herons (focal species) such as a lack of cover, exposed tree line, lack of old forest, and a lack of trees with large supporting limbs. Additionally, no sensitive ecosystems and rare or endangered species were identified during the study. Based on this, there is a low likelihood of impacting the focal species or species managed under the applicable environmental legislation and species under Section 34 of the *BC Wildlife Act*. The report concludes that impacts on birds for both the HAWT and VAWT wind technologies designs are not fully understood. However, it is anticipated that the VAWT technology will have a lesser impact on birds and wildlife based on the different design features of the blade systems. With the HAWT system, birds are typically injured from the downward or vertical strike of the turbine blades. The VAWT are thought not only to improve wind energy harvested per square metre but also to reduce bird deaths by reducing the spacial impact of the turbine on bird habitats.

The blades on a VAWT rotate horizontally and based on this design, the birds are able to more easily see the blades and thereby potentially improving avian turbine visual awareness and collision avoidance. The report recommends that any project clearing must take place outside of the general bird breeding window including the Bald Eagle and Great Blue Heron. The report confirms that visual surveys of the immediate site and surrounding area will be conducted at periodic intervals to document bird and fauna strikes associated with the project during the TUP.

The report addresses a number of potential impacts of the wind turbine including the potential noise generated by sound pressure levels. These levels are anticipated to produce between 52 to 55 decibels, equivalent to the noise generated by an average refrigerator. Environmental monitoring for long-term and short-term effects on humans and wildlife shall be addressed in the post monitoring report required as a condition of the permit at the termination of this TUP.

The report also concludes that the use of a wind turbine is expected to pose a low impact on aesthetic values based on the following elements. The subject property is surrounded by a variety of industrial uses and is not directly adjacent to residential dwelling units. Conifer trees provide a visual buffer from the Trans Canada Highway (see Schedule 4 – Mock-up View Island Highway). The wind turbine is not expected to be audible from neighbouring properties and the use will not increase traffic. Surrounding landowners that have a line of sight to the proposed location of the turbine were contacted and are in support. The applicant is working with Navigation Canada in order to meet their regulations. The applicant's rationale for requesting a TUP for this site, is that this site, and the adjacent CD15 zoned lot where the VMAC manufacturing facility is, are both conveniently owned by the applicant.

This wind turbine is an unmanned structure and therefore will not require onsite parking or servicing for the proposed use.

Land Use Implications

The existing RS2 zoning permits a dwelling unit and accessory residential uses. In 2014, Bylaw 500 was amended to support green building features, systems and technologies on properties as an accessory use within the RDN under Bylaw No. 500.396. This amendment adopted the use and definition: Micro Wind Turbine System; a wind energy conversion system consisting of a wind turbine, associated structures and mechanical devices with a name plate rated capacity of not more than 1 kW. The bylaw also included a provision to allow wind turbines to be constructed up to double the height permitted in the zoning without a variance. The proposed wind turbine will meet the definition of micro wind turbine. However, with no other use on the property it is not an accessory use and it will exceed the height allowance. This proposal to site a wind turbine temporarily for experimental reasons is not a permanent amendment to the RS2 zoning, and as such the use and height will be permitted as part of the TUP and will not require a variance to locate the use (see Schedule 3 - Structural Design and Elevation).

Given that the proposed use is consistent with the OCP policies, is compatible with adjacent land uses and is not anticipated to have any significant impacts on adjacent properties or the environment, it is recommended to issue the TUP for the proposed micro wind turbine.

Intergovernmental Implications

The Temporary Use Permit application was referred to the RDN parks and building staff and the City of Nanaimo planning staff. No concerns have been expressed with the proposed development.

Public Consultation Implications

A Public Information Meeting (PIM) was held on July 10, 2019. Four members of the public attended, and two written submissions were received prior to the PIM (see Attachment 2 – Summary of the Public Information Meeting).

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 200

metre radius of the subject property will receive a direct notice of the proposal and an advertisement notifying of the proposal will be placed in one edition of the local newspaper. All persons who believe their interests in property are affected by the proposed permit will have an opportunity to comment on the proposed TUP prior to the Board's consideration of the application.

ALTERNATIVES

1. To approve Temporary Use Permit Application No. PL2019-090 to allow the use of a wind turbine on the subject property in accordance with the conditions outlined in Schedules 1 to 4 of Attachment 2 and to direct staff to complete the required public notification.
2. To deny Temporary Use Permit Application No. PL2019-090.

FINANCIAL IMPLICATIONS

The proposed development has no implications related to the Board 2019 – 2023 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

The proposed development has been reviewed and the proposal is consistent with the Board Strategic Plan 2019 – 2022. Two key strategic areas identified in this application are 1.0 - Climate Change and 6.0 - Economic Coordination. These key areas direct the RDN to be leaders in climate change adaptation and mitigation, to become net zero by 2032 and to enable diverse economic opportunities across the region. The proposed TUP could offer the local region an affordable form of wind energy for rural properties while providing local job opportunities in an emerging sector and promoting economic health through the diversification of our regional economy.



Angela Buick
abuick@rdn.bc.ca
August 14, 2019

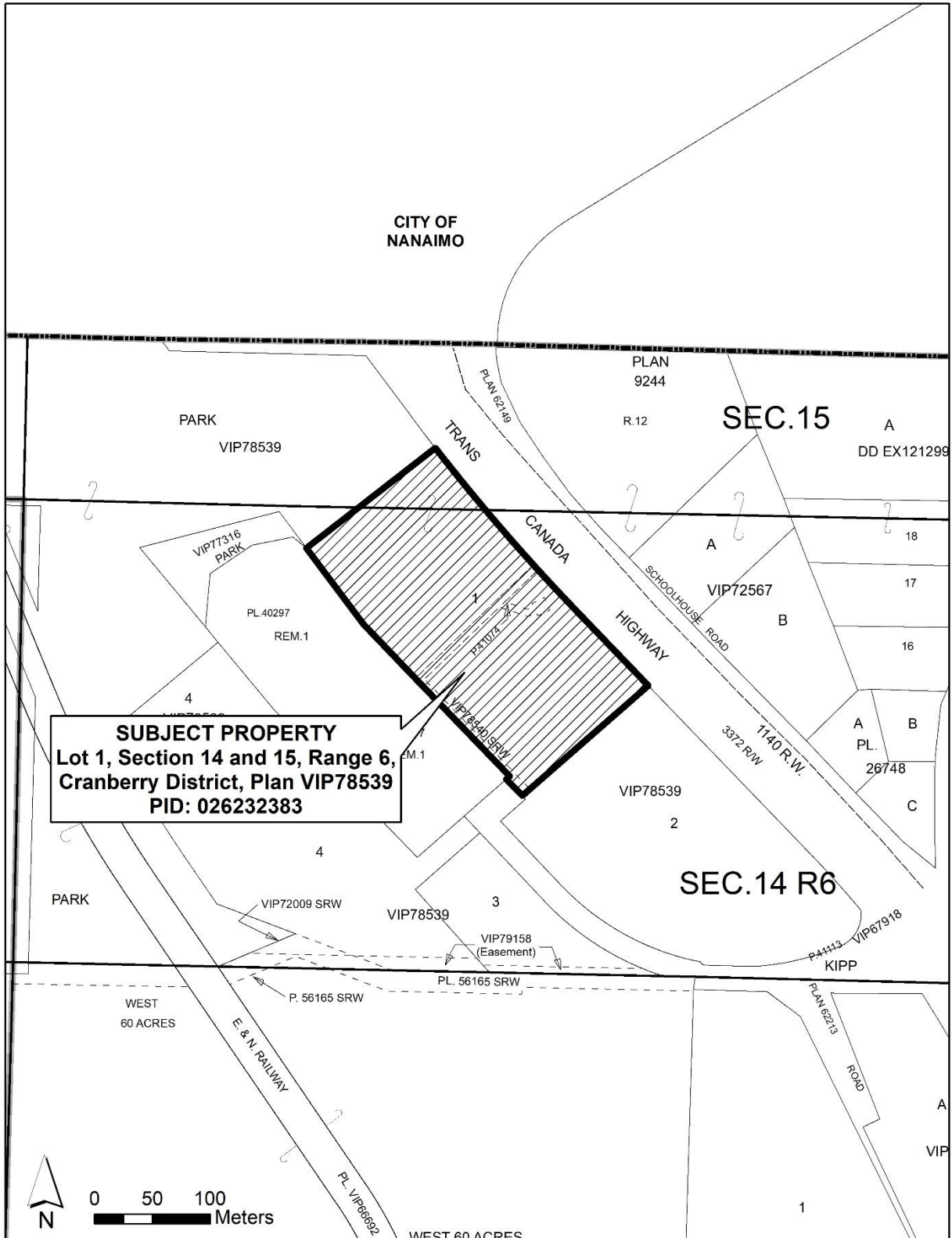
Reviewed by:

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

Attachments:

1. Subject Property Map
2. Summary of Public Information Meeting
3. Draft Temporary Use Permit

Attachment 1
Subject Property Map



**Attachment 2
Summary of the Public Information Meeting
(Page 1 of 2)**

**Summary of the Public Information Meeting
Held at Cedar Community Hall
2388 Cedar Road
Wednesday, July 10, 2019, at 6:30 p.m.
RDN Application PL2019-090**

Note: This summary 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 six members of the public in attendance at this meeting.

Present for the Regional District of Nanaimo:

Director Keith Wilson, Electoral Area A (the Chair)
Angela Buick, Planner
Kristy Marks, Planner

Present for the Applicant:

Colleen Rohde, Agent
Jim Hogan, Subject Property Owner

The Chair opened the meeting at 6:46 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.

Angela Buick provided a brief summary of the proposed Temporary Use Permit application, supporting documents provided by the applicant, and the application process.

The Chair invited the applicant to present the development proposal.

Colleen Rohde and Jim Hogan of Hogan Wind Turbine presented an overview of the proposal.

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

Lynn Raffle of 2045 Plecas Road noted concerns about noise as she lives on a rock bluff/ridge. Following the applicants' explanation of the proposal she noted that her concerns were addressed because it sounded like noise would be minor and the wind turbine would not have any visual impact. She was also happy that she would be able to contact the applicant to let him know if she did have concerns with noise once the turbine was installed.

Catherine McLellen of Caledonia Avenue asked how loud the turbine is expected to be and why the length of the TUP would need to be extended.

Attachment 2
Summary of the Public Information Meeting
(Page 2 of 2)

Colleen and Jim replied that the noise would be similar to a household refrigerator and that the Turbine is expected to be in place temporarily for two to three years for testing purposes.

Jim Hogan noted that they would not likely need to extend the testing period beyond two to three years. They would likely have enough data within that time period as they only require a good wind once or twice a month to collect enough data.

Kate Gilbert of 1398 Leask Road asked if vandalism or safety were a consideration.

Jim Hogan replied that it was a big concern as there have been recent break-ins on the adjacent property. He noted that a caretaker on the adjacent property would keep an eye on things and that they would also install a system on the turbine to notify him of activity near the turbine.

Keith Wilson, Chair, asked if the site is fenced.

Jim indicated that the site is not fenced.

Catherine McLellan of Caledonia Avenue asked if there is a website where she could send any additional questions to.

Colleen Rohde and Angela Buick confirmed they could provide her with contact information in the event she has additional questions.


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 7:21 p.m.

Kristy Marks
Recording Secretary

**Attachment 3
Draft Temporary Use Permit**

 <p>REGIONAL DISTRICT OF NANAIMO</p>	<p>STRATEGIC & COMMUNITY DEVELOPMENT</p> <p>6300 Hammond Bay Road, Nanaimo, BC V9T 6N2 250-390-6510 or 1-877-607-4111 www.rdn.bc.ca</p> <p>TEMPORARY USE PERMIT NO. PL2019-090</p>
--	--

To: ("Permittee") Kipp Road Holdings Inc.

Mailing Address: c/o Colleen Rohde
1430 Spruston Road
Nanaimo, BC V9X 1S7

1. Except as varied or supplemented by this permit, the Temporary Use Permit is issued subject to compliance with all applicable bylaws and provincial and federal statutes and regulations.
2. This Temporary Use Permit applies only to those lands within the Regional District of Nanaimo described below and all buildings, structures and other development thereon:

Legal Description: Lot 1, Sections 14 and 15, Range 6, Cranberry District, Plan VIP78539 ("the Lands")

Civic Address: Kipp Road **P.I.D.:** 026-232-383

3. The Lands shall be developed strictly in accordance with the terms and conditions of this permit.
4. The Permittee, as a condition of issuance of this permit, agrees to comply with the conditions of Schedule 1, which is attached to and forms part of this permit.
5. The Permittee, as a condition of issuance of this permit agrees to develop the Lands in substantial compliance with the plans and specifications included in Schedules 2, 3 and 4 which are attached to and form part of this permit.
6. With respect to the Lands, there are no variances to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" associated with this permit.
7. Subject to the terms of the permit, if the holder of the permit does not substantially start the construction with respect to which the permit was issued within two years after the date it is issued, the permit shall lapse in accordance with Section 504 of the *Local Government Act*.
8. This permit prevails over the provisions of the bylaw in the event of conflict.
9. Notice of this permit shall be filed in the Land Title Office in Victoria under Section 503 of the *Local Government Act*, and upon such filing, the terms of this permit or any amendment hereto shall be binding upon all persons who acquire an interest in the Lands affected by this permit.
10. This permit is not a building permit.

Authorizing Resolution to issue passed by the Board this XXth day of September, 2019.

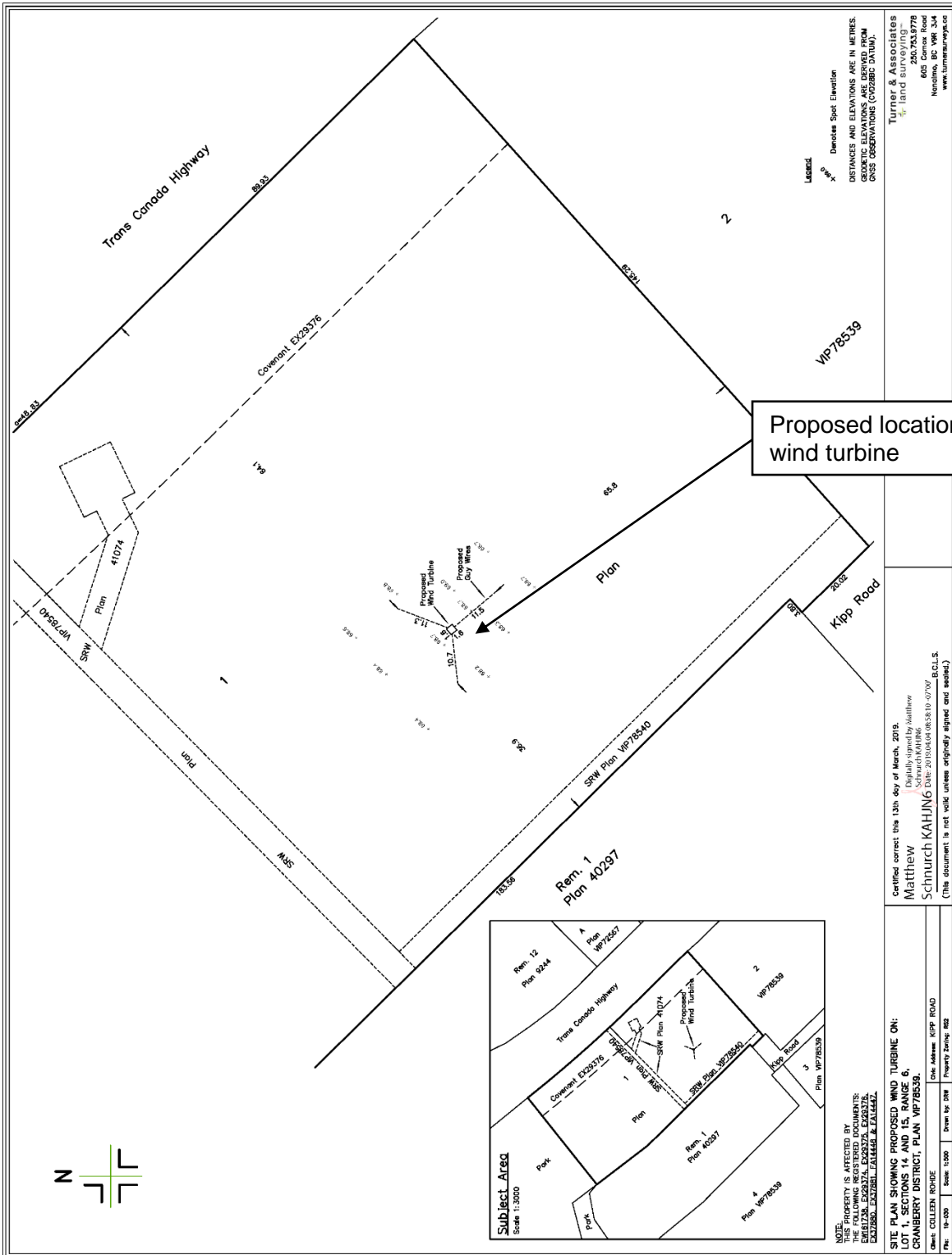
Schedule 1 Conditions of Permit

The following sets out the conditions of Temporary Use Permit No. PL2019-090:

Conditions of Approval

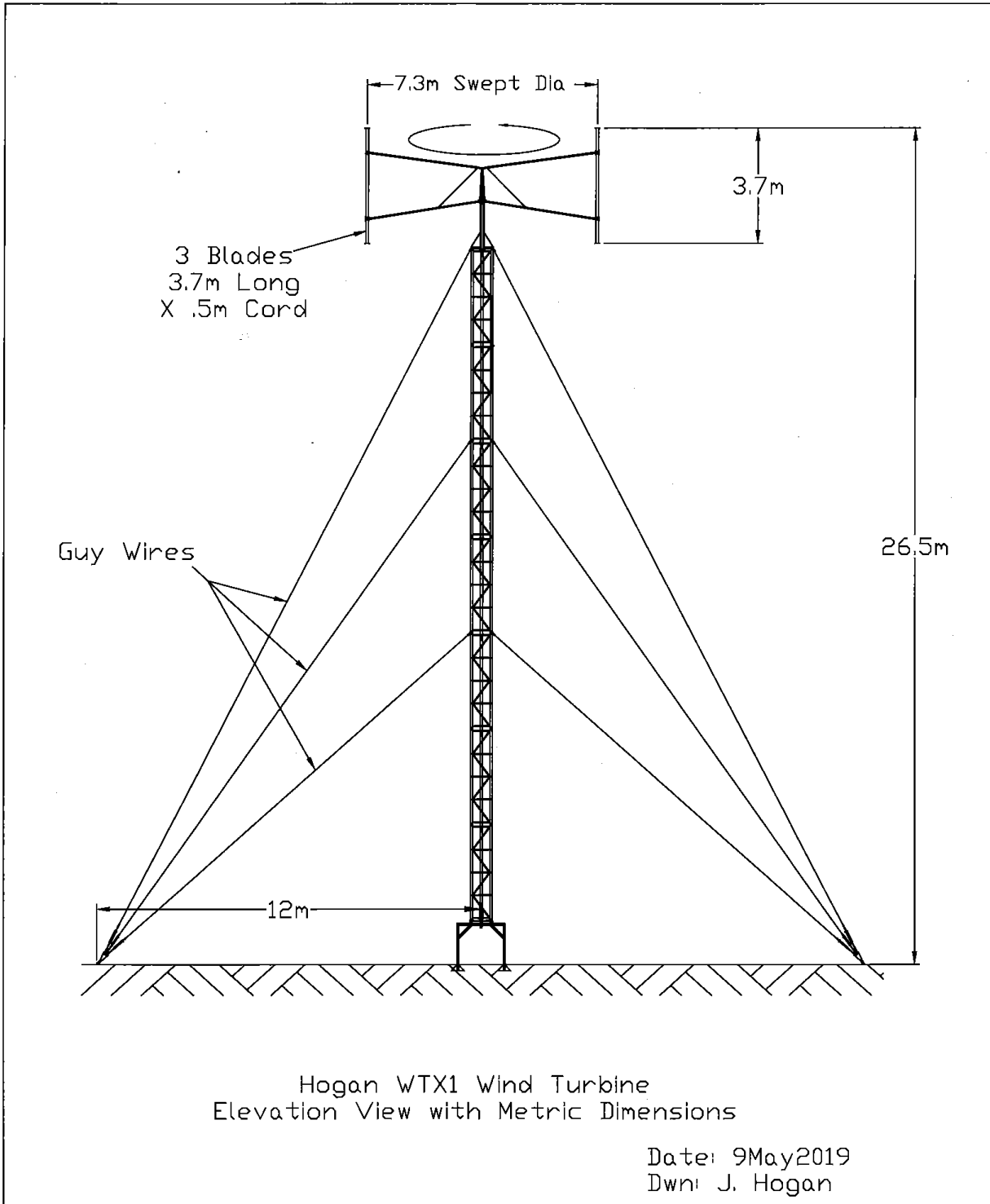
1. The Temporary Use Permit is valid for a period of three years commencing upon the completion of all conditions.
2. The proposed development is in general accordance with the Site Plan prepared by Turner & Associates Land Surveying dated March 13, 2019 and attached as Schedule 2.
3. The proposed development is in general compliance with the Structural and Elevation Plan prepared by Jim Hogan, dated May 9, 2019 and attached as Schedule 3.
4. The proposed development shall comply with the Bird Nest Survey and Visual Impact Report completed by Terrawest Environmental Inc. and dated May 24, 2019.
5. The site development for the project shall be undertaken outside of the general bird breeding window including the Bald Eagle and Great Blue Heron breeding window.
6. The applicant shall provide a copy of the post-development environmental monitoring results report prepared by a qualified professional to the satisfaction of the General Manager of Strategic and Community Development that development of the subject property has occurred in accordance with the recommendations contained in the Bird Nest Survey and Visual Impact Report completed by Terrawest Environmental Inc. and dated May 24, 2019.
7. The applicant shall meet all Canadian Aviation Regulations (CAR) – Part VI – Standard 621 – Obstruction Marking and Lighting – Section 12.2 – Wind Turbines of Total Height Equal to or Less than 150 metres and Lighting Requirements - Twilight and Night Protection (effective 2016/03/01).
8. The proposed use shall be decommissioned at the end of the three-year period, to the satisfaction of the General Manager of Strategic and Community Development, unless otherwise approved and permitted through an additional temporary use permit application process.
9. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

**Schedule 2
 Site Plan**



Proposed location of wind turbine

Schedule 3
Structural Design and Elevation Plan



Schedule 4
Mock-up View Island Highway 19



TO: Electoral Area Services Committee **MEETING:** September 3, 2019
FROM: Doug Gardiner **FILE:** 7200-01 INS
Fire Services Coordinator
SUBJECT: Municipal Insurance Association of British Columbia Society Coverage

RECOMMENDATIONS

1. That the Board endorse offering the Municipal Insurance Association of British Columbia Society coverage to the volunteer fire department societies.
2. That the Board endorse contributions of \$5,000 to the insurance deductible reserve accounts to increase the reserve balance to a maximum of \$100,000.

SUMMARY

In 2015, the Municipal Insurance Association of British Columbia (MIABC) expanded its coverage to provide for an associate members program. An associate member is defined as individuals, groups and associations that provide services for, or on behalf of MIABC members (Attachment 1). This program allows for expansion of Regional District of Nanaimo (RDN) liability/errors & omissions coverage to the board members of the volunteer fire department societies.

The current insurance policy held by the RDN is intended to only apply to the emergency services being provided by the volunteer firefighters and cannot be extended to the society board members. At some point in the past, the societies' Directors and Officers were included in the coverage provided by MIABC. MIABC has advised that they will honour this coverage but that it will need to be corrected when the RDN's policy is renewed. Currently, the society board members are covered under the existing RDN policy until December 31, 2019. Societies would benefit from being offered the ability to participate in the associate members program. To qualify for this coverage, the societies need to be sponsored by a member (the RDN) for the associate member status, must provide services to the community of behalf of the sponsoring member and must have an agreement with the RDN. All six volunteer fire department societies (Extension, Nanoose, Errington, Coombs, Dashwood and Bow Horn Bay) have agreements with the RDN for the provision of services and would qualify under the associate members program.

BACKGROUND

At the January 27, 2015 Board meeting, the following motion was approved:

That the Board approve support of the Municipal Insurance Association Associate Member Program for the board members of the volunteer fire societies contracted by the Regional District of Nanaimo and that staff be directed to

implement this coverage for those volunteer fire societies that choose this coverage.

Upon Board approval, the societies' board members were added to the RDN's current policy under the "additional named insureds" as opposed to the new associate member program.

MIABC has advised that upon renewal of the RDN's policy, there are two options to provide coverage for the societies. The societies can purchase their own policies through an insurance broker. This type of policy would then cover the societies for all their activities. The second option would be to add the societies to the RDN's liability policy with MIABC as associate members. This policy would cover the societies only while they are delivering their services for, or on behalf of the RDN. The RDN's deductible of \$100,000 would apply to claims brought against the associate member. The societies would be responsible for the payment of any costs incurred up to the deductible amount and would include any such amounts in their annual budget. In addition, all claims brought against the associate member will form part of the RDN's claims history and experience rating.

This opportunity for coverage would be explored with the various fire society boards before their current coverage expires on December 31, 2019. However, the RDN Board must support the associate member program under MIABC for those volunteer fire department societies that choose to pursue this coverage. The cost to add an associate member to the RDN's liability coverage is \$250 per society which provides up to \$5 million in liability coverage for society board members versus the approximate \$1,000 per department that the societies may pay for alternate private coverage.

Coverage for volunteer firefighters, which falls under the RDN's standard MIABC policy, is unchanged under this plan.

ALTERNATIVES

1. That the Board endorse offering the Municipal Insurance Association of British Columbia Society coverage to the volunteer fire department societies.
2. That the Board endorse contributions of \$5,000 to the insurance deductible reserve accounts to increase the reserve balance to a maximum of \$100,000.
3. That alternate direction be provided to staff.

FINANCIAL IMPLICATIONS

The cost to add an associate member to the RDN's liability coverage is \$250/year and would be added to each fire department's operating budget beginning in 2020. The RDN's liability coverage includes a \$100,000 deductible. Should a claim arise, the service area is responsible for the amount of the claim up to a maximum of \$100,000, with the insurance covering any amounts above \$100,000. While a large claim is unlikely to occur, it is possible. The fire departments have an insurance deductible reserve account with varying balances from \$5,100 to \$5,400. The current reserve account balances would not cover this deductible; therefore, it is recommended that the reserve accounts be increased to reduce the risk of a claim requiring a significant tax increase in a single year. Attachment 2 outlines tax implications to increase contributions to the insurance reserve accounts over three and five years in order to have the funds available to cover the required deductible. A tax increase will occur in 2020 and will

remain in effect until 2023 or 2025 depending on the three or five year period to build up the insurance reserve account to \$100,000. To increase the reserve contributions over three years would require an additional transfer to reserves of \$31,667 each year for three years or an additional transfer to reserves of \$19,000 per year for five years. This would increase the insurance deductible reserve balance for each fire protection service area from the current approximate \$5,000 to \$100,000. Tax implications outlined in attachment 2 do not consider any increases required for operating and capital expenditures that have not already been reported and assume that the 2019-2023 Financial Plan will not change. Any changes to operating and capital will be in addition to the estimated amounts shown.

Alternatively, gradual contributions to the insurance deductible reserve accounts of approximately \$5,000 can be included in the annual budgets moving forward to increase the balances without significant tax implications and the \$100,000 deductible could be recovered from the service area if there is a claim up to this amount. Claims typically occur over several years and it would be unlikely for the full \$100,000 to be required in any given year. Annual operating budgets could absorb the legal fees required to respond to claims in that given year by reallocating budgeted expenses and delaying reserve transfers. This would result in tax increases in the following years to recover the funds that were intended for reserves accounts.

STRATEGIC PLAN IMPLICATIONS

People and Partnerships - Seek opportunities to partner with the provincial and federal governments, other government agencies, and community stakeholder groups in order to advance strategic plan goals and objectives.



Doug Gardiner
dgardiner@rdn.bc.ca
August 1, 2019

Reviewed by:

- C. Morrison, Manager, Emergency Services
- J. Bradburne, Director, Finance
- D. Marshall, A/Director, Transportation and Emergency Services
- P. Carlyle, Chief Administrative Officer

Attachments

1. Associate Member Program Brochure
2. Insurance Deductible Implications

MIABC's
**ASSOCIATE
MEMBER PROGRAM
BEGAN IN
JANUARY 2015.**

Need more
INFORMATION?

If you have any questions about the MIABC's Associate Member Program, please contact the MIABC's Risk Management Advisor, Susan Ackerman, sackerman@miabc.org or (604) 683-6266.

200 - 429 West 2nd Avenue Vancouver, BC V5Y 1E3
Phone 604-683-6266 **Fax** 604-683-6244 **Toll Free** 1-855-683-6266
info@miabc.org

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Associate Member Program



MIABC members can now apply for liability coverage for individuals, groups and associations that provide services for, or on behalf of, our members, upon request of an MIABC member, up to a limit of \$5,000,000.

These individuals, groups and associations must be individually sponsored by a member in order to qualify for "associate member" status. Once accepted as an associate member, these parties will be entitled to full coverage under the Liability Protection Agreement, but only for services provided for, or on behalf of, the sponsoring member.



..these parties will be entitled to full coverage under the Liability Protection Agreement

Liability coverage is now available for local government service providers

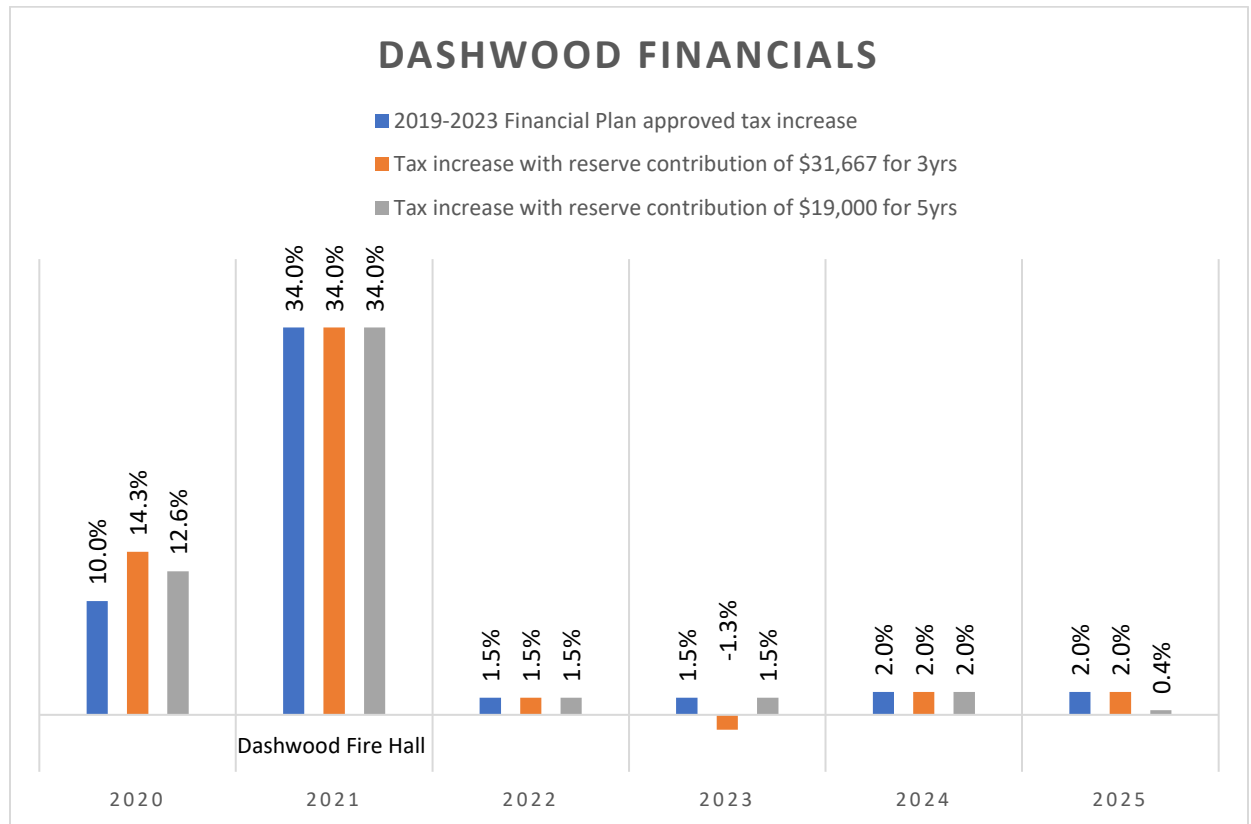
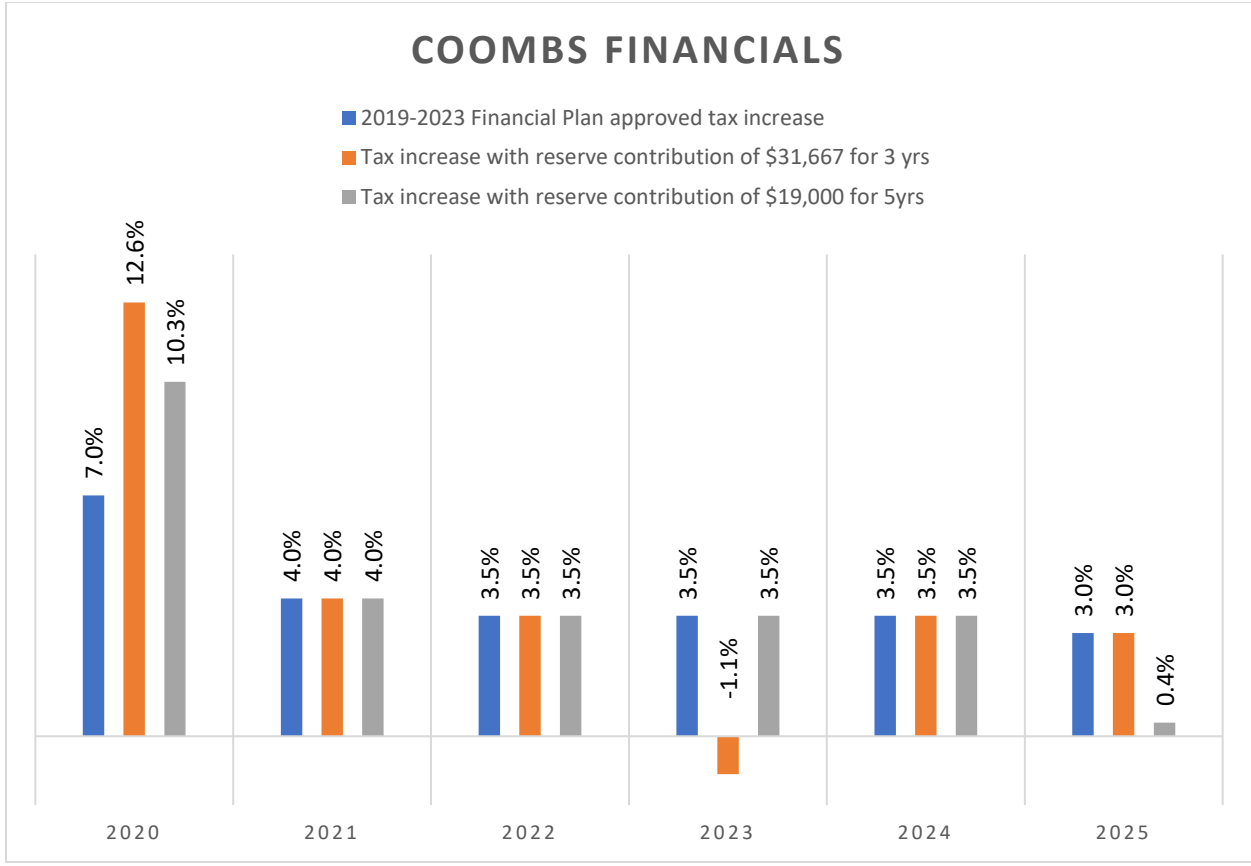
In order to qualify as an associate member:

- The associate member must be sponsored by an existing MIABC member;
- The sponsoring member has a written agreement for the provision of services with the associate member (the "Service Provider Agreement");
- The services provided are services to the community provided for, or on behalf of, the sponsoring member;
- The Service Provider Agreement has been approved by the sponsoring member's council or board by resolution or bylaw; and
- The MIABC has received payment of a premium on behalf of the associate member.

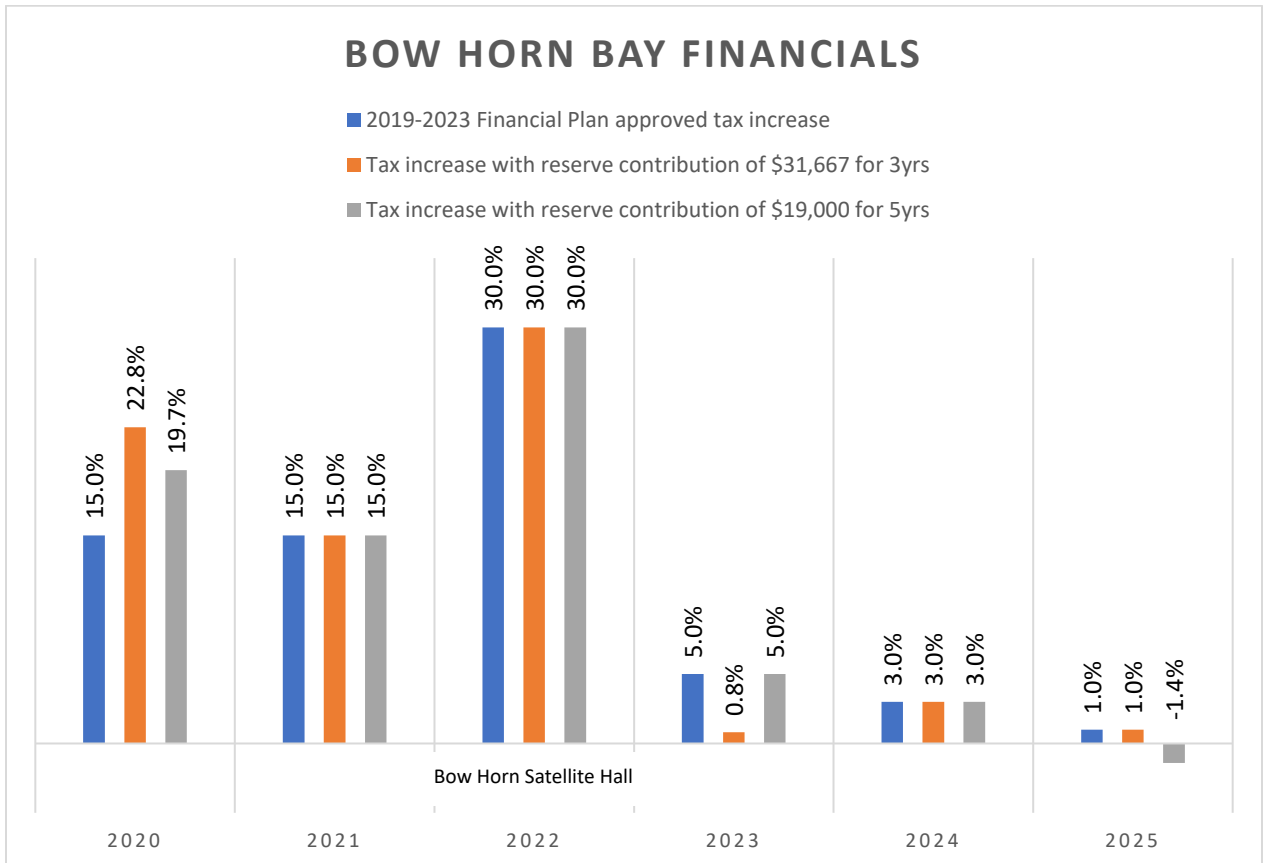
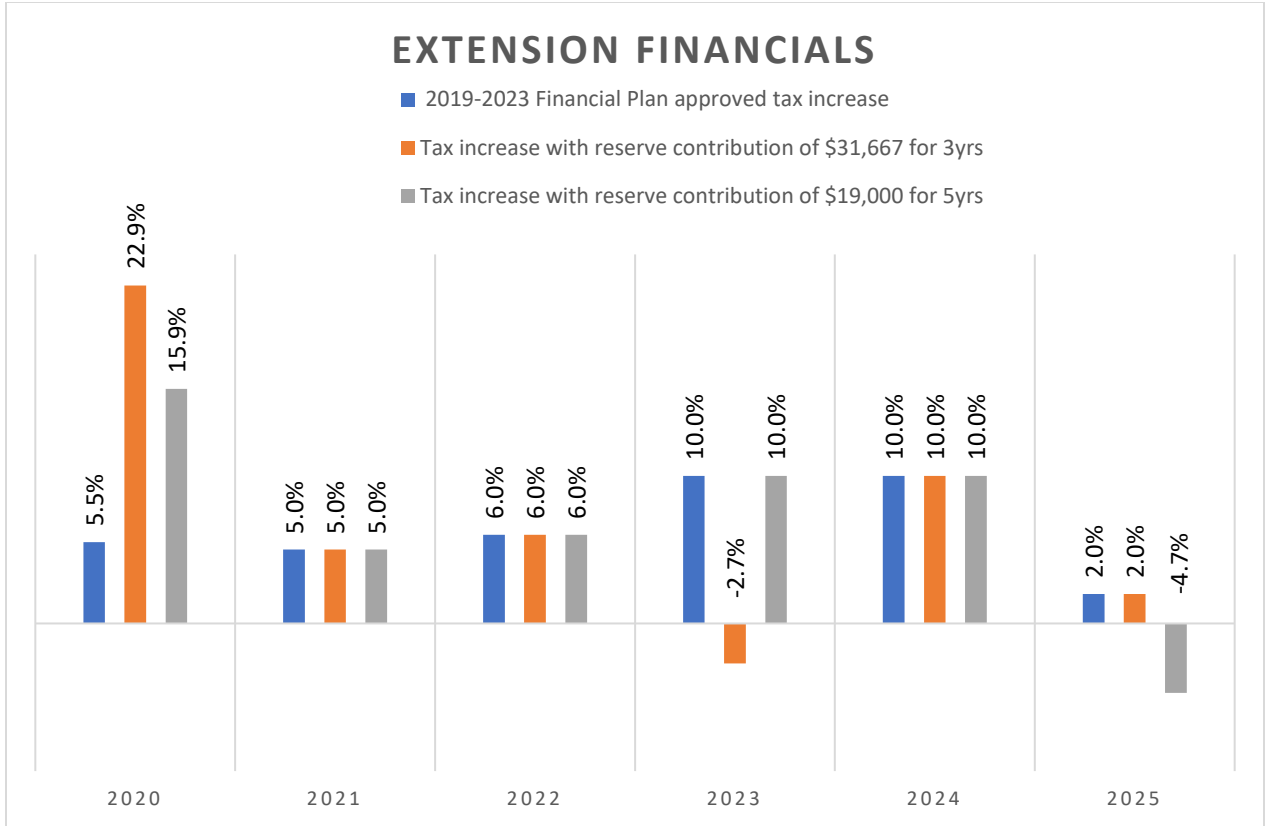
It is important to understand that the sponsoring member's deductible will apply to claims brought against the associate member and the sponsoring member will be responsible for the payment of any costs incurred below the deductible. In addition, all claims brought against the associate member will form part of the sponsoring member's claims history and experience rating.



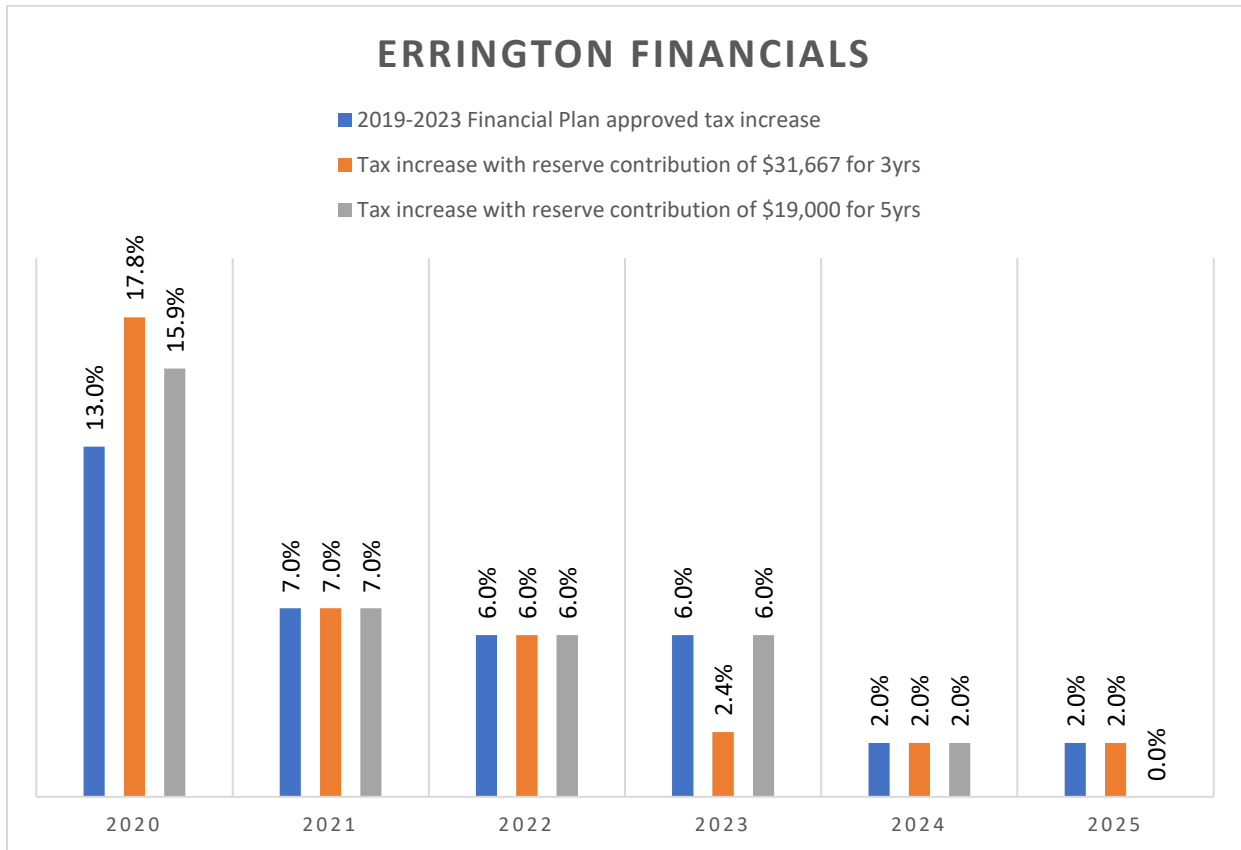
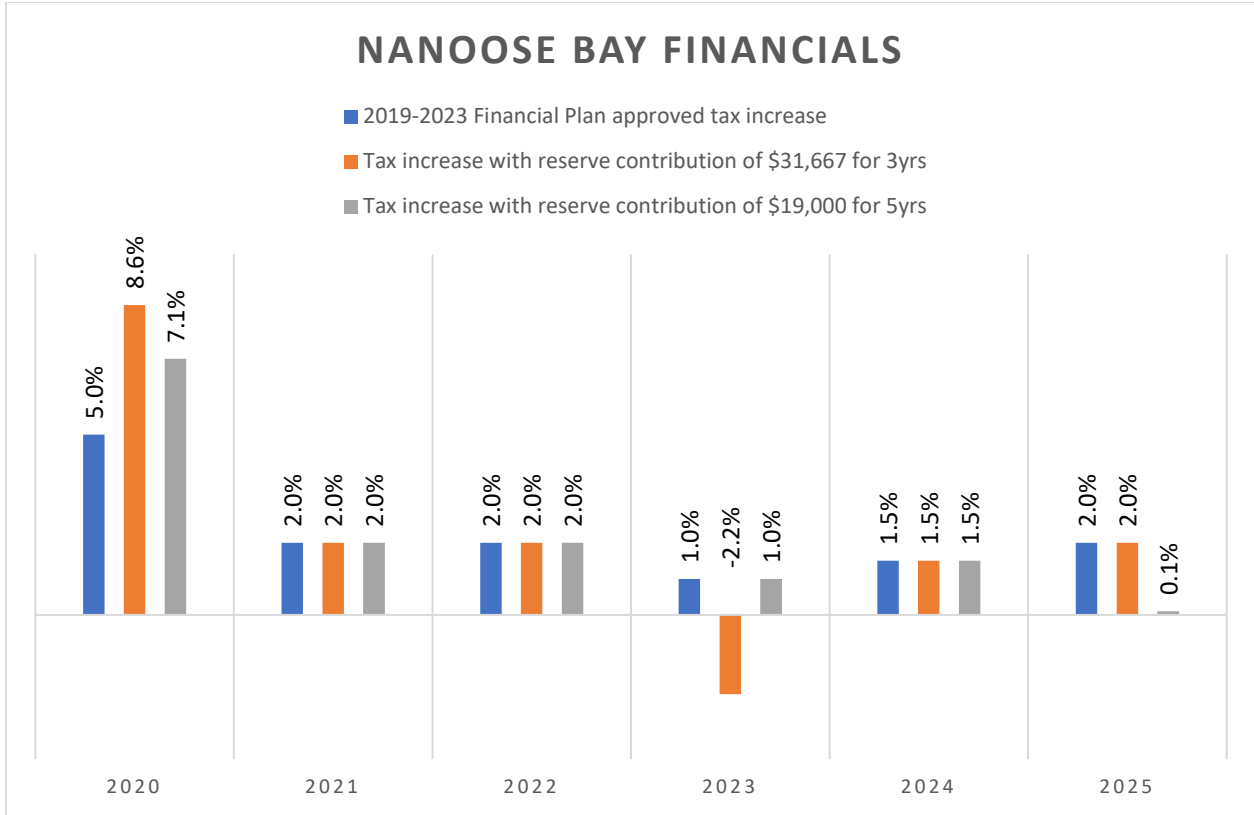
Insurance Deductible Implications



Insurance Deductible Implications



Insurance Deductible Implications



TO: Electoral Area Services Committee **MEETING:** September 3, 2019
FROM: Catherine Morrison **FILE:** 7130-03 EPB
 Manager, Emergency Services
Subject: Emergency Program Bylaws

RECOMMENDATIONS

1. That “Regional District of Nanaimo Emergency Program Bylaw No. 1790, 2019” be introduced and read three times.
2. That “Regional District of Nanaimo Emergency Program Bylaw No. 1790, 2019” be adopted.
3. That “Regional District of Nanaimo Emergency Program Extended Service Amendment Bylaw No. 952.01, 2019” be introduced, read three times, and forwarded to the Inspector of Municipalities for approval.

SUMMARY

The proposed Regional District of Nanaimo (RDN) Emergency Program Bylaw No. 1790, 2019 is intended to update the program to reflect current emergency programs best practices.

Bylaw No. 952 established the extended service of emergency programs under the *Emergency Program Act* (EPA) for the electoral areas of the RDN. This Bylaw is still current and only a minor amendment is proposed to remove Electoral Area D which was incorporated as the District of Lantzville in 2002 and is under its own governance structure.

BACKGROUND

Bylaw No. 1416 (2005) was based on the then standard system for emergency response known as the British Columbia Emergency Management Response System (BCERMS). BCERMS has since evolved into a four-phase emergency management system – Prevention and Mitigation, Preparedness, Response and Recovery, rather than focusing exclusively on emergency response, and is now known as the British Columbia Emergency Management System (BCEMS). BCEMS establishes the standards and guiding principles for all four levels of the emergency management system mandated for use within the Province and recommended to local authorities.

As part of continuous improvement of the RDN’s emergency management program a regular review and update of Emergency Program Bylaws is conducted to ensure the bylaw meets changing needs and statutory requirements. The proposed Bylaw No. 1790, 2019 has been updated to reflect the change in the RDN’s committees and the addition of the BCEMS four-

phase approach. The Bylaw is modelled after the sample service bylaw for Regional Districts provided by Emergency Management BC (EMBC). Bylaw No. 1790, 2019 identifies the Emergency Management Organization as required under the *Emergency Program Act* and persons responsible for the Emergency Program established under Bylaw No. 952 known as the Emergency Program Service.

The Bylaw provides the framework for a comprehensive emergency management program. Powers, duties and responsibilities of the Board, the Chair, CAO, and appointed persons are set out. The responsibilities of the EASC and RDN staff are further defined to outline how the requirements and responsibilities of the local authority under the *Emergency Program Act* and *Local Authority Emergency Management Regulation* will be met. The adoption of Bylaw No. 1790, 2019, is an important component of the program's goal of ensuring that all documents, bylaws, mutual aid and emergency management agreements are reviewed and updated as necessary.

The RDN staff will be required under the bylaw to develop, implement and facilitate emergency plans, business continuity plans and other prevention, mitigation, preparedness, response and recovery measures for emergencies and disasters as required under the *Emergency Program Act*.

ALTERNATIVES

1. That the "Regional District of Nanaimo Emergency Program Bylaw No. 1790, 2019" be adopted.
2. That "Regional District of Nanaimo Emergency Program Extended Service Amendment Bylaw No. 952.01, 2019" be introduced, read three times, and forwarded to the Inspector of Municipalities for approval
3. That alternate direction be provided.

FINANCIAL IMPLICATIONS

There are no financial implications to the RDN resulting from the updates to the bylaws as the RDN Emergency Program has already moved towards the BCEMS principles.

STRATEGIC PLAN IMPLICATIONS

Social Wellbeing - Make the Region a safe and vibrant place for all, with a focus on children and families in programs and planning.

The proposed Bylaw will support the activities of the Emergency Program in the region and will improve social wellbeing through emergency prevention, mitigation, preparedness, response and recovery activities.



Catherine Morrison
cmorrison@rdn.bc.ca
August 21, 2019

Reviewed by:

- D. Pearce, Director, Transportation and Emergency Services
- P. Carlyle, Chief Administrative Officer

Attachments

1. Bylaw No. 1790, 2019
2. Bylaw No. 952.01, 2019

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1790

A BYLAW TO ESTABLISH THE OPERATION AND ADMINISTRATION OF THE REGIONAL DISTRICT OF NANAIMO EMERGENCY PROGRAM EXTENDED SERVICE

WHEREAS the Board of the Regional District of Nanaimo has adopted "Regional District of Nanaimo Emergency Program Extended Service Establishing Bylaw No. 952, 1995", which established an extended service for emergency programs under the *Emergency Program Act* within the Electoral Areas (the "*Plan Area*");

AND WHEREAS the Board of the Regional District of Nanaimo wishes to provide a comprehensive management program to prevent and mitigate, to prepare for, respond to and recover from emergencies and disasters;

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 the "Regional District of Nanaimo Emergency Program Bylaw No. 1790, 2019".

2. Interpretation

- a) This bylaw shall be construed in accordance with the *Emergency Program Act*, RSBC 1996 Chapter 111 and all Regulations made thereunder;
- b) In this bylaw:
 - i. "**Act**" means the "*Emergency Program Act*" (British Columbia);
 - ii. "**Board**" means the Board of Directors of the Regional District of Nanaimo;
 - iii. "**Chair**" means that member of the Regional District of Nanaimo Board from time to time, elected Chair under the *Local Government Act* and includes the Vice Chair or authorized designate(s);
 - iv. "**Declaration of a state of local emergency**" means a declaration of the Board or the Chair that an emergency exists or is imminent in the Regional District of Nanaimo;
 - v. "**Disaster**" means a calamity that:
 - a) is caused by accident, fire, explosion or technical failure or by the forces of nature, and
 - b) has resulted in serious harm to the health, safety or welfare of people, or in widespread damage to property or animals;

- vi. **"Emergency"** means a present or imminent event that:
 - a) is caused by accident, fire, explosion or technical failure or by the forces of nature, and
 - b) requires prompt coordination of action or special regulation of persons or property, to protect the health, safety or welfare of people to limit damage to property or animals;
- vii. **"Plan Area"** means those lands that lie within Regional District of Nanaimo Electoral Area boundaries;
- viii. **"Emergency Operations Centre"** means the Board Room at 6300 Hammond Bay Road, Nanaimo or alternate site as designed by the Director of EOC from which employees monitor, coordinate and support the emergency response and recovery activities during an emergency or disaster;
- ix. **"Electoral Area Services Committee"** means the committee established under Bylaw 1754, 2017 that will consider matters pertaining to the prevention and mitigation, preparation, response and recovery from emergencies, disasters or both;
- x. **"Director of EOC"** means the Chief Administrative Officer or designate who provides overall direction as identified in the Incident Command System in regard to the operations of the Emergency Operations Centre;
- xi. **"Regional District of Nanaimo Emergency Management Organization"** means the Chief Administrative Officer, Department Heads, Emergency Services staff and such other persons appointed, and functional groups established, which are charged with the development and implementation of measures for the business continuity of essential services, the prevention and mitigation of, the preparedness for, the response to and recovery from emergencies, disasters or both for the Plan Area

3. Emergency Program

- a) In accordance with the provisions of the **Act**, an Emergency Program, comprising:
 - i. the Board
 - ii. the Electoral Area Services Committee
 - iii. the Chief Administrative Officer
 - iv. the Department Heads
 - v. the Emergency Services Staff

is hereby established.

4. Powers, Duties and Responsibilities of the Board

- a) The Board is at all times responsible for the general direction and control of the response of the Regional District to an emergency or disaster;
- b) The Board, may enter into agreements with Canada, the Province, First Nations, regional districts or municipalities for the purpose of emergency assistance or the formulation of coordinated emergency prevention and mitigation, preparedness, response or recovery;
- c) The Board, the Chair, the Chief Administrative Officer, or authorized designate(s), may, whether or not a state of local emergency has been declared, cause the Plan to be implemented where it is of the opinion that an emergency exists or appears imminent or a disaster has occurred or threatens in the Plan Area or any other municipality or electoral area if the local authority having responsibility for that other jurisdictional area has requested assistance;
- d) The Board, in accordance with section 8 of the **Act**, by Bylaw or resolution, or the Chair may, by order, declare a state of local emergency in accordance with Section 12 of the **Act** where:
 - i. the Board or the Chair considers that an emergency exists or is imminent in the Plan Area; and
 - ii. the Chair has complied with section 12(3) of the **Act** by using best efforts to obtain the consent of other members of the Regional Board.
- e) Upon a '*declaration of a state of local emergency*' being made, the Board or the Chair must, in accordance with section 12(4) of the **Act**:
 - i. forward a copy of the declaration to the Minister who is designated by the Executive Council as being responsible for the **Act**, and
 - ii. cause the details of the declaration to be published by a means of communication that the Board or the Chair considers most likely to make the contents of the declaration known to the majority of the population of the affected area.
- f) The Board or the Chair may with the approval of the minister or the Lieutenant Governor in Council, extend the duration of a declaration of a state of local emergency for periods of not more than 7 days each.
 - i. subsection c) and d) apply to each extension of the duration of a declaration of a state of local emergency
- g) After a declaration of a state of emergency is made under the **Act** in respect of all or any part of the Plan Area, and for the duration of the state of emergency in accordance with section 13(1) of the **Act**, the Board may do any or all acts considered necessary and implement procedures that the Board, the Chair, and the Director of EOC considers necessary to prevent, respond to or alleviate the effects of an emergency or disaster.
- h) The Board delegates to the Chair the power and duty and function of the Board as a local authority under section 13(1) of the **Act** and, in the absence or incapacity of the Chair, to such other designate(s):
- i) Under the **Act** in the case of a declaration of local authority the powers of the Board or the delegate under paragraph h) as a local authority include the following:

- i. Acquire or use any real or personal property considered necessary to prevent, respond to or alleviate the effects of an emergency or disaster;
 - ii. Authorize or require any person to render assistance of a type that the person is qualified to provide or that otherwise is or may be required to prevent, respond to or alleviate the effects of an emergency or disaster;
 - iii. Control or prohibit travel to or from any part of the Plan Area;
 - iv. Provide for the restoration of essential facilities and the distribution of essential supplies and provide, maintain and coordinate emergency medical, welfare and other essential services in the Plan Area;
 - v. Cause the evacuation of persons and the removal of livestock, animals and personal property from any part of the Plan Area that is or may be affected by an emergency or a disaster and make arrangements for the adequate care and protection of those persons, livestock, animals and personal property;
 - vi. Authorize the entry into any building or on any land, without warrant, by any person in the course of implementing an emergency plan or program or if otherwise considered by the Board or Chair to be necessary to prevent, respond to or alleviate the effects of an emergency or disaster;
 - vii. Cause the demolition or removal of any trees, structures or crops if the demolition or removal is considered by the Board or Chair to be necessary or appropriate in order to prevent, respond to or alleviate the effects of an emergency or disaster;
 - viii. Construct works considered by the Board or Chair to be necessary or appropriate to prevent, respond to or alleviate the effects of an emergency or disaster;
 - ix. Procure, fix prices for or ration food, clothing, fuel, equipment, medical supplies or other essential supplies and the use of any property, services, resources or equipment within any part of the Plan Area for the duration of the local state of emergency; and
 - x. Delegate those specific powers enabled in Section 4 and assumed by the Board or Chair as required, and to monitor the use of such powers;
- j) In accordance with section 14 of the **Act** the Board or Chair must, when of the opinion that an emergency no longer exists in the Plan Area to which a declaration of local state of emergency was made:
- i. cancel the declaration of a state of local emergency in relation to that part;
 - a) by bylaw or resolution, if cancellation is effected by the Board, or
 - b) by order, if the cancellation is effected by the Chair; and
 - ii. promptly notify the Minister responsible for the **Act** of the cancellation of the declaration of a state of local emergency.

5. Administration

- a) The Electoral Area Services Committee which meets throughout the year, will provide direction to the Regional District of Nanaimo Emergency Management Organization by reviewing reports presented at its meetings, which include;
 - i. reports on all matters pertaining to plans and activities respecting the business continuity of essential services, the prevention and mitigation of, preparation for, response to and recovery from emergencies, disasters, or both;
 - ii. the emergency plan, which will include;
 - a) a procedure for a periodic review and updating of the plan;
 - b) a program of emergency response training and exercise;
 - c) procedures by which physical and financial emergency resources or assistance may be obtained;
 - d) procedures by which the emergency plan is to be implemented;
 - e) notification procedures to those persons who may be harmed or suffer loss in an emergency or disaster;
 - f) procedures to coordinate the provision of food, clothing, shelter, transportation and medical assistance or service to victims of emergencies and disasters, whether that provision is made from within or outside of the Regional District of Nanaimo; and
 - g) procedures to establish the priorities for restoring essential services provided by the Regional District of Nanaimo, or recommend priorities to other service providers, that are interrupted during an emergency or disaster.
- b) The Regional District of Nanaimo Emergency Management Organization is appointed to facilitate business continuity, emergency prevention and mitigation, preparedness, response and recovery measures and are delegated the authority to:
 - i. advise the Electoral Area Services Committee on all matters relating to the Emergency Program including reporting on the progress and needs of the program, which include;
 - ii. prepare, and publish an Emergency Plan and coordinate the development and involvement of emergency response organizations in the Plan;
 - iii. establish and maintain in accordance with the Plan, an organization capable of implementing the Plan;
 - iv. establish and maintain an Emergency Operations Centre;
 - v. establish, coordinate and support volunteer programs;
 - vi. establish and maintain training and exercise programs;

- vii. develop, implement and maintain plans, procedures and activities for the prevention, mitigation, preparedness, response and recovery from emergencies and disasters;
- viii. make minor amendments to the Emergency Plan as are necessary to ensure that the information contained in such Plan remains current at all times, including, without limitation, updating telephone numbers, addresses, locations of equipment and response teams;
- ix. collaborate with Regional District departments for the development and maintenance of business continuity plans that are consistent with and support the Emergency Program;
- x. perform such other duties as may be assigned by the Electoral Area Services Committee;
- xi. use any land or equipment or chattels belonging to the Regional District to further the Plan;
- xii. establish working groups as it deems necessary to carry out its duties and obligations;
- xiii. enter into agreements with individuals, bodies, corporations or other non-government agencies for the provision of goods or services pursuant to the Board purchasing policy.

6. In the case of a conflict between the **Act** and this bylaw, the **Act** prevails.

7. Liability

- a) The liability of persons acting under the authority of the **Act** pursuant to this bylaw is governed by section 18 of the **Act** and sections 1 through 3 of the *Good Samaritan Act* (British Columbia).

8. Repeal

- a) "Regional District of Nanaimo Emergency Measures Regulatory Bylaw No. 1416, 2005", as amended, is repealed.

Introduced and read three times this __ day of _____, 20XX.

Adopted this this __ day of _____, 20XX.

CHAIR

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 952.01

**A BYLAW TO AMEND REGIONAL DISTRICT OF NANAIMO
EMERGENCY PROGRAM EXTENDED SERVICE ESTABLISHING BYLAW NO. 952, 1995**

WHEREAS the Regional District of Nanaimo Board wishes to amend "Regional District of Nanaimo Emergency Program Extended Service Establishing Bylaw No. 952, 1995";

AND WHEREAS the approval of the Inspector of Municipalities has been obtained;

AND WHEREAS the Regional Board has obtained the consent of at least two-thirds of the participants as required under 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 "Regional District of Nanaimo Emergency Program Extended Service Amendment Bylaw No. 952.01, 2019".

2. Amendment

"Regional District of Nanaimo Emergency Program Extended Service Amendment Bylaw No. 952, 1995" is amended as follows:

- (a) by amending Section 2 to delete Electoral Area 'D'
- (b) by amending Section 3 to delete Electoral Area 'D'
- (c) by amending Section 4 to delete Electoral Area 'D'

Introduced and read three times this __ day of _____, 20XX.

Received the approval of the Inspector of Municipalities this __ day of _____, 20XX.

Adopted this __ day of _____, 20XX.

CHAIR

CORPORATE OFFICER

TO: Electoral Area Services Committee **MEETING:** September 3, 2019
FROM: Catherine Morrison
 Manager, Emergency Services **FILE:** 7200 01 BHB FPA
SUBJECT: Bow Horn Bay Fire Protection Boundary Expansion

RECOMMENDATION

That “Bow Horn Bay Fire Protection Service Amendment Bylaw No. 1385.10, 2019” be introduced, read three times, and forwarded to the Inspector of Municipalities for approval.

SUMMARY

The Regional District of Nanaimo (RDN) and Bow Horn Bay Fire Department (BHBFD) received requests from three property owners on Marshland Road in the Spider Lake area of Electoral Areas H and F to have fire protection supplied by the Bow Horn Bay Fire Department. The locations of the properties requesting this service were reviewed by the RDN and it was determined that there are five properties within the Marshland Road subdivision and that all five properties should be petitioned for inclusion in the fire protection boundary expansion. The Bow Horn Bay Fire Chief and the Bow Horn Bay Fire Department Society Board support the expansion to include all properties within the Marshland Road subdivision (Attachment 1). The petition for fire protection received the adequate number of returned petitions to warrant the expansion to include the five properties on Marshland Road.

BACKGROUND

Three property owners on Marshland Road became aware that they did not have fire protection through communication with BHBFD. Three owners of the subject area (Attachment 2) requested that they be included in Bow Horn Bay Fire Protection Area. In 2018, a petition process began to extend the Boundaries of the BHBFD Protection Service Area for the inclusion of all five properties in the Marshland Road subdivision into the Bow Horn Bay Fire Protection Area. After receiving majority support for inclusion, a report was brought to the Board to amend the Bow Horn Bay Fire Protection Service Bylaw to expand the boundary to include the properties. Shortly after this inclusion, the Bow Horn Bay Society Board requested that the inclusion be rescinded, as there had not been consultation with the Society regarding the inclusion of all properties within the Marshland Road subdivision and that the Society Board needed time to review the five subject properties. The expansion was rescinded by the RDN Board in September 2018.

In November 2018, the Bow Horn Bay Society Board received requests from the same three property owners to re-evaluate the expansion and inclusion of their properties. Through collaborative efforts and consultation, the Bow Horn Bay Society Board and the RDN reached an agreement for the inclusion of all five properties in the Marshland Road subdivision.

Petitions to extend the Boundaries of the BHBF Protection Service Area were sent out to the owners of the five subject properties on July 3, 2019, with a deadline for response of August 2, 2019. Four properties (80%) submitted their petitions in support of the expansion. The net taxable value of all land and improvements in the proposed service area is \$2,265,000 and the net taxable value of the petitions received (lands and improvements) is \$1,843,000 (81%) (Attachment 3). The required petition threshold to move forward with the boundary expansion and bylaw amendment (Attachment 4) is 50% of net taxable value.

ALTERNATIVES

1. That "Bow Horn Bay Fire Protection Service Amendment Bylaw No. 1385.10, 2019" be introduced, read three times, and forwarded to the Inspector of Municipalities for approval.
2. That alternate direction be provided.

FINANCIAL IMPLICATIONS

The cost of providing the fire protection service is borne by the owners of land within the fire protection service area. There are no financial implication to the RDN.

STRATEGIC PLAN IMPLICATIONS

Social Wellbeing - Make the Region a safe and vibrant place for all, with a focus on children and families in programs and planning.



Catherine Morrison
cmorrison@rdn.bc.ca
August 8, 2019

Reviewed by:

- J. Hill, Manager, Legislative Services
- D. Marshall, A/Director, Transportation and Emergency Services
- P. Carlyle, Chief Administrative Officer

Attachments

1. Bow Horn Bay Society Letter of Support
2. Subject Area Map
3. Corporate Officer's Certificate of Sufficiency
4. Bylaw No. 1385.10, 2019



BOW HORN BAY VOLUNTEER FIRE DEPARTMENT

220 Lions way, Qualicum Beach BC V9K2E2

Serving the communities of Bowser, Qualicum Bay & Spider Lake

Catherine Morrison
Manager, Emergency Services
Regional District of Nanaimo
6300 Hammond Bay Road, Nanaimo, BC V9T 6N2

May 22nd, 2019

Good day Mrs. Morrison

Re: Boards decision on inclusion of two properties in Marshland Road subdivision

First I would like to thank you and Doug Gardiner for coming to our board meeting and putting fourth the RDN's reasons for wanting the two remaining properties brought into our fire protection district. Meetings like this allow for open dialogue and allow all parties to get a better understanding of the situation.

- a) As previously mentioned, in my email transmittal on November 23rd ; at the November 20th board meeting, after much deliberation, the board discussed and voted in favour of accepting the three Marshland road properties, whom petitioned us, into our fire protection area.

These included:

- 2740 Marshland Road, Mr. & Mrs. Flynn
- 2746 Marshland Road, Mr. & Mrs. Moberg
- 2750 Marshland Road, Mr. & Mrs. Paziuk.

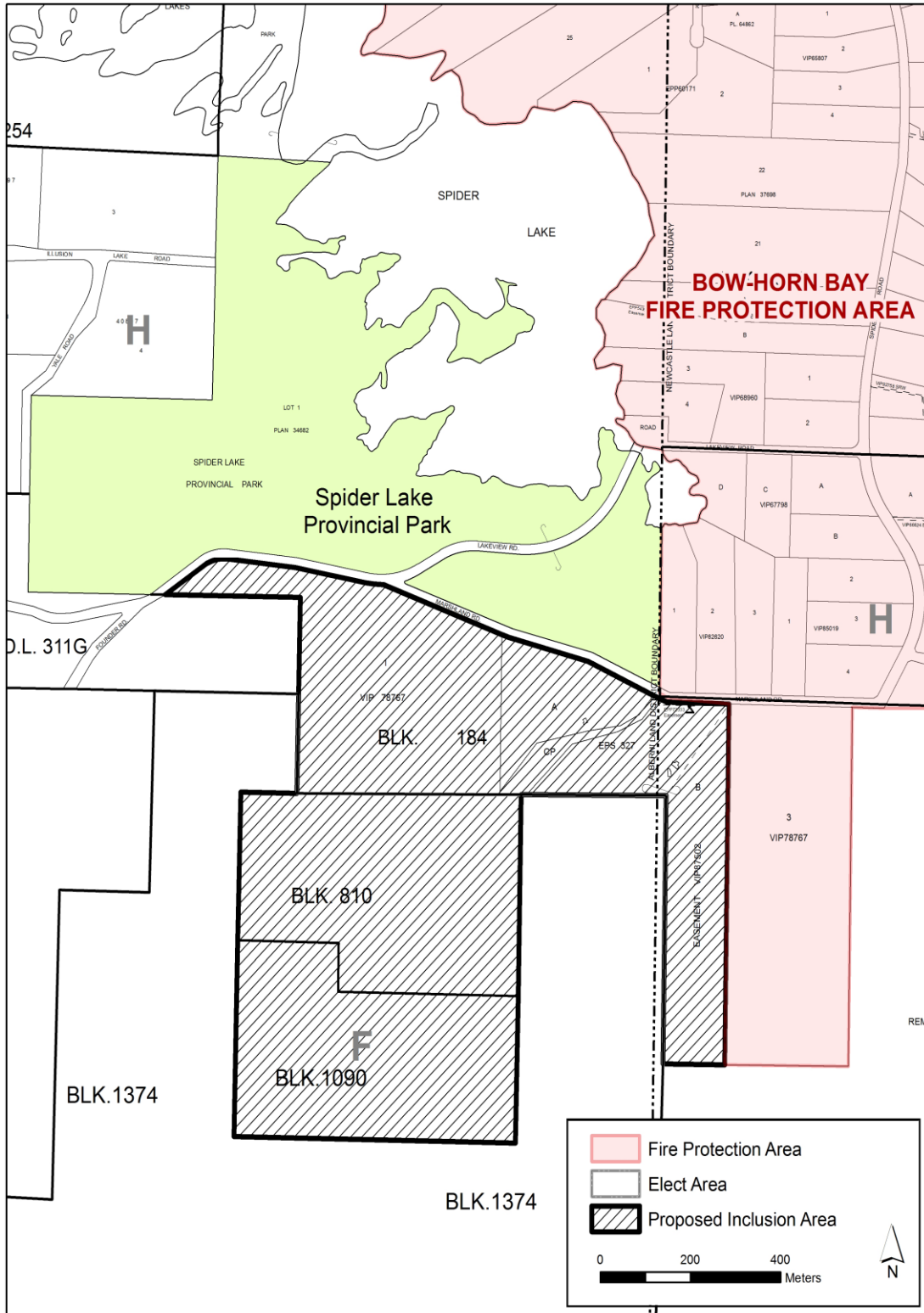
At that time the board decided not to approve the other two properties; 2770 Marshland road (lot 1 BLK 1090) and the Gravel Pit indicated as Lot 5 BLK 184 to be included into our service area.

- a) At our May 21st Board meeting , and per your request, the board, again reviewed bringing the other two properties; 2770 Marshland road (lot 1 BLK 1090) and the Gravel Pit indicated as Lot 5 BLK 184 into our service area. The board discussed the pros and cons and have voted to agree with your request and accept both properties into our service area. **Thus the board agrees to having all properties in Marshland Road subdivision included in our service area.**

Best regards

Rodney Luck
Chairman

Attachment 2 – Subject Area Map



REGIONAL DISTRICT OF NANAIMO

CERTIFICATE OF SUFFICIENCY

Petition to Extend the Boundaries of the Bow Horn Bay Fire Protection Service Area

I hereby certify that the petition to extend the boundaries of the Bow Horn Bay Fire Protection Service Area is sufficient and valid pursuant to section 337 of the *Local Government Act*.

DATED at Nanaimo, British Columbia)
this 8th day of August, 2019)
)
)



Tricia Mayea, Deputy Corporate Officer

Bow Horn Bay Fire Protection Service Area Boundary Extension

Total Number of Parcels in the Proposed Service Area:	5
Number of Valid Petitions Received:	4 (80%)
Net Taxable Value of All Land and Improvements in the Proposed Service Area:	\$2,265,000
Net Taxable Value of Petitions Received (Land and Improvements):	\$1,843,000 (81%)

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1385.10

**A BYLAW TO AMEND THE BOUNDARIES OF
THE BOW HORN BAY FIRE PROTECTION SERVICE**

WHEREAS the Regional District of Nanaimo established the Bow Horn Bay Fire Protection Service pursuant to Bylaw No. 1385 cited as "Bow Horn Bay Fire Protection Service Establishment Bylaw No.1385, 2004";

AND WHEREAS the Board of the Regional District of Nanaimo has been petitioned by the property owners to extend the boundaries of the service area to include the lands shown outlined in black on Schedule 'A' of this bylaw;

AND WHEREAS the approval of the Inspector of Municipalities has been obtained;

AND WHEREAS at least 2/3 of the service participants have consented to the adoption of this bylaw in accordance with section 349 of 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 as the "Bow Horn Bay Fire Protection Service Amendment Bylaw No. 1385.10, 2019".

2. Amendment

"Bow Horn Bay Fire Protection Service Establishment Bylaw No. 1385, 2004" is amended as follows:

a) By deleting section 3 and replacing it with the following:

"3. The Participating Areas for the Service are Electoral Areas F and H"

b) By amending the boundaries of the Bow Horn Bay Fire Protection Service area to include the properties outlined in black on Schedule 'A' attached to and forming part of this bylaw.

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

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

Adopted this ___ day of _____, 2019.

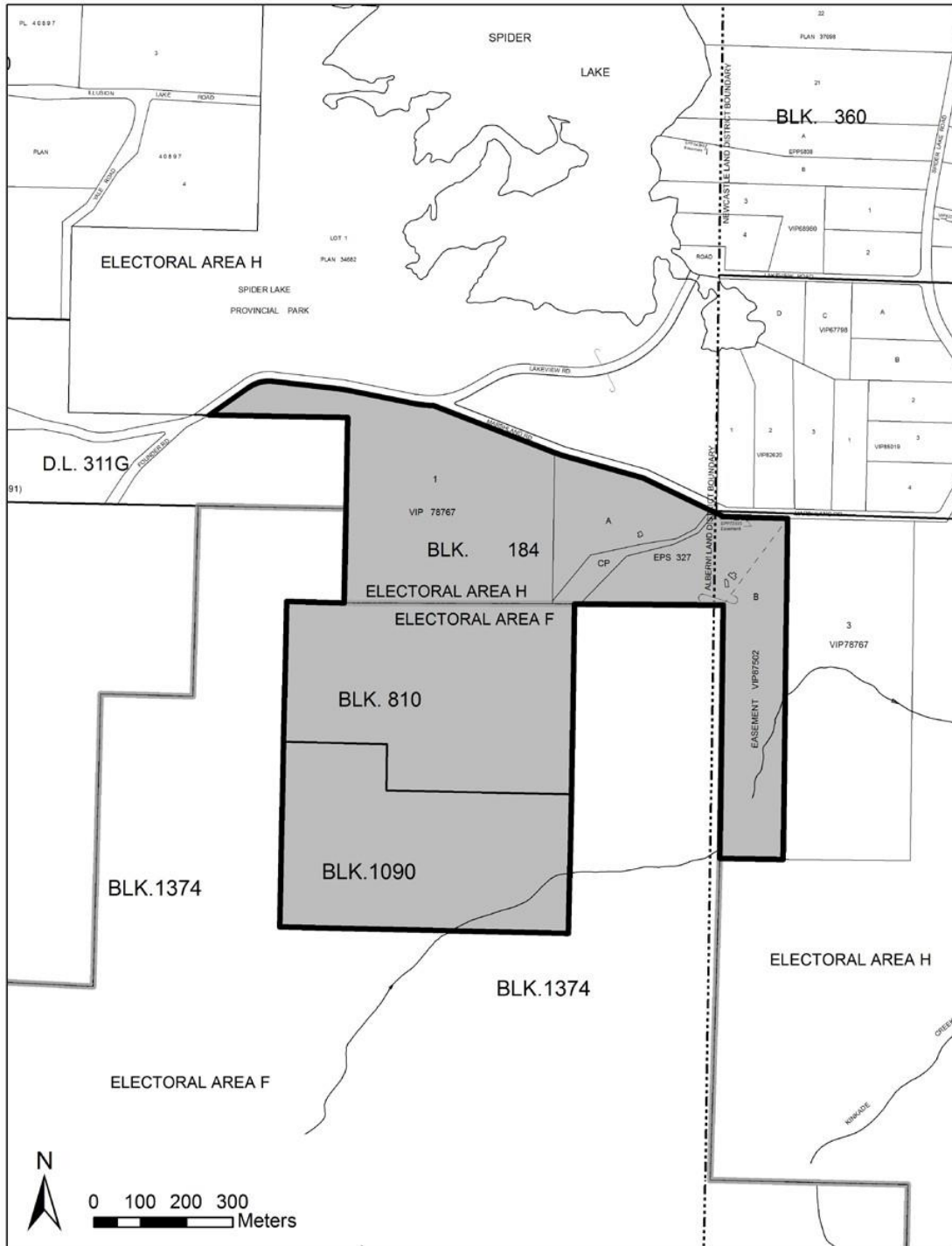
CHAIR

CORPORATE OFFICER

Schedule 'A' to accompany "Bow Horn Bay Fire Protection Service Amendment Bylaw No. 1385.10, 2019".

Chair

Corporate Officer



TO: Electoral Area Services Committee **MEETING:** September 3, 2019
FROM: Catherine Morrison
 Manager, Emergency Services **FILE:** 0810 03 DFH
SUBJECT: Dashwood Fire Hall Alternative Approval Process Results

RECOMMENDATIONS

1. That “Dashwood Fire Hall Service Area Establishment Bylaw No. 1785, 2019”, be adopted.
2. That “Dashwood Fire Hall Loan Authorization Bylaw No. 1789, 2019”, be adopted.

SUMMARY

To report the results of the Alternative Approval Process for “Dashwood Fire Hall Service Area Establishment Bylaw No.1785, 2019” and “Dashwood Fire Hall Loan Authorization Bylaw No. 1789, 2019” (Attachments 1 and 2) and to bring forward the Bylaws for consideration of adoption.

BACKGROUND

At the April 23, 2019 Board meeting, the following motions were approved:

It was moved and seconded that “Dashwood Fire Hall Loan Authorization Bylaw No. 1789, 2019” be introduced, read three times, and forwarded to the Inspector of Municipalities for approval

It was moved and seconded 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.

These bylaws authorize the Board to establish a service and loan for the replacement of the Dashwood Fire Department main fire hall. As required by the *Local Government Act*, the approval of the Inspector of Municipalities for the initial establishment of both bylaws was received on May 14, 2019 which authorized the RDN to proceed with the next steps for adoption.

In accordance with the *Community Charter*, the Board approved an Alternative Approval Process (AAP) to seek elector approval in the service area. As part of the AAP, electors opposed to the adoption of the Bylaws are required to sign an Elector Response Form and submit it to the Regional District of Nanaimo (RDN) prior to the established deadline of July 26, 2019. Approval of the electors by AAP is obtained, if the number of elector responses received is less than 10% of the number of electors of the service area.

For the purpose of conducting the AAP, the number of electors in the service area was 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. The results of the AAP are shown on the attached Corporate Officer's Certification (Attachment 3). There were nine valid Elector Response Forms received by the deadline therefore Bylaw No. 1785 and Bylaw No. 1789 have received approval of the electors by the alternative approval process and can be adopted by the Board.

To provide an opportunity for public consultation and information, the RDN created a 'Get Involved' page in early April which was kept updated throughout the project. The 'Get Involved' page was visited 238 times with 149 visitors viewing at least one news feed and 67 visitors viewing more than one news feed. The RDN also participated with social media posts, news articles and two open houses at the Dashwood fire hall.

A detailed overview of the public communications is outlined in Attachment 4.

ALTERNATIVES

1. That "Dashwood Fire Hall Service Area Establishment Bylaw No. 1785, 2019", be adopted
2. That "Dashwood Fire Hall Loan Authorization Bylaw No. 1789, 2019", be adopted.
3. That alternative direction by provided.

FINANCIAL IMPLICATIONS

The replacement cost for the Dashwood Fire Hall is in the Board approved 2019 – 2024 Financial Plan.

STRATEGIC PLAN IMPLICATIONS

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



Catherine Morrison
cmorrison@rdn.bc.ca
August 12, 2019

Reviewed by:

- J. Hill, Manager, Legislative Services
- D. Marshall, A/Director, Transportation and Emergency Services
- P. Carlyle, Chief Administrative Officer

Attachments

1. Bylaw No. 1785, 2019
2. Bylaw No. 1789, 2019
3. Corporate Officer's Certification
4. Overview of Public Communications

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 23rd day of April, 2019.

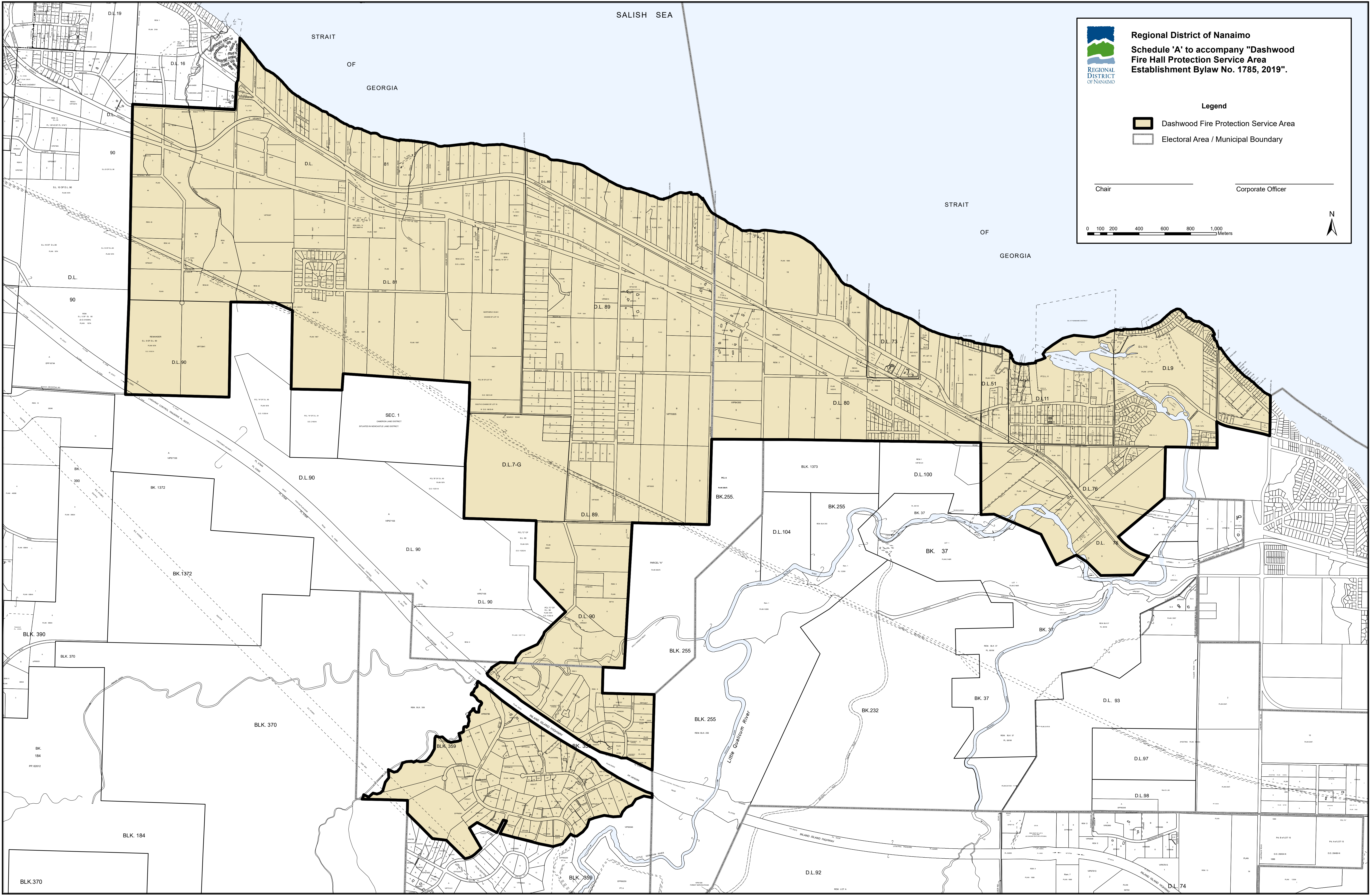
Received the approval of the Inspector of Municipalities this 14th day of May, 2019.

Received the approval of the electors under section 345 of the *Local Government Act* this 26th day of July, 2019.

Adopted this ___ day of _____, 2019.

CHAIR

CORPORATE OFFICER



Regional District of Nanaimo
Schedule 'A' to accompany "Dashwood Fire Hall Protection Service Area Establishment Bylaw No. 1785, 2019".

Legend

- Dashwood Fire Protection Service Area
- Electoral Area / Municipal Boundary

Chair _____ Corporate Officer _____

0 100 200 400 600 800 1,000 Meters

N

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 23rd day of April, 2019.

Approved by the Inspector of Municipalities this 14th day of May, 2019.

Received the approval of the electors under section 345 of the Local Government Act this 26th day of July, 2019.

Adopted this ___ day of _____, 2019.

CHAIR

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO


CORPORATE OFFICER'S CERTIFICATION

I, the undersigned Corporate Officer, as the person assigned responsibility for corporate administration under section 236 of the *Local Government Act*, certify the results of the alternative approval process that was conducted to obtain the approval of the electors for "Dashwood Fire Hall Service Area Establishment Bylaw No. 1785, 2019" and "Dashwood Fire Hall Loan Authorization Bylaw No. 1789, 2019" as follows:

- 1,751 Estimated number of electors
- 10 Number of elector response forms submitted by the deadline
- 1 Number of elector response forms rejected
- 9 Number of elector response forms accepted
- .005 Percentage of estimated electors who validly submitted elector response forms

and in accordance with section 86 of the *Community Charter*, the approval of the electors was obtained.

DATED this 29th day of July, 2019.



Corporate Officer

Overview of Public Communications

Date	Type	Details
April 5, 2019	Digital	Dashwood Get Involved page is published
April 11, 2019	Email	Dashwood Society forwards email to local residents' group with Get Involved page link
April 18, 2019	Newspaper	Front page news article in PBQ News
April 30, 2019	Digital	Updates to Get involved page regarding the AAP process and expected timelines
May 21, 2019	Digital	<ul style="list-style-type: none"> • Facebook posts on RDN and DVFD pages with links to Get Involved page and Open Houses. • Updates to Get Involved page with approval to proceed with AAP.
June 8, 2019	Digital	Online DVFD news article in PBQ News with details, link to Get Involved page and Open Houses
June 11, 2019	Newspaper	Ad for June 15, 2019 Open House in PBQ News
June 13, 2019	Newspaper/Digital	<ul style="list-style-type: none"> • Full page AAP notification in PBQ news • DVFD news article with details, link to Get Involved page and Open House • Updates to the Get Involved page and RDN Website with AAP process including search tools.
June 14, 2019	Digital	Facebook posts on RDN and DVFD pages advertising Open House
June 15, 2019	In Person/Digital	<ul style="list-style-type: none"> • Dashwood Replacement Fire Hall Open House • Facebook post promoting DVFD Open House
June 16, 2019	Newspaper	News article in PBQ News with Open House, links, and AAP process/details
June 18, 2019	Newspaper	Full page AAP notification in PBQ News
July 2, 2019	Newspaper/Digital	RDN Monthly updates newsletter with Open House details published in PBQ News, Nanaimo News Bulletin, Gabriola Sounder, RDN webpage and Facebook page
July 18, 2019	Digital	Facebook posts on RDN and DVFD pages
July 19, 2019	Digital	Facebook posts on DVFD page
July 20, 2019	In Person	Dashwood Replacement Fire Hall Open House