

**REGIONAL DISTRICT OF NANAIMO**

**REGULAR BOARD MEETING  
TUESDAY, APRIL 22, 2014  
7:00 PM**

***(RDN Board Chambers)***

**A D D E N D U M**

**PAGES**

- 2. LATE DELEGATIONS** (requires motion – All Directors – One Vote)
- 2                    **Byron Montgomery, Lamar Canada Ltd.**, re Nanaimo Bus Advertising Elimination.
- 5. COMMUNICATIONS/CORRESPONDENCE** (All Directors – One Vote)
- 3                    **Mary Ashley, Board Co-Chair, Island Corridor Foundation**, re Preparation for Meeting of ICF member Regional Boards.
- 4                    **Janet Raines**, re Qualicum Beach UCB/GCB Impending Changes.
- 5                    **Margaret A. Porter**, re Qualicum Beach GCB.
- 6                    **Iris M. Page**, re UCB/GCB Changes Qualicum Beach.
- 7                    **Rosemary Hathaway**, re Qualicum Beach UCB.
- 8                    **Doug Miller and Sharlene MacLellan, Nanaimo and District Fish and Game Protective Association**, re Nanaimo Recycling Exchange.
- 8. ADMINISTRATOR’S REPORTS**
- 9-46                **Revisions to Amendment Bylaw No. 500.384, 2013; Phased Development Agreement Authorization Bylaw No. 1692; and Memorandum of Understanding Lakes District & Schooner Cove – Electoral Area ‘E’** (Electoral Area Directors, Except EA ‘B’ – One Vote).



**Re: Nanaimo Bus Advertising Elimination**

**From:** Byron Montgomery

**Sent:** Thursday, April 17, 2014 2:53 PM

**Cc:** Tobin Robbins; Mark Jiles

**Subject:** Delegation request

This follows up my phone call.

Lamar Advertising is requesting to be a "late delegation" for the Board meeting April 22, 2014.

Please contact me directly to confirm our attendance. The topic is "Nanaimo Bus Advertising Elimination".

Sincerely;

Byron Montgomery  
Regional Manager  
Lamar Canada Ltd.  
604 889 7775 Mobile  
800 233 9942 Office

# ISLAND CORRIDOR FOUNDATION

Box 375 Stn A Nanaimo, BC V9R 5L3  
office 250 754 7254 | fax 888 662 4197  
islandrail.ca

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17 April 2014

Regional District of Nanaimo  
830 West Island Highway  
Parksville, BC  
V9P 2X4  
Attn: Board of Directors

VIA Email

Dear RDN Board of Directors,


In preparation for the meeting of our respective Boards it would be helpful if you could highlight any specific areas of concern you wish addressed at the meeting.

We would also appreciate a copy of any reports you have prepared or had prepared regarding the track and bridge infrastructure investment plan. Could you please identify the companies that have completed the reports; the names of any experts or professionals and their credentials that have been advising either the board or individual directors.

Good information is important for all of us when undertaking the proper due diligence in making decisions for our constituents and the people of Vancouver Island. We will ensure our rail operator Southern Rail of Vancouver Island is given this material.

We look forward to meeting with you in the near future.

Yours truly



Mary Ashley  
Board Co-Chair  
Island Corridor Foundation

525 St. Andrews Road,  
Qualicum Beach, B.C. V9K 1L5

April 8th 2014

Mr. J. Stanhope  
Board Chair, Regional District of Nanaimo  
6300 Hammond Bay Rd., Nanaimo, B.C.  
V9T 6N2

RDN CAO'S OFFICE			
CAO		GM R&P	
GMS&CD		GMT&SW	
GM R&CU		DF	
APR 16 2014			
DCS		BOARD	<input checked="" type="checkbox"/>
CHAIR			

Sirs:

**Re: Qualicum Beach UCB/GCB Impending Changes**

I am writing regarding the Qualicum Beach Urban (Growth) Containment Boundary and the swift move forward by the Qualicum Beach Town Council to approve a major change to the OCP and their efforts to by-pass the RDN by using the terminology of "minor change".

The residents of this Town worked hard over a period of two years to build an OCP which was acceptable to the majority. Any changes to the GCB should be within an OCP review for residents to democratically review the impending changes which removal of the GCB would bring. Sustainability of our community foundation should remain a priority of the RGS and I ask the board to re-inforce their support of these principles and assist us in ensuring proper process is followed in a democratic manner.

What the current council is proposing as "a minor" change to the OCP, is in fact a Major change. This is being raced through with little input from residents being heard. The majority of residents have no understanding of this due to the lack of Information from the Town . Thank you for your time in reviewing this letter.

Sincerely,



Janet Raines

RDN CAO'S OFFICE			
CAO		GM R&P	
GMS&CD		GM T&SW	
GM R&CU		DF	
APR 16 2014			
DCS		BOARD	<input checked="" type="checkbox"/>
CHAIR			

13 th. April, 2014

Mr. Joe Stanhope, Chairman RDN.

Re: Qualicum Beach GCB

Dear Chairman and members of the RDN Board of Directors,

I entreat you not to allow the town of Qualicum Beach to extends its GCB to match the municipal boundary until the Pros & cons of this action have been fully evaluated by all interested taxpayers at a FULL OCP review which can take place in a few short months in early 2015.

Myself, along with many others who worked diligently for many hours to create the existing OCP, consider this a Major change not a minor one.

Therefore it follows, that we the taxpayers should have the opportunity to recommend any changes we see fit at the forthcoming OCP review in 2015.

I am unable to comprehend the rush to implement this change by councillors, surely taking time to consider the implications is rational.

For this reason alone please consider my request to postpone your decision.

Yours Truly,

Margaret A. Porter  
 165 Fourth Avenue West,  
 Qualicum Beach,  
 V9K 1S3

TEL. 250 752 2236

226 Crescent Rd. E.,  
Qualicum Beach, B.C. V9K 1L6

RDN CAO'S OFFICE			
CAO		GM R&P	
GMS&CD		GM T&SW	
GM R&CU		DF	
APR 17 2014			
DCS		BOARD	<input checked="" type="checkbox"/>
CHAIR	<input checked="" type="checkbox"/>		

10th April, 2014

Regional District of Nanaimo,  
6300 Hammond Bay Road,  
Nanaimo, B.C. V9T 6N2

**Attn: Board Chair Mr. Joe Stanhope**

Sirs:

Re: UCG/RCB Changes Qualicum Beach

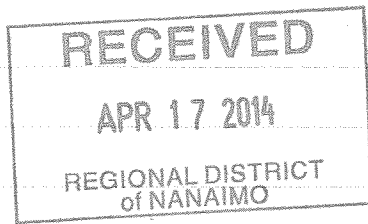
I write to you today to convey my upmost concerns regarding the impending changes being rushed through by the Qualicum Beach Council to the RGB/UCB.

The people of this municipality spent long hours over a two year period on their OCP. We are now being by-passed, with little or no information being given to us, to change this Major Amendment to the OCP; this is **not** a minor amendment. I ask all members of the Regional District Board to deny the request and allow the residents to have a review of our OCP, which could start as early as next year.

Thank you for your consideration,

*Miss M. Page*

I. Page.



ROSEMARY HATHAWAY  
621 REDWOOD DRIVE  
QUALICOM BEACH, B.C.  
V9K 1A2

April 12, 2014

DEAR R. D. W.

AS A CONCERNED RESIDENT OF  
QUALICOM BEACH, WANTING TO KEEP QUALICOM  
THE SMALL, ENARMING TOWN THAT WE (MY LATE  
HUSBAND AND I) RETIRED TO, I WOULD  
REQUEST THAT THE URBAN CONTAINMENT  
BOUNDARY BE CHANGED FROM A MINOR TO  
A MAJOR AMENDMENT REGARDING THE  
OFFICIAL COMMUNITY PLAN.

Sincerely,

Rosemary Hathaway





## Nanaimo & District Fish & Game Protective Association.

P.O. Box 211, Nanaimo, BC V9R 5K9

April 21, 2014

Regional Directors

The members of Nanaimo and District Fish and Game Protective Association would like to add their voice to those who are urging the Nanaimo Regional District to assist the Nanaimo Recycling Exchange in their relocation which we understand is imminent.

We feel that it is in the Regional District's (and City of Nanaimo's) best interest to ensure that the Recycling Exchange continues to exist and function. In addition to providing jobs to some of the City's less fortunate people, we are sure that you would agree that the facility reduces pressure on our garbage disposal system as well as providing people with an economical alternative to purchasing new merchandise and materials. The philosophy of reusing second hand items can easily be summed up with the expression of "waste not want not".

To repeat ourselves, we urge the Nanaimo Regional District to assist the Recycling Exchange in their relocation.

Yours in conservation

Doug Miller

Secretary, Nanaimo and District Fish and Game Protective Association

for Sharlene MacLellan

President, Nanaimo and District Fish and Game Protective Association



RDN REPORT	
CAC APPROVAL <del>###</del>	
EAP	
COW	
APR 22 2014	
RHD	
BOARD	✓

**MEMORANDUM**

**TO:** Jeremy Holm  
Manager, Current Planning

**DATE:** April 22, 2014

**FROM:** Lainya Rowett  
Senior Planner

**FILE:** PL2012-096 / PL2012-097

**SUBJECT:** Revisions to Amendment Bylaw No. 500.384, 2013; Phased Development Agreement Authorization Bylaw No. 1692; and Memorandum of Understanding Lakes District & Schooner Cove Electoral Area 'E'

**PURPOSE**

To make text and mapping amendments to the “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.384, 2013”, the “Regional District of Nanaimo Phased Development Agreement (Lakes District and Schooner Cove) Authorization Bylaw No. 1692, 2013” and revisions to the Lakes District and Schooner Cove “Memorandum of Understanding”, requested by the applicant, to address concerns raised by Snaw-Naw-As (Nanoose First Nation) regarding the Lakes District rezoning application.

**BACKGROUND**

On February 25, 2014, the Board received a staff report outlining the status of the Lakes District and Schooner Cove rezoning applications and the issues remaining to be resolved in order to proceed to a public hearing. One of the issues related to Snaw-Naw-As’ concern about the future use and potential development of the lands encircling the Notch Summit (“Notch Option to Purchase Lands”). While the proposed Phased Development Agreement (PDA) terms and zoning are consistent with the Neighbourhood Plan, Snaw-Naw-As expressed concern that the terms would not adequately ensure that these lands would remain undeveloped.

On April 22, 2014, staff received a request from the applicant (Attachment 1) to revise Amendment Bylaw No. 500.384 (Lakes District) and the terms of the PDA Bylaw No. 1692, as well as the related Memorandum of Understanding (MoU) with the goal of addressing Snaw-Naw-As’ concerns and to correct various typographical errors as outlined in the Land Use Implications section of this report.

**ALTERNATIVES**

1. To receive this report with the proposed amendments to “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.384, 2013”, rescind second reading, and give second reading to Amendment Bylaw No. 500.384, 2013 as amended.
2. To receive this report with the proposed amendments to “Regional District of Nanaimo Phased Development Agreement (Lakes District and Schooner Cove) Authorization Bylaw No. 1692, 2013”,

rescind second reading, and give second reading to Phased Development Agreement Authorization Bylaw No. 1692, 2013 as amended.

3. To not rescind the second reading of "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.384, 2013".
4. To not rescind the second reading of "Regional District of Nanaimo Phased Development Agreement (Lakes District and Schooner Cove) Authorization Bylaw No. 1692, 2013".

## **LAND USE IMPLICATIONS**

### ***Zoning Implications***

To address Snaw-Naw-As' concerns, the applicant proposes to revise Amendment Bylaw No. 500.384, as introduced on November 12, 2013 (Attachment 2) by changing the proposed zoning of the Notch Option to Purchase Lands from Single Residential Zone (CD44 – RS) to Regional Park Zone (CD44 – PR1) (Attachment 3). These lands are identified within sub-phase 4C of the Parks Phasing Plan (Schedule 'D') of the PDA. The proposed change would not alter the overall development theme for Lakes District but would address specific concerns raised by Snaw-Naw-As regarding the future use and development of these lands. Should the Board approve the requested amendment, the Schedule '2' – CD44 Sub-Zoning Areas map in Amendment Bylaw No. 500.384 would be replaced with the CD44 Sub-Zoning Areas map included as Attachment 4 in this report.

The proposed change in zoning to Regional Park Zone (CD44 – PR1) would result in an additional 10.2 ha of land to be zoned for park use around the Notch Summit (20.66 ha). The zoning would further reinforce the protection of the Notch Option to Purchase Lands from development by limiting the land use to passive recreational park use. This zoning would apply whether the lands remain privately owned or if they are purchased for public park use in accordance with the PDA terms. As outlined in the Phased Development Agreement, these lands would be dedicated as Regional District of Nanaimo (RDN) park only pursuant to the Notch Option to Purchase Agreement.

In addition to the zoning, the PDA provides for a five-year option to purchase agreement and covenant restrictions on the use of the option to purchase lands. Together, the Notch Summit lands, which will be dedicated upon the first subdivision in Lakes District, and the Notch Option to Purchase Lands would protect the Notch lands within the Lakes District from development.

The proposed change in zoning is consistent with the intent of the official community plan policies which support the protection of the Notch through a combination of park dedication, land acquisition and zoning.

### ***Phased Development Agreement***

Following the introduction of Phased Development Agreement (PDA) Authorization Bylaw No. 1692 on December 3, 2013, (Attachment 5) and further review of the PDA terms, the applicant proposes to amend the PDA and its schedules to address Snaw-Naw-As' concerns regarding the protection of the Notch from development and to ensure clarity and consistency throughout the document. These revisions are generally described as follows (see Attachment 6 for Detailed Summary):

- Clarification of defined terms (e.g. "Development Parcel");
- Correction of minor typographical errors and paragraph numbering throughout the document;

- Updated cross-referencing to reflect changes in paragraph numbering;
- Amended Schedules to reference “Notch Park Lands Subject to Option to Purchase” instead of “The Notch Development Lands subject to Option to Purchase” to reflect that these areas of land are intended to be zoned for park use and not for future development;
- Amended Infrastructure Phasing Plan (Schedule “G”) and Integrated Stormwater Management Plan (ISMP) (Schedule “DD”) to remove servicing that was only necessary if the Notch Option to Purchase Lands were developed; and,
- Revisions to the Development Cap Covenant (Schedule “V”) to clarify the lands to which the covenant applies (“Lakes District Development Land”) and that a “Development Parcel” is a legally defined parcel; and, to remove the requirement for servicing prior to the release of the covenant as the servicing obligations will have already been met through the subdivision approval process, which is required to create a Development Parcel.

### ***Memorandum of Understanding***

The applicant also proposes minor revisions to the Lakes District and Schooner Cove Memorandum of Understanding (MoU), a legally non-binding agreement which is intended to provide guiding principles for the implementation of the PDA as development proceeds (Attachment 7). The MoU revisions include minor typographical changes to ensure consistency with the updated PDA and schedules, including the correction of dates and cross-references, the removal of repetitive language, and updates to Integrated Stormwater Management Plan (Schedule 1 of MoU) to reflect the revisions to Schedule ‘DD’ in the PDA (see Attachment 8 for summary of revisions).

### ***Public Consultation Implications***

In accordance with Section 905.3 of the *Local Government Act*, a public hearing must be held and advanced notice provided in relation to PDA Authorization Bylaw No. 1692. As directed by the Board on December 3, 2013, the PDA Bylaw public hearing will proceed concurrently with the hearings for the proposed Amendment Bylaws 500.384, 500.385 and 500.388. A tentative public hearing date has been scheduled for May 12, 2014.

### ***Inter-governmental Implications***

As outlined in this report the proposed revisions to the zoning, PDA and MoU are intended to address concerns raised by Snaw-Naw-As regarding potential for development within the Notch Option to Purchase Lands. Given the purposed changes to the zoning, PDA and MoU staff will provide copies of the amended bylaws to Snaw-Naw-As First Nation, contact them to discuss the amended bylaws and be available and to answer any questions they may have.

The PDA requires approval from the Inspector of Municipalities for the proposed twenty-year term of the Agreement. Staff will continue to update the Ministry of the application’s status and will formally refer the PDA Authorization Bylaw for Ministry approval should the Board approve third reading of the Bylaw.

### **SUMMARY/CONCLUSIONS**


On November 12, 2013, the Regional Board of Directors gave second reading to Amendment Bylaw No. 500.384 to allow the proposed development of Lakes District, and on December 3, 2013, the Board gave second reading to the PDA Authorization Bylaw No. 1692 to allow a twenty-year term for the phased development of these lands. Since that time, the applicant has requested further revisions to these bylaws to address concerns raised by Snaw-Naw-As (Nanoose First Nation) regarding the future use and development of the Notch Option to Purchase Lands. The proposed revisions to Amendment

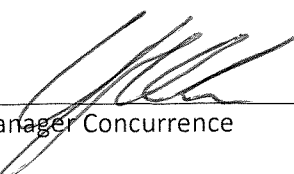
Bylaw No. 500.384, the PDA Bylaw No. 1692, and the related MoU are intended to address Snaw-Naw-As' concerns and to ensure consistency and clarity in the bylaws and terms for this development.

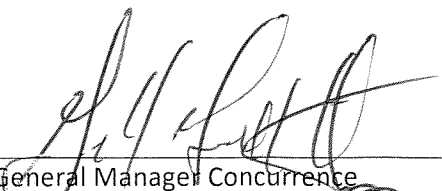
If the Board chooses to proceed with the changes as recommended in this report, second reading would be rescinded for Amendment Bylaw No. 500.384 and PDA Bylaw No. 1692 and the bylaws would be given second reading as amended prior to proceeding with a public hearing. A tentative public hearing date has been scheduled for May 12, 2014.

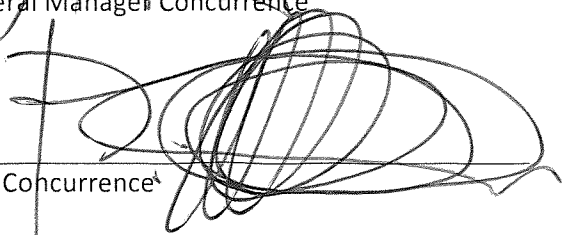
## RECOMMENDATIONS

1. That second reading of "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.384, 2013" be rescinded.
2. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.384, 2013" be amended by replacing Schedule '2' CD44 Sub-Zoning Areas map with the replacement Schedule '2' CD44 Sub-Zoning Areas map included as Attachment 4 to this report.
3. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.384, 2013" be read a second time as amended.
4. That second reading of "Regional District of Nanaimo Phased Development Agreement (Lakes District and Schooner Cove) Authorization Bylaw No. 1692, 2013" be rescinded.
5. That "Regional District of Nanaimo Phased Development Agreement (Lakes District and Schooner Cove) Authorization Bylaw No. 1692, 2013" be amended as set out in Attachment 6 of the staff report.
6. That "Regional District of Nanaimo Phased Development Agreement (Lakes District and Schooner Cove) Authorization Bylaw No. 1692, 2013" be read a second time as amended.
7. That the public hearing in relation to "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.384, 2013", "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.385, 2013", "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.388, 2013", and "Regional District of Nanaimo Phased Development Agreement (Lakes District and Schooner Cove) Authorization Bylaw No. 1692, 2013" be scheduled for May 12, 2014.

  
Report Writer

  
Manager Concurrence

  
General Manager Concurrence

  
CAO Concurrence

Attachment 1

**Applicant's Letter Requesting Amendments to Bylaw No. 500.384,  
Bylaw No. 1692 and Memorandum of Understanding**



April 22, 2014

Regional District of Nanaimo  
Attn: Mr. Geoff Garbutt  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

Fairwinds Community & Resort  
3455 Fairwinds Drive  
NanOOSE Bay, BC V9P 9K6  
Canada

T 250.339.1777  
F 866.879.9836

[www.bentallkennedy.com](http://www.bentallkennedy.com)

Geoff,

**Re: Proposed Zoning Amendment Bylaws No. 500.384 (Lakes District); 500.385 (Schooner Cove); 500.388 (Subdivision Servicing Standards); and Phased Development Agreement ("PDA") Authorization Bylaw No. 1692 (collectively, the "Project Bylaws")**

Further to the letter from Nanoose First Nation ("NFN") to RDN dated November 27, 2013; the RDN Board's decision at their December 3, 2013 meeting to defer the scheduling of a Public Hearing; the meeting of February 19, 2014 between NFN, Fairwinds and RDN; and our subsequent discussions with NFN, we hereby request that the proposed zoning for the lands within the Lakes District referred to in the PDA as the "Notch Option to Purchase Lands" be amended to CD44-PR 1 Park Use. It is our understanding the NFN will now be supportive of the four Project Bylaws and the project generally.

Our specific request is as follows:

1. That the Project Bylaws & associated Memorandum of Understanding ("MoU") be amended as follows:
  - Zoning Amendment Bylaw No. 500.384 (Lakes District) - so that the lands referred to in the PDA as the "Notch Option to Purchase Lands" are zoned as CD44-PR 1 Park. We would appreciate a copy of the amended zoning map as soon as it has been prepared.
  - PDA - to reflect the above-noted zoning change, and to address minor clarifications identified by ourselves and RDN, subsequent to the November 25, 2013 submission. The amended PDA, in both clean and blackline format, is attached as Schedule 2.
  - The MoU be amended to reflect minor updates. The amended MoU, in both clean and blackline format, is attached as Schedule 3.
2. That RDN resume its bylaw amendment process for the Project Bylaws, as soon as possible.

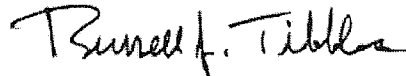
For reference, an itemized list of all amendments to the PDA and MoU is attached as Schedule 1.

1.../2

Thank you in advance for your prompt attention to this matter, and please call if you have any questions whatsoever.

Best regards,

**Bentall Kennedy (Canada) LP**



Russell Tibbles

Vice President, Development & Operations – Fairwinds

Direct: 250 339.1777 | Mobile: 250 896.4901

Email: rtibbles@bentallkennedy.com

Attachments:

<b>Schedule 1</b>	Itemized list of Draft Amendments to the Project Bylaws
<b>Schedule 2</b>	Draft Amended Phased Development Agreement – Clean & Blackline Versions
<b>Schedule 3</b>	Draft Amended Memorandum of Understanding – Clean & Blackline Versions

2.../2

**Attachment 2**

**Amendment Bylaw No. 500.384 as introduced on November 12, 2013**

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 500.384**

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

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

- A. This Bylaw may be cited as "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.384, 2013".
- B. "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", is hereby amended as follows:
  1. Under **PART 3 LAND USE REGULATIONS, Section 3.1 Zones** by adding the following Zone Classification and corresponding short title after Section 3.4.143 Schooner Bay Manor Seniors Mobile Home Park Comprehensive Development Zone (CD43):

Lakes District Comprehensive Development Zone (CD44)
  2. By adding Section 3.4.144 (CD44) as shown on Schedule '3' which is attached to and forms part of this Bylaw.
  3. By rezoning the lands shown on the attached Schedule '1' and legally described as
    - a. Lot 1, District Lots 30 and 78, Nanoose District, Plan 26219, except those parts in Plans 28246, 29574, 30072, 30262, 34675, 36514, 48548 and VIP53001;
    - b. Lot 8, District Lot 78, Nanoose District, Plan 30262;
    - c. District Lot 11, Nanoose District, Except that part outlined in red on Plan 1567 OS, 48548 and VIP59496;
    - d. A portion of the lands legally described as District Lot 7, Nanoose District, Except that part outlined in red on Plan 1567 OS, 48548, VIP59496 and VIP80856;
    - e. A portion of the lands legally described as District Lot 30, Nanoose District, Except those parts in Plans 15193, 26219, 48585, VIP51706, VIP51707, VIP52451, VIP53134, VIP57407, VIP60049, VIP60602 and VIP88308; and,



- f. A portion of the lands legally described as District Lot 78, Nanoose District, Except that part shown outlined in red on Plan deposited under DD 19579I; Except Parcels A and B (DD 7528N); and Except those parts in Plans 813R, 1567 OS, 14212, 14250, 14275, 15075, 15193, 22836, 24012, 25366, 26219, 27129, 27206, 29869, 34675, 47638, 48548, 48585, 49669, 50872, 51142, VIP51603, VIP51706, VIP51707, VIP53134, VIP57407, VIP59180, VIP59494, VIP60049, VIP60602, VIP71781, VIP73214, VIP78139, VIP80854, VIP80855, VIP80856, VIP85588 and VIP88308

from Residential 1 (RS1) Zone, Subdivision District 'P' to Lakes District Comprehensive Development Zone (CD44) as shown on Schedule '1', and with the following CD44 Sub-Zoning Areas as shown on Schedule '2', which is attached to and forms part of this Bylaw:

Regional Park	CD44 – PR1
Community Park	CD44 – PR2
Residential Single Dwelling	CD44 – RS
Residential Single Dwelling & Duplex	CD44 – RSD
Residential Multiple Dwelling	CD44 – RMD
Neighbourhood Mixed Use	CD44 – MU
Lakehouse Centre	CD44 – LC
Civic Infrastructure	CD44 – CI

Introduced and read two times this 12<sup>th</sup> day of November 2013.

Public Hearing held this \_\_\_ day of \_\_\_\_\_ 20\_\_.

Read a third time this \_\_\_ day of \_\_\_\_\_ 20\_\_.

Adopted this \_\_\_ day of \_\_\_\_\_ 20\_\_.

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Chairperson

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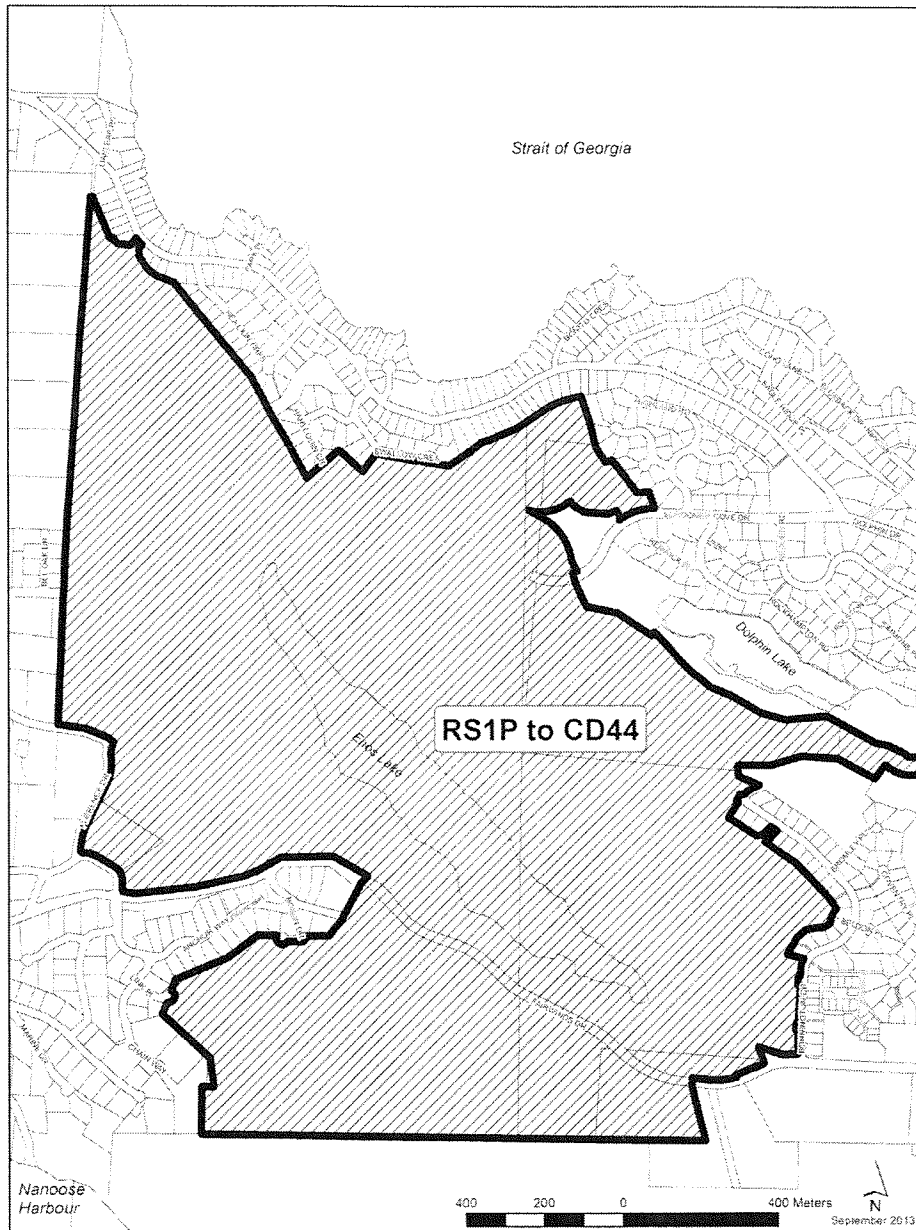
Corporate Officer

Schedule '1' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.384, 2013"

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Officer

**Schedule '1'**  
**CD44 Zone Area**

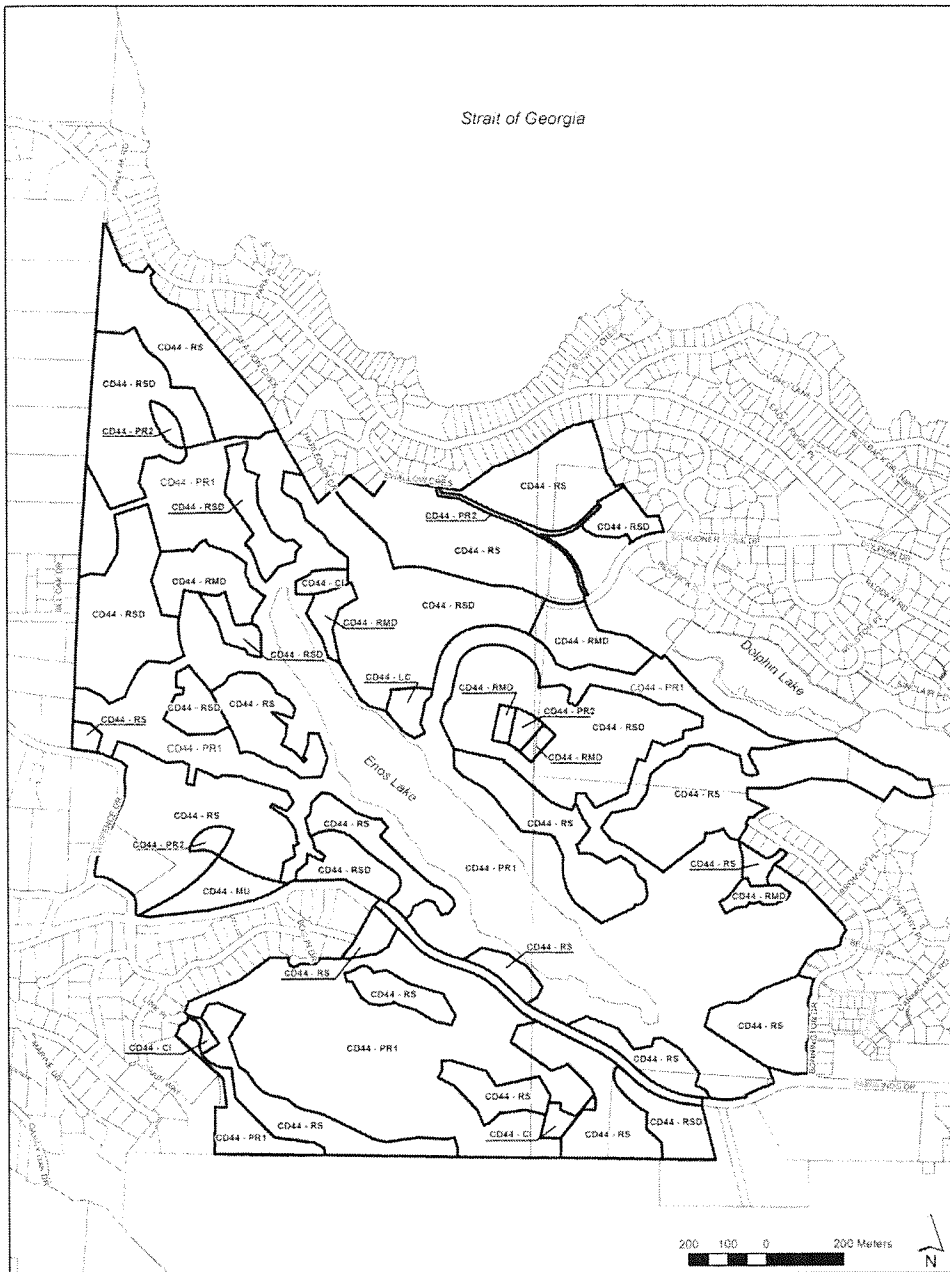


Schedule '2' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.384, 2013"

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Officer

**Schedule '2'**  
**CD44 Sub-Zoning Areas**



Schedule '3' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.384, 2013".

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Corporate Officer

**Schedule '3'**  
**Lakes District Comprehensive Development Zone Regulations**

**Section 3.4.144**

**LAKES DISTRICT COMPREHENSIVE DEVELOPMENT ZONE**

**CD44**

**3.4.144.1 APPLICABILITY OF THE BYLAW**

The regulations of Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 shall apply to the lands zoned CD44. In addition to these regulations, and where there is a conflict with these regulations, the regulations of the CD44 Zone shall apply.

**3.4.144.2 PURPOSE**

The purpose of the CD44 Zone is to allow a range of land uses and residential densities with diverse housing types, recreational opportunities, and locally serving commercial services in accordance with Schedule 'B' - Lakes District Neighbourhood Plan in the Nanoose Bay Official Community Plan Bylaw No. 1400, 2005.

The lands encompassed within the CD44 Zone are divided into eight sub-zoning areas including: Regional Park (CD44 - PR1), Community Park (CD44 - PR2), Residential Single Dwelling (CD44 – RS), Residential Single Dwelling & Duplex (CD44 – RSD), Residential Multiple Dwelling (CD44 – RMD), Neighbourhood Mixed Use (CD44 – MU), Lakehouse Centre (CD44 – LC), and Civic Infrastructure (CD44 – CI). Specific regulations apply to each zoning area, in addition to the Definitions and General Regulations as set out in the CD44 Zone.

The extent of each zoning area in the Lakes District Comprehensive Development Zone is shown on Schedule '3A' Zoning Maps of Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987.

**3.4.144.3 DEFINITIONS**

**artisan workshop** means production, service, repair or maintenance of an article, substance, material, fabric or compound, provided uses are not noxious or offensive to the immediate neighbourhood or the general public by reason of emitting odours, dust, gas, noise, effluent, or hazard; and having a gross floor area not exceeding 200 m<sup>2</sup> including retail sales accessory to the principal use;

**bulk grade** means the elevation of the surface of the ground at any point within a parcel as established on a parcel contour plan and which may not increase above natural grade by more than 2.0 m at any point;

**commercial use** means the occupancy or use of a building or land for the purpose of carrying out business, professional activities, artisan workshop, retail or personal service use;

**community garden** means a non-commercial facility for the cultivation of fruits, flowers, vegetables or ornamental plants;

**community park** means use of land, buildings or structures primarily for recreation, including playgrounds, band shells, skateboard parks, canoe and kayak docks, boathouses, playfields, field houses, multi-purpose courts and the like;

**duplex** means two self-contained dwelling units with separate ground level entrances, and which are adjoined by a common wall;

**height** means the elevation of a point directly below:

- a) That part of the building or structure being measured above the land (or surface of water at high water), and;
- b) On a line connecting the two intersections of the natural grade and the outermost exterior walls or supports as indicated on a plan showing any complete vertical section of that part of a building or structure where permitted in the applicable zone; or,
- c) On a line connecting the two intersections of the bulk grade, as defined on a parcel contour plan, and the outermost exterior walls or supports as indicated on a plan showing any complete vertical section of that part of a building within a Residential Single Dwelling & Duplex, Residential Multiple Dwelling, Neighbourhood Mixed Use or Lakehouse Centre zoning area;

**garden centre** means the use of land, buildings, or structures for the purpose of retail sales of fruits, flowers, vegetables or ornamental plants, trees, and associated gardening and landscaping supplies and outdoor garden equipment;

**impermeable surface area** means the sum total horizontal area as measured from the outermost perimeter of all buildings or part thereof together with any ground covering that does not naturally exist on the site and cannot be readily penetrated by water, such as roads, paved parking areas, driveways, patios, games courts and the like, on the parcel expressed as a percentage of the total parcel area;

**mobile food cart** means a mobile cart from which food and/or drink is dispensed, and where the entire stock of goods offered for sale is carried and contained in the cart and which may change locations from time to time, and which is not located in a permanent building or structure, and is removed from public access when not in use;

**multiple dwelling unit development** means the establishment of three or more dwelling units within a building on a parcel;

**natural grade** means the elevation of the surface of the ground in its natural state prior to any human-made alterations as determined by a BC Land Surveyor;

**nature park** means the use of land, buildings or structures primarily for conservation and enjoyment of natural areas and may include boardwalks, trails, environmentally sensitive areas, nature sanctuaries and the like;

**parcel contour plan** means a survey plan prepared by a BC Land Surveyor or Professional Engineer at minimum 0.5 m contours and showing natural grade and bulk grade of the surface of the ground;

**restaurant** means an eating establishment providing for the sale of prepared foods and beverages to be consumed on or off the premises, and may include café, delicatessen, and take-out restaurant, but specifically excludes neighbourhood pub, drive-in and drive-thru establishment;

**retail store** means a sales outlet contained under one roof, having a gross floor area not exceeding 250 m<sup>2</sup>, and providing for the retail sale and display of goods, but specifically excludes industrial uses and gasoline service station;

**secondary suite** means one or more habitable rooms, but not more than two bedrooms and one cooking facility, constituting a self-contained dwelling unit with a separate entrance, but which is clearly subordinate to the principal dwelling, and is limited to residential use;

**seniors' congregate housing** means a residential or institutional facility which provides for seniors' congregate housing units with common living facilities, one or more meals per day and housekeeping services, contains a common dining area with a capacity sufficient to accommodate all residents of the facility, and may contain accessory personal service use and accessory convenience store use;

**seniors' congregate housing unit** means a sleeping unit or a dwelling unit containing one or more sleeping units within a seniors' congregate housing facility;

**sleeping unit** means a bedroom or other area which is used or intended to be used for sleeping, or sleeping and living purposes, and which does not contain provisions for cooking;

**storage** means the use of the land, buildings or structures for the temporary storing of property or goods;

**storey** means that portion of a building situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of the floor and the ceiling above it;

**temporary building** means a building which is not supported on permanent foundations and which may or may not be connected to community water or sewer;

**tourist accommodation** means the rental of a lodging unit in a hotel, motel, or cabin for the temporary accommodation of the traveling public with continuous occupancy not exceeding ninety (90) calendar days and specifically excludes a manufactured home and residential use;

**unit density** means a measurement of development intensity on a parcel, represented by the total number of dwelling units on a parcel divided by the parcel area in hectares (units per hectare) but excludes dedicated road and dedicated park; and,

**utility use** means a system of works or services or a facility operated by or on behalf of a government or a utility company to provide or in connection with the provision of water, sewer, drainage, gas, electricity, surface transportation or communication services.

**3.4.144.4: GENERAL REGULATIONS****1) Total Number of Dwelling Units**

The total number of dwelling units within the lands zoned CD44 shall not exceed 1,675 dwelling units.

**2) Uses Permitted in all Zones**

The following uses are permitted in all zoning areas of the CD44 Zone:

- a) *Community garden*
- b) *Utility use*

**3) Secondary Suites**

Secondary suites are permitted in the *Residential Single Dwelling* and *Residential Single Dwelling & Duplex* zoning areas, provided that:

- a) A *secondary suite* is permitted only within a principal single dwelling unit on a parcel and is not permitted within a *duplex*;
- b) Not more than one *secondary suite* shall be permitted per single dwelling unit on a parcel;
- c) The size of a *secondary suite* within the principal building shall not exceed 40% of the habitable floor space of the principal building to a maximum of 90 m<sup>2</sup>;
- d) Secondary suites are not counted as dwelling units for the purpose of calculating the Total Number of Dwelling Units in accordance with the General Regulations Section 3.4.144.4 1) in this Zone;
- e) A principal dwelling unit may contain either a *secondary suite* or a bed and breakfast, but not both; and,
- f) A minimum of one off-street parking space is required for a *secondary suite*, in addition to parking requirements for the principal dwelling unit set out in Schedule '3B' Off-Street Parking and Loading Spaces.

**4) Rainwater Harvesting**

Where a Building Permit is not required for rainwater harvesting structures, equipment and apparatus, including rain barrels and cisterns, they are excluded from the building setback requirements.

**5) Seniors' Congregate Housing**

Seniors' congregate housing, where permitted in the zone, is subject to the following regulations:

- a) For the purposes of calculating unit density, each *sleeping unit*, and each *sleeping unit* within a dwelling unit within a seniors' congregate housing facility is equal to 0.2 units;
- b) The gross floor area of a *seniors' congregate housing unit* shall not be less than 26 m<sup>2</sup> and not more than 50 m<sup>2</sup>; and

- c) Accessory personal service and convenience store uses, where provided, shall be contained within the seniors' congregate housing facility and shall be accessible only from an internal hallway or corridor. The combined total floor area of all accessory personal service and convenience store uses shall not exceed 150 m<sup>2</sup> per seniors' congregate housing facility.

#### **6) Temporary Buildings, Structures and Uses for Seasonal Vending**

*Temporary buildings, structures, or mobile food carts* for the purpose of seasonal vending on properties are permitted within any regional park, community park, and commercially zoned properties provided that:

- a. The parking requirements of Schedule '3B' Off-Street Parking and Loading Spaces are met; and,
- b. Potable water and washroom facilities are available on-site if food is served.

#### **7) Tourist Accommodation**

Temporary stays within *tourist accommodation* is limited to a maximum consecutive or non-consecutive stay of ninety (90) calendar days per visitor in any twelve (12) month period within any tourist accommodation unit on a parcel. The relocation of a visitor to another unit within the parcel does not constitute the start of a new stay.

#### **8) Building Height**

The following regulations apply to building height within all zoning areas of the CD44 Zone:

- a) A *parcel contour plan* defining areas where natural grade has been disturbed shall be submitted to the Regional District upon the earlier of the submission of a development permit application or prior to registration of a subdivision plan.
- b) Structures such as antennae, chimney stacks, steeples, elevator housings, roof stairway entrances, ventilating equipment or enclosures for such equipment, skylights, flagpoles and the like are exempt from the height requirement.
- c) Structures for sustainable building technologies, such as wind turbines, solar panels and rain barrels, cisterns and the like are permitted to exceed the height requirement provided that:
  - i) No such structure covers more than 20% of the parcel area; or
  - ii) If located on a building, no such structure covers more than 10% of the roof area; and,
  - iii) No such structure shall exceed twice the maximum building height permitted by the zone.

#### **9) Storage**

Storage use, where permitted in the zone, is subject to the following regulations:



- a) Boats, vehicles and recreational vehicles must be operational and capable of being licensed by the applicable licensing authority. Storage use excludes on-site fuel dispensing.
- b) Storage is accessory to the principal use and is limited to 33% of a parcel area.
- c) A continuous landscaping buffer with a minimum vegetation height of 2.0 m and width of 2.0 m shall be provided and maintained along all property lines adjacent to a storage use.

**3.4.144.5 REGIONAL PARK****CD44 – PR1****Purpose**

The intent of the Regional Park zoning area is to provide recreational opportunities associated with passive outdoor activities, and to protect the natural features and wildlife habitat that form an integral part of the landscape in the Lakes District neighbourhood.

**Permitted Principal Uses**

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- a) nature park

**Maximum Size of Buildings and Structures**

---

Height	6.0 m within the setback area 9.5 m outside the setback area
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Parcel coverage	10%
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**Minimum Setback Requirements**

---

a) Buildings	
Front lot line	4.5 m
Exterior side lot line	4.5 m
All other lot lines	3.0 m
b) Structures	
Front lot line	0.0 m
All other lot lines	3.0 m

**Off-Street Parking Requirements**

---

Major staging area	10 spaces
Minor staging area	4 spaces
Bicycle parking	4 spaces per major or minor staging area

**3.4.144.6 COMMUNITY PARK****CD44 – PR2****Purpose**

The intent of the Community Park zoning area is to provide programmed park spaces and recreational opportunities and amenities for social gathering and outdoor activities in close proximity to residential neighbourhoods.

**Permitted Principal Uses**

---

- a) community park

**Maximum Size of Buildings and Structures**

---

Height	6.0 m within the setback area 9.5 m outside the setback area
Parcel coverage	20%

**Minimum Setback Requirements**

---

- a) Buildings
 

Front lot line	4.5 m
Exterior side lot line	4.5 m
All other lot lines	3.0 m
- b) Structures
 

Front lot line	0.0 m
All other lot lines	3.0 m

**Off-Street Parking Requirements**

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Bicycle parking	6 spaces per parcel
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**3.4.144.7 RESIDENTIAL SINGLE DWELLING****CD44 – RS****Purpose**

The Residential Single Dwelling zoning area allows residential development on larger urban lots and provides flexibility in building siting for the retention of natural site features and a range of architectural forms.

**Permitted Principal Uses**

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- a) residential use

**Accessory Uses**

---

- a) home based business
- b) secondary suite

**Maximum Density**

---

Residential use	1 dwelling unit per parcel
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**Minimum Parcel Size**

---

800 m<sup>2</sup> or 850 m<sup>2</sup> (corner parcel)

**Maximum Size of Buildings and Structures**

---

## Height

Principal building	9.5 m
Accessory buildings & structures	6.0 m

Parcel Coverage 40%

Impermeable Surface Area 50% (excluding a driveway not exceeding 6.0 m in width and located within a panhandle)

**Minimum Setback Requirements**

---

Front lot line	4.5 m 6.0 m to any garage door or carport entrance way facing a highway.
Interior side lot line	2.0 m
Exterior side lot line	4.5 m
Rear lot line	4.0 m

except one accessory building is permitted to be 1.0 m from an interior or rear lot line provided the building does not exceed 10 m<sup>2</sup> in floor area and 3.0 m in height.

**3.4.144.8 RESIDENTIAL SINGLE DWELLING & DUPLEX****CD44 – RSD****Purpose**

The intent of the Residential Single Dwelling & Duplex zoning area is to increase the range of housing types offered and provide transition between larger lot single dwelling residential land uses and low to medium density housing. The provision of smaller single dwelling units and duplex homes serves to facilitate cluster development to maintain high conservation and recreation value in the adjacent areas.

**Permitted Principal Uses**

---

- a) residential use
- b) duplex use

**Accessory Uses**

---

- a) home based business
- b) secondary suite

**Maximum Density**

---

Residential use	1 dwelling unit per parcel
Duplex use	2 dwelling units per parcel

**Minimum Parcel Size**

---

Residential use	400 m <sup>2</sup> or 450 m <sup>2</sup> (corner parcel)
Duplex use	750 m <sup>2</sup> or 800 m <sup>2</sup> (corner parcel)

**Maximum Size of Buildings and Structures**

---

Height	
Principal building	9.5 m
Accessory buildings & structures	6.0 m
Parcel Coverage	
Residential use	60%
Duplex use	65%
Impermeable Surface Area	
Residential use	70% (excluding a driveway not exceeding 6.0 m in width and located within a panhandle)
Duplex use	75% (excluding a driveway not exceeding 6.0 m in width and located within a panhandle)

### Minimum Setback Requirements

---

a) Residential use		
Front lot line	4.5 m	
		6.0 m to any garage door or carport entrance way facing a highway.
Interior side lot line	1.5 m	
Exterior side lot line	4.5 m	
Rear lot line	3.0 m	
b) Duplex use		
Front lot line	4.5 m	
		6.0 m to any garage door or carport entrance way facing a highway.
Interior side lot line	2.0 m	
Exterior side lot line	4.5 m	
Rear lot line	4.0 m for a duplex	
Strata road	3.0 m	

except one accessory building per principal dwelling unit is permitted to be 1.0 m from an interior or rear lot line provided the building does not exceed 10 m<sup>2</sup> in floor area and 3.0 m in height.

**3.4.144.9 RESIDENTIAL MULTIPLE DWELLING****CD44 – RMD****Purpose**

The Residential Multiple Dwelling zoning area allows for the development of a range of multiple dwelling housing types including duplexes, ground-oriented rowhomes and townhomes, and low-rise condominium buildings. These smaller unit types are intended to provide opportunities for ageing-in-place.

**Permitted Principal Uses**

- 
- a) duplex use
  - b) multiple dwelling unit development use

**Maximum Density**


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Density	75 units per hectare (uph)
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**Minimum Parcel Size**


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Duplex use	600 m <sup>2</sup> or 650 m <sup>2</sup> (corner parcel)
Multiple dwelling unit Development use	700 m <sup>2</sup> or 750 m <sup>2</sup> (corner parcel)

**Maximum Size of Buildings and Structures**


---

Height	
Duplex	9.5 m
Multiple dwelling unit development	21.0 m or 5 storeys, whichever is less
Accessory buildings & structures	6.0 m 8.5 m for one accessory building in a multiple dwelling unit development
Parcel Coverage	60%  70% where the required parking spaces are located directly beneath the principal building.
Impermeable Surface Area	70%  75% where the required parking spaces are located directly beneath the principal building (excluding a driveway not exceeding 6.0 m in width and located within a panhandle).

**Minimum Setback Requirements**

---

Front lot line	4.5 m 6.0 m to any garage door or carport entrance way facing a highway.
Interior side lot line	2.0 m
Exterior side lot line	4.5 m
Rear lot line	4.0 m
Strata road	3.0 m

except one accessory building per principal dwelling unit is permitted to be 1.0 m from an interior or rear lot line provided the building does not exceed 10 m<sup>2</sup> in floor area and 3.0 m in height.

**Off-Street Parking Requirements**

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In addition to the requirements of Schedule '3B' Off-Street Parking & Loading Spaces, the following bicycle parking is required:

<b>Use</b>	<b>Required Bicycle Parking Spaces</b>
Multiple dwelling unit development use	1 secure interior space per 2 dwelling units, and 4 spaces adjacent to the primary building entrance.



**3.4.144.10 NEIGHBOURHOOD MIXED USE****CD44 – MU****Purpose**

As a complement to the existing commercial centres at Red Gap and Schooner Cove, the Neighbourhood Mixed Use zoning area is intended to accommodate locally serving civic, commercial and residential uses at the entrance of the Lakes District neighbourhood. A mix of small scale retail, professional office use, live/work, compact housing and other compatible uses will provide community gathering spaces with flexibility to accommodate the future needs of the community.

**Permitted Principal Uses**

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- a) artisan workshop
- b) garden centre
- c) multiple dwelling unit development
- d) office
- e) personal care
- f) personal service use
- g) retail store
- h) restaurant
- i) school
- j) seniors' congregate housing
- k) tourist accommodation

**Accessory Uses**

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- a) storage

**Maximum Density**

---

Density	75 units per hectare (uph) for residential uses
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**Minimum Parcel Size**

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Commercial / Mixed use	2,500 m <sup>2</sup>
Multiple dwelling unit development use	700 m <sup>2</sup> or 750 m <sup>2</sup> (corner parcel)

**Maximum Size of Buildings and Structures**

---

Height	
Commercial use	10.0 m or 3 storeys, whichever is less
Mixed use or Multiple dwelling unit development	21.0 m or 5 storeys, whichever is less

Accessory buildings & structures	6.0 m 8.5 m for one accessory building in a multiple dwelling unit development
Parcel Coverage	70%  80% where the required parking spaces are located directly beneath the principal building.
Impermeable Surface Area	80%  85% where the required parking spaces are located directly beneath the principal building (excluding a driveway not exceeding 6.0 m in width and located within a panhandle).  75% for storage use only

**Minimum Setback Requirements**

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a) Commercial	
Lot lines fronting a highway	4.5 m
All other lot lines	0.0 m
b) Residential or Mixed use:	
Front lot line	4.5 m 6.0 m to any garage door or carport entrance way facing a highway.
Interior side lot line	2.0 m
Exterior side lot line	4.5 m
Rear lot line	4.0 m
Strata road	3.0 m

except one accessory building is permitted to be 1.0 m from an interior or rear lot line provided the building does not exceed 10 m<sup>2</sup> in floor area and 3.0 m in height.

**Off-Street Parking Requirements**

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Seniors' congregate housing      1 space per 2 employees and 1 per 5 beds

For other uses permitted in this zone, parking shall be provided as set out under Schedule '3B' Off-Street Parking & Loading Spaces.

In addition to the requirements of Schedule '3B' Off-Street Parking & Loading Spaces, the following bicycle parking is required:

<b>Use</b>	<b>Required Bicycle Parking Spaces</b>
Commercial use	1 space per 475 m <sup>2</sup> commercial floor area adjacent to primary building entrances.
Multiple dwelling unit development use	1 secure interior space per 2 dwelling units, and 4 spaces adjacent to the primary building entrance.
Seniors' congregate housing	1 secure interior space per 10 employees.

#### **Other Regulations**

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- a) No single use may occupy more than 80% of the total building floor area within a parcel.
- b) Commercial use on the ground floor of a building is only permitted where an additional storey is provided above.

**3.4.144.11 LAKEHOUSE CENTRE****CD44 – LC****Purpose**

The intent of the Lakehouse Centre zoning area is to allow a commercial recreational centre in the Lakes District community adjacent to Enos Lake park and trails. This privately operated facility may also be used to accommodate Lakes District regional park administration and limited programs for regional park staging as well as some tourist accommodation and other compatible accessory uses.

**Permitted Principal Uses**

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- a) assembly use
- b) recreational facility

**Accessory Uses**

---

- a) convenience store
- b) inn
- c) office
- d) personal care
- e) personal service use
- f) restaurant
- g) retail store
- h) school
- i) theatre
- j) tourist accommodation
- k) tourist information booth
- l) tourist store

**Maximum Density**

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Density	12 units per hectare (uph) for tourist accommodation
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**Minimum Parcel Size**

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9,000 m <sup>2</sup>
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**Maximum Size of Buildings and Structures**

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Height	
Principal building	10.0 m
Accessory buildings & structures	6.0 m

Parcel Coverage 40%

Impermeable Surface Area 50%

**Minimum Setback Requirements**

---

All lot lines 6.0m

**Off-Street Parking Requirements**

---

In addition to the requirements of Schedule '3B' Off-Street Parking & Loading Spaces, the following parking is required:

Bicycle parking 1 space 95 m<sup>2</sup> floor area

**3.4.144.12 CIVIC INFRASTRUCTURE****CD44 – CI****Purpose**

The Civic Infrastructure zoning area allows for community servicing infrastructure and utilities, specifically related the provision of potable water and sanitary sewer servicing and rainwater management.

**Permitted Principal Uses**

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- a) utility use

**Maximum Size of Buildings and Structures**

---

Height	10.0m
Parcel coverage	25%

**Minimum Setback Requirements**

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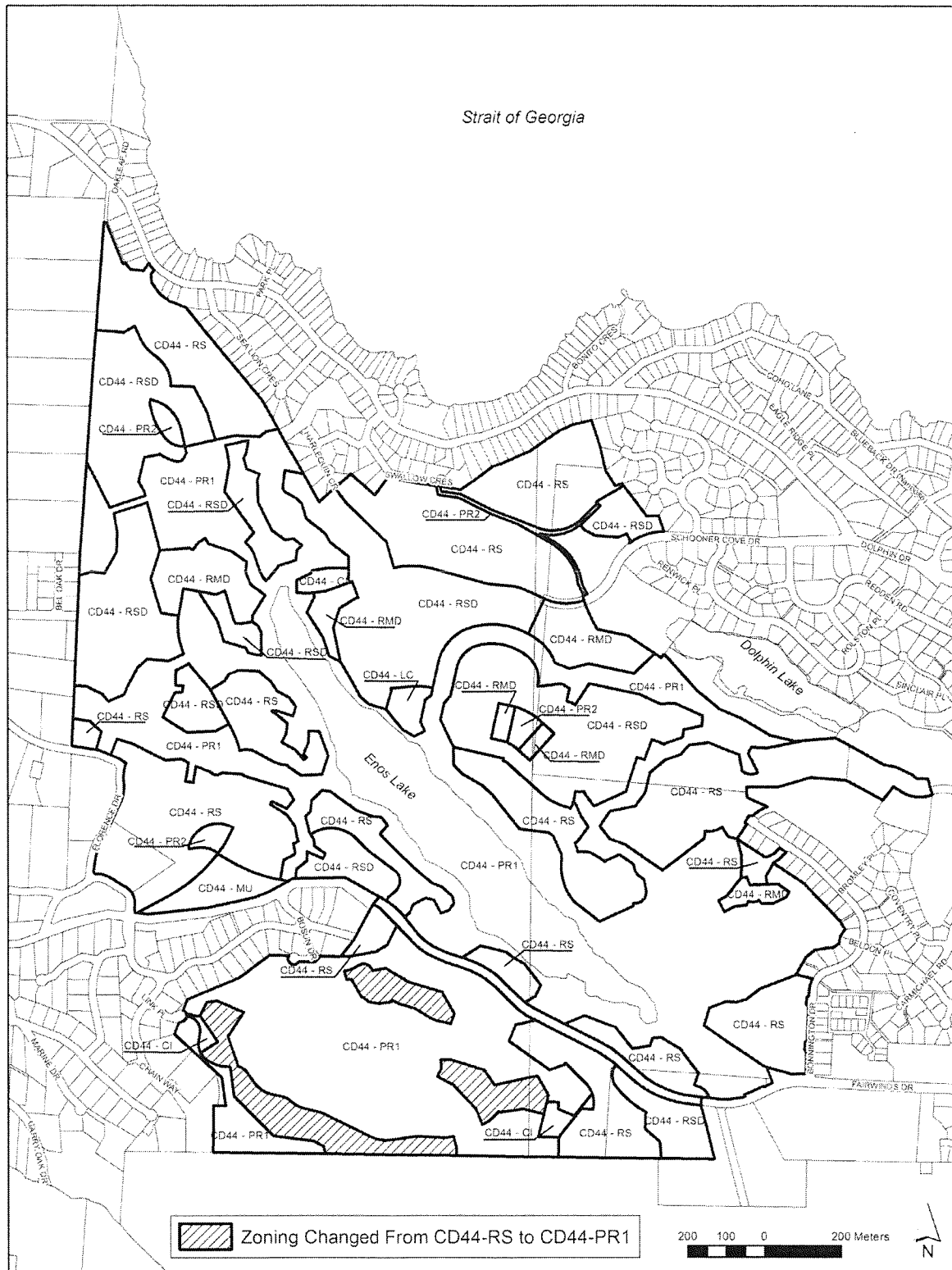
All lot lines	6.0m
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**Other Regulations**

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Notwithstanding Schedule '3F' Landscaping Regulations and Standards, Section 3.2.1, a minimum 3.0m wide landscape buffer shall be provided within the setback area of a parcel adjacent to a highway or residential use where buildings or structures are proposed for utility use.

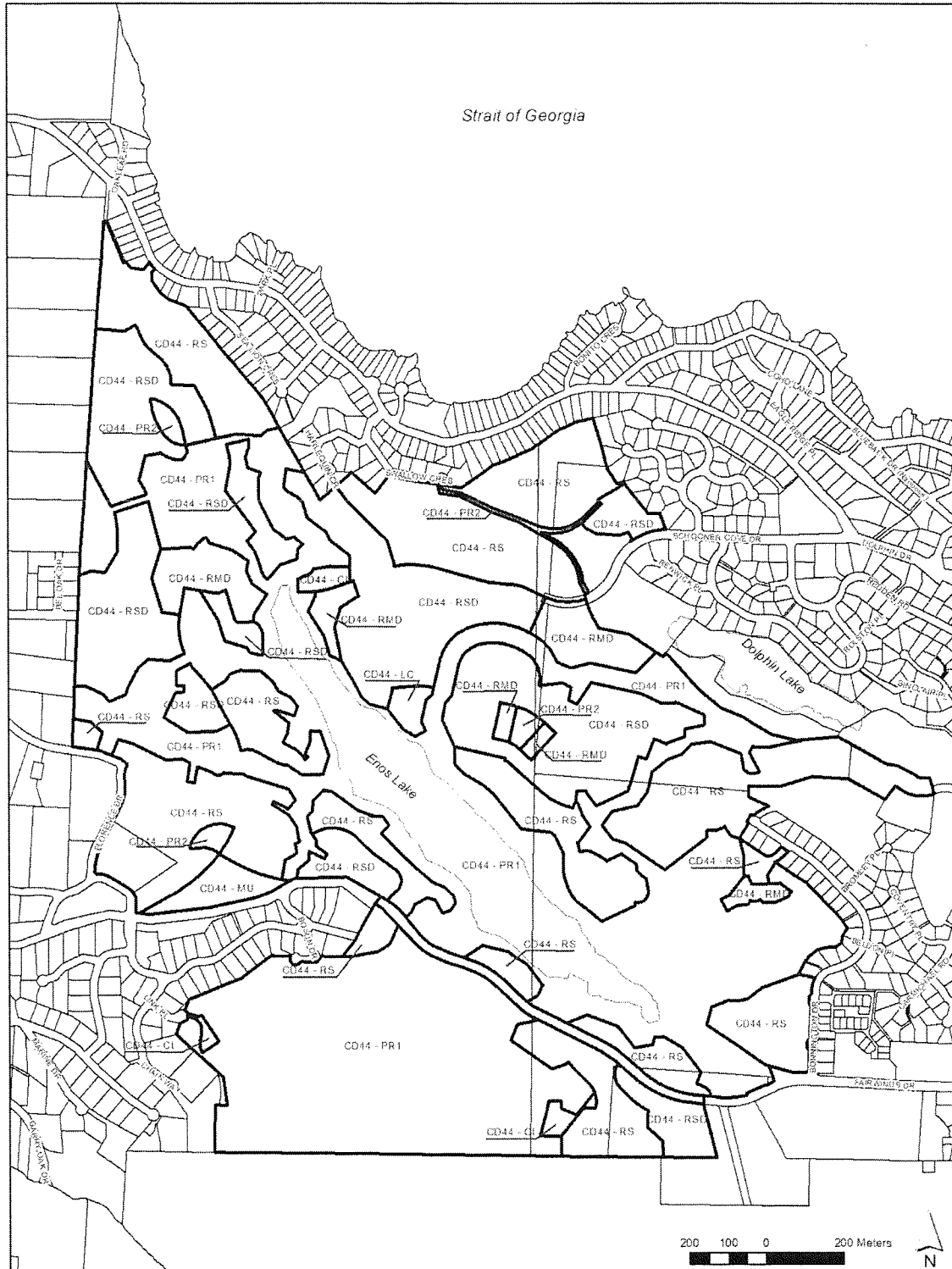
### Attachment 3 Revision to Zoning of Notch Option to Purchase Lands



Attachment 4

Map Amendment to Schedule '2' of "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.384, 2013"

Bylaw 500.384, 2013  
Schedule '2' - CD44 Sub-Zoning Areas





**Attachment 5**

**Phased Development Agreement Authorization Bylaw No. 1692 as introduced on December 3, 2013**

**Phased Development Agreement (PDA)**

**Click on the hyperlink below to view the PDA document and corresponding schedules:**

<http://www.rdn.bc.ca/cms.asp?wpID=3155>

## Attachment 6

## Amendments to Schedule '1' of "Regional District of Nanaimo Phased Development Agreement (Lakes District and Schooner Cove) Authorization Bylaw No. 1692, 2013"

PDA Bylaw Schedule 1 Section	Proposed Revision
Section 1	<ul style="list-style-type: none"> <li>In the definition of "Assumption Agreement", change reference from "section 69(7), (8) and (9)" to "section 69(g), (h) and (i)".</li> <li>In the definition of "Development Parcel", insert the word "legal" before the word "parcel".</li> </ul>
Section 6 (a) & (b)	<ul style="list-style-type: none"> <li>Insert the words ", excluding than those lands marked as Notch Park Lands Subject to Option to Purchase," after the word "Park", to reflect that the Notch Park Lands Subject to Option to Purchase will be zoned as park.</li> </ul>
Section 17	<ul style="list-style-type: none"> <li>Change subsections from "(c)" and "(d)" to "(a)" and "(b)" to correct previous typographical error.</li> </ul>
Sections 43 & 44	<ul style="list-style-type: none"> <li>Reformat subheadings for consistency (i.e. change section 44 headings to match those in section 43 and to match the unnumbered headings used in section 69 and under heading H.)</li> </ul>
Section 61	<ul style="list-style-type: none"> <li>Change subsections from "(1)" through "(4)" to "(a)" through "(d)" to correct typographical error.</li> <li>Update cross-reference in new subsection "(c)" from "(2)" to "(b)".</li> </ul>
Section 68 (a)(xiv)	<ul style="list-style-type: none"> <li>Update cross-references from "section 69 (7) to (10)" to "section 69 (g) to (j)".</li> <li>Re-letter subsection "(f)" to "(e)" to correct typographical error.</li> </ul>
Section 69	<p>Reformat subsections from numbers to letters to be consistent with the balance of the document and update the associated cross-references throughout the Agreement:</p> <ul style="list-style-type: none"> <li>In the new 69 (b), update the cross-reference from "subsections (4) through (10)" to "subsections (d) through (j)".</li> <li>In the new 69 (d), update the cross-reference from "subsections (5) through (10)" to "subsections (e) through (j)".</li> <li>In the new 69 (f)(iii), update the cross-reference from "subsection (8)" to "subsection (h)".</li> <li>In the new 69 (f)(iii)(B), update the cross-reference from "subsection (1)" to "subsection (a)".</li> <li>In the new 69 (h), update the cross-reference from "subsection (7)" to "subsection (g)".</li> <li>In the new 69 (i), update the cross-reference from "subsections (7) and (8)" to "subsections (g) and (h)".</li> <li>In the new 69 (j), update the cross-reference from "subsections (6), (7) and (8)" to "subsections (f), (g) and (h)".</li> </ul>
Section 81 (a) & (b)	<ul style="list-style-type: none"> <li>Change the word "Vendor" to "Owner", and change the word "Purchaser" to "Regional District", to correct previous typographical errors.</li> </ul>
Schedule "B"	<p>Revise cover page to:</p> <ul style="list-style-type: none"> <li>Replace "The Notch option to Purchase Lands" with "The Notch Option to Purchase Lands" to correct a typographical error.</li> </ul>

	<p>Revise "Site Plan" to:</p> <ul style="list-style-type: none"> <li>• Amend legend from "The Notch Development Lands subject to Option to Purchase" to "Notch Park Lands subject to Option to Purchase", and change coloring of such to a green base (indicating Regional Park) with white hatching (indicating subject to option to purchase).</li> </ul>
<p>Schedule "C"</p>	<p>Revise "Land Use Phasing Plan" to:</p> <ul style="list-style-type: none"> <li>• Add line item in legend for "Notch Park Lands subject to Option to Purchase", and change coloring of such to be consistent with Schedule "B" above.</li> <li>• Change legend reference from "Development Lands subject to Option to Purchase" to "Lookout Development Lands subject to Option to Purchase", and change coloring of such to reverse hatch to be consistent with Schedule "B".</li> <li>• Update left hand column (land use calculations), including: "Phase 4" and "Total calculations".</li> </ul>
<p>Schedule "D"</p>	<p>Revise "Parks Phasing Plan" to:</p> <ul style="list-style-type: none"> <li>• Add line item in legend for "Notch Park Lands subject to Option to Purchase", and change coloring of such to be consistent with Schedule "B" above.</li> <li>• Change legend reference from "Development Lands subject to Option to Purchase" to "Lookout Development Lands subject to Option to Purchase", and change coloring of such to reverse hatch to be consistent with Schedule "B".</li> <li>• Revise legend notes: <ul style="list-style-type: none"> <li>○ Replace note, "Notch Option to Purchase Lands means that portion..." with ""Notch Park Lands subject to Option to Purchase" means that portion of the Lakes District located in Lakes District Phase 4 (Gateway), as shown on the Lakes District Parks Phasing Plan, that is the subject of the Notch Option to Purchase, having an area of 10.2 hectares (25.3 acres)"; and,</li> <li>○ Replace note, "Lookout Option to Purchase Lands means that portion..." with ""Lookout Option to Purchase Lands" means that portion of the Lakes District located in Lakes District Phase I (Enos Lakehead IB), subject to the Lookout Option to Purchase, having an area of 0.8 hectares (2.0 acres)."</li> </ul> </li> <li>• Update left hand column (park area calculations) to reflect above.</li> </ul>
<p>Schedule "E"</p>	<p>Revise "Park Improvements Phasing" to:</p> <ul style="list-style-type: none"> <li>• Add line item in legend for "Notch Park Lands subject to Option to Purchase", and change coloring of such to be consistent with Schedule "B" above.</li> <li>• Change legend reference from "Development Lands subject to Option to Purchase" to "Lookout Development Lands subject to Option to Purchase", and change coloring of such to reverse hatch, consistent with Schedule "B".</li> <li>• Update left hand column calculations to reflect above.</li> </ul>

Schedule "F"	<p>Revise "The Lakes District Regional Park Masterplan and Development Guidelines" to:</p> <ul style="list-style-type: none"> <li>• Amend legend in Figure 3, "Parks and Trails For Recreation", to replace the words "Development Reserve" with "Lookout Development Lands subject to Option to Purchase", and add line item for "Notch Park Lands subject to Option to Purchase".</li> <li>• Change map coloring so that the "Notch Park Lands subject to Option to Purchase" are colored with a green base and white hatch, consistent with Schedule "B".</li> </ul>
Schedule "G"	<p>Revise "Infrastructure Phasing Plan" to reflect the removal of infrastructure, from the Notch Option to Purchase Lands, which would only have been necessary if the Lands were developed:</p> <ul style="list-style-type: none"> <li>• Change map coloring for Notch Option to Purchase Lands to a green base and white hatch, to be consistent with Schedule "B".</li> <li>• Remove two water Pressure Reducing Valve Stations from the Notch Option to Purchase Lands.</li> <li>• Remove one Fire Booster Pump Station from Phase 4B (at four-way stop).</li> <li>• Relocate one water Booster Pump Station from Bonnington Drive (above Rock Cliffe Park) to be adjacent to the Fire Booster Pump Station within Phase 1E.</li> <li>• Update the left hand column tabulations of infrastructure to:             <ul style="list-style-type: none"> <li>○ Reflect the above changes.</li> <li>○ Change number of reservoirs in Independent Phase II from "1" to "0", to correct previous typographical error.</li> </ul> </li> </ul>
Schedule "S"	<ul style="list-style-type: none"> <li>• Replace "2013" with "____", at top of first page.</li> </ul>
Schedule "V"	<ul style="list-style-type: none"> <li>• Add a reference to 'Appendix 1' at the end of Recital A.</li> <li>• Replace references to "Development Land" with "Lakes District Development Land", in order to properly reference the defined term.</li> <li>• In the definition of "Development Parcel", insert the word "legal" before the word "parcel".</li> <li>• In Section 2, first paragraph, insert a comma between the words "thereof" and "until".</li> <li>• In Section 3 (c), replace "Park land" with "Park Land", to properly reference the defined term.</li> <li>• Delete Section 3 (e). This section is unnecessary as the servicing obligations will already have been met through the subdivision approval process, which is required to create a Development Parcel.</li> </ul>
Schedule "AA"	<p>Revise "Garry Oak Meadows Management Plan" Figure 1 to:</p> <ul style="list-style-type: none"> <li>• Change map coloring for Notch Option to Purchase Lands to a green base and white hatch, to be consistent with Schedule "B".</li> </ul>
Schedule "DD"	<p>Revise Integrated Stormwater Management Plan (ISMP) to:</p> <ul style="list-style-type: none"> <li>• In Figure 4:             <ul style="list-style-type: none"> <li>○ Add line item in legend for "The Notch Park Lands subject to Option to Purchase", and change coloring of such to a</li> </ul> </li> </ul>

	<p>green base and white hatch consistent with Schedule "B".</p> <ul style="list-style-type: none"><li>○ In legend, replace "Future Development Reserve" with "Lookout Development Lands subject to Option to Purchase", and change to reverse hatch to be consistent with Schedule "B".</li><li>● In Figure 6, re-designate the "Development Area" surrounding the Notch Summit (i.e. the same area identified in Figure 4 as "The Notch Park Lands Subject to Option to Purchase") to "Regional Park".</li><li>● In Figures 7 &amp; 15, remove the lot/building layouts from the Lakes District &amp; Schooner Cove lands, correcting a previous error.</li><li>● In Figures 11, 12 &amp; 13, remove drainage systems from the Notch, reflecting the re-designation of the "Future Development Reserve" to the "Notch Park Lands subject to Option to Purchase".</li></ul>
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**Attachment 7**

**Memorandum of Understanding as received by the Board on December 3, 2013**

**Memorandum of Understanding (MoU)**

**Click on the hyperlink below to view the MoU document and corresponding schedules:**

<http://www.rdn.bc.ca/cms.asp?wpID=3156>

**Attachment 8**  
**Amendments to Lakes District and Schooner Cove Memorandum of Understanding**

<b>Amendment Bylaw Section</b>	<b>Proposed Revision</b>
Top of Page 1	<ul style="list-style-type: none"> <li>• Update the Agreement execution date from “2013” to “2014”.</li> </ul>
Section 4	<ul style="list-style-type: none"> <li>• With respect to Schedule 1, replace “(See PDA)” with “ – Refer to Schedule “DD” of the PDA”.</li> <li>• With respect to Schedule 4, change the date referenced for the Project Specific Design Sheets from “October , 2013” to “November 25, 2013”, to reflect the date of MOTI acceptance in principle.</li> </ul>
Section 23 (b)(iii)	Revise cross-reference from “subsection (b)” to “subsection (d)”.