

REGIONAL DISTRICT OF NANAIMO
ELECTORAL AREA SERVICES COMMITTEE
AGENDA

Tuesday, November 28, 2017

1:30 P.M.

RDN Board Chambers

This meeting will be recorded

Pages

1. CALL TO ORDER
2. APPROVAL OF THE AGENDA
3. ADOPTION OF MINUTES
 - 3.1 Electoral Area Services Committee Meeting - October 10, 2017 6

That the minutes of the Electoral Area Services Committee meeting held October 10, 2017, be adopted.
4. DELEGATIONS
5. CORRESPONDENCE
6. UNFINISHED BUSINESS
7. COMMITTEE MINUTES

That the following minutes be received for information:

 - 7.1 Electoral Area 'G' Parks and Open Space Advisory Committee - November 1, 2017 12
 - 7.2 East Wellington / Pleasant Valley Parks and Open Space Advisory Committee - October 23, 2017 15
 - 7.3 Electoral Area 'F' Parks and Open Space Advisory Committee - October 11, 2017 17

8. COMMITTEE RECOMMENDATIONS

8.1 Electoral Area 'G' Parks and Open Space Advisory Committee

8.1.1 Parks Update Report - Spring and Summer 2017 20

That immediate repairs be made on the Little Qualicum Hall for safety issues.

8.2 Electoral Area 'F' Parks and Open Space Advisory Committee

8.2.1 Meadowood Community Park Washroom Vandalism
Please note: Committee recommendation has no accompanying staff report

That the washroom and surround be temporarily removed from Meadowood Community Park.

9. PLANNING

9.1 Development Permit

9.1.1 Development Permit Application No. PL2017-058, Electoral Area 'E' 33

That the Board approve Development Permit No. PL2017-058 to permit the construction of a 35 unit townhouse development subject to the conditions outlined in Attachments 2 to 5.

9.1.2 Development Permit Application No. PL2016-013 - 1000 Gold Road, Electoral Area 'G' 52

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

9.2 Development Variance Permit

9.2.1 Development Variance Permit Application No. PL2017-174 - 3036 Bay Road, Electoral Area 'H' 75

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

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

2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2017-174.

9.3 Request for Frontage Relaxation in Relation to a Subdivision

9.3.1 Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in relation to Subdivision Application No. PL2017-134 - Columbia Drive and Viking Way, Electoral Area ‘G’ 84

That the Board approve the request to relax the minimum 10% perimeter frontage requirement for proposed Lot B in relation to Subdivision Application No. PL2017-134.

9.4 Other

9.4.1 Electoral Area ‘F’ Official Community Plan Review Project 90

That the Board direct staff to include within the Electoral Area ‘F’ Official Community Plan Review process, scheduled to commence in 2018, a land use analysis of parcels in Electoral Areas 'F' and 'G', in the vicinity of Church Road, prepare an electoral area boundary amendment assessment and clarify Commercial/Industrial land use policies within the Bellevue Church Road Rural Separation Area designation.

9.4.2 Gathering for an Event in the Agricultural Land Reserve – Proposed Zoning Amendments 93

1. That the Board receive the Gathering for an Event in the Agricultural Land Reserve – Proposed Zoning Amendments report for information.

2. That the Board direct staff to refer proposed amendments to “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500, 1987” and “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285, 2002” to the Agricultural Advisory Committee and farming community for comment.

3. That the Board direct staff to develop an information brochure for “Gathering for an Event in the Agricultural Land Reserve”.

9.4.3 Implications of Cannabis Legalization to the Regional District of Nanaimo 110
Staff to provide presentation

1. That the Board consider making recommendations to the Province with respect to provincial regulation of cannabis by completing the proposed motions in Attachment 1 – Proposed Recommendations to the Province.
2. That the Board request regular updates from the Province through the Union of BC Municipalities to ensure local governments are aware of any and all progress in the development of provincial regulations related to non-medical cannabis.
3. That the Board request additional regional district representation on the Joint Provincial-Local Government Committee on Cannabis Regulation.
4. That the Board request the provision of adequate provincial funding to cover any responsibilities and increase in administrative burden of any provincial framework that requires local government participation.
5. That the Board request equitable sharing of tax revenues from cannabis between all orders of government.
6. That the Board direct staff to amend “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” and “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” to reflect federal legislation on production of cannabis and make further necessary amendments once a provincial regulatory framework for the legalization of non-medical cannabis is developed.
7. That the Board request the Province to ensure that the rights of landlords are protected by having property owners able to choose whether to allow the personal cultivation of cannabis by tenants.

10. COMMUNITY PARKS

10.1 Nanoose Place Lease Agreement Renewal

130

That the Board approve the Lease Agreement between the Nanoose Bay Activities and Recreation Society and the Regional District of Nanaimo for the property legally described as: Lot 2, District Lot 6, Nanoose District, Plan 50996 for a ten year term expiring on December 15, 2027.

11. BYLAW ENFORCEMENT

11.1 Animal Control Services Agreement

147

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

12. BUSINESS ARISING FROM DELEGATIONS

13. NEW BUSINESS

13.1 Electoral Area 'A' Recreation and Culture Grant Approval
Grant application distributed separately

That the Electoral Area 'A' Recreation and Culture grant application from the Yellow Point Drama Group, for theatre lighting replacement in the amount of \$4,800, be approved.

13.2 Directors' Forum

- Planning
- Community Parks
- Emergency Preparedness
- Fire Protection
- Bylaw Enforcement
- Building Inspection
- Other Electoral Area Matters

14. ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA SERVICES COMMITTEE MEETING

Tuesday, October 10, 2017

1:30 P.M.

RDN Board Chambers

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

CALL TO ORDER

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

The Chair welcomed Alternate Director Wilson to the meeting.

APPROVAL OF THE AGENDA

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

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

Electoral Area Services Committee Meeting - September 12, 2017

It was moved and seconded that the minutes of the Electoral Area Services Committee meeting held September 12, 2017, 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 - September 20, 2017

Nanoose Bay Parks and Open Space Advisory Committee - September 13, 2017

CARRIED UNANIMOUSLY

COMMITTEE RECOMMENDATIONS

Electoral Area 'A' Parks, Recreation and Culture Commission

Cedar Skatepark

It was moved and seconded that staff investigate the potential options of creating an area for a viewing platform for the Cedar Skatepark.

CARRIED UNANIMOUSLY

Nanoose Bay Parks and Open Space Advisory Committee

Natural Playgrounds - Summary Report

It was moved and seconded that Stone Lake Community Park be pursued as a pilot project for a natural playground and moved forward in the work plan to begin community engagement.

CARRIED UNANIMOUSLY

PLANNING

Development Variance Permit

Development Variance Permit Application No. PL2017-099 - 1360 Valley Road, Electoral Area 'F'

It was moved and seconded that the Board approve Development Variance Permit No. PL2017-099 to increase the maximum permitted floor area of a building from 1,500 m² to 2,000 m² to permit the construction of a new commercial building and to reduce the number of parking spaces required for the existing building supply and lumber outlet from 53 to 20, subject to the terms and conditions outlined in Attachments 2 to 4.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct staff to complete the required notification for Development Variance Permit No. PL2017-099.

CARRIED UNANIMOUSLY

Development Variance Permit Application No. PL2017-126 - 2471 Nanoose Road, Electoral Area 'E'

It was moved and seconded that the Board approve Development Variance Permit No. PL2017-126 to permit a parking area within the Front Lot Line and Other Lot Line setbacks subject to the terms and conditions outlined in Attachments 2 to 4.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct staff to complete the required notification for Development Variance Permit No. PL2017-126.

CARRIED UNANIMOUSLY

It was moved and seconded that, as the 2017 Budget includes \$7,500 for the project and as an additional \$20,000 is required for a total of \$27,500, the additional funds requested be considered by the Board during the 2018 Budget deliberations.

CARRIED UNANIMOUSLY

Subdivision Application

Subdivision Application No. PL2017-034 - Stewart Road, Electoral Area 'E'

It was moved and seconded that five percent (5%) cash-in-lieu of parkland dedication be accepted in conjunction with Subdivision Application No. PL2017-034.

CARRIED UNANIMOUSLY

Other

Rural Area Signage Project Results and Recommendations

It was moved and seconded that the Board receive the results of the open houses included as Attachment 1 and questionnaire results included as Attachment 2.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct staff to prepare a report on potential amendments to “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002”, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, and, “Regional District of Nanaimo Sign Bylaw No. 993, 1995” to enhance the ability to construct community kiosks, and community identification and wayfinding signage.

CARRIED UNANIMOUSLY

It was moved and seconded that the Ministry of Transportation and Infrastructure be requested to consider implementing the specific signage improvements identified through the rural area signage project community engagement process as presented in Attachment 3.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct staff to prepare an informational webpage advising members of the public and community groups how to request signage improvements and how to obtain approval to install signage.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board recognize the communities as listed in Attachment 4 for the purpose of making application to the Ministry of Transportation and Infrastructure to install signage in the road rights-of-way under the Ministry's Policy Manual for Supplemental Signs.

CARRIED UNANIMOUSLY

It was moved and seconded that the Ministry of Transportation and Infrastructure be requested to include the communities identified in Attachment 4 in its Guide Sign and Service and Attraction signage programs.

CARRIED UNANIMOUSLY

Electoral Area 'H' Official Community Plan Review - Amendment Bylaw No. 1335.06 - First and Second Reading

Staff provided a presentation showing an overview of draft Amendment Bylaw No. 1335.06 as recommended for first and second reading and the changes proposed for the current Electoral Area 'H' Official Community Plan.

It was moved and seconded that staff be directed to amend the Draft Electoral Area 'H' Official Community Plan Section 5, Deep Bay Policies and corresponding sections for the Deep Bay South West lands to indicate that a maximum of 300 residential units are permitted in Deep Bay South West.

CARRIED UNANIMOUSLY

It was moved and seconded that staff be directed to amend paragraph 25 b of the Draft Electoral Area 'H' Official Community Plan, adding at the end of the section, "this is to include..., to be determined at rezoning stage."

CARRIED UNANIMOUSLY

It was moved and seconded that the Board introduce and give first reading to "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Amendment Bylaw No. 1335.06, 2017".

CARRIED UNANIMOUSLY

It was moved and seconded that the Board give second reading to “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Amendment Bylaw No. 1335.06, 2017”.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct the Public Hearing on “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Amendment Bylaw No. 1335.06, 2017”, be chaired by Director Veenhof or his alternate.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct an additional public information meeting prior to the public hearing to provide information and answer questions related to the draft Official Community Plan.

CARRIED UNANIMOUSLY

Government of British Columbia Cannabis Regulation Engagement

It was moved and seconded that the Board receive the Government of British Columbia Cannabis Regulation Engagement report for information.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct staff to prepare a report on the implications of cannabis legalization to the Regional District of Nanaimo and bring it forward to the Board when the opportunity for local government engagement is provided by the Province.

CARRIED UNANIMOUSLY

EMERGENCY PREPAREDNESS

Emergency Program Gap Analysis – Projects Update

It was moved and seconded that the Emergency Program Gap Analysis - Project Update be received for information.

CARRIED UNANIMOUSLY

FIRE PROTECTION

Fire Services Review – 2017 Projects Update

It was moved and seconded that the Fire Services Review - 2017 Projects Update be received for information.

CARRIED UNANIMOUSLY

BYLAW ENFORCEMENT

1415 Spruston Road - Unsightly/Hazardous Property

It was moved and seconded that the Board direct staff to proceed with the clean up and remediation of Lot 1, Section 3, Range 6, Plan VIP62055, Cranberry District (1415 Spruston Road) at the owner's expense, in accordance with the BC Supreme Court Order dated July 10, 2017.

CARRIED UNANIMOUSLY

NEW BUSINESS

Ministry of Transportation and Infrastructure / Provincial Approving Officer - Cycling and Pedestrian Road Improvements

It was moved and seconded that the Ministry of Transportation and Infrastructure and the Provincial Approving Officer be requested to take every opportunity through development and road improvement projects to enhance pedestrian and cycling infrastructure within Ministry roadways within rural areas of the Regional District of Nanaimo.

CARRIED UNANIMOUSLY

Directors' Forum

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

ADJOURNMENT

It was moved and seconded that the meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 2:52 PM

CHAIR

CORPORATE OFFICER

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA 'G' PARKS AND OPEN SPACE ADVISORY COMMITTEE MEETING

Wednesday, November 1, 2017

4:00 P.M.

Oceanside Place

In Attendance:	Director J. Stanhope	Chair
	T. Malyk	Member at Large
	R. Horte	Member at Large
	M. Foster	Member at Large
	B. Coath	Member at Large
	D. Round	Member at Large
	J. Dean	Member at Large
Also in Attendance:	W. Marshall	Mgr. Park Services
	R. Lussier	RDN Park Planner
	A. Harvey	Recording Secretary

CALL TO ORDER

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

APPROVAL OF THE AGENDA

It was moved and seconded that the agenda be approved with the addition of Dashwood Hall and French Creek Wetlands to Unfinished Business.

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

Electoral Area 'G' Parks and Open Space Advisory Committee Meeting - June 7, 2017

It was moved and seconded that the minutes of the Electoral Area 'G' Parks and Open Space Advisory Committee meeting held June 7, 2017 be adopted.

CARRIED UNANIMOUSLY

DELEGATIONS

It was moved and seconded that the late delegation from R. Alexander - Shorewood/San Pareil Owners and Residents Association be received.

CARRIED UNANIMOUSLY

R. Alexander - Shorewood/San Pareil Owners and Residents Association - Maple Lane Park

Mr. Alexander told the committee about the aging playground equipment and lack of seating at Maple Lane park in San Pareil.

The Association would like this park to be a part of the budgeting process for improvements to the park. They would like to see immediate seating and miscellaneous maintenance for the interim and hope for 2018 funding for a 20x15 picnic shelter on the knoll, a secure detached 15x10 cinder block storage shed, hook up to existing water connection to shelter area and upgraded playground equipment

UNFINISHED BUSINESS

Dashwood Community Hall

T. Malyk asked about the status of the Dashwood Hall report. Ms. Marshall updated that a new study of the building is done and staff are clarify some items with the consultant. Staff have been in contact with the Little Qualicum Steering committee and meeting with them to discuss the engineering study and alternative ideas to move forward with them. Following that, a staff report will be done for the next G POSAC Meeting.

D. Round requested information about amount of maintenance that had done at the hall and he was not given that information. Ms. Marshall said that some time would be needed to look back on five years of maintenance as the expenses for the area go through one maintenance account. She will report back with that information.

French Creek Wetlands

D. Round said that he had requested information about the development permit approved in 1994. He noted the park G30 as approved parkland dedication. He asked if the development permit is still valid given that the permit said it had to be started within 24 months.

Chair Stanhope noted that this would be beyond what the parks staff manages and that it would be a Planning department question. Ms. Marshall noted that he could contact planning staff for that information. Ms. Marshall explained how the process for development works. Ms. Marshall will bring back information regarding park G30 to the next meeting.

REPORTS

Parks Update Report - Spring and Summer 2017

Ms. Marshall gave an update of the area's current projects.

D. Round asked when the community consultation will happen for the Little Qualicum Hall will be. Ms. Marshall said after the engineer study.

T. Malyk asked what the reason was for a second assessment. Ms. Marshall explained it was for updated information and a second opinion.

D. Round asked how does the Committee get the repairs to the hall on the project list? Ms. Marshall noted that there is a Board direction already which will be followed up with a report to the board for the next steps.

D. Round said the hall needs immediate maintenance with a hole in the bathroom needing a minor repair. Ms. Marshall said that the engineering report will determine what maintenance needs to be done and when.

B. Coath suggested a fund that the hall has and account of about \$1,200 that was for equipment that could be used for this. The second signing authority passed away. He will get in touch with Ms. Marshall about it.

It was moved and seconded that immediate repairs be made on the Little Qualicum Hall for safety issues.

Opposed (1): R. Horte

CARRIED

It was moved and seconded that the Parks Update Report - Spring and Summer 2017 be received for information.

CARRIED UNANIMOUSLY

BUSINESS ARISING FROM DELEGATIONS

R. Alexander - Shorewood/San Pareil Owners and Residents Association - Maple Lane Park

It was moved and seconded that the improvements for Maple Lane Park be added to the 2018-19 project list for consideration.

CARRIED UNANIMOUSLY

Ms. Marshall noted that she would look back at the park's playground inspections and bring that information back to the committee.

NEW BUSINESS

Blue Water Place Community Park Plan

Ms. Lussier summarized the plan and answered committee member's questions.

It was moved and seconded that the Blue Water Community Plan be approved as presented.

CARRIED UNANIMOUSLY

ADJOURNMENT

It was moved and seconded that the meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 4:55pm

CHAIR

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE EAST WELLINGTON / PLEASANT VALLEY PARKS AND OPEN SPACE ADVISORY
COMMITTEE MEETING**

**Monday, October 23, 2017
6:00 P.M.
East Wellington Fire Hall**

In Attendance:	Director Young B. Erickson R. Heikkila B. Lind	Electoral Area 'C' Director Member at Large Member at Large Member at Large
Also in Attendance:	C. Pinker K. Cramer	Alternate Electoral Area 'C' Director RDN Parks Planner

CALL TO ORDER

The Chair called the meeting to order.

APPROVAL OF THE AGENDA

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

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

East Wellington / Pleasant Valley Parks and Open Space Advisory Committee Meeting - May 29, 2017

It was moved and seconded that the minutes of the East Wellington / Pleasant Valley Parks and Open Space Advisory Committee meeting held May 29, 2017, be adopted.

CARRIED UNANIMOUSLY

UNFINISHED BUSINESS

REPORTS

Parks Update Report - Spring and Summer 2017

Ms. Cramer reviewed the Parks Update Report and committee members discussed:

- RDN bought one acre lot for parking for Mount Benson Regional Park trail head and parking.
- Benson Creek Falls Regional Park parking off Weigles Rd and bridge / stairway within park.
- It was noted that Meadow Drive Community Park and Anders and Dorrit's Community Park was being well maintained by the contractor.

It was moved and seconded that the Parks Update Report - Spring and Summer 2017 be received for information.

CARRIED UNANIMOUSLY

NEW BUSINESS

Anders and Dorrit's Community Park – Concept Planning and Next Steps

Committee members received planning and next steps were discussed. They agreed to meet on site at park before next POSAC meeting.

The Committee discussed:

- Parking
- Dogs
- Picnic shelter
- Garden Beds
- Perimeter trail
- Field
- Toilets

Ms. Cramer noted there has not been a report back about storage of wood stove removed from Ander's house and that she would follow up.

It was moved and seconded that the Anders and Dorritt's Community Park - Concept Planning and Next Steps be received for information.

CARRIED UNANIMOUSLY

ADJOURNMENT

It was moved and seconded that the meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 7:55pm

CHAIR

REGIONAL DISTRICT OF NANAIMO

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

**Wednesday, October 11, 2017
7:00 P.M.
Arrowsmith Hall**

In Attendance:	Director J. Fell	Electoral Area 'F'
	R. Nosworthy	Member at Large
	K. Kril	Member at Large
	R. Shackleton	Member at Large
	A. Jablonski	Member at Large
Regrets:	B. Smith	Member at Large
	D. Roi	Member at Large
Also in Attendance:	R. Lussier	RDN Parks Planner
	E. McCulloch	RDN Parks Planner

CALL TO ORDER

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

E. McCulloch introduced the new Area F POSAC Parks Planner, Renée Lussier to the POSAC and advised that Renée would be taking her place for future POSAC meetings and project developments for Area F.

APPROVAL OF THE AGENDA

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

CARRIED UNANIMOUSLY

ADOPTION OF MINUTES

Electoral Area 'F' Parks and Open Space Advisory Committee Meeting - May 17, 2017

It was moved and seconded that the minutes of the Electoral Area 'F' Parks and Open Space Advisory Committee meeting held May 17, 2017, be adopted as amended to add A. Jablonski to Regrets.

CARRIED UNANIMOUSLY

UNFINISHED BUSINESS

Carrothers Trail to the Braddock - Leffler Trail.

E. McCulloch explained that staff had made a decision to name all future trails by the two connecting road names, in alphabetical order, based on emergency response requirements by other government bodies. The new trail naming process would not be retroactive to existing trail names.

REPORTS

Parks Update Report - Spring-Summer 2017

E. McCulloch asked for questions regarding the Parks Update Report – Spring and Summer 2017.

The steep pathway in the Benson Creek Park to view Ammonite Falls will be improved as part of the project. The Committee suggested that signage improvements should also be considered as there are many trail intersections in the park.

Clarification was provided regarding the plan for Little Qualicum River Falls Regional Park bridge replacement which will be for park access to the proposed picnic area only and not for road access to Highway #4 in Whiskey Creek.

It was moved and seconded that the Parks Update Report - Spring-Summer 2017 be received for information.

CARRIED UNANIMOUSLY

NEW BUSINESS

Working Session – Errington Community Park Master Plan

R. Lussier provided a site map of Errington Community Park; park development will likely be focused in the north east corner and eastern perimeter of the field. The goal is to develop a park Master Plan that includes a bike skills park, playground and open field area.

The public consultation strategy was presented and discussed by the Committee. Pictures of possible playground development options were also presented. After much discussion, it was decided that the first step would be to meet with Errington Park Special Interest Groups including the Errington Hall Board, the Farmers Market and the Heartwood Home School Group. This would provide preliminary input on which to build a broad conceptual overview. This overview would then be presented in a public meeting or open house to gather community input to formulate a conceptual plan with specific goals and objectives. The target completion timeframe for this initial process is late February or early March 2018.

Meadowood Community Park

Park Development

A. Jablonski advised that the Corcan Meadowood Residents Association (CMRA) had inquired about the timeline for Phase Two development of the Meadowood Community Park. The committee noted that Phase One playground construction has been completed, parking and water drainage issues addressed, additional adjacent parkland purchased, and there are plans to move forward with the planning of a community hall in 2018. This is substantially more of a POSAC commitment to Meadowood than any other neighbourhood in Electoral Area F. A summary of the work at Meadowood Community Park will be provided by R. Lussier for A. Jablonski to bring to a meeting with the CMRA.

R. Nosworthy suggested that there was a trail issue in the forested area of the park that also needed attention, due to a cement block wall erected on part of the circle pathway.

It was moved and seconded that the development strategy for the Meadowood Community Park forest trails be added to the work plan and once approved, be implemented by a Neighbourhood Trail Work Party.

CARRIED UNANIMOUSLY

Park Vandalism

R. Lussier presented a document entitled "Meadowood Community Park Washroom Vandalism" including pictures indicating very serious ongoing damage to the washroom facility. Other vandalism problems at the park were also discussed including trees being snapped off at the base, carvings into picnic tables, uprooting of tables imbedded in cement bases, etc.

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

CARRIED UNANIMOUSLY

ADJOURNMENT

It was moved and seconded that the meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 8:27 PM

CHAIR

TO: Parks Committees and Commissions **MEETING:** October 17, 2017

FROM: Wendy Marshall
Manager of Parks Services

SUBJECT: Parks Update Report - Spring and Summer 2017

RECOMMENDATION

That the Parks Update Report - Spring and Summer 2017 be received as information.

SUMMARY

Parks staff continue to work on projects identified in the 2017 Parks Work Plan and the RDN 2017 Operational Plan. Two new staff positions were recently added to the parks team. A new Parks Planner started during the last week of June and is currently working on projects in Electoral Areas F and G in addition to designing new signs and kiosks throughout the RDN parks and trails system.

Planning and Capital Projects – Key Highlights

E & N Finishing and Opening Event R+P-100A-2014

Prime contractor, David Stalker Excavating, returned to site in April to complete works delayed by winter weather, and to address minor deficiencies identified in January by the project engineer. A final 'grate and roll' of the trail surface was also undertaken. Pedestrian controlled beacons have been designed and were installed during the summer. The temporary ban on horses, issued by the Board in April, was lifted June 2nd once primary trail development was finished. Work has begun on trail etiquette, way marking and kiosk signs.

The opening will now be held on Saturday, October 14, 2017 at 10:30 a.m.

Blueback Community Park Development

Park construction is complete with final planting scheduled for this fall. Improvements to this waterfront park in Electoral Area E included the removal of blackberries that covered 100% of the property; addressing the problematic drainage issues that were revealed; improvements to the parking lot to create two new parking spaces; two gravel paths to the beach to improve kayak/canoe launching capabilities; the installation of a cedar port-a-potty surround and change room; construction of a rock retaining wall with seating nooks; seating boulders in the lower lawn area; and cedar split rail fencing.

Huxley Park Projects R+P-34-2106

Playground

The construction of a new playground area is proceeding this fall, funded in part through grants from the Nanaimo Foundation and the Gabriola Lions Club. The works include site clearing and re-grading, the

installation of two new play structures, a bench and seating wall, a cedar port-a-potty surround, as well as improvements to an existing park path. The tender process for the project is complete and the contract has been awarded.

Sports Courts

Improvements to the existing sports courts are scheduled to be completed this fall, funded in part through a donation from the Gabriola Ball Hockey Association; additional grant funding is expected to be announced in the near future. The project includes tennis court resurfacing, which was completed by the end of August, and the installation of a new dasher board system surrounding the sport court which will be completed by the end of November.

Skatepark

Concept drawings and preliminary cost estimates are 95% complete and will be presented to the community for feedback at an open house on September 13, 2017.

Moorecroft Planning

A May 2017 planning workshop with key stakeholders to revisit some of the ideas presented in the 2012 Park Management Plan. At the conclusion the session, an updated concept was arrived at and over the next 5 years will help guide the future improvements in the park. Toilets, a picnic shelter, Ms. Moore's cabin removal, a First Nations gathering place, and the entry/parking area are among some of the projects that were discussed and sited during the workshop. A report will be prepared for the Fall 2017 Regional Parks and Trails Select Committee to prioritize the projects into the parks work plan. Following Board approval, the website will be updated and a sign posted in the park.

Horne Lake Regional Trail and Heritage Designation R+P-31-2016

Staff met with the Horne Lake Strata to review the regional and heritage trail concepts and to clarify agreements made in 2001 regarding access to Strata lands above the Caves Rd for the purpose of regional trail. Approval was received from the Strata to issue a geological engineering review and assessment of the Mount Mark rock fall area for trail purposes. The Strata notes that any trail on their lands would likely be open to off-road vehicles.

Little Qualicum River Park Bridge R+P-29-2017

West Bridge Corporation was awarded the work for removal of the Little Qualicum River Bridge following a public tender process. Site work will commence in early September and complete removal is expected by September 15th, coinciding with the fisheries window. Environmental oversight is being provided by D.R. Clough Consulting.

Benson Creek Falls Facilities R+P-33-2017

Herold Engineering was awarded the Feasibility and Conceptual Design project for the improved descent to Ammonite Falls and an improved crossing of Benson Creek in the park. Part of the project will include a public questionnaire this fall to solicit feedback on the proposed improvements in the park. These projects were recommended in the 2014 Park Management Plan. Survey and conceptual design work for a new parking lot on Weigles Road will be underway this fall.

Potlach Development

A staff report was presented to the July 24th, 2017 Area B Parks and Open Space Committee regarding the Gabriola Island Local Trust Committee's referral request to review the amended draft rezoning Bylaw Nos. 289 and 290 and indicate if the RDN would accept the proposed 16.4-hectare parkland

dedication and the four public trail Statutory Right-of-ways (SRW) which would result from the future subdivision of the rezoned lands. The proposed 16.4 hectares of parkland addition and public trail connections would connect the village center with the waterfront at Descanso Bay Regional Park and would expand Cox Community Park to 50 hectares (123.5 acres). The Committee's recommendation for acceptance of the lands has been forwarded to the October 3, 2017 Board meeting for consideration.

Whalebone Stairs

The public water access stairs at Blue Whale, Hummingbird and Joyce Lockwood located in the Whalebone Community Parks have been temporarily closed since mid-June due to safety concerns owing to erosion, damage, and other site challenges. The stairs at Queequeg Community Park were also temporarily closed for a few weeks while drainage improvements were undertaken. The stairs at Blue Whale Community Park were replaced with new, pre-fabricated aluminum stairs. The 2017 Community Parks budget will not accommodate the replacement of the stairs at Hummingbird CP this year but the installation of removable/adjustable stairs for this site has been placed on the 2018 Area B Parks work plan. The stairs at Joyce Lockwood Community Park have been closed based on a Municipal Insurance Association inspection recommendation. Stair construction will involve a new bottom landing which requires additional approvals for foreshore work. A Registered Professional Biologist has been retained to assist with the foreshore work. The development of a design and costing for the stairs will be completed this fall/winter.

ACT Trails

Braddock-Leffler Community Trail construction was completed mid-June. The project involved re-routing and widening an existing narrow, unofficial footpath which was not contained within the undeveloped road right-of-way and trespassed on private property in some locations. This new, natural surface, type-2 trail provides an important east-west link between Leffler and Errington Roads and completes another piece of the Arrowsmith Community Trails network.

Es-hw Sme~nts Community Park Community Park Development

In consultation with Snaw-Naw-As (Nanose First Nation) the RDN's newest community park on Oak Leaf Drive in Nanose Bay has been named Es-hw Sme~nts Community Park. This name translates to Seal Rock and is pronounced Eshk-Sments Community Park. Final improvements in the park are to be completed this fall. A park opening is scheduled for October 4th.

Inventory and Mapping

In partnership with GIS staff, the park portfolio is being documented, described and mapped for record keeping, operational and inter-departmental purposes including asset management and for communication with advisory committees and the general public. Different maps will be created for different purposes. There will be internal maps with civic numbers and legal and jurisdictional information. A geo-referenced internal operational map will be created for each park that shows all GIS GPSed improvements, along with current operational arrangements for the property. Updated electoral area planning maps, important to the advisory committees, are being created that will show all parks, trails and open spaces under management by the RDN in a given area. Finally, a map showing accessible Crown lands and known recreational assets on other non-RDN lands, including the full inventory of water accesses, will be produced for the public's information.

Service Calls

The spring and summer of 2017 has been a busy time for staff responding to concerns and requests for service from the public. Many service calls pertain directly to the increased number of park users during

the nice weather and the increased demand on park amenities. Common complaints include; dog and animal issues, garbage and littering, ATV and motorbikes on trails, vandalism, parking issues, and port-a-potties permits

Area B – A permit for concession use at Rollo McClay CP during ball season was issued to the Gabriola 4-H Club. A permit to conduct a program of free guided walks May to August at various Gabriola regional and community parks and trails was issued to the Gabriola Land and Trails Trust. A permit was issued to Sheila Malcolmson MP to promote a petition regarding abandoned boats at the Oceans Day event at Descanso Bay RP.

Area C – A permit was issued to NALT and VIU for vegetation plot monitoring as part of the covenant monitoring of Mount Benson Regional Park.

Area E – A permit was issued to Quality Foods for the 26th annual Teddy Bear Picnic at Jack Bagley Field. A permit was issued to Ecole Ballenas Secondary for inter-tidal snorkeling at Moorecroft Regional Park as part of the Outdoor Pursuits program.

Area F – A permit was issued to the Corcan-Meadowood Residents’ Association for a Canada Day family picnic lunch at Meadowood Community Park.

FINANCIAL IMPLICATIONS

The projects outlined in this report have funds identified in the 2017 Budget. Electoral Area projects are funded through the associated 2017 Community Parks Budget and in some cases are supplemented by Community Works Funds or grant funding. Regional Parks projects are funded through the 2017 Regional Parks Operational Budget or the Regional Parks Capital Budget.

STRATEGIC PLAN IMPLICATIONS

Projects in this report support the RDN's strategic priorities for Service and Organizational Excellence and Focus on the Environment:

- Delivering efficient, effective and economically viable services that meet the needs of the Region;
- We will fund infrastructure in support of our core services employing an asset management focus;
- As we invest in regional services we look at both costs and benefits — the RDN will be effective and efficient;
- We recognize community mobility and recreational amenities as core services; and
- We will have a strong focus on protecting and enhancing our environment in all decisions.



Wendy Marshall
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September 29, 2017

Reviewed by:

- T. Osborne, General Manager of Recreation and Parks

Attachments

1. Parks Work Plan – *(Spring and Summer 2017)*

Parks Work Plan
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PARK PROJECTS AND REQUESTS								
Service Area	Origin	Project #	Park	Description	Start Date	Completion	Progress	Comment
A	15-568	2016-001	Cedar Plaza	Tipple construction	2016	2017 Q1	Completed	Construction has started but is delayed due to weather. Project now complete.
A	15-568	2017-001	Cedar Plaza	Sign boards for the Tipple Structure	2017	2017 Q1	Underway	Draft designs have been produced. Final draft underway with installation planned for Fall.
A	16-785	2017-002	Beach Accesses	Driftwood Beach Access stair consultation and design	2017	2017 Q2	Not started	Now planned for Fall 2017
A	Staff	2017-003	Skatepark	Concrete headwalls	2017	2017 Q3	Not started	Planned for Fall of 2017
A		2018-001	Beach Accesses	Driftwood Beach Access stairs construction	2018		Not started	Planned for 2018
A	17-153	NEW 2017-053	Cedar Plaza	Review Possible Alternatives to allow water	2017	2017 Q4	Not started	Planned for Fall of 2017
B	15-369	2016-003	Huxley	Skate Park detail design	2016	2017 Q1	Underway	RFP has been awarded; first public workshop completed; concept and costing to 90% complete.
B	15-565	2016-005	Cox	Entry sign installation	2016	2017 Q1	Completed	Sign is ordered and will be installed in the coming weeks. Project now completed.
B	15-565	2016-006	Cox	Bench installation	2016	2017 Q1	Completed	Benches to be installed in next few weeks. Project now completed.
B	16-346	2016-007	McCullum Road Cash in Lieu	Work with Developer for processing the Cash in Lieu	2016	TBD	Underway	Waiting for developer to received his PLA and final approval.
B	Posac	2016-007	Whalebone	Various upgrades	2016	2017 Q3	Completed	Work to continue throughout 2017.
B	16-677	2016-008	Development	Density transfer/subdivision review and comment	2016	2017 Q2	Completed	Early referral report done for board and response sent to Islands Trust (IT). Received additional IT referral March 10, 2017. Report to go to POSAC and Board spring 2017. Staff examining referral and report underway for July POSAC.
B	Grant	2017-004	Huxley	Playground design and install	2017	2017 Q4	Underway	Construction drawings underway. To be constructed fall 2017. Tendering process complete. Contract awarded.
B	15-438	2017-005	Huxley	Sport Court upgrades	2017	2017 Q4	Underway	Construction to take place this fall. Tenders complete. Contract awarded for tennis courts and for the supply and install of dashboards.
B	16-348	2017-006	707	Signs review and update	2017	2017 Q4	Not Started	Fall of 2017
B	15-089	2017-007	Rollo	Dog Park design - work with community group	2017	2017 Q4	Not started	Planned for Fall of 2017
B	Staff	2017-008	Bluewhale and Queequeg	Rebuild Beach Access stairs	2017	2017 Q3	Underway	Planned for the summer of 2017
B	Staff	2017-009	Joyce Lockwood Stairs	Rebuild Beach Access stairs	2017	2017 Q3	Underway	Geotech assessment of Site underway.
B	Staff	2017-010	Malspina Galleries	Trail work/garbage can install	2017	2017 Q3	Completed	Planned for the summer of 2017. Garbage recepticle ordered. Project now complete.

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Service Area	Origin	Project #	Park	Description	Start Date	Completion	Progress	Comment
B	17-112	NEW 2017-054	Rollo	Determine Feasibility of Lion's Storage Shed			Completed	Determined that unfeasible due to Island Trust zoning restrictions.
B-CWrks	Board	2015-001	Village Way Path	Design/MOTI approval	2015	2017 Q1	Concluded as per Director instruction	Plan redesigned per MOTI response in 2016 and the new design (asphalt extension) presented to MOTI. MOTI approved moving forward to the permitting stage. Costing by engineering consultant received in March. Reviewed by Area Director; Director declines to pursue asphalt extension plan. Meetings to be held with MoTI.
B-CWrks		2017-011	Village Way Path	Construction	2017	2017 Q4	Suspended	To be determined once costing is obtained and direction provided by Area Director.
C EW/PV	Posac	2018-003	Anders Dorrit	Information sign design and install	2018		Not started	Planned for 2018
C EW/PV	Posac	2018-004	Anders Dorrit	Detailed design	2018		Not started	Planned for 2018
C Ext	Staff	2016-017	Park Improvements	General			Not started	TBD
C Ext - CWrks		2018-002	Extension School	Agreement/Reno	2018		Delayed	No agreement with SD 68 at this time. Planned for 2018
E	16-197	2016-009	Claudet	Utilities lot transfer	2016	TBD	Underway	Information was provided to Water Services. Water Services is working on the transfer.
E	Posac	2018-005	Trail Project	TBD	2018		Not started	Planned for 2018
E	17-155	NEW 2017-055	Nanoose Road Community Park	Remove Playground Structure and determine alternative use	2017	2017 Q4	Underway	Removal to be completed in the coming weeks. Discussions for alternation use to be undertaken with POSAC. Playground now removed.
E	17-156	NEW 2017-056	Open Space Plan	Recind plan and use CPTS	2017	2017 Q2	Completed	Plan has been removed from the website. Completed.
E	17-410	NEW 2017-062	Es-hw Sme~nts	Park be named Es-hw Sme~nts Community Park	2017	2017 Q3	Completed	Signs with name have been ordered and will be installed this September.
E	17-409	NEW 2017-065	Nanoose Road Community Park	Contact crown to expand use under the lease	2017	2017 Q4	Underway	Letter was sent to Crown, awaiting response.
E	17-408	NEW 2017-066	Natural Playground	Examine parks suitable for a natural playground and report back	2017	2017 Q4	Underway	Staff summary report prepared for POSAC consideration.
E		NEW 2017-067	Park Opening	Opening Ceremony for Es-hw Sme~nts	2017	2017 Q3	Underway	Opening scheduled for October 4.
E-CWrks	Board	2015-002	Blueback	Construction	2015	2017 Q2	Delayed	Construction complete; landscape planting will take place in the fall.
E-CWrks	16-564	2016-010	Es-hw Sme~nts	Development as per plan	2016	2017 Q1	Underway	Phase 1 complete, benches recently installed. Phase 2 - fencing, interpretive signs and final landscaping under for fall 2017 completion.
E-CWrks	17-154	NEW 2017-057	Jack Bagley	Agreement for CW funds for SD69	2017	2017 Q2	Completed	Agreement to be circulated shortly. Agreement concluded and money transferred.
F	Posac	2017-012	ACT Trails	Land Agreement for trail development	2017	2017 Q1	Changed to 2017-050	Route changed, land agreement no longer needed. See project number 2017-050.

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Service Area	Origin	Project #	Park	Description	Start Date	Completion	Progress	Comment
F	17-311	2017-050	ACT Trails	Carrothers trail development	2017	2017 Q1	Complete	MOTI permit received; construction complete.
F	Staff	2017-013	Meadowood	Parking lot improvements	2017	2017 Q3	Not started	Planned for Fall of 2017
F	Posac	2018-006	Errington	Playground design	2018		Not started	Planned for 2018. A base map has been produced in GIS in preparation for the site planning process. All adjacent trails have been GPS'd and added to the GIS database.
F	Staff	2018-007	Errington	Operator Agreement	2018		Not started	Planned for 2018
F	17-312	NEW 2017-064	Errington	Bike Skills Park to be included in development plans for the park	2018		Not started	Planned for 2018.
F	17-310	2018-009	ACT Trails	Surface David Lundine trail	2017	2017 Q4	Not started	Work assessed and planned for 2018
F-CWrks	Posac	2019-001	Errington Playground	Construction	2019		Not started	Planned for 2019
G	16-619, 17-157	2017-014	Stanhope Trail	Planning, construction	2017	2017 Q4	Underway	Detailed design of an asphalt paved connector trail from the end of Wally's Way to Ackerman Rd is complete. Detailed plans are being completed and tendering will happen in September. Invitation to Quote was delivered via email on Aug. 18, 2017 with responses to be provided by Sept. 8, 2017.
G	Staff	2017-015	Boulton	Replace playground borders	2017	2017 Q3	Not started	Delayed until 2018
G	Posac	2018-010	River's Edge Plan	Playground design	2018		Not started	Planned for 2018
G-CWrks	16-059	2016-012	Little Qualicum Hall	Assessment and report on condition of the building	2016	2017 Q1	Completed	Report being prepared for the March Area G POSAC meeting. Report sent to March meeting.
G-CWrks	17-158	2018-011	Little Qualicum Hall	Close and remove building	2018	2017 Q3	Delayed	Updated HazMat Report underway, Hall Bookings suspended beyond April 15th. Communications regarding closure underway with stakeholders/residents. Project now included in #2017-063
G-CWrks	17-405	NEW 2017-063	Little Qualicum Hall	Postpone demolition and undertake a new review and community consultation	2017	2017 Q4	Underway	After the June POSAC meeting, staff were directed not to close the building but to work with residents on other options. A new engineering assessment has been ordered.
G-CWrks	Posac	2019-002	French Creek Paths/Trails	TBD	2019		Not started	Planned for 2019
H	Board	2014-582	Grant - Lighthouse Community Centre Society	Blding upgrades as identified by the LCCS -Installment 4	2017	2017 Q2	Completed	Report for 2016 spending received. Funds for 2017 will be released once budget is approved and funding requests received from the LCCS. Agreement signing underway. Cheque to be released April 1.
H	Staff	2016-013	Lions Park	Operator Agreement	2016	2017 Q1	Underway	Meeting held mid-January with the Lions Club to review the Club's short and long-term interests, and a new tenure arrangement. SMS preparing draft lease; received mid-March and rejected. SMS directed to produce a license. Draft received early May and is under review by mgt.
H	Other	2016-014	Roadside Trails	OPC planning - work with Planning Department on their process	2016	2017 Q1	Underway	Response provided on the draft of the Active Transportation plan and OCP.

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Service Area	Origin	Project #	Park	Description	Start Date	Completion	Progress	Comment
H	Other	2016-015	Trails Initiative	Community Trails - GIS work and signs	2016	TBD	Underway	Signs installed at Hatchery. GIS captured trail data. Signs to be installed.
H	16-281	2016-017	Beach Accesses	Assess sites and install signs at sites identified by the POSAC	2016	2017 Q1	Completed	Planning work completed. New sign-posts and signs installed.
H	17-020	2017-016	Dunsmuir	Detail design	2017	2017 Q4	Not started	Planned for fall/winter of 2017.
H	Staff	2017-017	Thompson-clark	Stair repair	2017	2017 Q3	Not started	Planned for fall of 2017.
H		2018-012	Dunsmuir	Phase I construction	2018		Not started	Planned for 2018
H	Posac	2018-013	Wildwood	Kiosk development and install - split with Regional	2018		Not started	Planned for 2018
H	Posac	2019-003	Oakdowne	Licence on other crown parcels surrounding the park	2019		Not started	Planned for 2019
H	17-021	NEW 2017-058	Dunsmuir	Clear view corridor into park	2017	2017 Q3	Completed	Staff to review on-site works in March. Site work identified and Staff awaiting contractor quotes.
H	17-407	NEW 2017-062	Beach Accesses	Contact MOTI regarding the encroachment at McColl Road	2017	2017 Q3	Underway	MOTI contacted. Follow up required to determine next steps.
H-CWrks	Other	2020-001	Area H Roadside Trails	Work with MOTI on any development of trails along the road.	2020		Not started	Timing will depend on the Active Transportation Plan currently under development.
Other	Operational	2016-030	Maintenance Contracts	A, Ext, EW, E, F, H, E&N, VW	2016	2017 Q1	Completed	RFP Issued, Mandatory Site Meeting complete, Addendums (2) Issued. RFP Closed March 30th and 4 responses received. RFP evaluations underway. Strain Landscaping selected and contract is underway.
Other	Operational	2016-031	2017 Budget	Create	2016	2017 Q1	Completed	The preliminary 2017 budget is completed. During January, the budget will be amended based on the actual surplus and any changes requested by the Area Directors. 2017 budget approved.
Other	Operational	2017-058	2018 Budget and Workplan	Create and forward for approvals	2017	2018 Q1	Underway	Planning for workplan to start in June. Budgeting underway.
Other	Operational	2016-032	SharePoint system	Create and upload old files	2016	2020	Underway	Staff continue to move files from the old files to the new system
Other	Operational	2017-039	Staffing	Hire new Parks Planner	2017	2017 Q2	Completed	Position to be posted and interviews to take place early April. Position filled.
Other	Operational	2017-043	Worksafe BC	Update program	2017	2017 Q4	Underway	Work will continue throughout 2017.
Other	Operational	2017-044	Risk Management	Update Inspection Program	2017	2017 Q4	Underway	Work will continue throughout 2017.
Other	Operational	2017-045	Call and Work Tracking	Install system and train staff	2017	2017 Q2	Underway	Software ordered, Training dates set for April, IT working on wireless in-office capability. Staff now inputting data into the software.
Other	Operational	2017-046	Park Maintenance Plans	Create plans for parks	2017	2017 Q4	Completed	Co-inciding with RFP for developed C.P's. Completed.
Other	Operational	2018-022	Purchasing System	Create system for purchase	2018		Not started	Planned for 2018
Other	Staff	2019-005	Donation Program	Create program	2019		Not started	Planned for 2019

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Service Area	Origin	Project #	Park	Description	Start Date	Completion	Progress	Comment
Other	Staff	2019-006	Bylaw 1399	Update existing bylaw	2019		Not started	Planned for 2019
Other	Operational		GIS and Mapping	Ongoing mapping			On going	Ongoing
Other	Operational		Park Statistics	Acquisition registry, park records, mapping, statistics			On Going	Complete registry of parks and trails portfolio in final stages, with acquisition identification numbers devised. Internal, planning and promotion maps clarified and being created. All Parks Staff as well as GIS staff participating. Asset Management awaiting complete registry.
Other			Acquisitions	Assessment and report			Underway	Several properties under consideration.
Other	Operational		Budget and Workplans	Ongoing monitoring			On Going	Ongoing
Other - Comm	16-616	2016-018	Park Signage	Remove old and install simple signage	2016	2017 Q1	Underway	Majority of signs removed and replaced with park name signs. New sign designs underway.
Other - Comm	Other	2018-014	Bike Network Plan	Develop plans	2018		Not started	Planned for 2018
Other - Comm	Operational		Development	Subdivision/parkland - review, comments and POSAC input			On Going	Ongoing as required through planning
REG	Board	2015-003	Benson Creek Falls	Licence renewal	2015	2017 Q1	Completed	Completed
REG	17-227	NEW 2017-060	E&N -- Coombs to Parksville Rail Trail	Horse Parking - Wood lot	2017	2017 Q4	On hold	Being pursued in conjunction with a pending amenity contribution from industrial land rezoning.
REG		2017-069	E&N -- Coombs to Parksville Rail Trail	Opening Event	2017	2017 Q4	Underway	Opening scheduled for Saturday 14 October. Event plan drafted and being confirmed.
REG	Operational	2017-071	Witchcraft Lake RT	5 year licence expires 30 November 2017	2017	2017 Q4	Underway	City staff contacted in Spring; existing agreement contains a five-year renewal clause. To Board with report in November 2017.
REG	16-126	2016-024	Mount Benson	Race Event - work with event holders	2016	2017 Q1	Underway	Second running event planned for Sept. 23. Group has meet with RDN and NALT to confirm route through park and has applied for Parks Use Permit.
REG	Mngmnt Plan	2016-025	Moorecroft	Agreement - La Selva entry	2016	2017 Q1	Underway	Agreement required with a second landowner. Staff in communication with residents in the area.
REG	Staff	NEW 2017-052	Moorecroft	Planning Development Zone	2017	2017 Q3	Underway	Stakeholder planning workshop was held in May 2017 to review and establish a path forward for improvement in the park. A report is going to fall RPTSC.
REG	16-480	2016-026	Moorecroft	Planning with First Nations	2016	2017 Q4	Underway	Will continue discussions with FN regarding building in the park.
REG	Operational	2016-028	Beachcomber	Management Plan development	2016	2017 Q2	Underway	First round public consultation completed. Draft plan being written. Waiting for consultant work conclude before finalizing document. Draft plan written and out for public feedback.

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Service Area	Origin	Project #	Park	Description	Start Date	Completion	Progress	Comment
REG	Staff	2017-019	Ammonite Falls Trail	Bridge studies	2017	2017 Q4	Not started	Moved to 2018.
REG	Staff	2017-020	TCT	Timberlands Road trail head development	2016	2017 Q4	Underway	Rural Dividends Program \$30K development grant awarded 3 March. Meeting with landowner Island Timberlands held 16 March; request still under review by IsT. Interim Rural Div Prog report submitted end of May with request for grant deadline extension given lack of significant progress with IsT.
REG	17-383	NEW 2017-061	CPR Trail	Renew the trail licence	2017	2017 Q3	Completed	Board report written and board approval received. Paperwork sent back to Island Timberlands and fee paid.
REG	Mngmnt Plan	2017-021	La Selva	Construction	2017	2017 Q2	Not started	Will begin once agreement is signed by all parties.
REG	16-766	2017-023	Horne Lake Regional Trail	Planning	2016	2018 Q2	Underway	Rural Dividends Program \$10K planning grant awarded 21 February 2017. RFP for geological engineering review and assessment issued and awarded to Thurber Engineering. Meeting held with Strata, Port Alberni and ACRD to review potential trail route. A surveyer hired to clarify issues related to 2005 posting plan of part of 1911 Rd, in preparation for full survey of 1911 Rd from HLRP to ACRD border.
REG	16-767	2017-024	Horne Lake Heritage Trail	Historic designation	2017	2020	Underway	Work initiated to determine which FNs might be involved. Discussed heritage trail concept at meeting with ACRD and Port Alberni staff.
REG	Staff	2017-025	Horne Lake	Park upgrades	2017	2017 Q3	Underway	Work planned for the summer of 2017.
REG	Staff	2017-026	Horne Lake	Accessible toilets install	2017	2017 Q3	Underway	Work planned for the summer of 2017.
		2017-072	Horne Lake RT	Land use agreement with Strata	2017	2018 Q3	Not started	Familiarization with Strata lands, interests and concerns underway. Once geo-engineering review completed and east-side route firmed up, drafting land use agreement can begin.
REG	Operational	2017-073	Horne Lake	Operator RFP	2017	2018 Q1	Not started	Planned for winter 2017.
REG	Staff	2017-027	Descanso	Tractor purchase	2017	TBD	Delayed	Purchase decision of replacement tractor under review.
REG	Operational	2017-028	Descanso	Operator Agreement	2017	2017 Q3	Completed	RFP submissions received and new operator selected.
REG	Staff	2017-029	Englishman River	Geo technical study of the bank above the road	2017	2017 Q2	Not started	Work planned for Fall of 2017.
REG	Staff	2017-030	Englishman River	Repair road to Top Bridge	2017	2017 Q3	Completed	Work delayed due to weather. Work is anticipated to get underway at the beginning of May and complete by May 24th
REG	Mngmnt Plan	2017-033	Naniamo River	Interpretive signs design and install	2017	2017 Q3	Completed	Completed.

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Service Area	Origin	Project #	Park	Description	Start Date	Completion	Progress	Comment
REG	Mngmnt Plan	2017-034	Naniamo River	Install benches	2017	2017 Q2	Underway	To be installed once received from supplier.
REG	16-666	2017-036	Mount Benson	Parking solution	2017	TBD	Underway	Staff investigating parking improvements for Board Consideration.
REG	Operational	2017-070	Mount Benson	Volunteer Agreement	2017	2018 Q2	Underway	Volunteer Agreement for trail improvement work by Island Mtn. Ramblers.
REG	16-649	2017-038	Coats Marsh	Bat study	2017	2017 Q1	Underway	Consultant selected and study to take place in June. Report expected in September.
REG	Staff	2017-040	Moorecroft	Vault toilet install	2017	TBD	Not started	Location and type of toilet to be determined through planning for the development zone.
REG	16-669	2017-048	Benson Creek Falls	Parking feasibility study and design - Weigles entrance	2017	TBD	Underway	Survey and concept design underway this fall.
REG	16-668	2017-049	Benson Creek Falls	Parking - monitor and communicate with residents	2017	2017 Q4	Underway	Staff met with residents in mid-March to ensure open communication moving forward.
REG	Posac	2018-017	Wildwood/LHRT	Kiosk development and installtion - split with H	2018		Not started	Planned for 2018
REG	Staff	2018-018	Descanso	Septic field studies	2018		Underway	Existing system pumped and inspected by Enviromental Health Officer. Awaiting Report.
REG	Mngmnt Plan	2018-019	Benson Creek Falls	Kiosk	2018		Not started	Planned for 2018
REG	Staff	2018-020	Arboretum	Kiosk upgrade -design new sign with volunteers and install	2018		Not started	Planned for 2018
REG	Mngmnt Plan	2018-021	Moorecroft	Picnic shelter design/tender	2019		Not started	Report is going to fall RPTSC to prioritize project - proposed for 2019.
REG	Other	2019-004	Top Bridge	Reroute trail and parking lot in City of Parksville	2019		Not started	Planned for 2019. Timing depends on the City of Parksville.
REG		2020-003	Horne Lake Regional Trail	Construction	2019	2020	Not started	Construction planned to begin in 2019 and finish in 2020.
REG	Mngmnt Plan		Moorecroft	Toilets and Water line upgrade	2018		Not started	Report is going to fall RPTSC to prioritize project - proposed for 2018.
REG	Other		Fairwinds	Development - PDA		TBD	Completed	PDA amendments approved by Board.
REG - Other	Other	2016-019	Amazing Places: Top Bridge	Mount Arrowsmith Biosphere Region Research Institute (VIU)	2016	2017 Q4	Underway	Top Bridge made the list as top ten. Launch event held March 30 in Parksville. Amazing Places signage for Top Bridge installed at Top Bridge Crossing kiosk. Amazing Places brand now available for RDN use in promotion. Filming at Top Bridge to be undertaken before end of 2017 for use in Biosphere promotion.
REG- Other	Other		Tourism Vancouver Island Vancouver Island Trails Strategy	Phase 3 Exceptional Hiking Experiences Network (Vancouver Island Tourism)	2017		Underway	TVI putting together its Task Force to execute a Master Plan for Hiking Experiences on VI/Sunshine Coast.
REG - Other	16-654, 16-678, 17-019	2016-020	(Salish Sea Marine Trail) BC Marine Trail Network Association	Partnership agreement	2016	2017 Q4	Underway	Met with BC Marine Trail Association executive in March, partnership agreement drafted and agreement reached. Draft agreement to be presented to EASC in November.

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August 2017 Update

Service Area	Origin	Project #	Park	Description	Start Date	Completion	Progress	Comment
REG - Other	Staff	2017-018	Brochure	Reprint	2017	2017 Q4	Reprint Completed	Reprint ordered with redesign planned for fall of 2017 to incorporate new acquisitions and developments. See project number 2017-051.
REG- Other	Staff	2017-051	Brochure	Design New Brochure/Print	2017	2018 Q2	Not started	Design to start at the end of the 2017.
REG - Other	Operational	2017-042	RPT Plan	Develop RFP. Work with consultant on plan development	2017	2018 Q4	Delayed	RFP to be prepared during summer for Board report in the fall of 2018.
REG - Other	Operational	2018-015	Trail Counters	Expand program	2018		Not started	Planned for 2018.
REG - Other	Other	2018-016	Park Zoning	With Planning Department	2018		Not started	Planned for 2018.
REG - Other	Operational	2020-002	Parks Warden Program	Redesign the program. Work with existing volunteers	TBD		On Hold	On hold until staff time is available.
REG - Other	Operational		Operator agreements	Monitor			Ongoing	Ongoing
REG - Other	Operational		Partnerships	Meetings and on-going communication with partners			Ongoing	Ongoing
REG CAP	Board	2014-001	Morden Colliery	Lease upgrade	2014	TBD	Underway	Waiting to for processing update from Province.
REG CAP	Board	2016-022	E&N -- Coombs to Parksville Rail Trail	Construction	2016	2017 Q2	Underway	The trail opened for use in December. Deficiencies completed spring. Installation of beacons and parking controls completed in August.
REG CAP	Board	2017-022	E&N -- Coombs to Parksville Rail Trail	Amenities and signs install	2017	2017 Q3	Underway	Garbage cans and regulation signs installed, way marking signage to be installed by end of August. Kiosk signage in final drafting stage; to be ready for production and installation mid-September. Benches to planned and installed over fall-winter.
REG CAP	17-229	NEW 2017-059	E&N -- Coombs to Parksville Rail Trail	Closure of trail to horses for 2 months	2017	2017 Q2	Completed	Closure ended once compaction of trail was complete.
REG CAP	16-670	2017-031	Benson Creek Falls	Stair design, bridge design	2017	TBD	Underway	Consulting team in place, project kick-off meeting complete.
REG CAP	16-670	2017-032	Benson Creek Falls	Geo technical study of the slope for stair and bridge development	2017	TBD	Underway	Consulting team in place, project kick-off meeting complete.
REG CAP	15-201 384	17-2017-035	Little Qualicum	Bridge upgrades	2017	2017 Q4	Changed to 2107-069	Consulting team in place, design kick-off meeting complete. Surveying underway, Enviromental Permit applications underway.
REG CAP	17-386	NEW 2017-068	Little Qualicum	Design and Construction of a new bridge be included for consideration in the 5-year plan	2017	2017 Q4	Not started	Funding and timing will be included in the 2018 budgeting process.
REG CAP	17-385	NEW 2017-069	Little Qualicum	Removal of the bridge.	2017	2018 Q3	Underway	Completion planned for September.
REG CAP	Mngmnt Plan	2017-041	Moorecroft	Washroom -detailed design and construction	2017	TBD	Not started	Type of washroom and location to be determined through planning process for the development zone.
REG CAP	16-124,14-755,14-754	2017-047	Morden Colliery	Bridge and trail design and tender	2017	2018 Q2	Delayed	Project delayed because of ALC development application process.

TO: Electoral Area Services Committee **MEETING:** November 28, 2017

FROM: Kristy Marks
Planner **FILE:** PL2017-058

**SUBJECT: Development Permit Application No. PL2017-058
Electoral Area ‘E’
Lot B, District Lots 30 and 78, Nanoose District, Plan VIP88308**

RECOMMENDATION

That the Board approve Development Permit No. PL2017-058 to permit the construction of a 35 unit townhouse development subject to the conditions outlined in Attachments 2 to 5.

SUMMARY

This is an application to permit the construction of a 35 unit townhouse development clustered in nine buildings with three to four units in each building. Given that the development permit area guidelines have been met and no negative impacts are anticipated as a result of the proposed development, staff recommends that the Board approve the proposed development permit subject to the conditions outlined in Attachment 2.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from ICR Projects Inc. on behalf of 1040985 B.C. Ltd. to permit the construction of a 35 unit townhouse development on the subject property. The subject property is 4.6 hectares in area and is zoned Ridge Town Homes Comprehensive Development Zone 34 (CD34), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is located to the northeast of Bonnington Drive and is surrounded by developed single family dwellings to the southwest and southeast, an undeveloped multi-dwelling unit zoned parcel to the east and an undeveloped parcel zoned for single family development that falls within the Lakes District and Schooner Cove Phased Development Agreement area to the north. The property slopes from the south down to the north and access to the property is from Bromley Place and Bonnington Drive (see Attachment 1 – Subject Property Map). The property is currently vacant and will be serviced by community water and sewer.

The proposed development is subject to the Form and Character and Sensitive Ecosystems Protection Development Permit Areas (DPA) per the “Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005”.

Proposed Development

The application includes the construction of a 35 unit townhouse development in nine buildings with three to four units in each building. The proposed units will be two-storeys and will include two bedrooms plus a den/guest room or family room, kitchen, living and dining area and either a one or two car garage. The proposed development is situated on the upper or southern portion of the parcel leaving a significant portion of the site undeveloped with its native landscape largely undisturbed. The site will have access from both from Bromley Place and Bonnington Drive and access within the site will be via a private strata road.

Land Use Implications

The applicant has submitted a detailed site plan, building elevations and floor plans, and design rationale prepared by Collabor8 Architecture + Design Inc. in support of the application (see Attachment 3 - Site Plan and Attachment 4 - Building Elevations). The applicant has also provided a landscape plan prepared by LADR Landscape Architects, dated November 7, 2017 (See Attachment 5 - Landscape Plan) as well as a Technical Memorandum - Pre-Design Site Servicing Report prepared by Koers & Associates Engineering Ltd., dated May 10, 2017, and detailed plans showing existing topography, site servicing and road concepts.

To address the Form and Character DPA guidelines the applicant has provided a design rationale consistent with the guidelines for multi-unit residential development noting that the character of the development is in keeping with the surrounding rural residential lands. Each building contains three to four two-storey units designed to integrate with the adjacent single family dwellings while diversifying the range of housing types currently available within the overall Fairwinds area. All units have been designed with ground level entry and blend with the natural topography of the site, minimizing major civil works and maintaining the existing landscape on a portion of the property. The buildings incorporate a combination of cedar wood at entrance doors and stone cladding that will be sourced from existing rock on the site as well as wood composite siding, fibre cement panel and metal roofs. Each unit includes large view facing patios and balconies designed to take advantage of panoramic downslope views to the Fairwinds development and ocean beyond.

In keeping with the DPA guidelines, the landscape plan has been designed to include a variety of deer resistant, drought tolerant, native and adaptive plants throughout the site as well as 'eco-lawn' or similar drought tolerant slow growing lawn for front lawn areas. The applicant has provided a detailed cost estimate for materials and is required to provide a landscaping security deposit in the amount of \$246,661 (see Attachment 2 – Conditions of Permit). Off-street visitor parking areas have been clustered and include landscaped areas consistent with the Form and Character DPA guidelines. Street lighting will be provided within the site similar to the street lighting on Bonnington Drive and will include ornamental luminaires with LED lights. No signage is proposed for the development.

The Technical Memorandum – Pre Design Site Servicing Report prepared by Koers & Associates Engineering Ltd. outlines the design approach for the civil engineering components of the development including proposed access, site grading, storm drainage, sanitary sewer and water main infrastructure. Detailed design for all civil works will be provided by the applicant for Regional District of Nanaimo (RDN) review at the time of subdivision and/or building permit stage.

Environmental Implications

The applicant has provided an assessment report prepared by Cascadia Biological Services dated May 10, 2017 to address the Sensitive Ecosystems Protection DPA guidelines. This report concludes that the vegetation on-site does not meet the definition of a sensitive eco-system due to stand composition and previous disturbances in the surrounding eco-system. The assessment report identifies two areas where site preparation and tree removal are required. The Primary Cut Area (PCA) is approximately 27,969 m² in area and the Secondary Cut Area (SCA) is approximately 11,880 m² where selected trees would be removed to allow improvement of the stand composition through selective thinning. The report includes a number of recommendations for works within development permit areas including that development of the site adhere to current government regulations including but not limited to Best Management Practices – Develop with Care: Environmental Guidelines for Urban and Rural Land Development in BC. These requirements are included in Attachment 2 – Conditions of Permit.

Intergovernmental Implications

The application was referred to the local fire department and the Ministry of Transportation and Infrastructure (MOTI). The Nanoose Volunteer Fire Department indicated that the site provides adequate access for firefighting and that any concerns with respect to roof top access can be addressed at the building permit application phase. The MOTI have granted preliminary approval for the proposed development and have confirmed that valid permits will be required for any works or installation of utilities within public road dedications and that all parking is to be contained within the development.

ALTERNATIVES

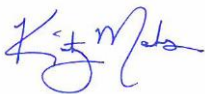
1. To approve Development Permit No. PL2017-058 subject to the conditions outlined in Attachments 2 to 5.
2. To deny Development Permit No. PL2017-058.

FINANCIAL IMPLICATIONS

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

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal is in keeping with the 2016 – 2020 Board Strategic Plans “Focus on the Environment” which states that the Board will focus on protecting and enhancing the environment in all decisions. The DPA guideline requirement for a biological assessment helps ensure that site-specific environmentally sensitive features are identified and that the impacts of development on the environment are identified and mitigated.



Kristy Marks
kmarks@rdn.bc.ca
November 10, 2017

Reviewed by:

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

Attachments

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

Attachment 2
Conditions of Permit
(Page 1 of 2)

The following sets out the conditions of Development Permit No. PL2017-058:

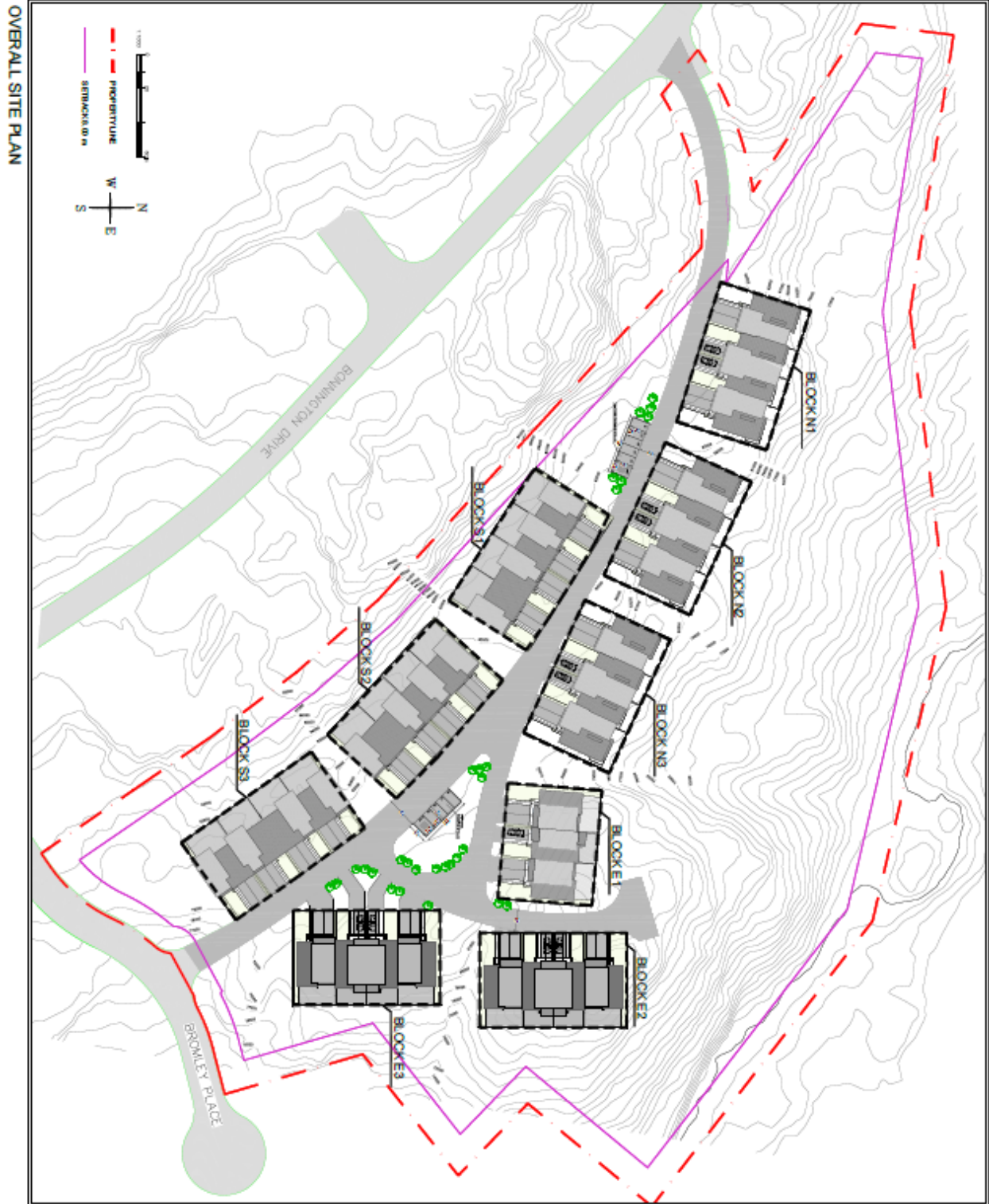
Conditions of Approval

1. The site is developed in accordance with the Site Plan prepared by Collabor8 Architecture + Design Inc., dated October 17, 2017 and attached as Attachment 3.
2. The proposed development is in general compliance with the plans and elevations prepared by Collabor8 Architecture + Design Inc., dated October 17, 2017 and attached as Attachment 4.
3. The subject property shall be developed in accordance with the recommendations contained in the assessment report prepared by Cascadia Biological Services dated, May 10, 2017 including but not limited to the following:
 - A Professional Biologist on site will strictly monitor all work within the DPA and adhere to all recommendations as outlined in the BMP - Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia. As well as:
 - Ensure construction will proceed smoothly without harmful alteration of habitat;
 - Provide long-term monitoring for disturbed sites until green-up is established and the soils at the site are stable.
 - Heavy equipment (excavators etc.) working in and around the DPA will be monitored for leaks (oil, hydraulic fluid, etc.) daily.
 - Sediment control measures will be installed along the perimeter of disturbed areas where required.
 - Sensitive habitats within construction areas will be flagged/delineated with high visibility flagging and fencing in order to minimize impacts and overall disturbances.
 - Detailed direction to contractors will be given to ensure that no erosion or sediment movement will occur and that no silt will be released to watercourses during the construction and post construction phase.
 - Minimize tree cuts in identified area(s) where feasible
4. The proposed landscaping shall be provided and maintained in accordance with the Landscape Concept Plan prepared by LADR Landscape Architects, dated November 7, 2017 and attached as Attachment 5.
5. The applicant shall provide a landscaping security in the amount of \$246,661 to be held until all of the landscaping works required in Attachment 5 have been completed to the satisfaction of the RDN. Upon completion, a one-year written guarantee from a landscape contractor shall be required, otherwise 25% of the landscaping cost will be retained to ensure proper maintenance for a one year period.

Attachment 2
Conditions of Permit
(Page 2 of 2)

6. Storm water infiltration areas identified on the Landscape Concept Plan shall be designed and certified by a professional engineer.
7. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

**Attachment 3
Proposed Site Plan**



Attachment 4 Building Elevations (Page 1 of 7)

1. STEEL METAL ROOF DARK BROWN

2. DARK GRAY ALUMINUM WINDOWS

3. LOCAL STONE

4. CONCRETE PANEL WITH WOOD GRANTHILL

5. LIGHT GRAY FIBER CEMENT BOARD

6. LIGHT GRAY FIBER CEMENT BOARD

7. CEDAR WOOD

8. GLASS PANEL

9. DARK GRAY METAL PANEL

10. STAINLESS

11. LIGHT GRAY FIBER CEMENT BOARD

12. LIGHT GRAY FIBER CEMENT BOARD

13. LOCAL STONE

14. CONCRETE PANEL WITH WOOD GRANTHILL

collabor8
 ARCHITECTURE + DESIGN INC.

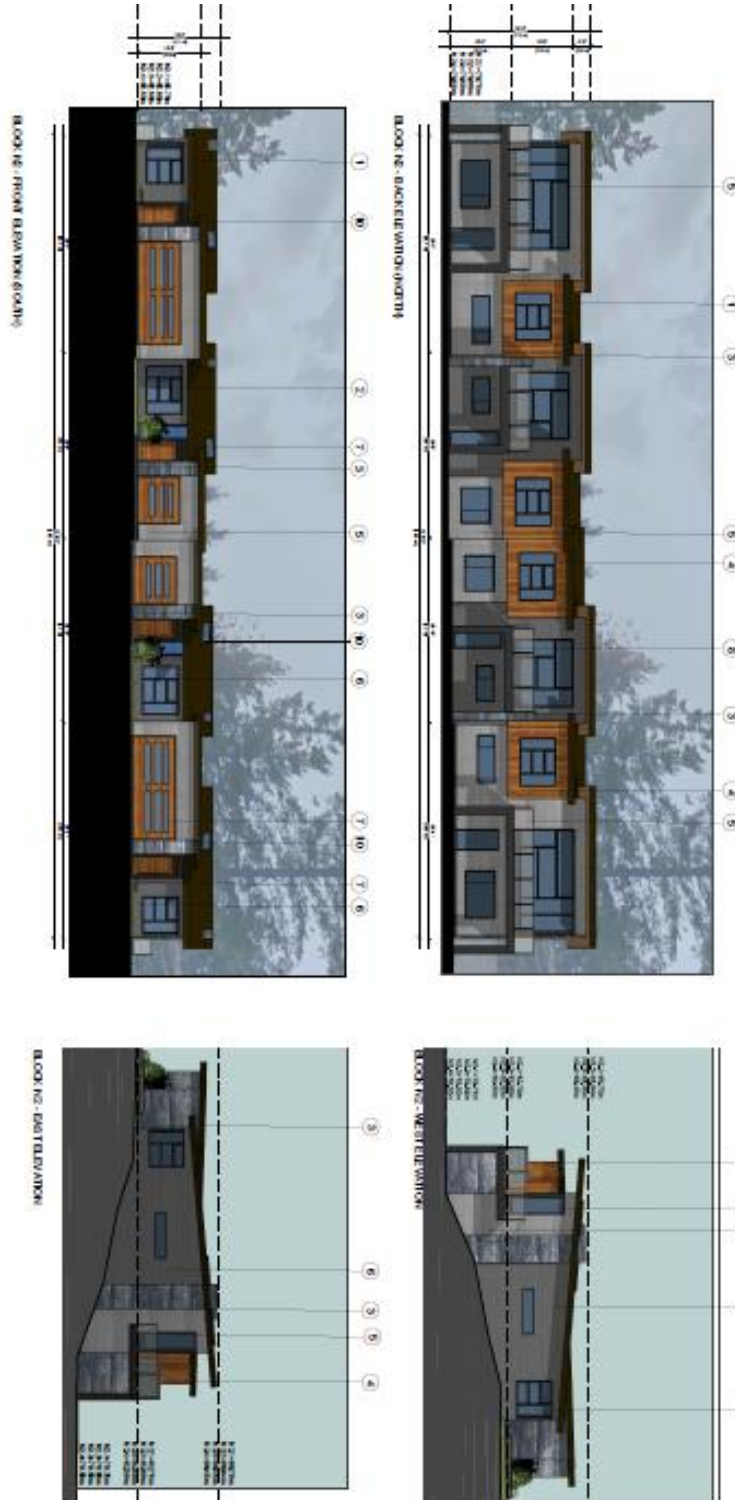
1000 10th Street, Suite 200
 NanOOSE BAY, BC
 V9S 1A9
 Tel: (250) 754-1111
 Fax: (250) 754-1112
 Email: info@collabor8.com

ISSUED FOR DEVELOPMENT PERMIT
FAIRWINDS, OCEAN RIDGE
 NANOOSE BAY, BC

ELEVATION SET CODE: NH-143
 SCALE: 1/8" = 1'-0"
 DATE: 11/28/17

A.3.1

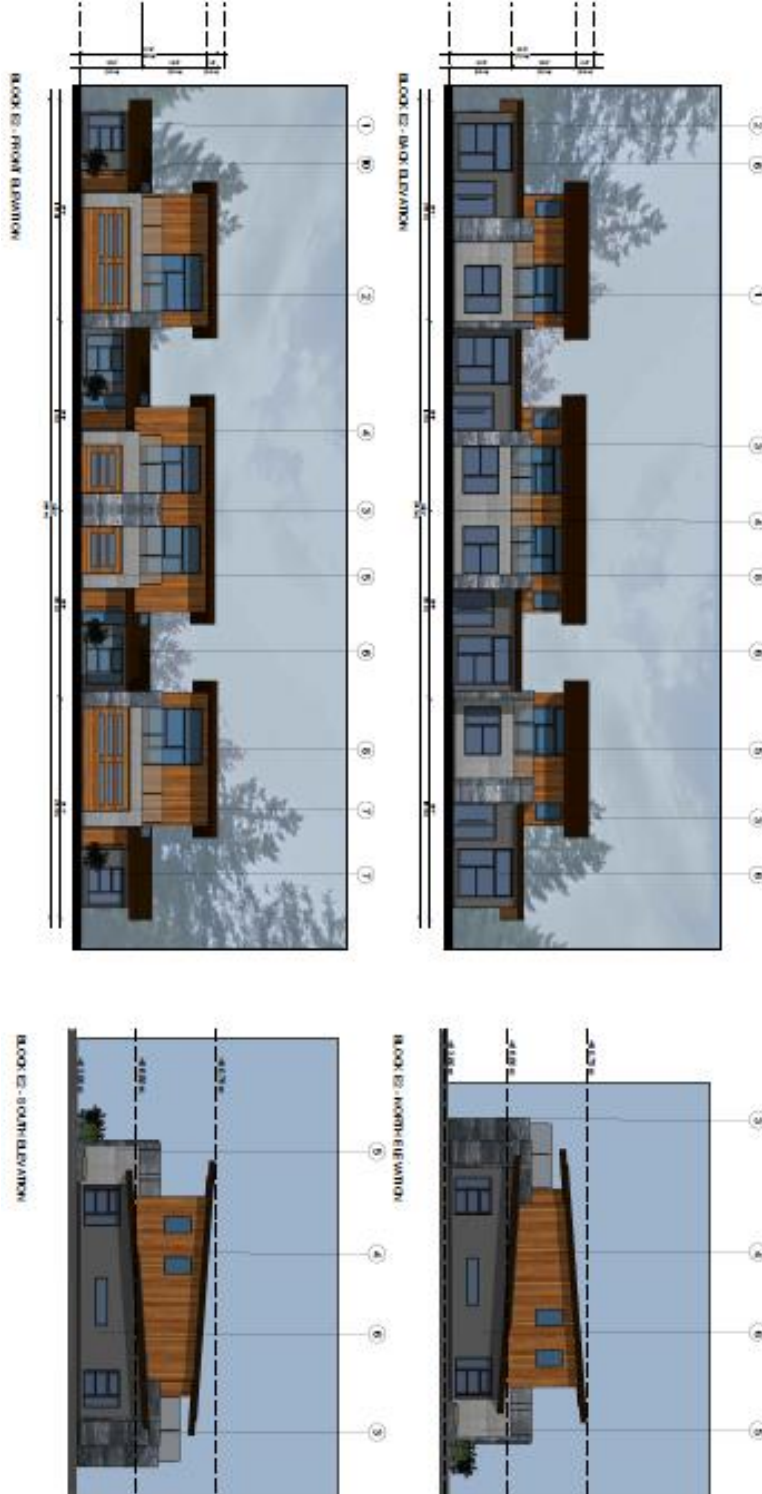
Attachment 4
Building Elevations
(Page 2 of 7)



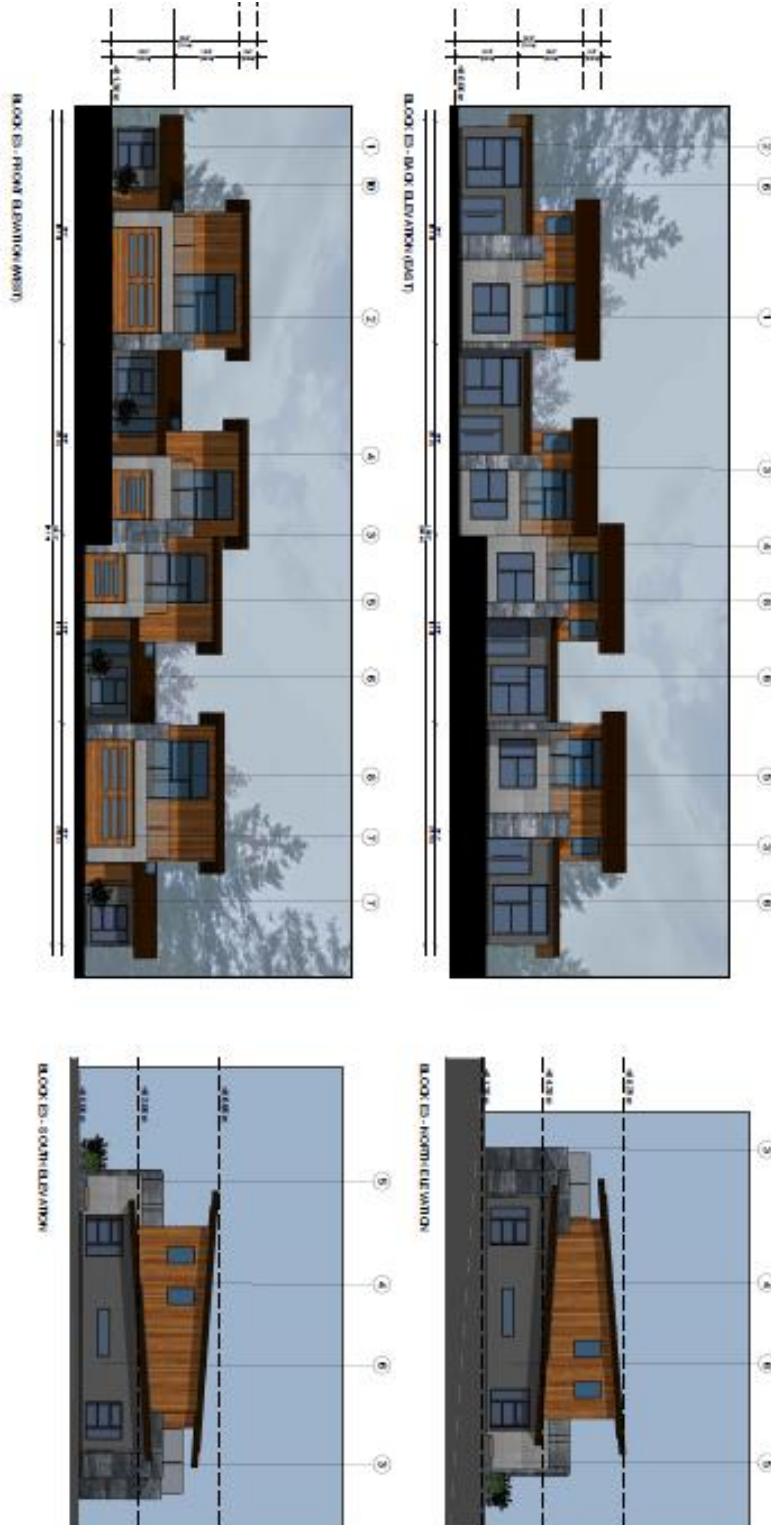
Attachment 4
Building Elevations
(Page 3 of 7)



Attachment 4
Building Elevations
(Page 4 of 7)



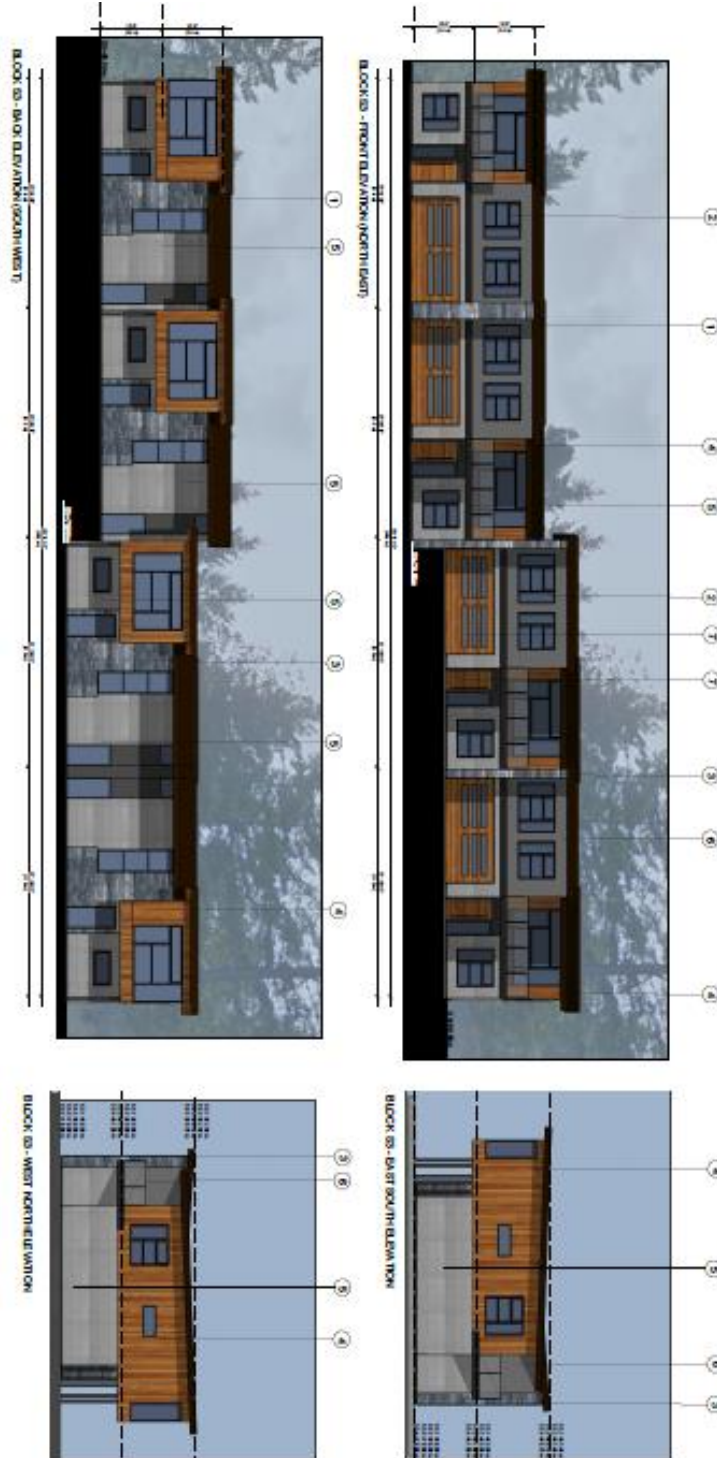
Attachment 4
Building Elevations
(Page 5 of 7)



Attachment 4
Building Elevations
(Page 6 of 7)



Attachment 4
Building Elevations
(Page 7 of 7)



**Attachment 5
 Landscape Plan
 (Page 1 of 4)**



Attachment 5
Landscape Plan - Detail
 (Page 2 of 4)







LANDSCAPE ARCHITECTURE

1. 2017-11-28

2. 2017-11-28

3. 2017-11-28

4. 2017-11-28

5. 2017-11-28

6. 2017-11-28

7. 2017-11-28

8. 2017-11-28

9. 2017-11-28

10. 2017-11-28

11. 2017-11-28

12. 2017-11-28

13. 2017-11-28

14. 2017-11-28

15. 2017-11-28

16. 2017-11-28

17. 2017-11-28

18. 2017-11-28

19. 2017-11-28

20. 2017-11-28

FARWINDS - OCEAN RIDGE TOWNHOUSES

LANDSCAPE IMAGE BOARD

L.02

Attachment 5
Landscape Plan - Detail
(Page 3 of 4)



Attachment 5
Landscape Plan – Recommended Plantings
 (Page 4 of 4)

Recommended Nursery Stock

Trees

ID	Quantity	Botanical Name	Common Name	Size
AcC	2	Acer circinatum	Vine Maple	2.5m ht & min 3 stems
AcGr	12	Acer griseum	Paperbark Maple	5cm cal
AcPaO	3	Acer palmatum 'Osakazuki'	Osakazuki Japanese Maple	4cm cal.
AlRu	8	Alnus rubra	Red Alder	5cm cal
GbAG	21	Ginkgo biloba 'Autumn Gold'	Autumn Gold Maidenhair Tree	6cm cal
LavO	4	Lavandula officinalis	English Lavender	#1 pot
PiOm	3	Picea omorika	Serbian Spruce	2m ht.
PsM	46	Pseudotsuga menziesii	Douglas Fir	1.5m ht.
QuC	14	Quercus coccinea	Scarlet Oak	6cm cal
QuG	39	Quercus garryana	Garry Oak	4-5cm cal; 1.5m ht.

Large Shrubs

ID	Quantity	Botanical Name	Common Name	Size
BeTR	12	Berberis t. f. atropurpurea 'Rose Glow'	Rose Glow Japanese Barberry	#5 pot
MaMC	25	Mahonia x media 'Charity'	Charity Mahonia	#7 pot

Medium Shrubs

ID	Quantity	Botanical Name	Common Name	Size
CiH	231	Cistus x hybridus	White Rockrose	#3 pot
HyMLW	24	Hydrangea macrophylla 'Lanarth White'	Lanarth White Hydrangea	#5 pot
MaA	143	Mahonia aquifolium	Tall Oregon Grape	#3 Pot
RibKE	181	Ribes s. 'King Edward VII'	King Edward VII Red Fl. Currant	#3 pot
VOva	13	Vaccinium ovatum	Evergreen Huckleberry	#7 pot

Perennials, Annuals and Ferns

ID	Quantity	Botanical Name	Common Name	Size
AchM	350	Achillea millefolium	Yarrow	#SP4 pot
BISp	86	Blechnum spicant	Deer Fern	#1 pot
HeS	72	Helictotrichon sempervirens	Blue Oat Grass	#1 pot
IpM	92	Ipomea batatas 'Margarita'	Margarita Ipomea	#SP4 pot
LavO	12	Lavandula officinalis	English Lavender	#1 pot
Mis	60	Miscanthus sinensis 'Yaku Jima'	Dwarf Maiden Grass	#2 pot
PeAt	105	Perovskia atriplicifolia	Russian Sage	#1 pot
RudCG	452	Rudbeckia fulgida 'City Garden'	City Garden Black Eyed Susan	#SP4 pot
SSyl	169	Salvia sylvestris 'May Night'	Wood Sage	#SP4 pot
StTi	22	Stipa tenuissima	Mexican Feather Grass	#1 pot

Groundcovers

ID	Quantity	Botanical Name	Common Name	Size
AcUV	389	Arctostaphylos uva ursi 'Vancouver Jade'	Vancouver Jade Kinnickinnick	#1 pot

Notes:

1. All work to be completed to current BCSLA Landscape Standards
2. All soft landscape to be irrigated with an automatic irrigation system until established.
3. All plants to be nursery grown & meet form expectations as indicated in current Canadian Standards for Nursery Stock

TO:	Electoral Area Services Committee	MEETING:	November 28, 2017
FROM:	Greg Keller Senior Planner	FILE:	PL2016-013
SUBJECT:	Development Permit Application No. PL2016-013 1000 Gold Road – Electoral Area ‘G’ That Part of District Lot 9, Newcastle District, Lying to the South West of Little Qualicum River, Except That Part Lying to the North of the Island Highway, and Except That Part in Plan 28564		

RECOMMENDATION

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

SUMMARY

This is an application for a Development Permit (DP) to authorize land alteration, vegetation removal, and the construction of a dwelling unit and accessory buildings on the subject property. As the applicant has not demonstrated consistency with the applicable DPA Guidelines, it is recommended at this time that the Board deny the proposed DP.

BACKGROUND

In February 2014, the Regional District of Nanaimo (RDN) became aware that land alteration and vegetation removal had occurred on the subject property without the required DP. The property owner was advised on multiple occasions of the requirement for a DP for the activities undertaken, but was not cooperative in submitting the required application.

On February 2, 2016 the RDN received an application from Doug and Denise Thomasson to permit the construction of a dwelling unit. The application also proposes to recognize land alteration, vegetation removal, and the construction of a number of accessory buildings which had previously been undertaken without the required DP on the subject property. The subject property is approximately 8.29 hectares in area and is zoned Rural 1 Zone (RU1), Subdivision District ‘D’, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is located to the south of Gold Road on a low-lying bench located on the west bank of the Little Qualicum River (see Attachment 1 – Subject Property Map).

The property contains a dwelling unit and a number of recently constructed accessory buildings, agricultural buildings, vegetable gardens, and recently established hay and pasture lands. The property is serviced by on-site water and wastewater disposal.

The proposed development is subject to the following Development Permit Areas (DPA) per the “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008:

- Hazard Lands DPA;
- Environmentally Sensitive Features DPA; and,
- Farmland Protection DPA.

Proposed Development

A development permit is required to allow the construction of a proposed dwelling unit. A DP is also required to address the construction of farm buildings and accessory buildings as well as vegetation removal and land alteration which occurred on the subject property without the required development permit.

Land Use Implications

Farmland Protection DPA

The Farmland Protection DPA guidelines apply to a portion of the south property line of the subject property as it is adjacent to lands located in the Agricultural Land Reserve. This application has adequately addressed the Farmland Protection DPA guidelines.

In support of this application, the applicant has provided a site plan prepared by JE Anderson & Associates dated September 19, 2016 (see Attachment 2). The site plan does not show all buildings, structures, and other land alteration and vegetation removal that were apparent as of an August 22, 2017 site visit and is not adequate to address the Hazard Lands and Environmentally Sensitive Features DPA guidelines.

Although the applicant has provided information in support of this application, there a number of Hazard Lands and Environmentally Sensitive Features DPA guidelines that have not been satisfied. While all of the applicable DPA guidelines should be met, those DPA guidelines identified as ‘Yes’ in column 4 of Attachment 3 are significant enough to be included as recommended reasons to deny the application at this time. Should a new application be received, the applicant would need to demonstrate consistency with all of the DPA guidelines. The following provides an overview of the Hazard Lands and Environmentally Sensitive Features DPA guidelines that form the basis for this application to be denied.

Hazard Lands DPA

To address the Hazard Lands DPA guidelines, the applicant submitted a Geotechnical Hazards Assessment prepared by Lewkowich Engineering Associated Ltd. dated October 20, 2016. The geotechnical engineering report does not provide sufficient information to demonstrate consistency with DPA guidelines 2, 8, 11, and 13. Therefore, it is recommended that the requested DP be denied based on failure to comply with DPA guidelines 2, 8, 11, and 13. Additional information would be required from the applicant to demonstrate consistency with these DPA Guidelines. Please refer to

columns 3 and 4 of Attachment 3 for a more detailed description of the information required to comply with the above Hazard Lands DPA guidelines.

Environmentally Sensitive Features DPA

In order to address the Environmentally Sensitive Features DPA guidelines, the applicant has submitted an Environmental Review of the proposed dwelling unit location prepared by Aquaparian Environmental Consulting Ltd. dated July 13, 2016. The review identifies that there is a forested swamp area located on the west portion of the subject property that is recommended to be retained. The report also recommends that a 30.0 metre riparian area adjacent to the Little Qualicum River be marked and allowed to revegetate. Although the report concludes that the proposed dwelling unit is not expected to result in any negative environmental impact, it was noted during a site visit conducted on August 22, 2017 that additional development activities had occurred on the subject property that have not been assessed. These include installation of a fence and a row of cedar trees in close proximity to the natural boundary of the Little Qualicum River that are contrary to the Environmental Review recommendations to allow the riparian area within 30.0 metre of the Little Qualicum River to naturally revegetate. Land alteration and vegetation removal also appeared to have occurred within the forested swamp area that the Environmental Review recommended be maintained.

The Environmental Review needs to be updated to address all land alteration and construction of buildings which has occurred on the subject property without a DP and to provide the information necessary to address Environmentally Sensitive Features DPA guidelines 7, 8, 10, and 26. Therefore, it is recommended that the requested DP be denied based on failure to comply with DPA Guidelines 7, 8, 10, and 26. Please refer to columns 3 and 4 of Attachment 3 for more detailed description of the information required to comply with the above DPA guidelines.

The applicant has been made aware of the outstanding information requirements and has been given multiple opportunities to submit the information necessary to demonstrate consistency with the DPA guidelines. In addition, the applicant committed to providing the required information but has not fulfilled the commitment despite being granted multiple extensions and additional time for the applicant's consultants to prepare the required information.

Section 490(2) of the *Local Government Act*, provides that a DP must only be issued in accordance with the applicable DPA guidelines. Based on the incompleteness of the information provided by the applicant, the application is inconsistent with the DPA guidelines, and as such, approving the requested permit at this time would be unlawful.

Reasons for Refusal

It is recommended that the requested development permit be denied on the basis that the issuance of a development permit for the subject property would not be in accordance with the applicable guidelines, for the reasons set out in columns 3 and 4 of Attachment 3 as outlined above with respect to the Hazard Lands and Environmentally Sensitive Features DPA's. If the Board denies the application, the applicant is entitled to be provided reasons for refusal.

ALTERNATIVES

No alternatives are provided as, at present, the Board does not have the legal authority to issue a valid DP under Section 490(2) of the *Local Government Act*.

Intergovernmental Implications

This application was referred to Qualicum First Nation as the property contains a mapped archeological site. No comments were received in response to the referral.

In support of this application, the applicant submitted an Alteration Permit from the Ministry of Forests, Lands, and Natural Resources Operations (FLNRO) to allow the alteration of archaeological site DiSc 0035 to accommodate the proposed development.

FINANCIAL IMPLICATIONS

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

STRATEGIC PLAN IMPLICATIONS

The Plans “Focus on the Environment” states that the Board will focus on protecting and enhancing the environment in all decisions. Compliance with the Hazard lands DPA guidelines helps ensure that site-specific environmentally sensitive features are identified and that the impacts of development on the environment are identified and mitigated. Compliance with the Environmentally Sensitive Features DPA guidelines helps evaluate, prepare, and mitigate the impact of environmental events and climate change.



Greg Keller
gkeller@rdn.bc.ca
November 17, 2017

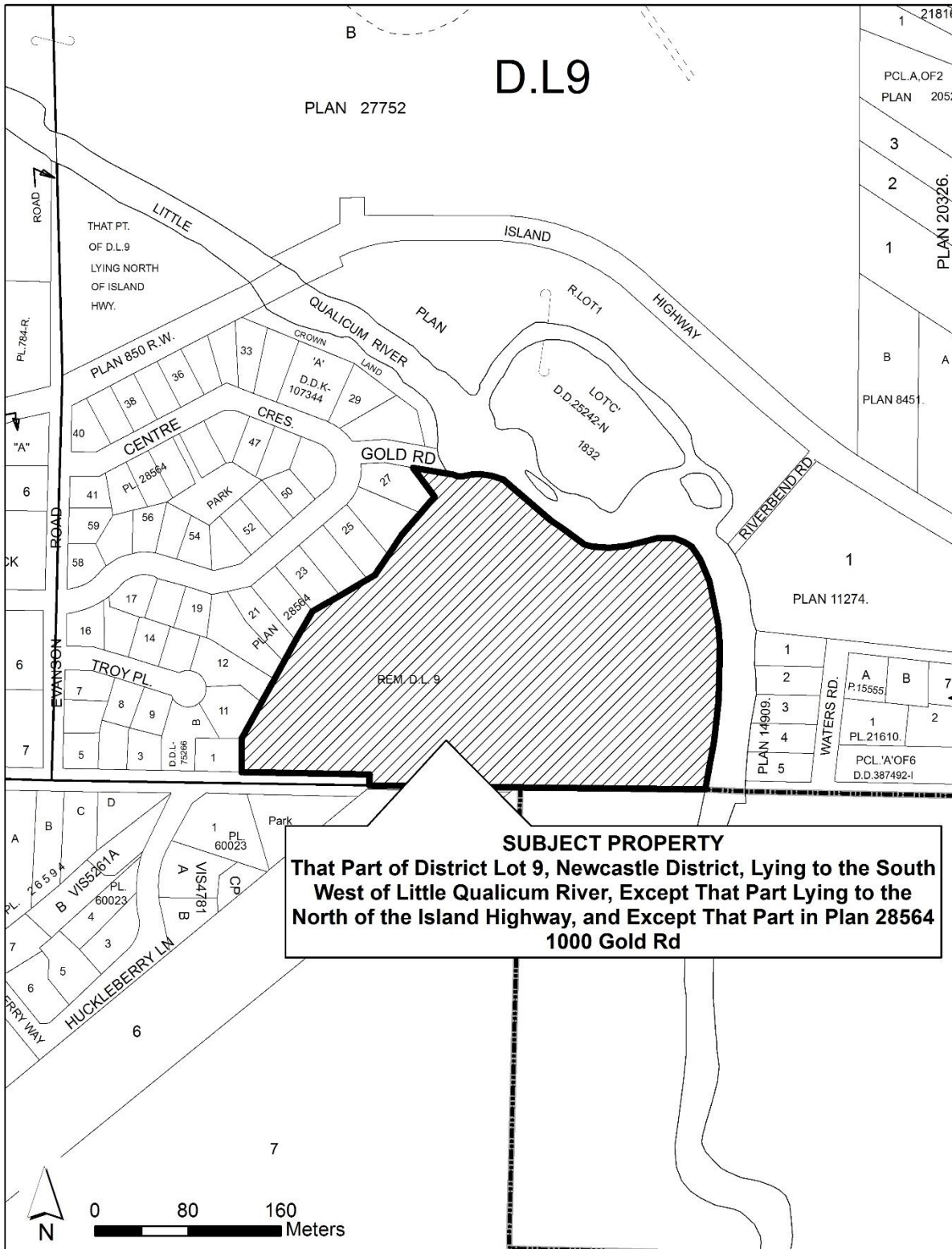
Reviewed by:

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

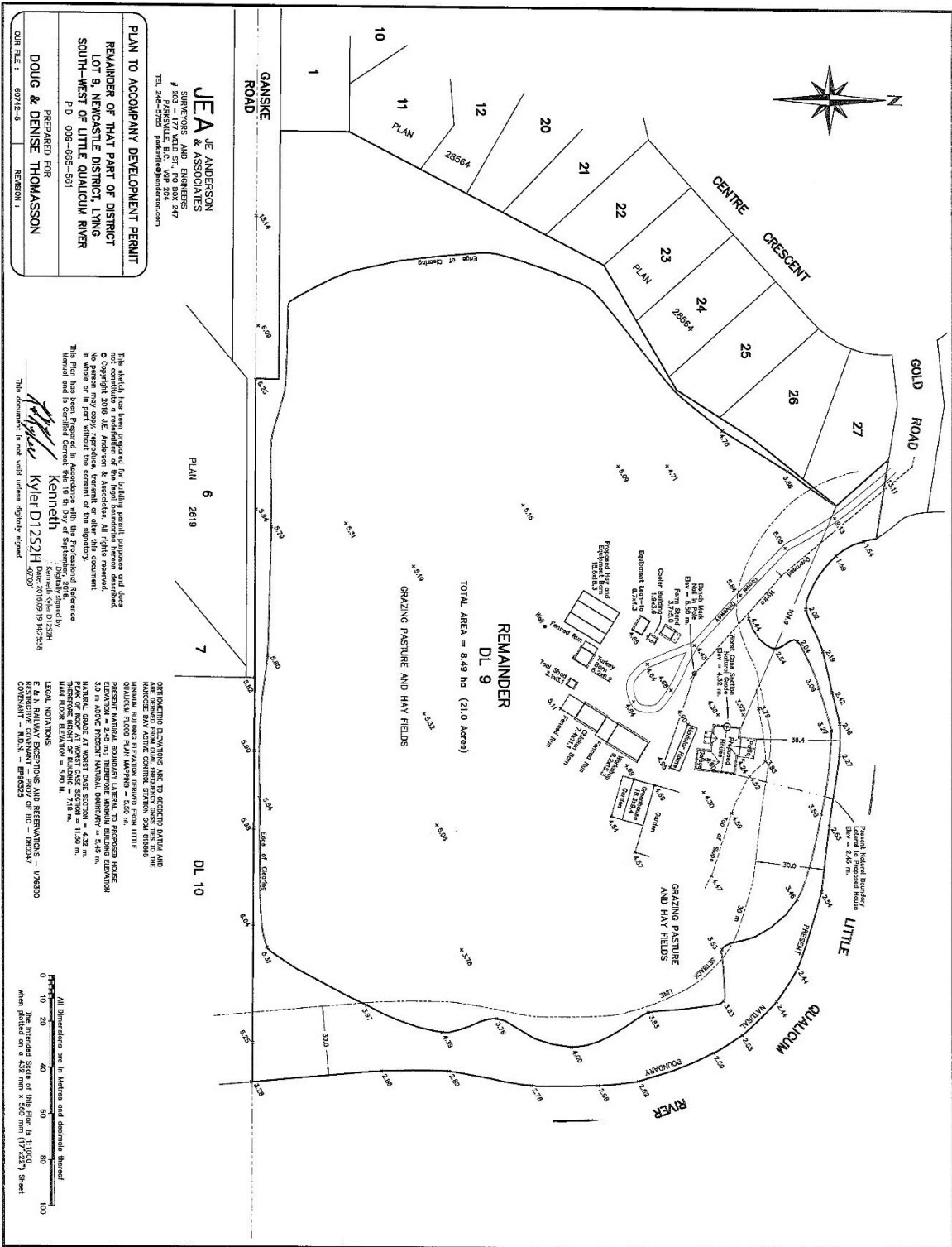
Attachments

1. Subject Property Map
2. Proposed Site Plan
3. Consistency with DPA Guidelines

Attachment 1
Subject Property Map



Attachment 2
 Proposed Site Plan



PLAN TO ACCOMPANY DEVELOPMENT PERMIT
 REMAINDER OF THAT PART OF DISTRICT LOT 9, NEWCASTLE DISTRICT, LYING SOUTH-WEST OF LITTLE QUALICUM RIVER
 PID: 009-065-061
 PREPARED FOR
DOUG & DENISE THOMASSON
 QUR FILE #: 60745-5 REVISION: 1

JEA & ASSOCIATES
 SURVEYORS AND ENGINEERS
 # 208 PARKSIDE B.C. VAN 204
 TEL: 248-5725 jpa@jeaandassociates.com

This document has been prepared by JEA & Associates and does not constitute a representation of the legal boundaries between adjacent lots. It is intended for informational purposes only. The user should verify the accuracy of this information with the appropriate authorities. This plan has been prepared in accordance with the Professional Reference Manual and is Certified Correct this 19th day of September, 2016.
 Kenneth
 K/ler DJ252H
 This document is not valid unless digitally signed

REMARKS:
 1. THE REMAINDER IS TO BE USED AS GRAZING PASTURE AND HAY FIELDS.
 2. THE REMAINDER IS TO BE USED AS GRAZING PASTURE AND HAY FIELDS.
 3. THE REMAINDER IS TO BE USED AS GRAZING PASTURE AND HAY FIELDS.
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**Attachment 3
 DPA Guidelines Consistency**

The following table includes a list of all of the DPA Guidelines that apply to the development and an outline of the current status of how this application addresses each guideline.

Hazard Lands DPA			
DPA Guideline	What was provided	Recommended Reason to Deny	Guideline Addressed. If 'No', then Information Required
Column 1	Column 2	Column 3	Column 4
1. The applicant will work with the RDN to consider possible variances to the land use and subdivision bylaw to minimize encroachment into the Development Permit Area.	n/a	n/a	Whole property is within the Hazard Lands DPA
2. An assessment of the natural hazard by a geotechnical engineer or other qualified professional shall be required to determine if the site is safe for the intended use and to provide recommendations to ensure that the proposed development is protected from the natural hazard and will not result in a detrimental impact on the environment or adjoining properties. The assessment should include proposals for vegetation protection, enhancement or retention, where applicable and must include a statement from the engineer or other qualified professional that says that in their opinion the property is safe for the intended use.	Two reports were provided. (April 15, 2015 and October 20, 2016). Indicates that land is safe for the intended use.	Yes	No - Information required: 1. Reports do not address recent pond construction or drainage. 2. Reports do not include proposals for vegetation protection in relation to steep slopes. 3. Reports do not assess downstream impacts or impacts on adjacent properties. 4. Reports do not address all buildings constructed without a DP. 5. Reports do not address land

Hazard Lands DPA			
DPA Guideline	What was provided	Recommended Reason to Deny	Guideline Addressed. If 'No', then Information Required
Column 1	Column 2	Column 3	Column 4
			alteration in enough detail.
3. Where the placement of fill is proposed within a floodplain, the RDN shall require a report by a Professional Engineer that ensures that the placement of the proposed fill would not restrict the passage of flood waters, redirect flood flows, decrease natural flood storage, or result in higher flood flows or flood potential elsewhere in the floodplain.	The October 20, 2016 report provides a brief overview of the land clearing and levelling that were completed as of the date of the report.	No	No – Information Required: Report needs to address impact of land works on the passage of flood waters elsewhere in the floodplain.
4. The Regional District of Nanaimo may require a Section 219 covenant to register the qualified professional's report and to save the RDN harmless from all losses or damages to life or property as a result of the hazard.	Not yet	No	No – Information Required: This would be required as a condition of issuance.
5. Where the possibility of an impact(s) exists, the RDN may require an applicant to supply a drainage, sediment, and/or erosion plan complete with recommendations for implementation prepared by a professional engineer or a person with similar qualifications, to the satisfaction of the Regional District of Nanaimo.	Not provided	No	No – Information Required: Details with respect to how the dwelling unit will be elevated to meet recommended 5.5 m FCL and how rock will be placed to protect the dwelling unit from erosion and floodborne debris as recommended. Sediment and erosion control not addressed.

Hazard Lands DPA			
DPA Guideline	What was provided	Recommended Reason to Deny	Guideline Addressed. If 'No', then Information Required
Column 1	Column 2	Column 3	Column 4
			Drainage from the pond and slope not addressed.
6. Where the possibility of an impact(s) exists, the RDN may require the applicant to supply a re-vegetation plan to the satisfaction of the Regional District of Nanaimo.	Not provided	No	No – Information Required: Must address vegetation removal on slope.
7. Where the applicant's qualified professional recommends revegetation and/or enhancement works within the Development Permit Area, the RDN shall require the applicant to submit a landscaping and security deposit equal to the total estimated costs of all materials and labour as determined by a landscape architect or other qualified person.	n/a	No	n/a
8. Mitigation and restoration measures shall be required as recommended by a qualified professional as a condition of development approval.	Measures recommended include elevating the dwelling unit to meet 5.5 m FLC and protecting it with large rocks.	Yes	No – Information Required: Plan showing details on how dwelling will be elevated and protected from flood waters by rock as recommended. Accessory buildings need to be addressed by the geotechnical engineer. Need cross section

Hazard Lands DPA			
DPA Guideline	What was provided	Recommended Reason to Deny	Guideline Addressed. If 'No', then Information Required
Column 1	Column 2	Column 3	Column 4
			showing how dwelling unit will be elevated Need to show rock armoring on site plan and proposed cross-section.
9. All development proposals should be designed in substantial compliance with the guidelines contained in the document: "Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia" published in March 2006 by the Ministry of Environment.	Not addressed	No	No – Information Required: Geotechnical Engineers Report should refer to Section 2.8.1 of the Develop with Care Document and should consider and manage future flooding risks associated with climate change.
10. Where there is no alternative to use flood prone lands for development, such development is to be located only where there is no risk to life and where measures can be taken to safeguard buildings from flood or erosion damage as determined by a Qualified Professional.	Report indicates that the property is safe for the intended use (proposed dwelling unit).	No	Yes - DPA Guideline satisfied
11. Swamps and wetlands shall be maintained in their natural state to enhance natural flood storage and protect environmentally sensitive ecosystems.	Land alteration appears to have occurred to the forested swamp area identified in the Aquaparian report.	Yes	No – Information Required: Drainage assessment. Confirm if

Hazard Lands DPA			
DPA Guideline	What was provided	Recommended Reason to Deny	Guideline Addressed. If 'No', then Information Required
Column 1	Column 2	Column 3	Column 4
			alteration has occurred (near pond and pasture area)
12. Development or subdivision of land should be designed to: <ul style="list-style-type: none"> a. replicate the function of a naturally vegetated watershed b. maintain the hydraulic regime of surface and groundwater and predevelopment flow rates; c. not interfere with groundwater recharge; d. not introduce or remove materials where it would cause erosion of or the filling in of natural watercourses and/or wetlands. 	Land use is primarily agriculture with minimal impervious surface.	No	Yes - DPA Guidelines satisfied
13. Where development in the Hazard Lands Development Permit Area is deemed necessary, the development will: <ul style="list-style-type: none"> a. be designed to ensure that development can withstand the hazard and that the property is safe for the use intended; b. take a form that minimizes the area of encroachment into and impact on the Hazard Lands Development Permit Area; c. be located so as to cause the least impact on the environmental values of the Hazard Lands Development Permit Area; d. be conducted at a time of year and use construction methods 	Not addressed	Yes	No – Information required: Geotechnical Engineer's report needs to address encroachment into the DPA, sediment and erosion control, and revegetation plan.

Hazard Lands DPA			
DPA Guideline	What was provided	Recommended Reason to Deny	Guideline Addressed. If 'No', then Information Required
Column 1	Column 2	Column 3	Column 4
that minimize the impact on the Hazard Lands Development Permit Area; e. require works to be constructed to preserve, protect, restore or enhance habitat, natural watercourses or other specified natural features of the environment.			

Environmentally Sensitive Features DPA			
DPA Guideline	What was provided	Recommended Reason to Deny	Guideline Addressed If 'No', then Information Required
Column 1	Column 2	Column 3	Column 4
General Guidelines			
1. The location and characteristics of the environmentally sensitive features identified on Map No. 9 of this Plan are intended for convenience only. Ground truthing may be required to accurately determine the geographical location and characteristics of the features identified.	July 12, 2016 Aquaparian report provides biological assessment.	No	Yes - DPA Guideline satisfied
2. Where the possibility of an impact(s) exists, the RDN shall require the applicant to supply an assessment, prepared by a registered professional biologist or person with similar qualifications, and acting in their area of expertise, which inventories the existing environmentally sensitive feature(s) and assesses the environmental impact of the proposed development and prescribes appropriate recommendations for construction, mitigation, and protection of habitat, to the satisfaction of the RDN.	July 12, 2016 Aquaparian report provides biological assessment.	No	No – Information Required: Updates to the report are required as outlined below.
3. The Regional District of Nanaimo, as a condition of the issuance of a development permit, shall, where feasible require compliance with any or all conditions recommended in the report prepared by the Registered Professional Biologist.	Will address at report writing stage.	No	n/a
4. Where the applicant's biologist or qualified professional	Not provided	No	No – Information Required:

Environmentally Sensitive Features DPA			
DPA Guideline	What was provided	Recommended Reason to Deny	Guideline Addressed If 'No', then Information Required
Column 1	Column 2	Column 3	Column 4
General Guidelines			
recommends revegetation and/or enhancement works within the Development Permit Area or elsewhere on the subject property, the RDN shall require the applicant to submit a landscaping and security deposit equal to the total estimated costs of all materials and labour as determined by a landscape Architect or other qualified person to the satisfaction of the Regional District of Nanaimo.			Revegetation plan to satisfy DPA Guideline 8 below.
5. Development or subdivision of land should be designed to: a. replicate the function of a naturally vegetated watershed; b. maintain the hydraulic regime of surface and groundwater and pre-development c. flow rates; d. not interfere with groundwater recharge; e. not introduce or remove materials where it would cause erosion of or the filling in of natural watercourses and/or wetlands.	Not addressed	No	No – Information Required: Information required to address potential land alteration within the forested swamp area and potential impact of the pond excavation and creation of pasture in the forested swamp area.
6. The applicant will work with the RDN to consider possible variances to the land use and subdivision bylaw to minimize encroachment into the Development Permit Area.	n/a	No	n/a
7. If development or alteration of land is proposed within the Development Permit Area, it	Aquaparian report recommends retaining the	Yes	No – Information Required:

Environmentally Sensitive Features DPA			
DPA Guideline	What was provided	Recommended Reason to Deny	Guideline Addressed If 'No', then Information Required
Column 1	Column 2	Column 3	Column 4
General Guidelines			
shall be located where it will cause the least impact on the environmentally sensitive features within the Development Permit Area. Notwithstanding, this policy, development shall only be supported in areas with environmentally sensitive features if the applicant can provide compelling reasons supported by a qualified professional's recommendation to support the request.	forested swamp area.		Report needs to assess any alteration that has occurred in the forested swamp area and provide recommendations for mitigation is necessary.
8. Where an applicant is proposing to disturb native vegetation within this Development Permit Area, the RDN shall require the applicant to supply a revegetation plan to the satisfaction of the Regional District of Nanaimo.	Not addressed	Yes	No – Information Required: Significant native vegetation was removed without a DP. A revegetation plan is required. An itemized cost estimate and security deposit for revegetation are required.
9. Construction at a time of year and using construction methods that minimize the impacts on the Development Permit Area shall be required.	Aquaparian report recommend that earthworks be completed during the dry season if possible and that if not requires sediment and erosion control measures.	No	Yes - DPA Guideline satisfied
10. In order to ensure that	The Aquaparian	Yes	No – Information

Environmentally Sensitive Features DPA			
DPA Guideline	What was provided	Recommended Reason to Deny	Guideline Addressed If 'No', then Information Required
Column 1	Column 2	Column 3	Column 4
General Guidelines			
unnecessary encroachment does not occur within the Development Permit Area at the time of construction, permanent or temporary fencing measures may be required.	report recommends that the 30 m SPEA be measured and marked and allowed to revegetate in the areas that have been over-cleared.		Required: The areas to be revegetated must be defined and included in the revegetation plan.
11. On parcels where development (including tree and vegetation removal) is proposed for an area with a slope of 30 percent or greater, the RDN may require the applicant to supply a report, prepared by a professional geotechnical engineer, indicating that slope stability will not be jeopardized and soil erosion and site mitigation measures can be implemented, to the satisfaction of the Regional District of Nanaimo.	Geotechnical Engineer's report provided	No	Yes - DPA Guideline satisfied
12. All development proposals are subject to the requirements and procedures of the <i>Fish Protection Act</i> and the Riparian Areas Regulation.	N/A	No	Agriculture is exempt from the Riparian Areas Regulation and residential use is not located in the Riparian Assessment Area.
13. Development applications shall generally comply with the environmental protection policies contained in Sections 2.1-2.8 of this Plan.	Not addressed	No	No – Information Required: Application does not address Environmentally Sensitive Ecosystems

Environmentally Sensitive Features DPA			
DPA Guideline	What was provided	Recommended Reason to Deny	Guideline Addressed If 'No', then Information Required
Column 1	Column 2	Column 3	Column 4
General Guidelines			
			policy 11 and 12. The revegetation plan should move towards consistency and mitigating impacts.
14. All development proposals should be designed in substantial compliance with the guidelines contained in the document: "Develop with Care: Environmental Guidelines for Urban and Rural Land Development in British Columbia" as amended from time to time published in March 2006 by the Ministry of Environment.	Not addressed	No	No – Information Required: Aquaparian report should reference Develop with Care.
15. The Regional District of Nanaimo may require a Section 219 covenant to be prepared at the applicant's expense and to the satisfaction of the RDN, specifying areas that must remain free from development and/or protecting an environmentally sensitive feature.	Not addressed	No	No – Information Required: Focus on forested swamp area and revegetation area identified by Aquaparian.
16. Rain water should be managed on site and no increase or changes to off-site rain water flows should be supported.	Not addressed	No	No – Information Required: Drainage in relation to the pond and drainage coming from adjacent properties should be addressed by

Environmentally Sensitive Features DPA			
DPA Guideline	What was provided	Recommended Reason to Deny	Guideline Addressed If 'No', then Information Required
Column 1	Column 2	Column 3	Column 4
General Guidelines			
			Geotechnical Engineer.
17. The use of rain gardens, vegetated swales, a reduction in impervious surfaces, and other technologies for managing rain water on site should be included in all development proposals considered in this Development Permit Area.	Partially addressed by Aquaparian report by recommending that the forested swamp area be retained.	No	No – Information Required: Locate the forested swamp area on the site plan.
18. The Regional District of Nanaimo shall consider the site-specific natural features, ecological processes that support fish, riparian function, wildlife ecology, and unique ecosystems. These include, but are not limited to: a. maintenance of an effective visual and sound (natural vegetated) buffer around eagle and heron nesting sites or the sensitive ecosystem; b. vegetation, trees, snags, and root systems; c. rare and uncommon species and plant communities; d. soils and soil conditions (moisture, nutrients and permeability); e. bird and other wildlife and their habitats, such as nesting and breeding areas; f. maintenance of linkages with adjacent sensitive ecosystems to minimize g. fragmentation;	Aquaparian report provides assessment/	No	Yes - DPA Guideline satisfied

Environmentally Sensitive Features DPA			
DPA Guideline	What was provided	Recommended Reason to Deny	Guideline Addressed If 'No', then Information Required
Column 1	Column 2	Column 3	Column 4
General Guidelines			
h. topography and relative orientation of features on neighbouring properties; i. wildlife habitat, including but not limited to wildlife breeding areas as well as nesting and perch trees; j. appropriate timing of construction; and, k. maintenance of linkages with adjacent sensitive ecosystems to minimize l. fragmentation.			
19. Best practice fire mitigation techniques shall be considered where they minimize impacts on the environmentally sensitive features and ecological function within the Development Permit Area.	n/a	No	Not applicable as property has significant clearing around proposed building site.
Guidelines specific to Coastal Areas and all Riparian Ecosystems			
20. Where the possibility of an impact(s) exists, the Regional District of Nanaimo may require an applicant to supply a sediment and erosion control and/or rain water management plan, complete with recommendations for implementation, prepared by a registered professional engineer or person with similar qualifications, to the satisfaction of the Regional District of Nanaimo.	Not addressed	No	No – Additional Information Required: Sediment and erosion control plan.
21. For applications where a shoreline stabilization device is being proposed, the RDN shall	n/a	No	n/a

Environmentally Sensitive Features DPA			
DPA Guideline	What was provided	Recommended Reason to Deny	Guideline Addressed If 'No', then Information Required
Column 1	Column 2	Column 3	Column 4
General Guidelines			
require the applicant to supply a report from a registered professional engineer assessing the risk of erosion on the subject property and the suitability of the subject property for a shoreline stabilization device. The report must also include an analysis of the impacts on adjacent properties as a result of installing or not installing the proposed shoreline stabilization device. Shoreline stabilization devices are not supported on lots that are not subject to active erosion.			
22. The use of marine retaining walls and other "hard" surfaces such as seawalls, concrete groynes, headlands, gabions, and rip rap shall only be supported where a qualified professional has determined that "soft" approaches to shoreline stabilization such as vegetation enhancement, upland drainage control, biotechnical measures, beach enhancement, anchor trees, and gravel placement are not appropriate given site specific conditions.	n/a	No	n/a
23. Shoreline stabilization measures near the natural boundary that obstruct pedestrian access to and along public beaches or foreshore areas shall be opposed by the RDN.	n/a	No	n/a

Environmentally Sensitive Features DPA			
DPA Guideline	What was provided	Recommended Reason to Deny	Guideline Addressed If 'No', then Information Required
Column 1	Column 2	Column 3	Column 4
General Guidelines			
24. Where it is determined by a qualified professional that a retaining wall is required, it should be located upland of the natural boundary and should, where feasible, meet the applicable minimum required zoning setbacks. The placement of retaining walls to reclaim land lost to erosion shall not be supported.	n/a	No	n/a
Guidelines specific to Aquifer Protection			
25. The use or disposal of substances or contaminants that may be harmful to area aquifers shall be discouraged and wherever practical, steps shall be taken to ensure the proper disposal of such contaminants.	Farm Use under environmental farm plan satisfies this requirement.	No	Yes - DPA guideline satisfied
26. Where the possibility of an impact(s) exists, the RDN shall require the applicant to supply a report from a registered professional which must provide the following: i. an assessment of the characteristics of the aquifer and its ability to accommodate the additional groundwater demand proposed by the development which must include the anticipated demand based on the development potential of the subject property(s) based on the current zoning, including potential impacts	Not provided	Yes	No – Information Required: Aquifer impact assessment which addresses land clearing and land alteration. Report should also make recommendations with respect to agricultural waste management.

Environmentally Sensitive Features DPA			
DPA Guideline	What was provided	Recommended Reason to Deny	Guideline Addressed If 'No', then Information Required
Column 1	Column 2	Column 3	Column 4
General Guidelines			
on adjacent properties; ii. a statement backed by a professional assessment that the proposed development will not have a negative impact on the aquifer; and, iii. recommendations on what measures are required to ensure the aquifer is protected.			
27. Developments that are found to pose detrimental impacts on either the quality or quantity of groundwater shall not be supported;	TBD	No	TBD
28. For developments that are proposed to be serviced by a community water system, written confirmation of sufficient quantity and quality of potable water will be required from the water service provider.	N/A	No	N/A
29. Where the possibility of an impact(s) exists, the RDN may require an applicant to submit a rain water management plan prepared by a professional engineer which must ensure that the discharge of any treated effluent and rain water shall not negatively impact water quality. Treated effluent and diverted rain water collection and discharge systems on commercial, industrial, multi-residential, and other developments where	N/A	No	N/A

Environmentally Sensitive Features DPA			
DPA Guideline	What was provided	Recommended Reason to Deny	Guideline Addressed If 'No', then Information Required
Column 1	Column 2	Column 3	Column 4
General Guidelines			
there is potential for silt and petroleum-based contaminants to enter a watercourse or infiltrate into the ground will require the provision for grease, oil, and sedimentation removal facilities and the on-going maintenance of these facilities.			

TO: Electoral Area Services Committee **MEETING:** November 28, 2017

FROM: Kristy Marks
Planner **FILE:** PL2017-174

**SUBJECT: Development Variance Permit Application No. PL2017-174
3036 Bay Road – Electoral Area ‘H’
Strata Lot 185, District Lot, 251 Alberni District, Strata Plan VIS5160 Together with an
Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot
as Shown on Form V**

RECOMMENDATIONS

1. That the Board approve Development Variance Permit No. PL2017-174 to increase the maximum permitted floor area and increase the maximum permitted height to allow the construction of an accessory building subject to the terms and conditions outlined in Attachments 2 to 4.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2017-174.

SUMMARY

This is an application to allow the construction of a garage on the subject property with variances to increase the maximum permitted floor area and height for an accessory building. Given that no negative impacts are anticipated as a result of the proposed variances, staff recommends that the Board approve the development variance permit pending the outcome of public notification and subject to the terms and conditions outlined in Attachment 2.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. on behalf of Kelly and Gordon Pladson to permit the construction of an accessory building that exceeds the maximum permitted floor area and height. The subject property is approximately 0.12 hectares in area and is zoned Horne Lake Comprehensive Development Zone 9 (CD9), pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is located at the northeast end of Horne Lake and is surrounded by Horne Lake to the south, Bay Road to the north and developed recreational properties to the east and west (see Attachment 1 – Subject Property Map).

The property is relatively flat, sloping gently from north to south, towards the lake and currently contains a recreational residence, detached carport, shed, and a small wood storage structure. The CD9

zone permits a total of 28 m² of accessory building and structure floor area per parcel in the following configurations:

- One 10.0 m² and one 6.0 m² accessory building for each recreational residence;
- One accessory water storage structure of 6.0 m² per recreational residence;
- One accessory wood storage structure of 6.0 m² per recreational residence.

The applicant applied for a development variance permit application previously (PL2017-063) to combine a portion of the maximum permitted accessory building floor area to allow the construction of a 22.5 m² accessory building and leaving them with 5.5 m² of floor area for any future accessory building. They were also requesting a variance to the maximum permitted height from 3.0 metres to 3.5 metres. The applicants decided to withdraw their application prior to Board consideration and have revised their plans to combine all of the permitted for accessory buildings to allow the construction of one building with a maximum floor area of 28.0 m² and are requesting a variance to the maximum permitted height for the accessory building from 3.0 metres to 3.5 metres. If this application is approved, no additional accessory buildings would be permitted on the subject property.

Proposed Development and Variance

The proposed development includes the construction of an accessory building on the subject property. The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 3.4.107(c)(iii) – Floor Area** to combine all the permitted accessory building floor area to allow the construction of one accessory building with a maximum permitted floor area of 28.0 m².
- **Section 3.4.107(d)(ii) – Height** to increase the maximum permitted height from 3.0 metres to 3.5 metres for an accessory building.

The Horne Lake Strata owners have indicated their support to the Horne Lake Strata Council for larger accessory buildings not to exceed 28.0 m² which is the combined floor area of all of the accessory buildings allowed in the CD9 zone. Should this variance be approved no additional accessory buildings would be permitted on the subject property.

Land Use Implications

The applicant is proposing to construct an accessory building with variances to the maximum permitted floor area by combining all of the floor area permitted for individual accessory buildings to allow the construction of one larger accessory building with a maximum floor area of 28.0 m². In addition, the applicant is requesting a height variance to allow the proposed garage to be a maximum of 3.5 meters in height.

The proposed garage would be sited in the same general location as the existing accessory buildings, on the north side of the recreational residence away from Horne Lake. The applicant has provided a site plan and building elevation drawings in support of the application (see Attachment 3 – Site Plan and Attachment 4 – Building Elevations).

Board Policy B1.5 “Development Variance Permit, Development Permit with Variance and Floodplain Exemption Application Evaluation” (Policy B1.5) for the evaluation of development variance permit applications requires an adequate demonstration of an acceptable land use justification prior to the Board’s consideration. In this case the applicant has indicated that the provisions of the CD9 Zone do not allow sufficient floor area to efficiently store watercraft and all-terrain vehicles within an accessory building. The applicant also suggests that it would be easier to secure one larger accessory building rather than four smaller ones (as permitted in the CD9 zone). The applicant has also indicated that it is more economical to construct one larger accessory building rather than four smaller ones and notes that the proposed development will not negatively impact adjacent parcels.

With respect to the requested height variance, the maximum permitted height of an accessory building in the CD9 zone is 3.0 metres as measured from natural grade. The applicant has indicated that the proposed accessory building has been designed to be 3.0 metres in height, however the established floodplain elevation in the CD9 zone is 121.7 metres Geodetic Survey of Canada Datum (GSC) and the building site is below this elevation. As such, the applicant is required to elevate the proposed accessory building to meet the flood elevation which results in the proposed garage being 3.5 metres in height above natural grade. Given the location of the proposed accessory building at the rear of the recreation residence, away from the lake, and in the same general location as the existing accessory buildings, they do not anticipate any view implications for adjacent properties as a result of the requested variance.

Given that the applicant has provided sufficient rationale and the variances will not result in negative impacts for adjacent properties, the applicants have made reasonable efforts to address the variance evaluation criteria outlined in Policy B1.5.

Public Consultation Implications

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

ALTERNATIVES

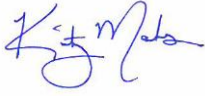
1. To approve Development Variance Permit No. PL2017-174 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Variance Permit No. PL2017-174.

FINANCIAL IMPLICATIONS

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

STRATEGIC PLAN IMPLICATIONS

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



Kristy Marks
kmarks@rdn.bc.ca
November 8, 2017

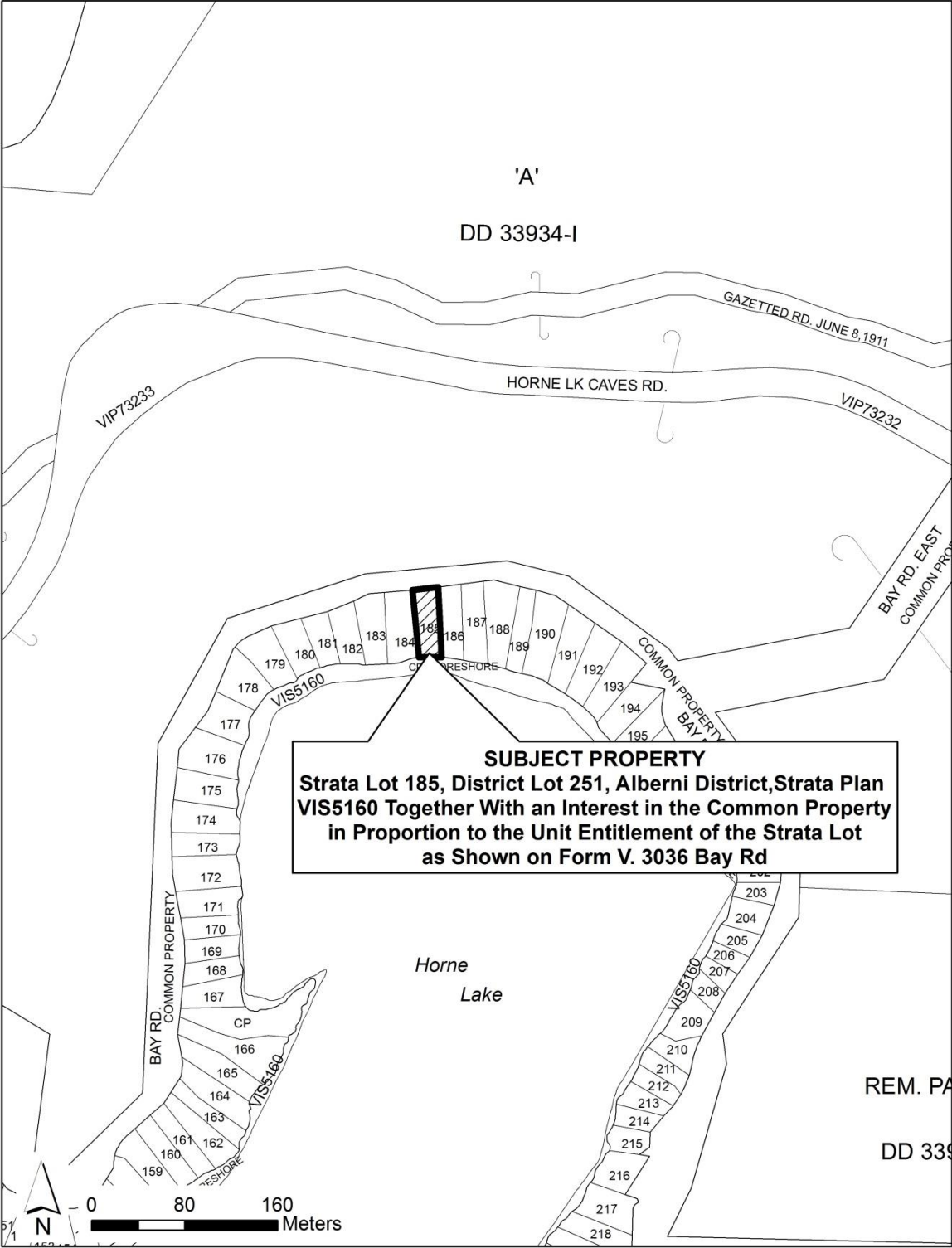
Reviewed by:

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

Attachments

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

**Attachment 1
Subject Property Map**



Attachment 2
Terms and Conditions of Permit

The following sets out the terms and conditions of Development Variance Permit No. PL2017-174:

Bylaw No. 500, 1987 Variances

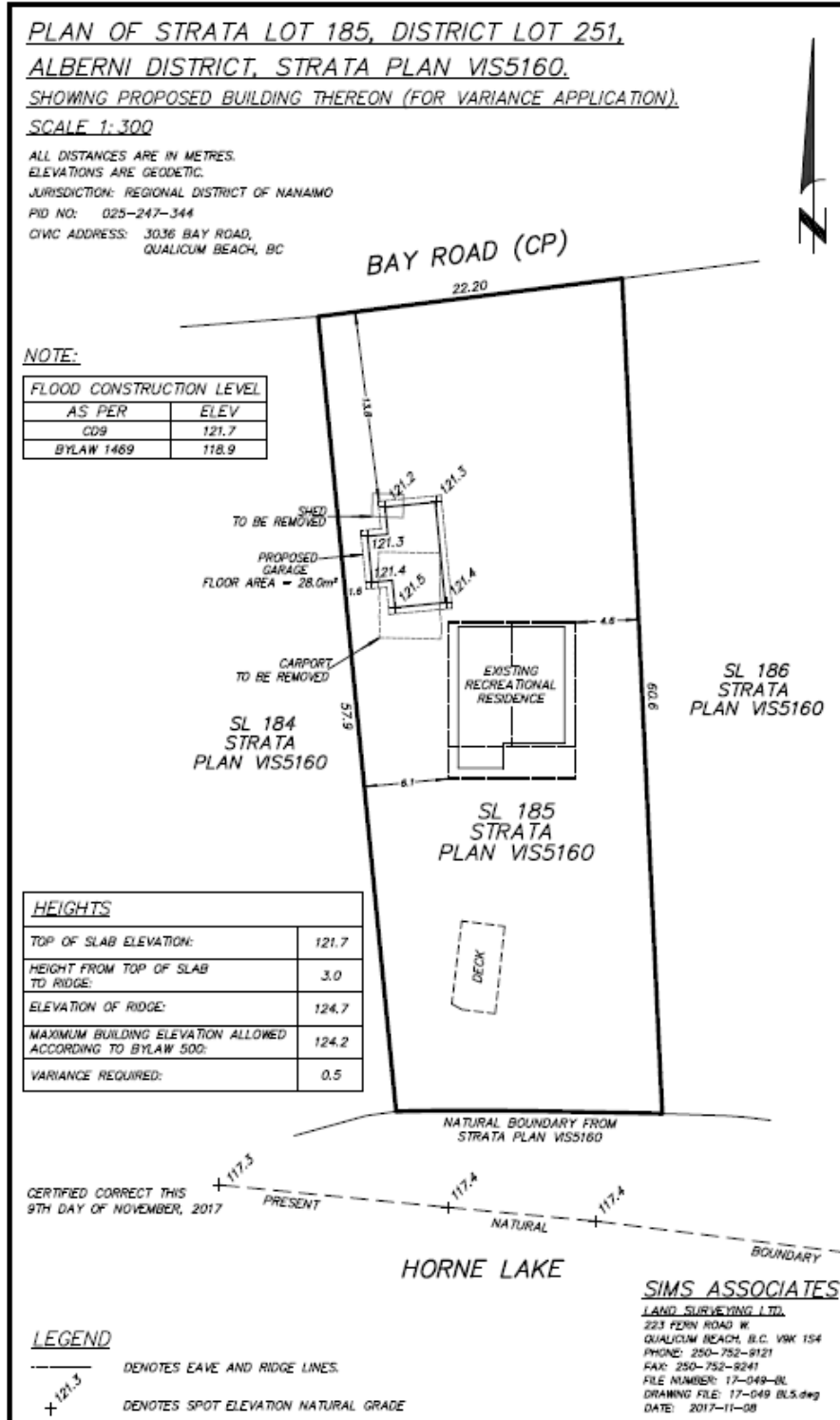
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

1. **Section 3.4.107(c)(iii) – Floor Area** to combine all the permitted accessory building floor area to allow the construction of one accessory building with a maximum permitted floor area of 28.0 m².
2. **Section 3.4.107(d)(ii) – Height** to increase the maximum permitted height from 3.0 metres to 3.5 metres for an accessory building.

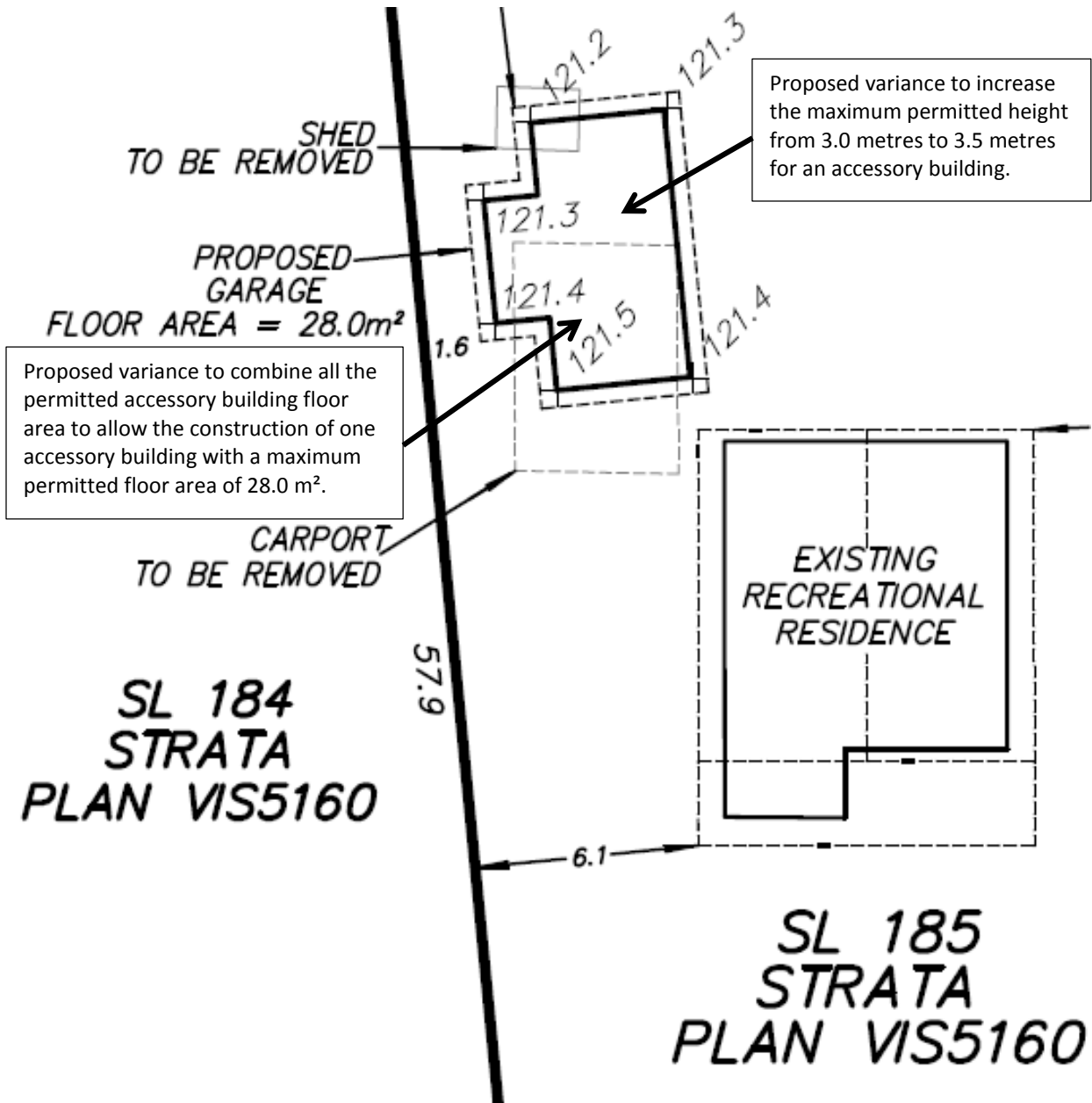
Conditions of Approval

1. The site is developed in accordance with the Site Plan prepared by Sims Associates Land Surveying Ltd., dated October 30, 2017 and attached as Attachment 3.
2. The proposed development is in general compliance with the plans and elevations submitted on May 12, 2017 and attached as Attachment 4.
3. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

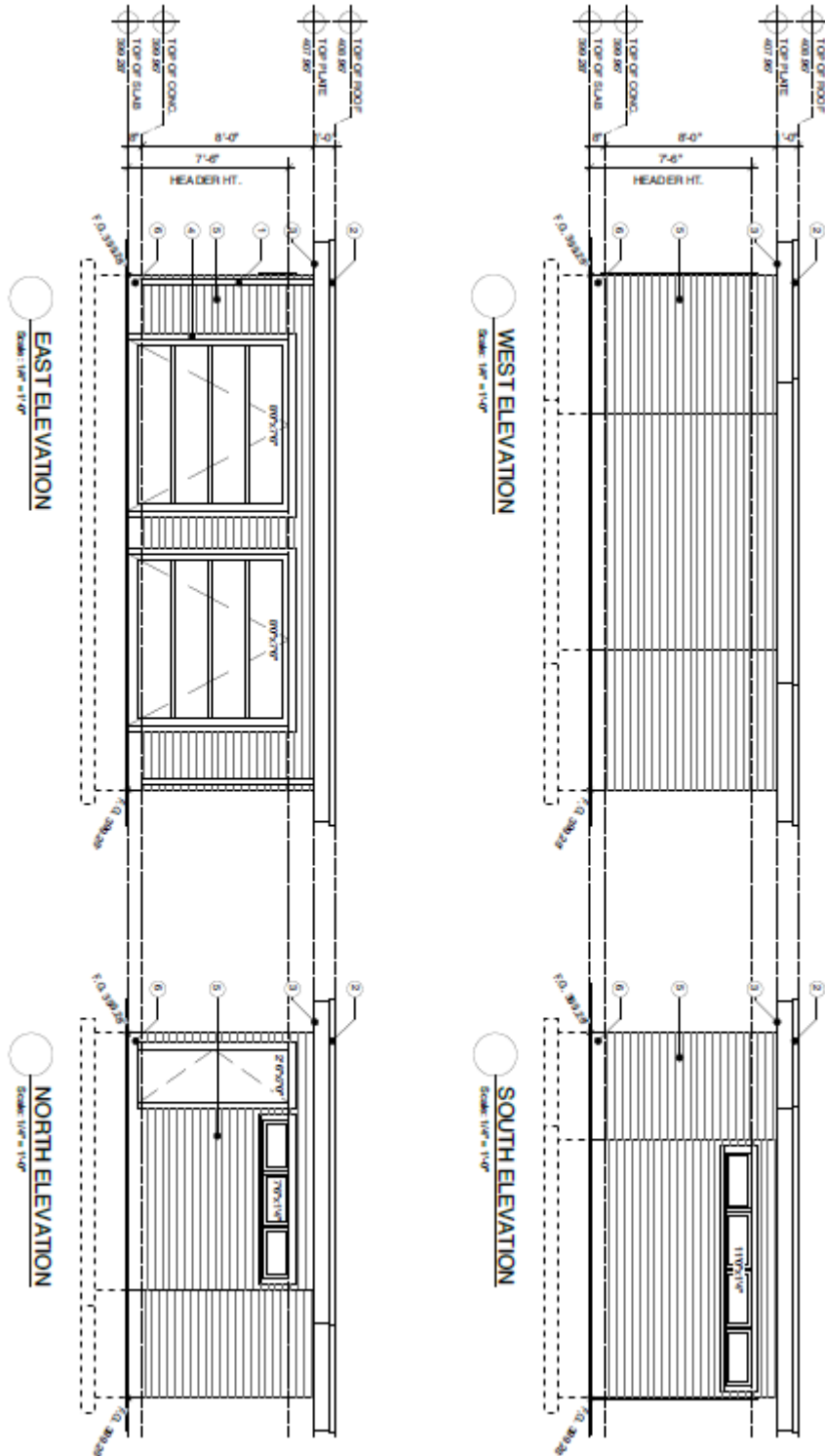
Attachment 3
Proposed Site Plan and Variances
 (Page 1 of 2)



Attachment 3
Proposed Site Plan and Variances
(Page 2 of 2)



Attachment 4 Building Elevations



TO: Electoral Area Services Committee **MEETING:** November 28, 2017

FROM: Stephen Boogaards
Planner **FILE:** PL2017-134

SUBJECT: **Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in relation to Subdivision Application No. PL2017-134
Columbia Drive and Viking Way – Electoral Area ‘G’
Lot 2, District Lot 28, Nanoose District, Plan VIP62528, Except that Part in Plan VIP76143
Lot 5, District Lot 28, Nanoose District, Plan VIP62528**

RECOMMENDATION

That the Board approve the request to relax the minimum 10% perimeter frontage requirement for proposed Lot B in relation to Subdivision Application No. PL2017-134.

SUMMARY/CONCLUSIONS

The applicant has requested a relaxation of the minimum 10% perimeter frontage requirement for proposed Lot B to in relation to a lot line adjustment between two existing properties. All proposed parcels will meet the minimum parcel size requirements and provide adequate site area. Given that no negative impacts are anticipated as a result of the proposed frontage relaxation, staff recommends that the requested frontage relaxation be approved.

BACKGROUND

The Regional District of Nanaimo has received an application from Elkay Developments Ltd. on behalf of French Creek Estates Ltd. to relax the minimum 10% perimeter frontage requirement in relation to a proposed lot line adjustment subdivision (Application No. PL2017-134). The boundary adjustment subdivision is proposed between existing Lot 5 (approximately 1.42 hectares) and the remainder of Lot 2 (approximately 2.35 hectares) to create new Lots A and B at 1.00 and 2.78 hectares respectively (see Attachment 3 – Proposed Plan of Subdivision). The properties are zoned Residential 5 (RS5) Zone, Subdivision District ‘R’, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The properties are located to the north of the Island Highway and the French Creek estuary and adjacent to existing residential parcels (see Attachment 1 – Subject Property Maps).

Lot 5 currently contains a dwelling unit and is adjacent to a pond located primarily on Lot 4. The Remainder Lot 2 is currently vacant. The lot line adjustment will result in the dwelling unit being situated on proposed new Lot B.

Proposed Development

The applicant proposes a lot line adjustment between Lot 5 and Remainder Lot 2 and will not result in the creation of any additional parcels (see Attachment 3 – Proposed Plan of Subdivision). The parcels will continue to comply with the minimum parcel size requirements of the zoning bylaw following the boundary adjustment subdivision.

Minimum 10% Perimeter Frontage Requirement

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

Proposed Lot No.	Required Frontage (m)	Proposed Frontage (m)	% of Perimeter
B	83.4	32	3.8

Land Use Implications

The existing frontage of Remainder Lot 2, as a percentage of the property’s perimeter, is currently 4.3%. Proposed Lot B will have a frontage of 3.8% of the parcel perimeter. Proposed Lot B will retain 20.0 metres of frontage on Columbia Drive and 12.0 metres of frontage on Viking Way, which comply with the zoning bylaw requirements for access widths.

Environmental Implications

The applicant has concurrently applied for a development permit (PL2017-156) due to the aquatic habitat associated with the historic side channels and a stormwater pond. A mapped eagle’s nest is located on the western portion of Remainder Lot 2, though the proposed lot boundary change is not within the 60.0 metre development permit area radius for the nest. Development Permit PL2017-156 will be considered under “Regional District of Nanaimo Delegation of Authority Bylaw No. 1759, 2017.

Intergovernmental Implications

Staff at the Ministry of Transportation and Infrastructure (MOTI) have reviewed the application and have confirmed that they have no concerns with the proposed frontage relaxation.

A portion of a registered archeological site is on the property. The provincial Archeology Branch has been consulted, and the Branch has determined that, as the lot line adjustment will not affect any archeological materials, a permit is not required. The application has also been referred to Qualicum First Nation.

ALTERNATIVES

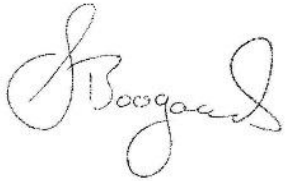
1. To approve the request for relaxation of the minimum 10% perimeter frontage requirement for proposed Lot B as shown on Attachment 3.
2. To deny the request for relaxation of the minimum 10% perimeter frontage requirement.

FINANCIAL IMPLICATIONS

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

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development and note that the lot line adjustment will have no implications for the 2016 – 2020 Board Strategic Plan.



Stephen Boogaards
sboogaards@rdn.bc.ca
November 16, 2017

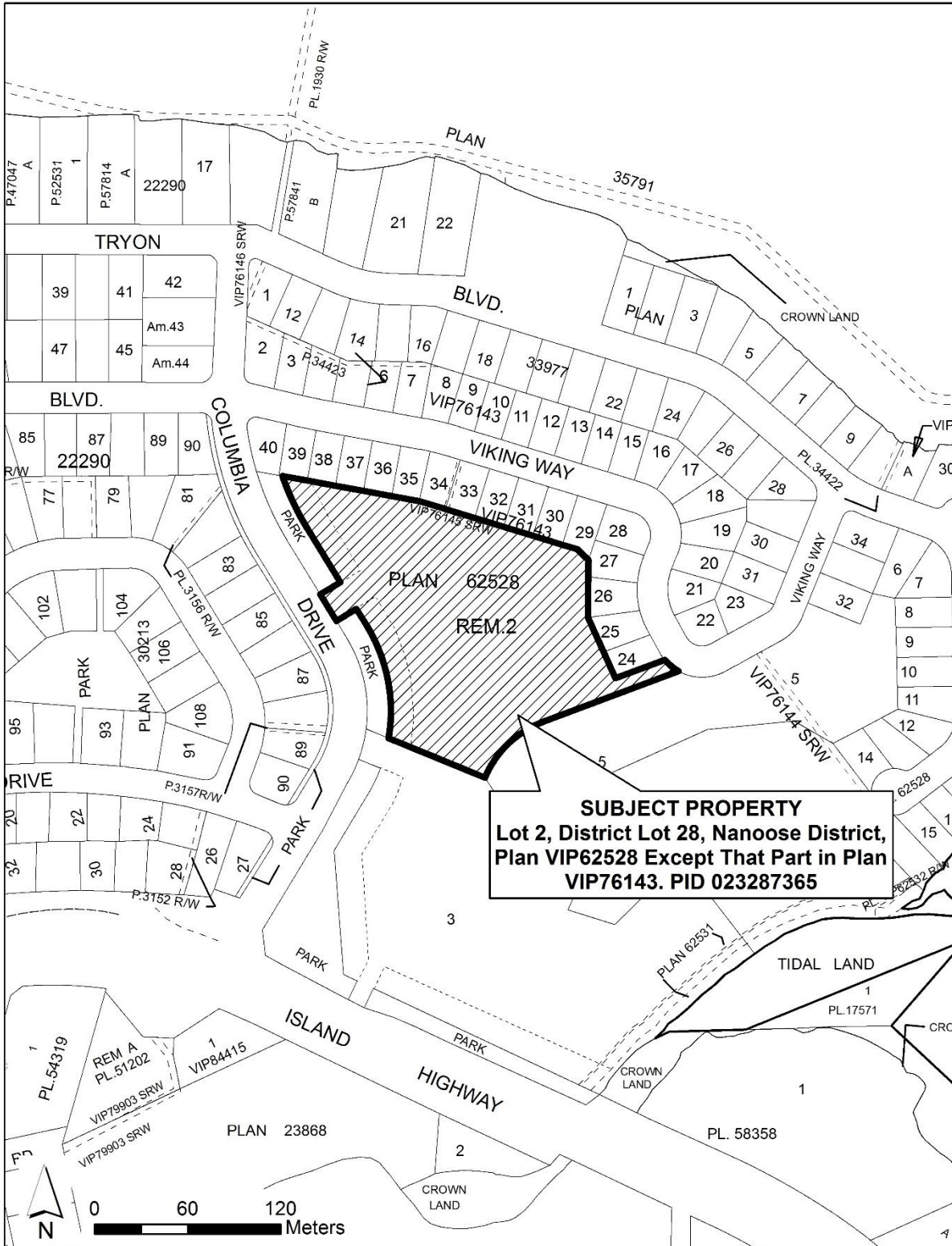
Reviewed by:

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

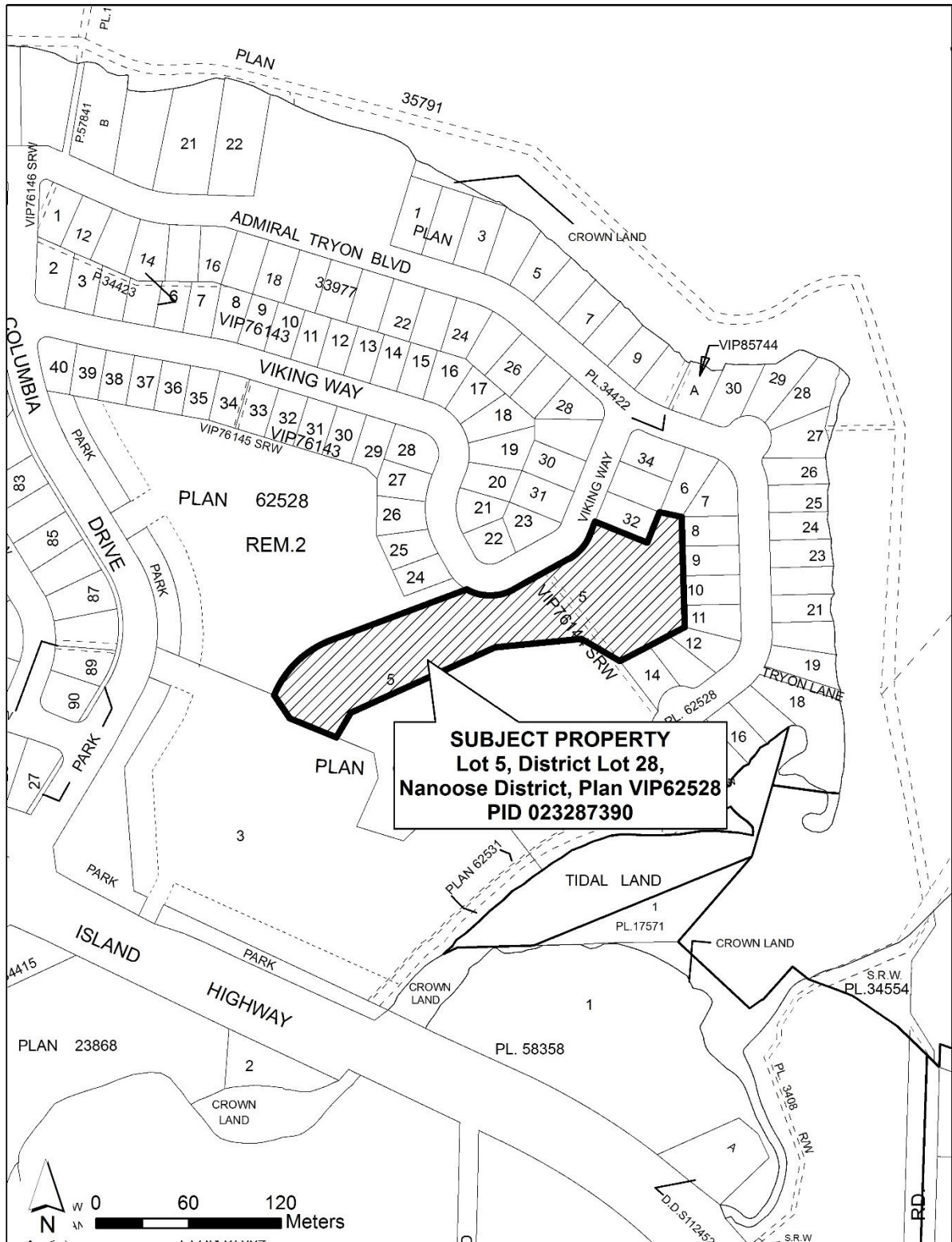
Attachments

1. Subject Property Map
2. Proposed Plan of Subdivision

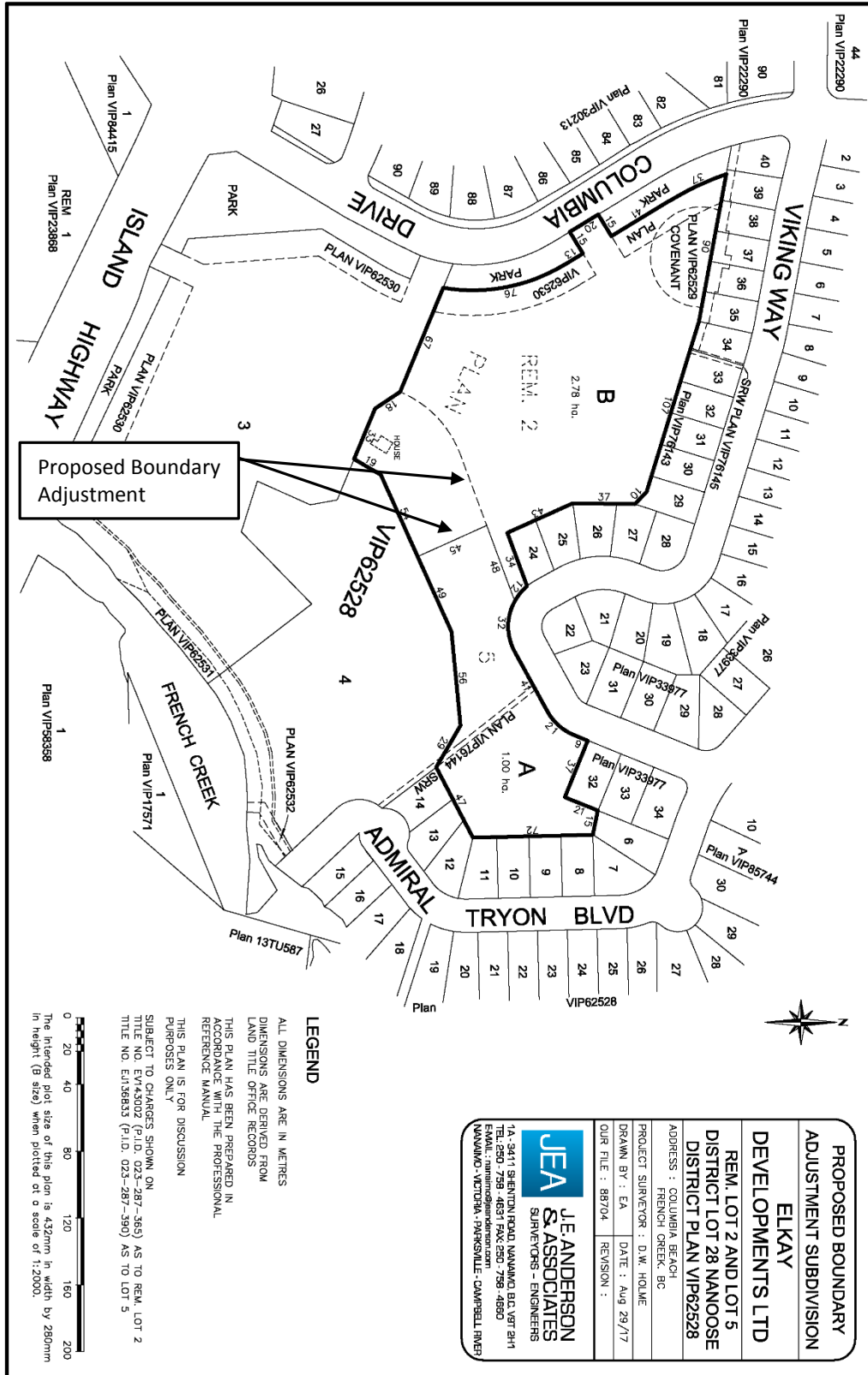
Attachment 1
Subject Property Maps
Page 1 of 2



Attachment 2
Subject Property Map
Page 2 of 2

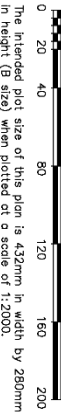



Attachment 2
Proposed Plan of Subdivision



Proposed Boundary Adjustment

LEGEND
 ALL DIMENSIONS ARE IN METRES
 DIMENSIONS ARE DERIVED FROM
 LAND TITLE OFFICE RECORDS
 THIS PLAN HAS BEEN PREPARED IN
 ACCORDANCE WITH THE PROFESSIONAL
 REFERENCE MANUAL
 THIS PLAN IS FOR DISCUSSION
 PURPOSES ONLY
 SUBJECT TO CHARGES SHOWN ON
 TITLE NO. E1743002 (P.L.O. 023-287-365) AS TO REM. LOT 2
 TITLE NO. E1156553 (P.L.O. 023-287-390) AS TO LOT 5



PROPOSED BOUNDARY ADJUSTMENT SUBDIVISION	
ELKAY DEVELOPMENTS LTD	
REM. LOT 2 AND LOT 5 DISTRICT LOT 28 NANOOSE DISTRICT PLAN VIP62528	
ADDRESS : COLUMBIA BEACH FRENCH CREEK, BC	
PROJECT SURVEYOR : D.W. HOLME	DATE : Aug 29/17
DRAWN BY : EA	REVISION :
OUR FILE : 88704	
 JEA J.E. ANDERSON & ASSOCIATES SURVEYORS - ENGINEERS 1A-9411 SHERIDAN ROAD NANAIMO, BC V9T 9H1 TEL: 250-758-4631 FAX: 250-758-4650 EMAIL: nanaimo@jea.com NANAIMO - VICTORIA - PARKSVILLE - CAMPBELL RIVER	

TO: Electoral Area Services Committee **MEETING:** November 28, 2017
FROM: Jamai Schile
Senior Planner **FILE:** 6480-01-2016
SUBJECT: Electoral Area 'F' Official Community Plan Review Project

RECOMMENDATION

That the Board direct staff to include within the Electoral Area 'F' Official Community Plan Review process, scheduled to commence in 2018, a land use analysis of parcels in Electoral Areas 'F' and 'G', in the vicinity of Church Road, prepare an electoral area boundary amendment assessment and clarify Commercial/Industrial land use policies within the Bellevue Church Road Rural Separation Area designation.

SUMMARY

Staff have been directed to address two land use issues that are identified as having potential land use implications for both Electoral Areas 'F' and 'G', those being: proceed with a land analysis and proposal to request an amendment to the electoral area boundary between Electoral Areas 'F' and 'G' and provide clarity on the Electoral Area 'F' Official Community Plan (OCP) policies relating to the Commercial/Industrial land use designation. More recently, staff have been directed to initiate an Official Community Plan (OCP) Review for Electoral Area 'F'. Considering the interrelated nature of the scheduled work, the opportunity now exists to include the two individual projects within the proposed Electoral Area 'F' OCP Review process, scheduled to commence in 2018.

BACKGROUND

At the October 11 and November 22, 2016 Electoral Area Services Committee (EASC) meeting, a staff report was presented in response to a prior delegation from Ron Chiovetti of HBR Consulting Inc., requesting to amend the electoral area boundary between Electoral Areas 'F' and 'G'. The staff report outlined the general process and implications of pursuing an amendment to the electoral boundary and made the following recommendations to advance the project as passed by the Board on December 6, 2016:

MOVED Director Pratt, SECONDED Director Fell, that staff be directed to proceed with a land use analysis of parcels in Electoral Areas 'F' and 'G' which were affected by the construction of the Inland Island Highway.

MOVED Director Pratt, SECONDED Director Fell, that staff be directed to proceed with the preparation of a draft electoral area boundary amendment proposal for parcels in Electoral Areas 'F' and 'G' which were affected by the construction of the Inland Island Highway.

In addition, directly related to the electoral boundary review project, a separate project to clarify the Commercial/Industrial land use designated was identified and the Board passed the following motion on March 22, 2016:

MOVED Director Fell, SECONDED Director McPherson, that the Board direct staff to prepare a report and recommendation on potential amendments to the Electoral Area 'F' Official Community Plan to provide clarification on Official Community Plan policies within the Commercial/Industrial Land Use Designation.

This report is in response to the Board motions and takes into consideration the proposed Official Community Plan (OCP) Review for Electoral Area 'F', scheduled to commence on completion of the Electoral Area 'H' OCP review.

DISCUSSION

As a result of construction of the Inland Island Highway (Highway 19), between 1996 and 2001, a number of parcels within the Regional District of Nanaimo (RDN) became severed by the new highway. In general, this change in land use has not resulted in any significant land use concerns within the RDN as a whole. However, over time some property owners within Electoral Areas 'F' and 'G' have come forward requesting that the electoral area boundary be changed adjacent to the Inland Island Highway to support future development within the Bellevue/Church Road Rural Separation Area.

This request first came to staff's attention during the Electoral Area 'G' Official Community Plan (OCP) review in 2008. At that time, a few property owners requested to amend the electoral area boundary for the purpose of a land use change to enable industrial development adjacent to the Bellevue/Church Road Rural Separation Area in Electoral Area 'F' that is currently designated for industrial uses. Later, in 2016, a similar request to re-designate six parcels was received in the form of a delegation from Ron Chiovetti of HBR Consulting Inc. In response, staff undertook a preliminary analysis of the proposal and shared the findings at the October 11 and November 22, 2016 Electoral Area Services Committee (EASC) meetings. Based on this analysis, staff confirmed that while a request for land use change is not dependent on an electoral area boundary amendment, such an amendment could help harmonize a more natural division based on use.

With regards to a separate matter, the Electoral Area Services Committee (EASC) considered a request for a zoning bylaw amendment in March 2016. This request highlighted the lack of clarity within the Electoral Area 'F' OCP Commercial/Industrial land use designation policies. As written, the existing policies do not expand on the intended uses within this designation beyond a mix of uses within the Rural Separation Area. Where there is a lack of clarity in OCP designations and policies, it may result in uncertainty and be perceived as a barrier to attracting future development to the area. Further to this, a lack of clarity in OCP policies may affect the ability of staff and decision-makers to determine when an OCP amendment and/or a Regional Growth Strategy amendment is required.

Considering the interrelationship and associated processes for each assignment there is a benefit to combining all three. When combined, an opportunity is created to undertake a more comprehensive approach to preparing a long-term development strategy for Electoral Area 'F'. As such, this will provide better information for consideration of the need for an electoral area boundary amendment.

In addition, any proposed changes to the Commercial/Industrial designation are captured within a full OCP Review, satisfying the criteria for a minor amendment to the Regional Growth Strategy. Lastly, adequate staff time and resources can be allocated to the assignments as part of the Electoral Area 'F' OCP Review within the 2018 work plan.

ALTERNATIVES

1. That the Board direct staff to complete a land use analysis of parcels in Electoral Areas 'F' and 'G', prepare an electoral area boundary amendment assessment and clarify policies within the Commercial/Industrial land use designation within the Electoral Area 'F' Official Community Plan Review process, scheduled to commence in 2018.
2. To provide staff with alternative direction.

FINANCIAL IMPLICATIONS

While some funding for community engagement has been included in the 2018 Budget to initiate these works, additional funding will be sought from the Electoral Area 'F' Community Works Fund to complete the land analysis, electoral area boundary amendment assessment and initiate the OCP review.

STRATEGIC PLAN IMPLICATIONS

Staff note that the proposed recommendation is consistent with the Board's 2016 – 2020 Strategic Plan priorities with a focus on service and organizational excellence that ensures our processes are as easy to work with as possible.



Jamai Schile
jschile@rdn.bc.ca
November 10, 2017

Reviewed by:

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

TO: Electoral Area Services Committee **MEETING:** November 28, 2017

FROM: Nick Redpath
Planner **FILE:** 3900-20-500.413
3900-20-1285.29

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

RECOMMENDATIONS

1. That the Board receive the Gathering for an Event in the Agricultural Land Reserve – Proposed Zoning Amendments report for information.
2. That the Board direct staff to refer proposed amendments to “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500, 1987” and “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285, 2002” to the Agricultural Advisory Committee and farming community for comment.
3. That the Board direct staff to develop an information brochure for “Gathering for an Event in the Agricultural Land Reserve”.

SUMMARY

Recent amendments to the Agricultural Land Reserve Use, Subdivision and Procedure Regulations allowing gathering for an event on lands within the Agricultural Land Reserve (ALR) prompted the Board to direct staff to undertake a preliminary review of the Regional District of Nanaimo’s (RDN) zoning bylaws. Upon this preliminary bylaw review, staff identified several opportunities for the RDN to clarify and regulate the recently approved ALR regulatory changes for gathering for an event. The proposed bylaw amendments to “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500, 1987” and “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285, 2002” include setbacks, maximum size, parking, clearly defining terminology, inclusion of Agricultural Land Commission (ALC) conditions and expanding the existing Temporary Use Permit designation to accommodate gatherings for larger events as approved by the ALC.

BACKGROUND

On August 9, 2016, the Ministry of Agriculture (MOA) announced that new changes to the current Agricultural Land Reserve Use, Subdivision and Procedure Regulations had been developed allowing landowners in the ALR with farm status under the *Assessment Act* to host specific events like weddings, concerts and other non-agriculture related commercial activities if certain conditions as set out in the new regulations were satisfied. These conditions are outlined in a policy entitled “Gathering for an Event in the ALR” (see attachment 1 – ALC Policy L-22).

On November 25, 2016, following Board direction, a report from staff went to the Agricultural Advisory Committee (AAC) outlining the recent changes made by the MOA in regards to gathering for an event. In addition to summarizing the recent regulatory changes to the ALR regulations, the report identified several opportunities in which RDN zoning bylaws could be amended to regulate this newly permitted use. Some potential amendments identified include clearly defining terminology, amending setbacks, limiting size of events, parking provisions and expanding the existing Temporary Use Permit designation. The proposed amendments are intended to create consistency between RDN bylaws and the new ALR regulations, mitigate impact on neighbouring properties, promote health and safety at these events, preserve agricultural land and promote opportunities for farmers to subsidize their farm income. At the AAC meeting, a motion was made for the AAC to have the opportunity for further input on the proposed bylaw amendments. In addition to the AAC review, further consultation with the farming community is recommended to gather feedback on the proposed bylaw amendments. Once consultation is complete, the proposed amendments to both Bylaw 500 and Bylaw 1285 will be brought forward to the EASC for consideration.

Land Use Implications

Changes made by the MOA to the ALR regulations have authorized a limited number of secondary on-farm commercial activities to take place on properties in the ALR with farm status under the *Assessment Act*, leaving local governments with the ability to regulate but not prohibit these activities.

Non-agricultural gathering for an event on ALR land is not currently addressed within RDN zoning regulations, meaning that these recent changes create a new use within the ALR that is not regulated within existing zoning bylaws. Given that the ALR Regulations supersede local government bylaws in this instance, events could be held on a property in the ALR within the RDN (subject to the conditions outlined in Attachment 1 – ALC Policy L-22), without any specific zoning regulations to address potential impacts from these events.

Although local governments cannot prohibit non-farm gathering for an event on properties within the ALR, they can regulate certain aspects through zoning bylaws. In order to create consistency between RDN bylaws and the new ALR regulations, mitigate impact to neighbouring properties, promote health and safety at these events, preserve agricultural land and provide opportunities for farmers to subsidize their income, staff have drafted the proposed amendments to Bylaw 500 and Bylaw 1285 as outlined below.

Proposed Amendments to Bylaw 500 (see Attachment 2 – Proposed Zoning Amendments to Bylaw No. 500, 1987) and Bylaw 1285 (see Attachment 3 – Proposed Zoning Amendments to Bylaw No. 1285, 2002)

Definitions

Agricultural Land Commission Policy L-22 provides a new definition for “gathering for an event” and “agri-tourism on a farm” and updates the current definition of “agri-tourism”. To create consistency and reflect recent changes to the ALR regulations, new and updated definitions are proposed to be included into the Definitions section of Bylaw 500 and Bylaw 1285.

General Regulations

The new ALR regulations consider “gathering for an event” to be a permitted use on ALR land, only if certain conditions are met (see Attachment 1 – Policy L-22 for an overview of these conditions). All of these conditions are proposed to be included into the General Regulations sections of Bylaw 500 and Bylaw 1285 to create consistency between the Agricultural Land Reserve Use, Subdivision and Procedure Regulations and RDN zoning bylaws and provide clarity to staff, the public, or property owners hosting an event.

Setbacks – Bylaw 500 and Bylaw 1285

Implementing appropriate setbacks will reduce impact and disturbance to neighbouring properties and provide adequate access for emergency vehicles on the property, while still allowing property owners to subsidize on-farm income through hosting a limited number of commercial events each year.

Since this is a new permitted on-farm use, there is no precedence in terms of setback requirements. As such, staff have considered three possible options and are seeking input from the AAC regarding these options, which are:

Option 1: This option, which currently is in place, is to not implement specific setback requirements and allow gatherings for an event to take place anywhere on a property.

Option 2: This option would be to apply existing setback regulations for Agricultural Zones in Bylaw 500 and Bylaw 1285 for the new permitted use “gathering for an event”. Below is a summary of existing setback regulations within Bylaw 500 and Bylaw 1285.

Currently, within the Agriculture 1 Zone of Bylaw 500, the setback for non-farm use buildings and structures is 8.0 metres from all lot lines except where the parcel is less than 4000 m² in area then the setback from lot lines may be reduced to 2.0 metres from an interior side lot line and 5.0 metres from other lot lines, excluding the front lot line.

Within the Agriculture 2 Zone of Bylaw 500, the setback for non-farm buildings and structures is currently 20.0 metres from all lot lines.

Within the General Regulations of Bylaw 1285, setbacks for agricultural buildings and structures are 4.5 metres from front and exterior side lot lines and 2.0 metres from all other lot lines.

In 2016, the Agriculture Bylaw and Policy Updates Project was completed and one of the objectives of this project was to review current setbacks in Agriculture Zones of both Bylaw 500 and Bylaw 1285 to provide more flexible minimum setback requirements. Essentially, setbacks are designed in a tiered system with larger lots having larger setbacks, mid-sized lots having reduced setbacks and smaller lots requiring further reduced setbacks.

Current setbacks in Agriculture Zones were intended to support agriculture and make regulations less onerous and only apply to buildings and structures. Gathering for an event is not considered an agricultural use and may take place within a building and/or outdoor area. Increased setbacks may be considered to protect neighbouring properties from being negatively impacted.

Option 3: The setbacks proposed by staff in the amendment bylaws apply best practices established by the Ministry of Agriculture's Guide to Edge Planning. Within this document, farm-side setbacks for specific farm uses and commodity activities are recommended to be 15 metres from property lines. While gathering for an event is not specified within the MOA document, the rationale for farm-side setbacks does apply and can be adapted to prevent nuisance and conflict between uses. The proposed 15 metre setbacks will also allow for emergency vehicle access, while still providing property owners the opportunity to subsidize on-farm income through hosting a limited number of commercial events each year.

Parking

Within Bylaw 500 and Bylaw 1285, proposed minimum parking requirements and setbacks for gathering for an event are one per four persons capacity based on a parking rate comparable to dancing or assembly with setbacks of 15.0 metres from all lot lines.

The ALC requires all parking to be on the farm, but not to be permanent nor interfere with the farm's agricultural productivity. Increased minimum parking requirements may lead to damage and loss of the farm's agricultural productivity and create a safety hazard with increased amounts of vehicle traffic on and off the site. With less parking spaces required, guests will be encouraged to carpool or make alternate arrangements for transportation to and from the event.

Parking setback requirements of 15.0 metres, consistent with proposed setbacks for the use "gathering for an event" are proposed to reduce impact on neighbouring properties and to promote health and safety by allowing access for emergency vehicles.

Maximum Site Area

A proposed maximum site area for gathering for an event is 500 m².

ALC Policy L-03 Activities Designated as Farm Use: Wineries and Cideries in the Agricultural Land Reserve explains that 125 m² of floor space is roughly equivalent to a seating capacity of 65 persons. The ALR Regulations allow a maximum amount of 150 guests for a gathering for an event. Permitting a maximum site area of 500 m² for events will allow sufficient space for the maximum 150 guests. Sufficient space and separation for guests will help increase the overall health and safety of the event while maintaining the intent of the *Agricultural Land Commission Act*.

Temporary Use Permits for Gathering for Events

Similar to the existing Temporary Use Permit for Farmer's Markets section of both Bylaw 500 and Bylaw 1285, a change to include the ability to issue a Temporary Use Permit for gathering for an event is proposed. The amendment is to include a general clause within each bylaw that would support the issuance of a Temporary Use Permit for an event that contravenes the proposed zoning regulations (larger than 150 people, more than 10 events etc.) in any zone subject to approval from the ALC and further specific requirements deemed necessary by the RDN. Expanding the existing Temporary Use Permit designation is an appropriate approach to accommodate events contrary to the zoning bylaw as it includes a public notification process and can impose a variety of specific requirements. The specific

requirements will be informed through consultation and could include criteria to address emergency services and public safety.

ALTERNATIVES

1. That the Board approve staff recommendations included in this report.
2. That the Board provide alternate direction to staff.

FINANCIAL IMPLICATIONS

This report is prepared in response to recent changes to ALR regulations in regards to gathering for an event on farm land within the ALR. This report, proposed bylaw amendments and development of an information brochure can be accommodated within the existing Community Planning budget.

STRATEGIC PLAN IMPLICATIONS

A focus on Economic Health is one of the strategic priorities in the RDN 2016 – 2020 Strategic Plan. In particular, the strategic plan directs that the RDN will foster economic development and support diversification of our regional economy while also recognizing the importance of agriculture. Proposed bylaw amendments to address changes to ALR regulations allowing for non-farm use gathering for an event will help support and foster economic development for farmers within the ALR. These proposed bylaw amendments preserve traditional agriculture land and practices while also creating incentives and opportunities for existing farmers to supplement their farm income through secondary, on-farm activities.



Nick Redpath
nredpath@rdn.bc.ca
November 10, 2017


Reviewed by:

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

Attachments

1. ALC Policy L-22
2. Proposed Zoning Amendments to Bylaw No. 500, 1987
3. Proposed Zoning Amendments to Bylaw No. 1285, 2002

Attachment 1

 <p>Agricultural Land Commission Act</p>	<p style="text-align: right;">Policy L-22 October 2016</p> <p style="text-align: center;">ACTIVITIES DESIGNATED AS A PERMITTED NON-FARM USE: GATHERING FOR AN EVENT IN THE AGRICULTURAL LAND RESERVE ("ALR")</p>
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This policy is intended to assist in the interpretation of the [Agricultural Land Commission Act](#), 2002, including amendments as of September 2014, (the "ALCA") and BC Regulation 171/2002 ([Agricultural Land Reserve Use, Subdivision and Procedure Regulation](#)), including amendments as of August 2016, (the "Regulation"). In case of ambiguity or inconsistency, the ALCA and Regulation will govern.

REFERENCE:

Agricultural Land Commission Act, S.B.C. 2002, c. 36, Section 1.

Agricultural Land Reserve Use, Subdivision and Procedure Regulation (BC Reg. 171/2002), the "Regulation", Section 1(4) and Section 3(4).

Section 3(4) The following non-farm uses are permitted in an agricultural land reserve and must not be prohibited by a local government bylaw or, for lands located in an agricultural land reserve that are treaty settlement lands, by a law of the applicable treaty first nation government:

(k) gathering for an event, if all of the following conditions are met:

- i. the farm must be located on land classified as a farm under the [Assessment Act](#);*
- ii. permanent facilities must not be constructed or erected in connection with the event;*
- iii. parking for those attending the event must be available on the farm, but must not be permanent nor interfere with the farm's agricultural productivity;*
- iv. no more than 150 people, excluding residents and employees of the farm, may be gathered on the farm at one time for the purpose of attending the event;*
- v. the event must be of no more than 24 hours duration;*
- vi. no more than 10 gatherings for an event of any type may occur on the farm within a single calendar year.*

Section 1 (4) Definitions:

"gathering for an event" means a gathering of people on a farm for the purpose of attending

- (a) a wedding, unless paragraph (c) (ii) applies,*

(b) a music festival, or

(c) an event, other than

(i) an event held for the purpose of agri-tourism, or

(ii) the celebration, by residents of the farm and those persons whom they invite, of a family event for which no fee or other charge is payable in connection with the event by invitees.

Section 2(2.4) In subsections (2.1) to (2.3):

(f) gathering for an event, if the event is held only in the lounge referred to in paragraph (b) or the special event area referred to in paragraph (c) of this subsection, and, for this purpose, section 3 (4) (k) does not apply.

INTERPRETATION:

Gathering for an event is a permitted non-farm use in the Agricultural Land Reserve and must not be prohibited by a local government bylaw as long as the event meets the conditions set out in the Regulation.

No more than 150 people may be in attendance and the event must be less than 24 hours in duration.

A maximum of 10 events of any type are permitted within a calendar year on a farm. For example, 5 weddings, 2 music concerts and 3 art shows. Where more than one farm business is being operated from a farm, the maximum 10 events applies. It is recommended that a record of events be maintained by the farmer including type of event, date and number of attendees.

There is no requirement for these events to directly market or promote agricultural products grown on the farm and therefore are not considered agri-tourism events.

People hosting events must make every effort to avoid negative impacts to the use of agricultural land including but not limited to, damage to agricultural land and structures, noise that disturbs animals and livestock, trespass, vandalism, theft and blocking access to adjacent farm businesses.

Events may include weddings, private parties, corporate retreats, music concerts and concert series, music festivals, film and theatrical presentations, art shows, dance recitals, charitable and political fundraising events, dances, and sports events, so long as otherwise compliant with the Regulation. Any event that is not an agri-tourism event falls into this category.

The Regulation allows gathering for events in the ALR provided the land is assessed as “farm” under the *Assessment Act*. If the assessment changes, the use is no longer permitted. The farm may be comprised of one or several parcels of land owned or operated by a farmer as a farm business. The farm parcels should be contiguous or in the same general geographic area.

Permanent facilities must not be constructed or erected for any event activity. Permanent facilities include, but are not limited to: buildings or permanent structures, hard surface parking areas, concrete pads, structural foundations, retaining walls, permanent tents (erected for more than 90 days) and permanent alteration to the landscape (fill, gravel, berms, hills, dugouts, amphitheatres). The conversion of existing buildings and the construction associated with bringing them up to public assembly building code is also deemed as the construction or erection of a permanent facility. If permanent facilities are required, an application and approval of the Commission is necessary.

For the purposes of this policy, parking areas must not be permanent (asphalt, concrete, gravel, etc) and parking must not interfere with the farm's agricultural productivity. All vehicles visiting the farm for the event must be parked on site. To minimize impacting farm land, parking should be along field edges, adjacent to internal farm driveways and roads, and in farm yard areas or immediately adjacent to farm buildings and structures.

Personal family celebrations hosted by the farm owner where no fee is charged continue to be allowed.

This Policy does not apply to agri-tourism activities. See Related Policies.

As per subsection 2.4(f) of the regulation, these conditions do not apply to wineries, cideries, meaderies, breweries and distilleries if the event(s) is held only in the ancillary food and beverage service lounge that has been developed in compliance with section 2(2.4)(b) of the Regulation. Regulation section 3(4)(k) and associated restrictions apply if the event(s) are held outside the lounge area. This means wineries, cideries, meaderies, breweries and distilleries may host an unlimited number of events in their lounge area and an additional 10 events as per section 3(4)(k) held outside the lounge area.

Local governments have the authority to regulate events with regard to structures and building occupancy (including determining if an existing farm building is appropriate for a gathering or requires upgrades for public assembly), parking, lighting, hours of operation, health and safety, noise, access for police, fire and emergency vehicles, etc. Local governments have the authority to require permits for events.

Events in excess of the what is permitted under section 3(4)(k) require an application pursuant to section 20(3) of the Agricultural Land Commission Act and approval of the Commission.

TERMS:

family event means an event attended by

- (a) family members, and
- (b) close personal friends or close business associates of family members

family member with respect to a person means

- (a) parents, grandparents and great grandparents,
- (b) spouse, parents of spouse and stepparents of spouse,
- (c) brothers and sisters,
- (d) children or stepchildren, grandchildren and great grandchildren, and

(e) aunts, uncles, cousins, nephews and nieces

fee or other charge includes a gift in lieu of a fee or charge given in connection with the event

wedding means the ceremony of marriage or a marriage-like ceremony and/or the reception celebration

music festival means concert or concert series no more than 24 hours in duration

Unless defined in this policy, terms used herein will have the meanings given to them in the ALCA or the Regulation.

RELATED POLICY:

ALC Policy L-04 Activities Designated as a Farm Use: Agri-Tourism Activities in the ALR

ALC Policy L-03: Activities Designated as Farm Use: Wineries and Cideries in the ALR

ALR Policy L-21: Activities Designated as Farm Use: Brewery, Distillery and Meadery in the ALR

Attachment 2

DRAFT REGIONAL DISTRICT OF NANAIMO BYLAW NO. 500.XXX

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. 500.413, 2017”.
- B. The “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, is hereby amended as follows:
 1. Under **PART 2, INTERPRETATION, DEFINITIONS** by deleting and adding the following definition in alphabetical order:

agri-tourism means an activity, or services that are ancillary to an activity referred to in the definition of *agri-tourism on a farm* that is carried out on land that is classified as a farm under the Assessment Act, to which members of the public are ordinarily invited, with or without a fee, and in connection with which permanent facilities are not constructed or erected;

2. Under **PART 2, INTERPRETATION, DEFINITIONS** by adding the following definitions in alphabetical order:

agri-tourism on a farm means the following:

- (a) an agricultural heritage exhibit displayed on the farm;
- (b) a tour of the farm, an educational activity or demonstrated in respect of all or part of the farming operations that take place on the farm, and activities ancillary to any of these;
- (c) cart, sleigh and tractor rides on the land comprising the farm;
- (d) activities that promote or market livestock from the farm, whether or not the activity also involves livestock from other farms, including shows, cattle driving and petting zoos;
- (e) dog trials held at the farm;
- (f) harvest festivals and other seasonal events held at the farm for the purpose of promoting or marketing farm products produced on the farm;
- (g) corn mazes prepared using corn planted on the farm;

gathering for an event means a gathering on a farm for the purpose of attending:

- (a) a wedding, unless paragraph (c) (ii) applies;
- (b) a music festival; or
- (c) an event, other than:
 - (i) an event held for the purpose of agri-tourism; or

(ii) the celebration, by residents of the farm and those persons whom they invite, of a family event for which no fee or other charge is payable in connection with the event by invitees;

3. Under **PART 3, LAND USE REGULATIONS, Section 3.3 General Regulations** by deleting Subsection 10) a) 1. XIII. and replacing it with the following:

XIII.	Gathering for an Event - All buildings, structures or event areas	15.0 m
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4. Under **PART 3, LAND USE REGULATIONS, Section 3.3 General Regulations** by adding the following Subsection after 3.3.10) a) 1) XIII):

XIV.	All other agricultural buildings and structures	8.0 m
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5. Under **PART 3, LAND USE REGULATIONS, Section 3.3 General Regulations** by adding the following Subsection after 3.3.16) c):

d) Gathering for an Event

- i) As per Section 1 of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* on parcels within the Agricultural Land Reserve and where gathering for events is a permitted accessory use in this bylaw, the following general provisions apply:
- a. The farm must be located on land classified as a farm under the *Assessment Act*;
 - b. permanent facilities must not be constructed or erected in connection with the event;
 - c. parking for those attending the event must be available on the farm, but must not be permanent nor interfere with the farm’s agricultural productivity;
 - d. no more than 150 people, excluding residents and employees of the farm, may be gathered on the farm at one time for the purpose of attending the event;
 - e. the event must be of no more than 24 hours duration;
 - f. maximum site area for events shall not exceed a combined total of 500 m²; and
 - g. no more than 10 gatherings for an event of any type may occur on the farm within a single calendar year.

6. Under **PART 3, LAND USE REGULATIONS, Section 3.3 General Regulations** by deleting Subsection 17) and replacing it with the following:

17) Temporary Use Permits for Farmers' Markets and Gathering for an Event

In accordance with the *Local Government Act*, the RDN may support temporary use permits for farmers markets and gathering for an event on any parcel within the area covered by this bylaw.

The following conditions and criteria will be included in the RDN's consideration of such applications depending on the nature of the application being considered.

- a) Where the land is in the ALR, approval from the Provincial Agricultural Land Commission is required.
 - b) The RDN may specify conditions of approval including, but not limited to, environmental protection measures, hours of operation, buffering between adjacent uses, parking, and groundwater protection and may require the posting of a bond or other applicable security to ensure compliance with the condition of the permit.
 - c) The RDN will consider the impact on local road networks and on-site parking.
 - d) The RDN may consider any other condition or criteria as deemed necessary by the RDN.
7. Under **PART 3, LAND USE REGULATIONS, Section 3.4 Regulations for Each Zone, 3.4.1 AGRICULTURE 1 – AG1** by adding the following Subsection after **3.4.1.1 Permitted Accessory Farm Uses d)**:

e) Gathering for an Event

8. Under **PART 3, LAND USE REGULATIONS, Section 3.4 Regulations for Each Zone, 3.4.2 AGRICULTURE 2 - AG2** by adding the following Subsection after **3.4.2.1 Permitted Accessory Farm Uses d)**:

e) Gathering for an Event

9. Under **PART 3, LAND USE REGULATIONS – SCHEDULE '3B' TABLE 1 REQUIRED NUMBER OF OFF STREET PARKING SPACES** by adding the following text under the **Commercial** Subsection in alphabetical order:

Gathering for Events	1 spot per 4 guests must be available on the farm, but must not be permanent nor interfere with the farm's agricultural productivity and must be setback 15.0 m from all lot lines.
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Introduced and read two times this ___ day of _____ 20XX.

Public Hearing held this ___ day of _____ 20XX.

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

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

Adopted this ___ day of _____ 20XX.

Chairperson

Corporate Officer

Attachment 3

**DRAFT REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1285.XX**

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

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

- A. This Bylaw may be cited as “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.29, 2017”.
- B. The “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002”, is hereby amended as follows:
 - 1. Under **SECTION 2, GENERAL REGULATIONS, 2.9 Setbacks – Buildings and Structure** by deleting Subsection f) 1) XIV. and replacing it with the following:

XIV.	Gathering for an Event - All buildings, structures or event area	15.0 metres
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- 2. Under **SECTION 2, GENERAL REGULATIONS, 2.9 Setbacks – Buildings and Structures** by adding the following subsection after 2.9 f) 1) XIV:

XV.	All other agricultural buildings and structures	Front and Exterior side lot lines 4.5 metres All other lot lines 2.0 metres
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- 3. Under **SECTION 2, GENERAL REGULATIONS** by adding the following text into Subsection **2.17 Parking – Table 2.2 REQUIRED PARKING SPACES**:

Gathering for Events	1 spot per 4 guests must be available on the farm, but must not be permanent nor interfere with the farm’s agricultural productivity and must be setback 15.0 m from all other lot lines.
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4. Under **SECTION 2, GENERAL REGULATIONS, 2.20 Accessory Farm** Use Regulations by adding the following Subsection after 2.20 5:

6. Gathering for an Event

As per Section 1 of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* on parcels within the Agricultural Land Reserve and where gathering for events is a permitted accessory use in this bylaw, the following general provisions apply:

- a. The farm must be located on land classified as a farm under the *Assessment Act*;
- b. permanent facilities must not be constructed or erected in connection with the event;
- c. parking for those attending the event must be available on the farm, but must not be permanent nor interfere with the farm's agricultural productivity;
- d. no more than 150 people, excluding residents and employees of the farm, may be gathered on the farm at one time for the purpose of attending the event;
- e. the event must be of no more than 24 hours duration;
- f. maximum site area for events shall not exceed 500 m²; and
- g. no more than 10 gatherings for an event of any type may occur on the farm within a single calendar year.

5. Under **SECTION 2, GENERAL REGULATIONS,** by deleting Subsection **2.21** and replacing it with the following:

2.21 Temporary Use Permits for Farmers' Markets and Gathering for an Event

In accordance with the *Local Government Act*, the RDN may support temporary use permits for farmers markets and gathering for an event on any parcel within the area covered by this bylaw.

The following conditions and criteria will be included in the RDN's consideration of such applications depending on the nature of the application being considered.

- a) Where the land is in the ALR, approval from the Provincial Agricultural Land Commission is required.
- b) The RDN may specify conditions of approval including, but not limited to, environmental protection measures, hours of operation, buffering between adjacent uses, parking, and groundwater protection and may require the posting of a bond or other applicable security to ensure compliance with the condition of the permit.
- c) The RDN will consider the impact on local road networks and on-site parking.
- d) The RDN may consider any other condition or criteria as deemed necessary by the RDN.

6. Under **SECTION 4, ZONES, 4.1 A-1 – AGRICULTURE 1** by adding the following Subsection after 4.1.3 d):

e) Gathering for an Event

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

Agri-tourism means an activity, or services that are ancillary to an activity referred to in the definition of *agri-tourism on a farm* that is carried out on land that is classified as a farm under the Assessment Act, to which members of the public are ordinarily invited, with or without a fee, and in connection with which permanent facilities are not constructed or erected;

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

Agri-tourism on a farm means the following:

- (a) an agricultural heritage exhibit displayed on the farm;
- (b) a tour of the farm, an educational activity or demonstration in respect of all or part of the farming operations that take place on the farm, and activities ancillary to any of these;
- (c) activities that promote or market livestock from the farm, whether or not the activity also involves livestock from other farms, including shows, cattle driving and petting zoos;
- (d) dog trials held at the farm;
- (e) harvest festivals and other seasonal events held at the farm for the purpose of promoting or marketing farm products produced on the farm;
- (f) corn mazes prepared using corn planted on the farm;

Gathering for an event means a gathering on a farm for the purpose of attending:

- (a) A wedding, unless paragraph (c) (ii) applies;
- (b) a music festival; or
- (c) an event, other than:
 - (i) An event held for the purpose of agri-tourism; or
 - (ii) the celebration, by residents of the farm and those persons whom they invite, of a family event for which no fee or other charge is payable in connection with the event by invitees;

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

Public Hearing held this ___ day of _____ 20XX.

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

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

Adopted this ___ day of _____ 20XX.

Chairperson

Corporate Officer

TO: Electoral Area Services Committee **MEETING:** November 28, 2017
FROM: Nick Redpath
Planner **FILE:** 0125-20-BC-Cannabis
SUBJECT: Implications of Cannabis Legalization to the Regional District of Nanaimo

RECOMMENDATIONS

1. That the Board consider making recommendations to the Province with respect to provincial regulation of cannabis by completing the proposed motions in Attachment 1 – Proposed Recommendations to the Province.
2. That the Board request regular updates from the Province through the Union of BC Municipalities to ensure local governments are aware of any and all progress in the development of provincial regulations related to non-medical cannabis.
3. That the Board request additional regional district representation on the Joint Provincial-Local Government Committee on Cannabis Regulation.
4. That the Board request the provision of adequate provincial funding to cover any responsibilities and increase in administrative burden of any provincial framework that requires local government participation.
5. That the Board request equitable sharing of tax revenues from cannabis between all orders of government.
6. That the Board direct staff to amend “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” and “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” to reflect federal legislation on production of cannabis and make further necessary amendments once a provincial regulatory framework for the legalization of non-medical cannabis is developed.
7. That the Board request the Province to ensure that the rights of landlords are protected by having property owners able to choose whether to allow the personal cultivation of cannabis by tenants.

SUMMARY

The Government of Canada announced the legalization of non-medical cannabis will take place in July 2018. In response to this, the Province of BC has commenced engagement to support the development of a provincial regulatory framework. As part of their engagement strategy, the Province will engage local governments, the public, Indigenous government and organizations and stakeholder groups on key policy considerations identified in a provincial discussion paper to assist in establishing a regulatory framework. Key policy considerations identified within the discussion paper are minimum age, personal

possession limits, public consumption, drug-impaired driving, personal cultivation and distribution and retail models. Some of the policy considerations, such as the model for production and retail facilities, can be regulated by local government and the RDN will want to inform the province on the preferred option. However, local governments are encouraged to submit a written response on the other policy considerations to help guide the overall regulatory framework.

BACKGROUND

In 2015, the federal government committed to legalizing non-medical cannabis in Canada. A federal task force on cannabis legalization and regulation was subsequently established to advise on the design of a new legislative framework. A report released by the task force in 2016 provided a comprehensive set of recommendations for all levels of government to consider. On April 13, 2017, the federal government introduced Bill C-45, the *Cannabis Act* in the House of Commons with plans to bring it into force in July 2018, effectively making non-medical cannabis legal in Canada as of that date.

The Board at its meeting of October 10, 2017 directed staff to prepare a report on the implications of cannabis legalization to the Regional District of Nanaimo when the opportunity for local government engagement was provided by the Province.

The federal government's plan to legalize non-medical cannabis by July 2018 creates a need for regulation by provincial, territorial and local governments. Each level of government will be responsible for different aspects in the regulation of cannabis and play a significant role upon its legalization.

Federal Implications

The federal government will be responsible for the supply of cannabis (regulation, production and product standards) and set industry-wide standards around the types of products available, packaging and labelling requirements, serving sizes and potency standards, prohibiting the use of certain ingredients and promotional restrictions. The federal government is also responsible for establishing minimum conditions that provincial and territorial legislation will be required to meet to ensure consistency. The conditions set by the federal government relate to personal possession limits (maximum 30 grams per adult), personal cultivation (maximum four plants per residence) and setting of a minimum age of consumption (18 years). Continued oversight of the medical cannabis regime will also fall under federal jurisdiction.

The proposed federal tax scheme adds an excise tax of \$1 per gram or 10 per cent of the final retail price, whichever is higher, with the revenues to be divided equally between Ottawa and the provinces. At this time, it is unclear what portion of the revenues, if any, will be shared with local governments.

Provincial Implications

Provincial and territorial governments will assume responsibility for many aspects of non-medical cannabis regulation in their respective jurisdictions. These aspects will include, but are not limited to: distribution and retail; compliance and enforcement regimes; increase of minimum age limits; restrictions on possession and personal cultivation; public consumption; and amendments to road safety laws.

To facilitate local government and other agency engagement, the Province released the Cannabis Legalization and Regulation in British Columbia Discussion Paper (see Attachment 2 – Cannabis Legalization and Regulation in British Columbia Discussion paper). This discussion paper identifies a number of priority policy considerations for the development of a regulatory framework for non-medical cannabis in BC that the Province is seeking feedback from local governments. The public aspect of this engagement closed on November 1, 2017, with approximately 48,000 responses (Attachment 3 – Public Survey Response News Release). Local governments are encouraged to submit a written response on the key policy considerations and any other challenges or opportunities arising out of the legalization of non-medical cannabis.

Local Government does not have jurisdiction over many aspects of cannabis legalization. However, the Province is asking for feedback on the distribution and retail models for non-medical cannabis. These two aspects of the legalization process have direct implications to local governments as the location of the distribution, warehousing and retail facilities fall under local government jurisdiction and can be regulated through zoning bylaws. These are two aspects of the regulatory framework that the RDN should submit comments.

Public consumption of cannabis falls under federal and provincial jurisdiction, depending on the regulatory scheme established by the Province, local governments may also be able to establish additional restrictions, such as prohibiting cannabis smoking and vaping in public parks under their jurisdiction.

A summary of options provided by the Province in regards to distribution and retail models and public consumption is provided below:

- a) **Distribution:** The federal government has tasked each province or territory with deciding the distribution model for cannabis in its jurisdiction. The three basic models of warehousing and distribution of cannabis to retailers in BC are government, private, or direct. The government distribution model would make the government responsible for warehousing and distribution of cannabis. Licenced producers would send cannabis products to a government distributor, which would then fill orders for cannabis retailers. The private distribution model would allow for private business to be responsible for physical warehousing and distribution of cannabis product under significant government oversight in relation to licensing, inspecting and tracking. The final model is direct distribution. This model would see the Province authorize federally licensed producers to distribute their own products directly to retailers under government oversight.
- b) **Retail:** The federal government authorizes each province and territory to dictate the retail model for cannabis in its jurisdiction. A number of options exist. The Province could establish a public or private retail system, or potentially a mix of both, similar to alcohol. Other options could require that cannabis be sold in dedicated storefronts, or it could allow cannabis to be sold out of existing businesses such as liquor stores or pharmacies. The Province could also establish a direct-to-customer mail-order system. While the federal government allows provinces and territories to decide the retail model in its jurisdiction, if retail regimes are not established by July 2018, the federal government will implement an online retail system as an interim solution.

- c) **Public Consumption:** The federal government has prohibited cannabis in federally-regulated places (e.g. trains, planes), but regulation of public consumption will fall under provincial, territorial and local government jurisdiction. Provinces, territories and local governments have the ability to restrict and prohibit where non-medical cannabis is consumed. However, if restrictions are not legislated by the date of legalization, it will be legal to smoke, vape and consume other forms of cannabis in public.

It should be noted that all of the priority considerations summarized below are regulated entirely by the Province and local governments are only providing feedback to guide the development of a provincial regulatory framework on the legalization of cannabis. While these aspects of cannabis legalization are not within the jurisdiction of local government the Board may wish to provide input.

The province is seeking input on the following priority policy considerations:

- a) **Minimum Age:** A minimum age of 18 to grow, purchase or have public possession of dried cannabis has been established by the federal government. It is at the discretion of provinces and territories to establish a higher minimum age within their respective jurisdictions.
- b) **Maximum Possession:** A maximum possession limit per adult has been set at 30 grams of dried cannabis by the federal government. Provinces and territories have the authority to decrease, but not increase the maximum limit.
- c) **Personal Cultivation:** Personal cultivation of up to four cannabis plants per household is permitted by the federal government. Provinces and territories have the ability to decrease this maximum and also establish further restrictions. These restrictions could include, but are not limited to: Registration for persons growing cannabis plants; restricting where plants can be grown (indoor vs. outdoor); and require certain security measures to be implemented for persons undertaking personal cultivation of cannabis.
- d) **Drug-impaired Driving:** The federal government has the authority to set a blood tetrahydrocannabinol (THC) limit beyond which a person can be criminally charged with cannabis-impaired driving. The federal government still has not determined what constitutes an illegal blood drug concentration and research into the development of a device that can detect THC levels from saliva is ongoing. The Province will have to address the risk of cannabis legalization and potential increased impaired driving through new detection and other methods.

Other significant issues not within the discussion paper that should be considered are tax sharing and tenant rights. The sharing of tax revenue from cannabis sales has yet to be determined and local governments will require compensation for the increase in administrative burden of any provincial framework that requires local government participation.

Personal cultivation of cannabis in private dwellings will be a civil matter and will be left to strata councils and rental agreements between property owners and tenants. Property owners and managers have expressed concerns with the federal government's legislation permitting four plants to be cultivated in a residence and are adamant that rights of property owners should be protected by having the freedom to choose whether they wish to allow tenants to cultivate cannabis in rental units or not.

Regional District of Nanaimo Implications

As a provincial regulatory framework has yet to be released, the implications of cannabis legalization to the Regional District of Nanaimo (RDN) remain uncertain. Based on most recent information provided by the federal and provincial government, regional districts are likely to be most active in the areas of administering and enforcing zoning regulations pertaining to cannabis production facilities, retail sales of cannabis and enforcement of regulation around public consumption in local government facilities.

Land Use Regulation – Retail

A number of proposed provincial retail models exist that would affect RDN zoning. The Province could establish a public or private retail system, or potentially a mix of both, similar to alcohol. Other options could require that cannabis be sold in dedicated storefronts, or it could allow cannabis to be sold out of existing businesses such as liquor stores or pharmacies. The Province could also establish a direct-to-customer mail-order system. Land use planning/zoning administration and enforcement is a clear area of local government jurisdiction that could be used to regulate where licensed recreational cannabis dispensaries can operate. Zoning bylaws can limit dispensaries to certain areas and regulate their proximity to schools and playgrounds. At present, the selling of cannabis would fall under general retail use within “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” and “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” and is permitted in any zone that allows that use. Once the Province establishes a retail model and releases a regulatory framework, a review of RDN bylaws will be required to create consistency with provincial and federal legislation.

Land Use Regulation - Production

The federal government will be responsible for regulating cannabis production facilities. Currently, Medical Marihuana Production facilities require a licence from the federal government and producers are required to notify local governments of their licence application and comply with provincial and local government land use regulations. It is anticipated that similar requirements will be placed on non-medical cannabis production facilities. Regional District of Nanaimo zoning bylaws currently permit Medical Marihuana Production facilities on land located within the Agricultural Land Reserve and within the Industrial 2 Zone of Bylaw 1285. It is recommended that RDN zoning regulations be amended to clarify that production related land use regulations apply to medical and recreational marihuana production facilities.

Regional District Representation

At its September 2017 convention, the Union of BC Municipalities (UBCM) membership passed a resolution to endorse the following principles to guide UBCM’s advocacy with the Province regarding local government’s role in a BC framework for cannabis:

- Fulsome and meaningful consultation with local governments;
- provision of adequate provincial funding to cover any responsibilities and increase in administrative burden;
- equitable sharing of tax revenues from cannabis between all orders of government; and
- respect for local choice, jurisdiction and authority, including but not limited to land use and zoning decisions.

The Province and UBCM have now established a Joint Provincial-Local Government Committee on Cannabis Regulation (JCCR) made up of 12 representatives from UBCM and provincial representatives from the Ministry of Public Safety and Solicitor General (see Attachment 4 – Cannabis Regulation Committee News Release). The purpose of the JCCR is to provide an ongoing forum for communication and engagement with local governments as the Province develops the regulatory framework for legalized non-medical cannabis. The JCCR currently meets bi-weekly with provincial representatives and is expected to meet regularly up to and beyond the July 2018 legalization date.

Of the 12 representatives, only one member is a regional district representative. Further regional district representation may be beneficial to help address specific challenges and opportunities in regards to the upcoming legalization of cannabis.

Despite the federal legislation giving stakeholders and Canadians a better idea of what the legalized cannabis regime will entail, many unresolved issues exist. As of the date of this report, the Province has not released its regulatory framework, leaving further uncertainties on many issues at a local level. These issues include, but are not limited to:

- packaging rules and regulations;
- date that edibles will be introduced into the legalized framework;
- restrictions for making cannabis products at home (e.g. foods, drinks);
- information around police enforcement tools and regulations;
- distribution and retail models for cannabis within BC; and
- compensation for provinces, territories and local governments related to enforcement and other resources expended as part of the legalization and regulation of cannabis.

ALTERNATIVES

1. That the Board receive the Government of British Columbia Cannabis Regulation Engagement report for information.
2. That the Board provide alternate direction to staff.

FINANCIAL IMPLICATIONS

This report is prepared in response to an opportunity provided by the Province to engage local governments on priority issues related to cannabis legalization. As such, no implications to the Board 2017 – 2021 Financial Plan have been identified at this time. A revenue sharing scheme between the Province and local governments has not been released and financial implications to the RDN will vary upon the provision of provincial funding to cover any increased responsibilities and costs required of the RDN throughout the non-medical cannabis legalization process. The broad financial implications to the RDN of cannabis legalization will be given consideration when the Province releases their regulatory framework and revenue sharing scheme.

STRATEGIC PLAN IMPLICATIONS

A focus on Economic Health is one of the strategic priorities in the RDN Strategic Plan 2016 – 2020. In particular, the strategic plan directs that the RDN will foster economic development and support diversification of our regional economy. Certain distribution and retail models being considered by the

Province could provide local business opportunities in this emerging sector and promote economic health through the diversification of our regional economy.



Nick Redpath
nredpath@rdn.bc.ca
November 16, 2017

Reviewed by:

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

Attachments

1. Proposed Recommendations to the Province
2. Cannabis Legalization and Regulation in British Columbia Discussion Paper
3. Public Survey Response News Release
4. Cannabis Regulation Committee News Release

Attachment 1
Proposed Recommendations to the Province
Page 1 of 1

Further discussion and analysis on each of the sample recommendations below can be found in Attachment 2 - Cannabis Legalization and Regulation in British Columbia Discussion Paper.

Provincial decisions on sample motions i. and ii. will have direct implications to local governments as location of distribution, warehousing and retail facilities will fall under local government jurisdiction.

The following sample motions contain several options to consider (underlined and capitalized) and may assist the Board in formulating a resolution should the Board choose to provide comment to the Province on considerations related to non-medical cannabis legalization:

That the Board of the Regional District of Nanaimo make the following recommendations to the Province of BC with respect to provincial regulation of non-medical cannabis:

- i. that the Province establish a GOVERNMENT or PRIVATE or HYBRID GOVERNMENT AND PRIVATE or DIRECT distribution and warehousing model for non-medical cannabis and permit local governments to regulate and/or prohibit cannabis warehousing, distribution and sale through zoning bylaws;
- ii. that the Province establish a retail model that consists of a GOVERNMENT or PRIVATE or HYBRID GOVERNMENT AND PRIVATE or DEDICATED STOREFRONT or DIRECT TO CONSUMER MAIL ORDER SYSTEM and permit local governments to regulate the location and density of retailers through zoning bylaws;

If the Board chooses to comment on the priority considerations outlined in the sample motions below, it should be noted that these considerations are regulated entirely by the Province and local governments are being invited to provide feedback to the Province to help guide the development of a provincial regulatory framework on the legalization of non-medical cannabis.

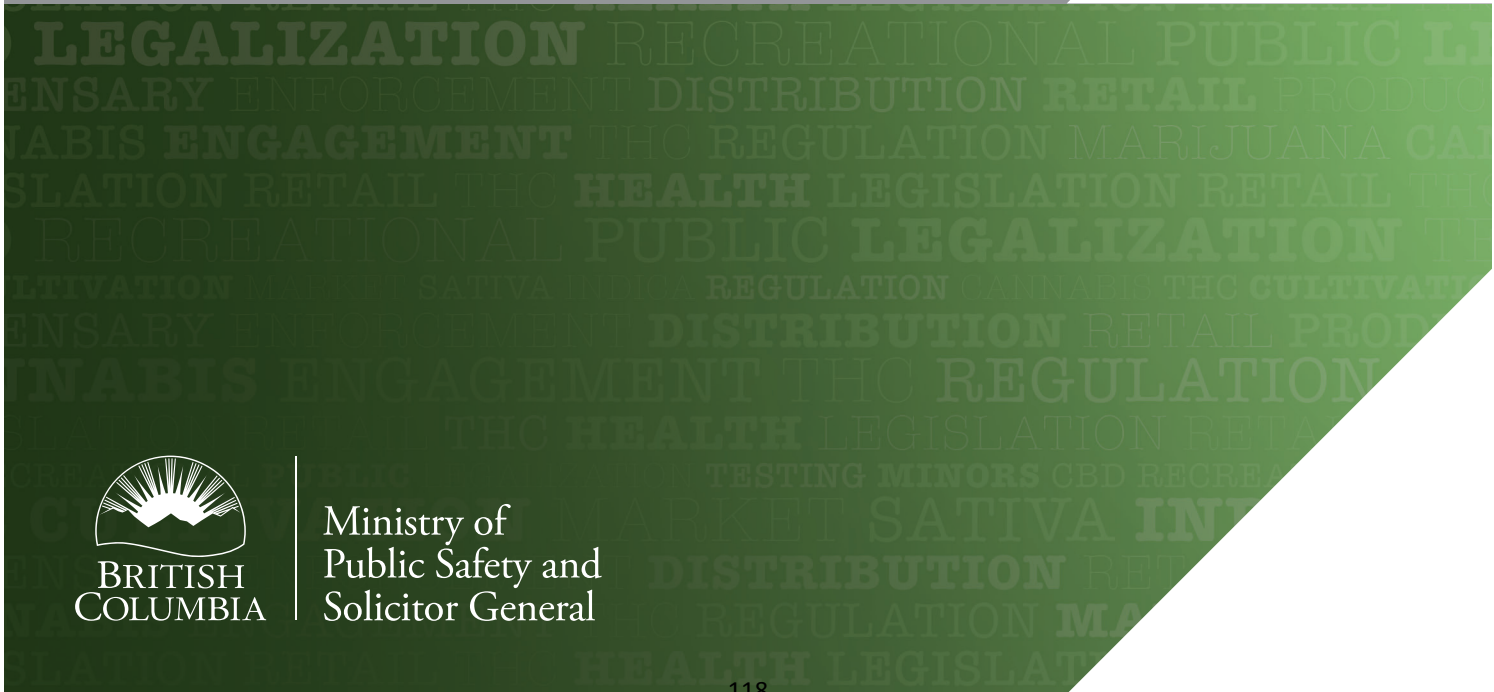
That the Board of the Regional District of Nanaimo make the following recommendations to the Province of BC with respect to provincial regulation of non-medical cannabis:

- iii. That the minimum age to buy, grow and publicly possess non-medical cannabis in BC be established at XX years;
- iv. that the maximum public possession limit of dried cannabis for a person of legal age be established at XX grams;
- v. that the personal possession limit of dried cannabis for youths without being criminally charged be established at XX grams;
- vi. that public smoking of cannabis be restricted in the same manner as tobacco smoking and vaping or that public smoking of cannabis be prohibited altogether;
- vii. that the Province launch a public education and awareness campaign to inform British Columbians about the risks and potential consequences of cannabis-impaired driving and set a zero-tolerance standard in respect of blood THC content for drivers in the Graduated Licensing Program with an “L” or “N” designation and/or drivers under a specific age threshold;
- viii. that the maximum home cultivation of non-medical cannabis limit for an adult be established at XX plants per household and PROHIBIT or ALLOW outdoor cultivation and SET/DO NOT SET restrictions regarding where and how non-medical cannabis can be grown and stored at home.



Cannabis Legalization and Regulation in British Columbia

Discussion Paper



Ministry of
Public Safety and
Solicitor General

Introduction

In 2015, the federal government committed to legalizing non-medical cannabis in Canada. On June 30, 2016, it established the Task Force on Cannabis Legalization and Regulation (the Task Force) to consult and advise on the design of a new legislative and regulatory framework. The [Task Force report](#) was released on December 13, 2016, and provides a comprehensive set of recommendations for governments to consider.

On April 13, 2017, the federal government introduced Bill C-45, the *Cannabis Act* and Bill C-46 (the Act to amend the *Criminal Code*), in the House of Commons. The Bills are currently making their way through the parliamentary process. Bill C-46 amends the *Criminal Code* to simplify and strengthen its approach to alcohol and drug impaired driving, and the federal government plans to move quickly to bring the amendments into force once the Bill receives Royal Assent.

The federal government plans to bring Bill C-45 into force in July 2018; this will make non-medical cannabis legal in Canada as of that date. Bill C-45 is largely based on the recommendations of the Task Force. It seeks to balance the objectives of providing access to a regulated supply of cannabis, implementing restrictions to minimize the harms associated with cannabis use, and reducing the scope and scale of the illegal market and its associated social harms.

The federal government's decision to legalize cannabis creates a corresponding need for provincial and territorial governments to regulate it. While the federal government intends to assume responsibility for licensing cannabis producers and regulating production and product standards, provinces and territories will be responsible for many of the decisions about how non-medical cannabis is regulated in their jurisdictions. These include, but are not limited to: distribution and retail systems; compliance and enforcement regimes; age limits; restrictions on possession, public consumption and personal cultivation; and amendments to road safety laws.

As it considers these important decisions, the BC Government wants to hear from local governments, Indigenous governments and organizations, individual British Columbians, and the broad range of other stakeholders that will be affected by cannabis legalization.

This discussion paper has been prepared to help inform this public and stakeholder engagement. It addresses a number of key policy issues for BC, including minimum age, public possession and consumption, drug-impaired driving, personal cultivation, and distribution and retail. It draws heavily from the analysis of the Task Force, and identifies policy options to consider in developing a BC regulatory regime for non-medical cannabis.

Note that this paper does not address regulation of medical cannabis. For now, the federal government has decided to maintain a separate system for medical cannabis. The Province has a more limited role in the medical cannabis system, and the policy issues and policy choices available are very different, in part because of a history of court cases related to the *Canadian Charter of Rights and Freedoms*.

Minimum Age

While Bill C-45 establishes a minimum age of 18 years to buy, grow, and publicly possess up to 30 grams of non-medical cannabis, provinces and territories can choose to establish a higher minimum age in their jurisdictions. This is consistent with the Task Force recommendations.

- BC could accept the federal minimum age of 18. However, the minimum age to buy tobacco and alcohol in BC is 19. 19 is also the BC age of majority, when minors become legal adults. In addition, since significant numbers of high school students turn 18 before they graduate, a minimum age of 18 could increase the availability of cannabis to younger teens.
- BC could set the minimum age at 19. This would be consistent with the minimum ages for tobacco and alcohol, and with the BC age of majority.
- BC could set the minimum age at 21 or higher. Emerging evidence suggests that cannabis use could affect brain development up to age 25. As a result, many health professionals favour a minimum age of 21.

However, as the Task Force recognized, setting the minimum age too high could have unintended consequences. Currently, persons under 25 are the segment of the population most likely to use cannabis. The greater the number of young users who cannot buy legal cannabis, the more likely that there will continue to be a robust illegal market where they can continue to buy untested and unregulated cannabis.

Finally, it's important to note that a legal minimum age is not the only tool to discourage cannabis use by young persons. As an example, public education campaigns that provide information about how cannabis use can limit academic performance and future opportunities have been found to be effective.

Personal Possession - Adults

Bill C-45 establishes a 30 gram limit on public possession of dried cannabis. Practically, this means that this is the maximum amount that an adult could buy and take home at any one time (for context, one joint typically contains between .33g to 1g of cannabis). The legislation also sets possession limits for other forms of cannabis (e.g. oils, solids containing cannabis, seeds) and the federal government intends to add other types of cannabis products (e.g. edibles) by regulation at a later date.

The 30 gram limit is consistent with the Task Force recommendation and with public possession limits in other jurisdictions that have legalized non-medical cannabis. The reason for public possession limits is that possession of large amounts of cannabis can be an indicator of intent to traffic, so a public possession limit can help law enforcement to distinguish between legal possession for personal use, and illegal possession for the purpose of trafficking.

Provinces and territories cannot increase the public possession limit, but they can set a lower limit. However, a consistent possession limit across the provinces and territories would be easier for the public to understand and comply with.

Personal Possession – Youths

While persons under 18 will not be able to buy or grow cannabis under Bill C-45, they are not prohibited from possessing up to 5 grams of dried cannabis or equivalent amounts for other cannabis products. This is consistent with the Task Force report, which took the position that youth should not be criminalized for possession of relatively small amounts of cannabis. However, provinces and territories can establish laws that prohibit possession by persons under an established provincial minimum age. Such a provincial law would not result in a criminal conviction and would be similar to how BC deals with alcohol – persons under 19 are prohibited from possessing alcohol, and a law enforcement officer can confiscate it and has the option of issuing a ticket.

Public consumption

Bill C-45 will amend the federal *Non-smokers' Health Act* to prohibit cannabis smoking and vaping in certain federally-regulated places (e.g. planes, trains), but regulation of public consumption of cannabis will otherwise fall within provincial and territorial jurisdiction.

BC can restrict where non-medical cannabis can be consumed, and can place different restrictions on different types of consumption (e.g. smoked, eaten). If BC does not legislate restrictions on public consumption by the time Bill C-45 comes into force, it will be legal to smoke, vape, and otherwise consume cannabis in public, including in places where tobacco smoking and vaping are forbidden.

For the purpose of considering potential restrictions on public consumption, it may be helpful to consider cannabis smoking and vaping separately from other forms of consumption.

Cannabis Smoking and Vaping

The Task Force recommended that current restrictions on public tobacco smoking be extended to cannabis. In BC, both tobacco smoking and vaping are currently prohibited in areas such as workplaces, enclosed public spaces, on health authority and school board property, and in other prescribed places such as transit shelters, and common areas of apartment buildings and community care facilities.

BC has a number of options to consider:

- BC could extend existing restrictions on tobacco smoking and vaping to cannabis smoking and vaping – under provincial law, adults would then be allowed to smoke or vape cannabis anywhere they can smoke or vape tobacco. Depending on the regulatory scheme established by the Province, local governments may also be able to establish additional restrictions, such as prohibiting cannabis smoking and vaping in public parks.
- BC could prohibit public cannabis smoking altogether, but allow cannabis vaping wherever tobacco smoking and vaping are allowed. Compared to smoking, vaped cannabis has a reduced odour and is less likely to be a nuisance to passersby. In addition, banning public cannabis smoking could help avoid normalizing cannabis use.

- BC could also prohibit public cannabis smoking and vaping altogether and establish a licensing scheme to allow designated consumption areas, e.g. cannabis lounges. However, it is unlikely that such a licensing scheme could be implemented in time for legalization.

Other forms of consumption:

While edible, drinkable, and topical forms of cannabis will not be commercially available immediately upon legalization, the federal government intends to regulate the production and manufacturing of these products for sale at some point. In addition, adults will be allowed to make their own edible and other products at home.

Public consumption of non-inhaled forms of cannabis would be very difficult to detect and enforce. While BC could legislate restrictions on public consumption of these forms of cannabis, it may be more practical to rely on public intoxication and disorderly conduct laws to manage intoxication issues related to public consumption.

Drug-impaired Driving

With 17% of British Columbians reporting cannabis use within the previous year¹, we know that it's very likely that a number of British Columbians are already driving with cannabis in their system, whether they are impaired or not. In 2016, drugs (cannabis or otherwise) were a contributing factor in fewer than 8% of BC road fatalities; however, legalization raises legitimate concerns about the potential for cannabis-impaired driving to increase, and make our roads less safe.

Drug-impaired driving is already prohibited under the *Criminal Code*, but Bill C-46 would overhaul existing impaired driving provisions and specifically address cannabis impairment. The amendments will provide authority for the federal government to set a blood tetrahydrocannabinol (THC) limit beyond which a person can be criminally charged with cannabis-impaired driving. This is similar to the blood alcohol limits in place for alcohol-impaired driving.

The proposed federal criminal penalties for drug-impaired driving range from a minimum of a \$1,000 fine to up to a maximum of 10 years in jail.

In BC, police who stop an alcohol-impaired driver can charge the driver criminally, but they also have the option of issuing an [Immediate Roadside Prohibition](#) (IRP) or an Administrative Driving Prohibition (ADP) under the BC *Motor Vehicle Act*. Sanctions can include licence prohibitions, monetary penalties, vehicle impoundment, and license reinstatement fees. These programs have been very effective in reducing the number of road fatalities on BC roads.

While the IRP and ADP schemes do not currently apply to drug-impaired driving, police officers in BC do have the option to issue a 24-hour roadside prohibition to a suspected drug-affected driver, with or without a criminal charge.

¹ Canadian Tobacco, Alcohol and Drugs Survey, 2015

One key challenge is that unlike with blood alcohol, there is not enough scientific evidence to link a particular blood THC level with impairment. In fact, it is known that THC can remain in the blood after any impairment has resolved, particularly for frequent users. An IRP or ADP-type scheme would therefore have to rely on other ways to assess impairment, such as a Standard Field Sobriety Test (SFST) conducted by a trained police officer, or evaluation by a Drug Recognition Expert (DRE). The approval of oral fluid screening devices and/or the setting of per se limits by the federal government could also influence the introduction of an administrative regime for drug-impaired driving.

BC could consider one or more of the following to address the risk that cannabis legalization could lead to increased impaired driving:

- BC could launch a public education and awareness campaign to inform British Columbians about the risks and potential consequences of cannabis-impaired driving.
- BC could set a zero-tolerance standard in respect of blood THC content for drivers in the Graduated Licensing Program (drivers with an “L” or “N” designation) and/or for drivers under a specific age threshold.
- BC could invest in SFST and DRE training for more police officers.
- BC could expand the IRP and/or ADP programs to include drug-impaired driving.

Personal Cultivation

Bill C-45 allows adults to grow up to 4 cannabis plants per household, up to a maximum plant height of 100 centimetres. Bill C-45 does not place restrictions on where plants can be located (indoor vs. outdoor) and does not require home growers to put any security measures in place, but it is open to provinces and territories to establish such restrictions.

In considering personal cultivation, the Task Force acknowledged concerns about risks such as mould, fire hazards associated with improper electrical installation, use of pesticides, and risk of break-in and theft. However, it noted that these concerns were largely shaped by experience with large scale illegal grow operations, and found that on balance, allowing small-scale home cultivation of up to four plants was reasonable.

The Task Force recognized the need for security measures to prevent theft and youth access, and for guidelines to ensure that cannabis plants are not accessible to children. The Task Force also suggested that local authorities should establish oversight and approval frameworks, such as a requirement that individuals be required to notify local authorities if they are undertaking personal cultivation.

In thinking about possible restrictions on personal cannabis cultivation, it may be helpful to keep in mind that it is legal in Canada to grow tobacco and to produce wine or beer at home for personal use with

very few restrictions. In particular, the law does not require specific security measures to prevent theft, or access by children and youth.²

BC has several options to consider regarding restrictions on home cultivation of non-medical cannabis:

- BC could adopt a lower limit than 4 plants per household for non-medical cannabis cultivation.
- BC could set restrictions regarding where and how non-medical cannabis can be grown at home. For example, it could: prohibit outdoor cultivation; allow outdoor cultivation but require that plants not be visible from outside the property; and/or require that any outdoor plants be secured against theft.
- BC could establish a registration requirement for persons who want to grow non-medical cannabis at home. However, there would be significant costs associated with administering a registration requirement, and the benefits may be questionable, since those who do not plan to comply with laws on home cultivation may be unlikely to register in the first place.
- If BC decides not to implement one or more of the above measures, local governments could be authorized to do so.

Distribution Model

Under Bill C-45, each province or territory will decide how cannabis will be distributed in its jurisdiction. Distribution is the process by which goods are supplied to retailers that sell to consumers. Distributors are often called wholesalers.

There are three basic models for the warehousing and distribution of cannabis to retailers in BC: government, private, or direct.

- Government distribution – In this model, government would be responsible for warehousing and distribution of cannabis. Licensed producers would send cannabis products to a government distributor, which would then fill orders from cannabis retailers. Government distribution allows for direct control over the movement of cannabis products, but requires significant up-front investment and set-up. The Task Force heard strong support for government distribution, noting that it has proven effective with alcohol.
- Private distribution – In this model, one or more private businesses could be responsible for the physical warehousing and distribution of cannabis. However, significant government oversight would be required in the form of licensing, tracking and reporting requirements, as well as regular audits and inspections.
- Direct distribution – In this model, the province would authorize federally licensed producers to distribute their own products directly to retailers. This model would also require significant

² Parents have a general legal duty to supervise and keep their children safe, but the law does not create specific requirements to protect children from all of the potential dangers that may be present in a home (e.g., alcohol, prescription drugs, and poisons).

government oversight and could make it challenging for smaller producers to get their products to market.

Retail

Under Bill C-45, each province or territory will decide the retail model for cannabis in its jurisdiction. Recognizing that the July 2018 timeline may not give provinces or territories enough time to establish their retail regimes before legalization, the federal government will implement an online retail system as an interim solution.

BC has a number of options for retail:

- BC could establish a public or private retail system, or potentially a mix of both, as currently exists for alcohol. A public system would require significant up-front investment in retail infrastructure, but there could also be additional revenue generated from retail sales. A private system would require a more robust licensing, compliance and enforcement system, but the associated costs could be recovered through licensing fees.

In a private retail system, it could be possible to allow some existing illegal dispensaries to transition into the legal system; in a public system such as that planned in Ontario, this would not be possible.

- BC could require that cannabis be sold in dedicated storefronts, or it could allow cannabis to be sold out of existing businesses such as liquor stores or pharmacies.

One public health concern about co-locating cannabis with other products is that it could expose significant numbers of people to cannabis products who might not otherwise seek them out; this could contribute to normalization or more widespread use. In addition, the Task Force strongly recommended against allowing co-location of alcohol or tobacco sales with cannabis, but recognized that separating them could be a challenge in remote communities where a dedicated cannabis storefront might not be viable.

- BC could establish a direct-to-consumer mail-order system. This could help provide access to legal cannabis for those in rural and remote locations and persons with mobility challenges.

Conclusion

Cannabis legalization presents complex policy challenges for the Province. We expect that, as in other jurisdictions that have legalized, it will take several years to develop, establish, and refine an effective non-medical cannabis regime that over time eliminates the illegal market. The information gathered through this engagement will inform the Province's policy decisions. We appreciate your interest and feedback.

Attachment 3**Public Survey Response News Release (Page 1 of 2)**

British Columbia News

Over 48,000 British Columbians have had their say on cannabis<https://news.gov.bc.ca/15768>

Thursday, November 2, 2017 10:32 AM

victoria - British Columbia's public and stakeholder engagement on the legalization and regulation of non-medical cannabis — one of the most engaging in B.C.'s history — is now complete.

An unprecedented number of people shared their opinions to help shape the way non-medical cannabis will be regulated in B.C.

After five weeks of being live, the BC Cannabis Regulation Engagement website saw 127,952 visits, with 48,151 British Columbians filling out the feedback form and providing their views on topics such as minimum age, personal possession limits, public consumption, drug-impaired driving, personal cultivation, and distribution and retail models. As well, 800 opinions were received from a representative cross-section of British Columbians through a random telephone survey.

During this time, government also received over 130 written submissions from organizations including local governments, school districts, cannabis industry, advocacy groups and law enforcement.

Engagement with local governments, Indigenous governments and organizations, and stakeholders from law enforcement, health, agriculture and other sectors is ongoing. In addition, the Province and Union of B.C. Municipalities (UBCM) have established a Joint Provincial-Local Government Committee on Cannabis Regulation made up of 12 representatives from UBCM and provincial representatives from the Ministry of Public Safety and Solicitor General.

The feedback collected through this engagement process will help ensure the provincial regulatory framework for non-medical cannabis reflects the needs and values of British Columbians, while prioritizing the protection of young people, health and safety, keeping the criminal element out of cannabis and keeping roads safe.

Over the next few weeks, the Ministry of Public Safety and Solicitor General will review and analyze the feedback received and create a summary report on what was heard that will be made available to the public.

Quotes:**Mike Farnworth, Minister of Public Safety and Solicitor General –**

“I'd like to thank everyone who participated in our various engagements regarding cannabis legalization over the last five weeks. It's now our job to do the hard work, take your feedback and perspectives and use them to develop a responsible, made-in-B.C. approach to regulating non-medical cannabis that maximizes public health and safety.”

Quick Facts:

Attachment 3**Public Survey Response News Release (Page 2 of 2)**

- 127,952 people visited the BC Cannabis Regulation Engagement website between Sept. 25, 2017, and Nov. 1, 2017, spending an average of 10 minutes on the site.
- More than 48,000 British Columbians responded to the online survey about non-medical cannabis.
- 800 British Columbians provided their opinions through a random telephone survey.
- Over 130 organizations provided written submissions via the BC Cannabis Engagement website.
- The Province and the Union of BC Municipalities' Joint Provincial-Local Government Committee on Cannabis Regulation will continue to engage during the development of the regulatory framework for legalized non-medical cannabis.

Learn More:

To read more about the engagement process or to download stakeholder submissions, visit:
<http://engage.gov.bc.ca/BCcannabisregulation/>

Contacts

Ministry of Public Safety and Solicitor General
250 213-3602

Attachment 4**Cannabis Regulation Committee News Release (Page 1 of 2)**

British Columbia News

Cannabis regulation committee underway<https://news.gov.bc.ca/15659>

Thursday, October 19, 2017 11:00 AM

Victoria - A joint provincial-local government committee that will consider policies related to cannabis legalization and regulation in British Columbia is set to begin meeting later this week.

Minister of Public Safety and Solicitor General Mike Farnworth announced the creation of the Joint Provincial-Local Government Committee on Cannabis Regulation (JCCR) at the Union of B.C. Municipalities (UBCM) convention in September. The purpose of the committee is to provide a forum for communication and consultation so that the Province considers local government input during the development of the regulatory framework for legalized non-medical cannabis.

“It goes without saying that local government will be on the frontline and instrumental in the delivery of new policies and laws associated with the legalization of non-medical cannabis in British Columbia,” Farnworth said. “We welcome and value the Union of B.C. Municipalities’ input as we build a framework for the province focused on protecting young people, health and safety, keeping the criminal element out of cannabis and keeping our roads safe.”

UBCM has appointed 12 representatives to the JCCR drawn from elected officials, staff specializing in planning, building inspection, bylaw enforcement or public safety, and senior staff. Provincial representatives are provided through the Ministry of Public Safety and Solicitor General. The first meeting of the JCCR will take place on Friday, Oct. 20.

“Local governments welcome the opportunity to work with the Province as it develops a framework for cannabis legalization in B.C.,” said Wendy Booth, president, Union of B.C. Municipalities. “There are a lot of details to be considered in a short period of time. We want to ensure that the resulting policies are practical and workable for communities in British Columbia, and leave room for local decision-making.”

A backgrounder follows.

Contacts**Media Relations**

Ministry of Public Safety and Solicitor General
250 213-3602

Paul Taylor

Director of Communications
Union of B.C. Municipalities
ptaylor@ubcm.ca
250 356-2938

Backgrounders

Attachment 4

Cannabis Regulation Committee News Release (Page 2 of 2)

Joint Provincial-Local Government Committee on Cannabis Regulation membership

The joint committee will include members of the B.C. Government Cannabis Legalization and Regulation Secretariat and the following UBCM members:

Wendy Booth, director, Regional District of East Kootenay

Kerry Jang, councillor, City of Vancouver

Maya Tait, mayor, District of Sooke

Brian Frenkel, councillor, District of Vanderhoof

Chris Coates, clerk, City of Victoria

Kevin Cormack, chief administrative officer, City of Nelson

Kathryn Holm, chief licence inspector, City of Vancouver

Dave Jones, business license inspector, City of Kamloops

Peter Monteith, chief administrative officer, City of Chilliwack

Terry Waterhouse, director of public safety, City of Surrey

Ian Wells, general manager, planning and development, City of Prince George

Gary MacIsaac, executive director, Union of B.C. Municipalities

TO: Electoral Area Services Committee **MEETING:** November 28, 2017

FROM: Tom Osborne **FILE:**
General Manager Recreation and Parks

SUBJECT: Nanoose Place Lease Agreement Renewal

RECOMMENDATION

That the Board approve the Lease Agreement between the Nanoose Bay Activities and Recreation Society and the Regional District of Nanaimo for the property legally described as: Lot 2, District Lot 6, Nanoose District, Plan 50996 for a ten year term expiring on December 15, 2027.

SUMMARY

The existing Lease Agreement with the Nanoose Bay Recreation and Activities Society for the lands of which Nanoose Place is located has expired and a renewal Agreement has been prepared for the Board's consideration. The terms and conditions of the new Agreement will run for a ten year term ending on December 15, 2027. As per the *Local Government Act* a notice of the Lease Agreement has been placed in two consecutive editions of local paper notifying residents of the Lease.

As Nanoose Bay Activities & Recreation Society continues to successfully manage the land in accordance with the previous Lease Agreement, it is recommended the attached Agreement be approved.

BACKGROUND

The Nanoose Bay Activities & Recreation Society owns and operates the Nanoose Community Hall located on Regional District property (legally described as: Lot 2, District Lot 6, Nanoose District, Plan 50996) on Northwest Bay Road. In December 1990, the District authorized the Nanoose Society permission to construct the Community Hall on this property. A mobile trailer was also permitted to be located on the property for the purpose of operating a daycare facility.

The Society occupies the land under an Agreement with the Regional District. The term for the current Agreement ended on July 31, 2017 and requires renewal.

The proposed Agreement being recommended for approval is similar to the previous Lease with an amendment for clarity on the use of parking lot for commercial purposes (Section 4.03) and increasing the term of the agreement from a five year to a ten year term. The proposed increase in the term's length will assist the Society as it provides more certainty of their ownership and operation of the facility and may assist them in obtaining grant funding from other agencies and organizations.

The document also contains language that reflects that Canuck Properties Ltd., the owners of the

adjacent land legally described as Lot A, District Lot 6, Nanoose District, VIP58653, applied for and received a Comprehensive Development Zone 30 (CD30) on January 27, 2009 with the adoption of “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500.326, 2007”. The CD30 zoned permits the construction of a mixed commercial building in two phases. The commercial building is designed to accommodate a mix of retail commercial, personal service uses and professional office space.

Related to this rezoning, an Easement Agreement (FB245232) was registered on Title on February 2, 2009 on Canuck Properties Ltd. Land and the Regional District’s Land that would provide for vehicle access and parking and pedestrian access. In addition, Canuck Properties is required to pave a portion of the Regional District property as reasonably necessary to provide a high quality parking area and access road and erect light standards as may be reasonably required for the safe use of the Easement Area.

In relation to the Easement Agreement noted above, a section 219 covenant (FB240276) has been registered on Title on the two properties for reciprocal use of off-street parking, vehicular access, pedestrian access, and maintenance of landscaping. The registration of this covenant is now reflected in Lease document with the Society.

To date, construction has not commenced on the Canuck Properties Land therefore improvements provided for in the Easement and Covenant to either site have not been implemented.

ALTERNATIVES

1. Authorize the Lease Agreement with Nanoose Bay Recreation and Activities Society, as presented.
2. Authorize the Lease Agreement with Nanoose Bay Recreation and Activities Society, as amended by the Board.
3. Do not renew the Lease Agreement at this time.

FINANCIAL IMPLICATIONS

The Lease Agreement for the lands of which Nanoose Place is situated is with a non-profit society and is proposed to be renewed for rent of \$1.00 for the term.

The order of magnitude estimate of the assistance for this nominal value land lease is \$16,300 per annum. This estimate is based on a 5% yield on the estimated market value of the land. The yield rate selected is at the lower end of yields (typically between 5 to 9%), recognizing the public utility (not commercial), land size, location, and security of the tenancy amongst other factors.

At the request of the Society and approved by the Regional Board, between 2016 and 2017 the Regional District assisted with capital upgrades to the facility through the provision of Electoral Area E Community Works Funds in the amount of \$215,000. Capital projects included paving, road side signage, a new sound system and kitchen upgrades.

Notwithstanding the above financial assistance provided to the facility through Community Works Funds, the Society remains responsible for all capital and operational costs associated with the management of Nanoose Place and the property.

STRATEGIC PLAN IMPLICATIONS

The renewal of the Lease Agreement meets the RDN's current Strategic Goals of securing recreation amenities as a core service.



Tom Osborne
tosborne@rdn.bc.ca
November 1, 2017

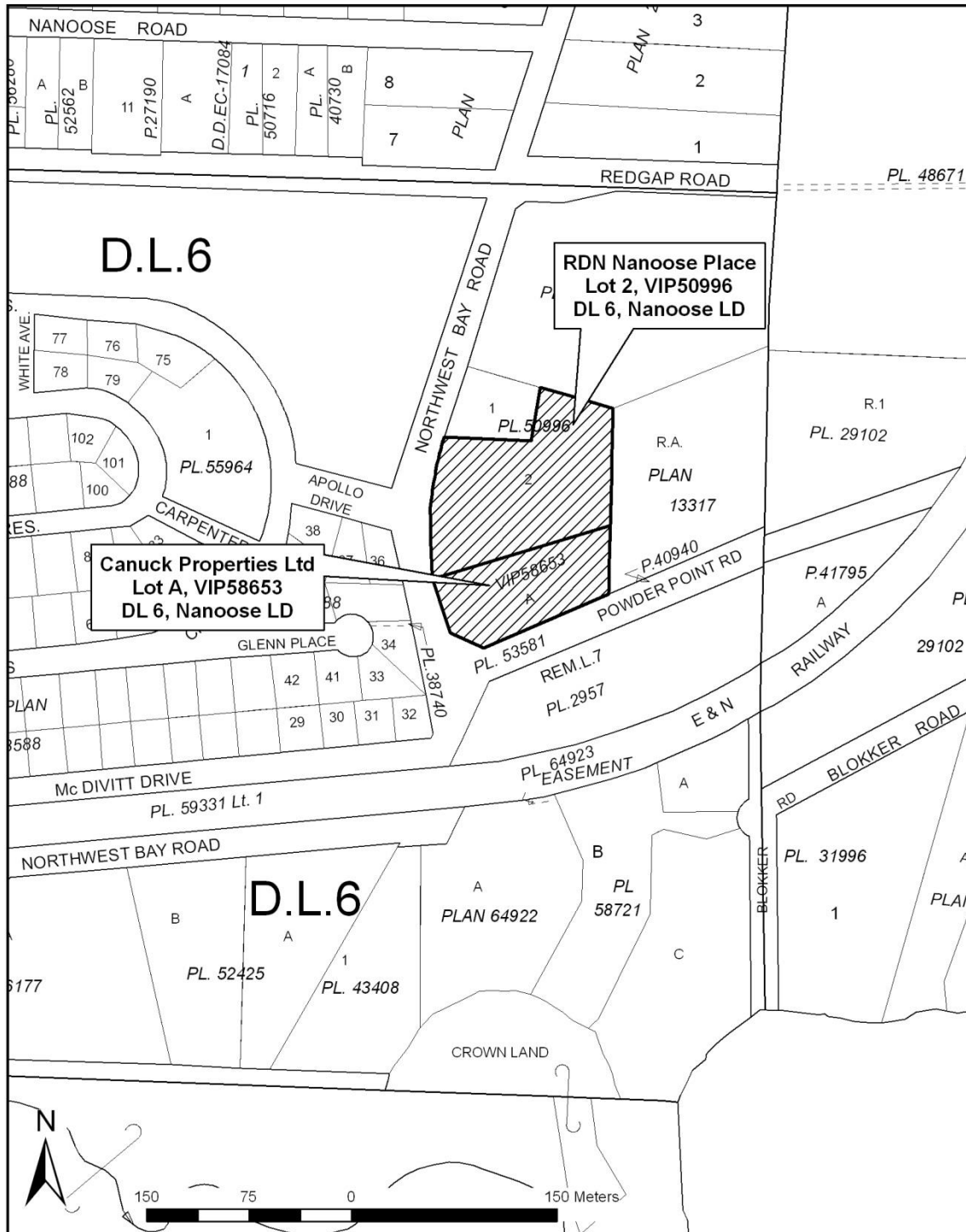
Reviewed by:

- T. Osborne, General Manager Recreation and Parks
- P. Carlyle, Chief Administrative Officer

Attachments

1. Site Map
2. Nanoose Place Lease Agreement Renewal
3. Canuck Properties Ltd. Easement Areas

Attachment 1 – Site Map



Mapsheet 92F.030.3.1

**NANOOSE PLACE
LEASE AGREEMENT**

THIS LEASE AGREEMENT signed on the ___ day of _____, 2017 and effective the 1st day of _____, 2017.

BETWEEN:

REGIONAL DISTRICT OF NANAIMO

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

(hereinafter called the "Regional District")

OF THE FIRST PART

AND:

NANOOSE BAY ACTIVITIES AND RECREATION SOCIETY

2925 Northwest Bay Road
NanOOSE Bay, BC
V9P 9E6

(hereinafter called the "Society")

OF THE SECOND PART

WHEREAS:

- A. The Regional District is the registered owner in fee simple of lands legally described as:

Lot 2,
District Lot 6,
NanOOSE Land District,
Plan 50996

(the "Lands")

- B. At the expense and instance of the Society, the Society has constructed a building on the Lands for use as a community centre and community hall (the "Building").
- C. The Society has, at its own expense, brought a mobile home onto the Lands that is used as a day care and after school centre (the "Mobile Home").
- D. The parties wish to provide for the lease of the Lands to the Society upon the terms and

conditions set out herein and also wish to establish their respective positions upon the termination or expiration of the term of the lease.

- E. The parties recognize that Canuck Properties Ltd., the owners of the adjacent land legally described as Lot A, District Lot 6, Nanoose District, VIP58653, applied for and received a Comprehensive Development Zone 30 (CD30) on January 27, 2009 with the adoption of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500.326, 2007". The CD30 zoned permits the construction of a mixed commercial building in two phases. The commercial building is designed to accommodate a mix of retail commercial, personal service uses and professional office space.
- F. The parties recognize an Easement Agreement (FB245232) was registered on Title on February 2, 2009 on Lot A, District Lot 6, Nanoose District, Plan VIP58653 between Canuck Properties Ltd. and the Regional District that would provide for vehicle access and parking and pedestrian access. In addition, Canuck Properties is required to pave a portion of the Regional District property as reasonably necessary to provide a high quality parking area and access road and erect light standards as may be reasonably required for the safe use of the Easement Area. In addition, improvements upon Canuck Properties lands as contemplated through concept drawings must be approved in writing by the Regional District. There will also be no charge for parking to users from the Regional District land, of which Nanoose Place is situated, on the Canuck Properties development.
- G. The parties recognize that a section 219 covenant (FB240276) has been registered on Title on Lot A, District Lot 6, Nanoose District, Plan VIP58653 (Canuck Properties Ltd. land) and Lot 2, District Lot 6, Nanoose District, Plan VIP50996 (Regional District land) for reciprocal use of off-street parking, vehicular access, pedestrian access, and maintenance of landscaping.
- H. The Parties recognize that improvements required under the section 219 covenant (FB240276) by Canucks Properties Ltd. on Lot 2, District Lot 6, Nanoose District, Plan VIP50996 must be completed in accordance with the covenant requirements and schedules concerning development on Lot A, District Lot 6, Nanoose District, Plan VIP58653. These improvements generally include the provision and maintenance of the following elements in accordance with the Schedules "A" through "I" contained in the covenant: a community sewer extension, construction of buildings, pedestrian links and walkways, freestanding signage, vehicular access, off-street parking and loading, garbage collection facilities, stormwater management system, and landscaping.

NOW THEREFORE THIS INDENTURE WITNESSETH THAT in consideration of the rents, covenants, agreements and conditions hereinafter reserved and contained on the part of the Society to be respectively paid, kept, observed and performed, the Regional District hereby demises and leases unto the Society the Lands, to hold the Lands unto the Society for a term of ten (10) years from and including December 15, 2017 to and including December 14, 2027 (the "Term"), subject to the terms and conditions herein set forth.

1.00 RENT AND RESPONSIBILITY FOR EXPENSES

- 1.01 Yielding and paying therefor unto the Regional District upon the execution of this Lease, the rent of One Dollar (\$1.00) for the Term herein granted, the receipt of which is hereby acknowledged.
- 1.02 It is intended by the parties that the Lands be of no cost or expense to the Regional District during the Term and accordingly the Society agrees to pay, whether on its own behalf or on behalf of the Regional District, all costs of every nature and kind relating to the Lands and/or any improvements thereon, and the Society agrees to indemnify the Regional District from and against any such costs and expenses incurred by the Regional District directly.

2.00 INSURANCE MAINTENANCE, RISK AND INDEMNITY

- 2.01 The Society agrees to take out and keep in full force and effect throughout the Term and during such other time as the Society occupies the Lands or any part thereof at the expense of the Society:
- (a) all risk building insurance for the full replacement value of the improvements on the Lands;
 - (b) comprehensive general liability insurance, including without limitation non-owned automobile insurance, and tenant fire legal liability insurance, against claims for personal injury, death or property damage or loss upon, in or about the Lands or otherwise howsoever rising out of the operations of the Society or any person conducting business or activities from the Lands, to the limit as may be reasonably required by the Regional District from time to time but, in any case, of not less than Three Million (\$3,000,000.00) Dollars in respect to injury or death to a single person and in respect of any one accident concerning property damage.

The Society and the Regional District shall both be named as insured under such liability policy or policies of insurance.

- 2.02 Any buildings, furniture, equipment, machinery, fixtures and improvements placed on the Lands by the Society shall be entirely at the risk of the Society.
- 2.03 The Society agrees to comply promptly at its expense with all laws, bylaws, regulations, requirements and recommendations, which may be applicable to the manner of use of the Lands, made by any and all federal, provincial, local government and other authorities or association of insurance underwriters or agents and all notices in pursuance of same, provided however that the Society shall have no liability to make any improvements, alterations or additions to the Lands which may be required by authorities or associations unless due to the use made of the Lands by the Society.
- 2.04 The Society agrees to maintain the Lands and the improvements thereon in good repair and in a neat and tidy condition, and to not do or permit any act or neglect which may in any manner directly or indirectly be or become a nuisance or interfere with the comfort of any person occupying land in the vicinity of the Lands.

2.05 The Society agrees to indemnify and save harmless the Regional District, its elected and appointed officers and employees, from any and all claims, suits, actions, costs, fees and expenses of any kind whatsoever brought against or incurred by the Regional District or its elected and appointed officers and employees in any way relating to the Society's use of the Lands during the Term of this Lease. Such indemnity shall extend to legal expenses incurred by the Regional District in defending against such liability or alleged liability or in enforcing this right of indemnity.

2.06 The Society shall not construct or place on the Lands any improvements without first obtaining the prior written consent of the Regional District and obtaining all required building or development permits.

3.00 QUIET ENJOYMENT

3.01 The Regional District covenants with the Society for quiet enjoyment, for so long as the Society is not in default hereunder.

3.02 The Society shall permit the Regional District and its servants and agents at all reasonable times, upon twenty-four (24) hours' notice in writing, specifying the time of inspection, during the Term of this Lease to enter the Lands and every part thereof to examine the condition thereof, and if any want or repair shall be found on such examination and notice thereof is given, the Society will, within ninety (90) days of the giving of that notice, well and truly repair in accordance with that notice.

4.00 USE, ASSIGNMENT AND SUBLETTING

4.01 The Society agrees to not use the Lands for any purpose other than as a community centre or community hall, community gardens, and a daycare and after school care centre for the care of children under the age of thirteen (13) years between the hours of 7:30 a.m. and 6:00 p.m.

4.02 The Society agrees that it will not assign, mortgage or encumber this Lease, or sublet, or suffer or permit the Lands or any part thereof to be used by others by licence or otherwise without the prior written consent of the Regional District in each instance which shall not be arbitrarily or unreasonably withheld. Provided however that the provisions of this paragraph shall not restrict the right of the Society to licence the use or occupation of the Lands, Building or Mobile Home on a short term, occasional basis for a use or purpose that is within the ordinary use and for the ordinary purposes of the Society without prior written consent of the Regional District.

4.03 Notwithstanding section 4.02 of this agreement, if the society wishes to licence a third party to use the parking lot on the Lands for any commercial purpose, the Society shall obtain the prior written consent of the Regional District, which consent is at the sole discretion of the Regional District.

- 4.04 In no event shall any assignment, or subletting, or sub-licensing to which the Regional District may have consented release or relieve the Society from its obligations to fully perform all the terms, covenants and conditions of this Lease on its part to be performed.
- 4.05 In the sublease between the Society and an assignee or subtenant under any assignment or sublease consented to by the Regional District, the Society shall require that the subtenant or assignee agree to be bound by all of the Society's obligations under this Lease.
- 4.06 A dispute between the parties about whether a license granted by the Society is a short term occasional use shall be determined in accordance with Article 9.

5.00 HOLDING OVER

- 5.01 If the Society continues to occupy the Lands with the consent of the Regional District after the expiration or other termination of the Term without any further written agreement, the Society shall be a monthly lessee subject always to all of the provisions of this Lease insofar as the same are applicable to a month-to-month tenancy and a tenancy from year to year shall not be created by implication of law; provided that nothing herein contained shall preclude the Regional District from taking action for recovery of possession of the Lands.

6.00 APPROVALS

- 6.01 No provision in this Lease requiring the Regional District's or the Society's consent or approval shall be deemed to have been fulfilled or waived unless the written consent or approval of the Regional District or the Society relating to the particular matter or instance has first been obtained and, without limiting the generality of the foregoing, no prior consent or approval and no condoning, excusing or overlooking by the Regional District on previous occasions when such a consent or approval was required shall be taken to operate as a waiver of the necessity of such consent or approval whenever required under this Lease.

7.00 RELATIONSHIP OF PARTIES

- 7.01 Nothing contained herein shall be deemed or construed by the parties hereto, nor by any third party, as creating the relationship of principal and agent or of partnership or of joint venture between the parties hereto, it being understood and agreed that neither the method of commutation of rent nor any other provision contained herein, nor any acts of the parties herein, shall be deemed to create any relationship between the parties other than the relationship of landlord and tenant.

8.00 SOLE AGREEMENT

- 8.01 This Lease sets forth all of the warranties, representations, covenants, promises, agreements, conditions and understandings between parties concerning the Lands and there are no warranties, representations, covenants, promises, agreements, conditions or understanding, either oral or written, express or implied, between them other than as set forth in this Lease.

9.00 ARBITRATION

9.01 In the event of a bona fide dispute arising between the Society and the Regional District as to any matter, question or determination arising or required to be made under this Lease, such dispute shall immediately be referred to an arbitrator agreed upon by the Society and the Regional District or, in the event that they cannot agree upon such arbitrator, then the question shall be referred to the arbitration of one arbitrator under the *Arbitration Act* of British Columbia, and amendments thereof, or such other Statute or Statutes of like effect being in force in British Columbia, and such arbitrator, whether agreed upon or appointed under the said Statute shall have access to such records of the parties as may be reasonably necessary and the decision of the arbitrator shall be final and binding upon the parties. Except as otherwise provided for in this Agreement, the costs of the arbitration shall follow the award, unless otherwise determined by the Arbitrator.

10.00 BUILDERS LIENS

10.01 The Society shall promptly pay as and when the same falls due any and all accounts for work done or material supplied in respect of improvements made to the Lands where such improvements are made at the request of and on the credit of, or on behalf, or with the privity or consent of, or for the direct benefit of, the Society.

10.02 The Society will not cause, suffer or permit any encumbrance (including personal property security agreements of any type, liens or charges), lien or charge to arise or exist or be claimed upon the Lands or in respect thereof, provided that should any such claim of lien arise or exist, the Society shall immediately post with the Regional District sufficient security in the form of cash or a bank draft to discharge the same and shall further immediately proceed to a court of competent jurisdiction to cause the validity of such claim of lien to be determined and shall upon such determination cause the registration of such claim of lien against the title to the Lands to be terminated, and in that regard, shall satisfy the lien if it is found valid. Should the Society, at any time after the granting of security, fail, upon the request of the Regional District, to provide the Regional District with proof of its diligent pursuit of a determination of the validity of the claim, lien or the discharge thereof, the Regional District may utilize the security provided by the Society to discharge the claim of lien or liens upon five (5) days' notice in writing of its intention. Should the Society fail to immediately post with the Regional District sufficient security in the form of cash or bank draft to discharge the claim of lien, or should the Society fail to immediately discharge any lien, the Regional District in addition to any right or remedy may, but shall not be obligated to, discharge the claim of lien or liens by paying the amount claimed to be due or the amount due, together with a reasonable amount for costs and the amount paid by the Regional District shall be paid by the Society to the Regional District forthwith upon demand. In no case shall the Regional District be required to investigate the validity of the claim of lien or liens prior to discharging the same in accordance with this clause. The Regional District shall be entitled at all times during the Term to place a notice of interest on the Lands pursuant to section 3 of the *Builders Lien Act*, S.B.C. 1997, or successor or similar legislation.

11.00 OWNERSHIP OF IMPROVEMENTS

11.01 The parties mutually agree that the Building and the Mobile Home are, and shall remain during the term of this Lease, the property of the Society, its successors and assigns.

12.00 REMOVAL OF IMPROVEMENTS

12.01 All improvements and all articles of personal property constructed, owned or installed by the Society at the expense of the Society on the Lands shall remain the property of the Society and may be removed by the Society at any time until the end of the Term or earlier termination of this Lease. The Society agrees that it will, at its expense, repair any damage to the Lands caused by the construction, installation, existence, use or removal thereof (the "Restoration"). Before removing such property the Society shall notify the Regional District of its intention to do so and shall, if required by the Regional District, post a bond in an amount and form satisfactory to the Regional District as security for performance of the Society's obligations for the Restoration.

12.02 If the Society does not remove the property which is removable by the Society pursuant to clause 12.01 prior to the end of the Term or the sooner termination of this Lease, such property shall, if the Regional District elects, be deemed to become the Regional District's property and the Regional District may remove the same at the expense of the Society, and the cost of such removal will be paid by the Society forthwith to the Regional District on demand.

13.00 EXPROPRIATION

13.01 If the whole of the Lands shall be acquired or expropriated by an authority having the power of such acquisition or expropriation, the Term of this Lease shall cease from the date of entry by such authority. If only a portion of the Lands shall be so acquired or expropriated, this Lease shall cease and terminate at the Regional District's option, or at the Society's option. In either event, however, and whether all or only a portion of the Lands shall be so acquired or expropriated, nothing herein contained shall prevent the Regional District or the Society or both from recovering damages from such authority for the value of their respective interest or for such other damages and expenses allowed by law, but in such event neither party shall have an action against the other in respect of any breach of this Lease caused directly or indirectly by such event.

14.00 DEFAULT AND EARLY TERMINATION

14.01 The Society further covenants with the Regional District that if the Society shall violate or neglect any covenant, agreement or stipulation herein contained on its part to be kept, performed or observed and any such default on the part of the Society shall continue for thirty (30) days after written notice thereof to the Society by the Regional District, or in case the Lands shall be vacated or become vacated or remain unoccupied or unused for ninety (90) days, then the Regional District may, at its option forthwith re-enter and take possession of the Lands immediately and by reasonable force if necessary without any previous notice of intention to re-enter and may remove any persons and property therefrom and may use such force and

assistance in making such removal as the Regional District may deem advisable to recover at once full and exclusive possession of the Lands.

- 14.02 If the Term hereof or any renewal therefor or any of the goods or chattel of the Society shall at any time be seized or taken in execution or attachment by any creditor of the Society or if the Society shall make any assignment for the benefit of creditors or commit any other act of bankruptcy or shall become bankrupt or insolvent or shall take the benefit of any bankruptcy or insolvency legislation or if a receiver of any part of the business or property of the Society be appointed by a court or any person or in the case that the Lands are used by any other person or for any other purpose than is herein provided without the written consent of the Regional District or if any other shall be made for the winding up or dissolution of the Society or it should otherwise cease to exist or if the purposes of the Society are altered without the prior written consent of the Regional District, then the Term hereof or any renewal thereof shall become forfeit and void, and it shall be lawful for the Regional District any time thereafter to re-enter into or upon the Lands or any part thereof in the name of the whole and the same to have again, repossess and enjoy as of its former estate, notwithstanding anything herein contained to the contrary and neither this Lease nor any interest therein nor any estate hereby created shall pass to or enure to the benefit of any trustee in bankruptcy or any receiver or any assignee for the benefit of creditors or otherwise by operation of law.
- 14.03 Either party to this Agreement may terminate the Agreement at any time upon sixty (60) days notice in writing to the other party. If the Regional District exercises this right of termination then it may recover possession of the Lands in accordance with paragraph 14.01.

15.00 REGISTRATION

- 15.01 If the Society shall cause this Lease or any provision hereof to be registered pursuant to the *Land Title Act*, to pay all expenses incurred for that purpose including registration fees, procurement of any sketch or plan or other description which may be required, and to indemnify the Regional District for all expenses incurred in cancelling that registration upon the termination or expiration of the Term of this Lease.

16.00 APPLICABLE LAW, COURT

- 16.01 This Lease shall be governed and construed by the laws of the Province of British Columbia.
- 16.02 The venue of any proceedings taken in respect of this Lease shall be at Nanaimo, British Columbia, so long as such venue is permitted by law, and the Society shall consent to any applications by the Regional District to change the venue of any proceedings taken elsewhere to Nanaimo, British Columbia.

17.00 CONSTRUED COVENANT, SEVERABILITY

- 17.01 All of the provisions of this Lease are to be construed as covenants and agreements. Should any provision of this Lease be or become illegal, invalid or not enforceable, it shall be considered

separate and severable from this Lease and the remaining provisions shall remain in force and be binding upon the parties hereto and be enforceable to the fullest extent of the law.

18.00 TIME

18.01 Time shall be of the essence hereof.

19.00 NOTICE

19.01 All payments from the Society to the Regional District shall be sent to the Regional District at the following address:

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

and all payments from the Regional District to the Society shall be sent to the Society at the following address:

Nanoose Bay Activities & Recreation Society
2925 Northwest Bay Road
Nanoose Bay, BC
V9P 9E6

or such other places as the Regional District and the Society may designate from time to time in writing to each other.

19.02 Any notice to be given hereunder shall be in writing and may be either delivered personally or sent by prepaid, registered or certified mail and, if so mailed, shall be deemed to have been given three (3) days following the date upon which it was mailed.

19.03 Any notice or service required to be given or effected under any statutory provision or rules of court from time to time in effect in the Province of British Columbia shall be sufficiently given or served if mailed or delivered at the addresses as aforesaid.

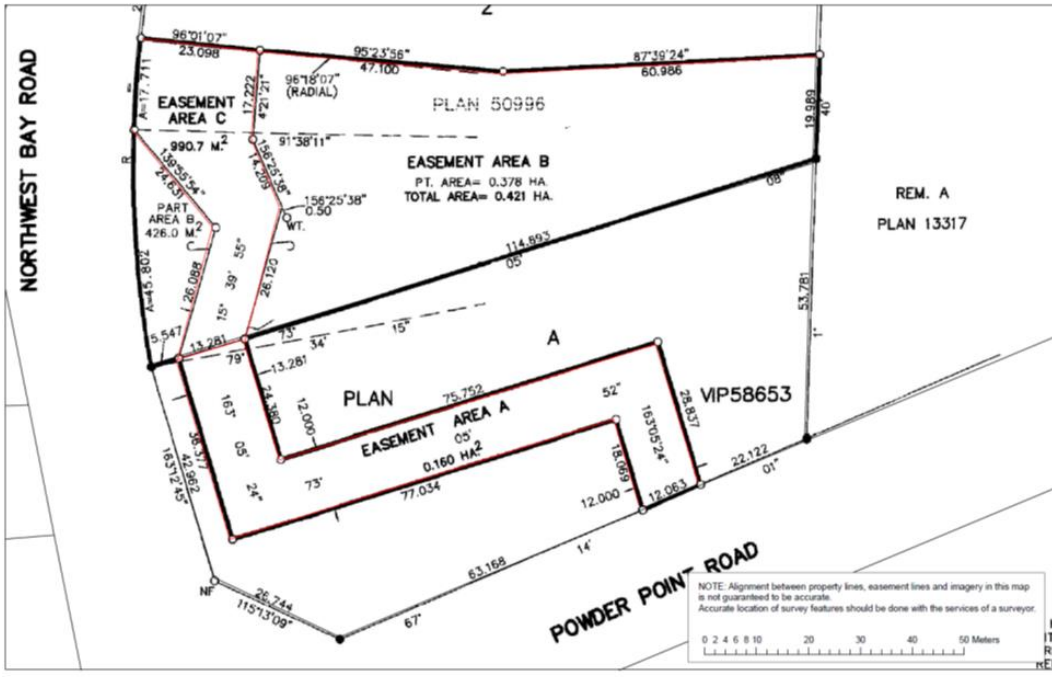
19.04 Any party hereto may at any time give notice in writing to any other of any change of address of the party giving such notice and from and after the second day after the giving of such notice, the address herein specified shall be deemed to be the address of such party for the giving of notices hereunder.

20.00 WAIVER

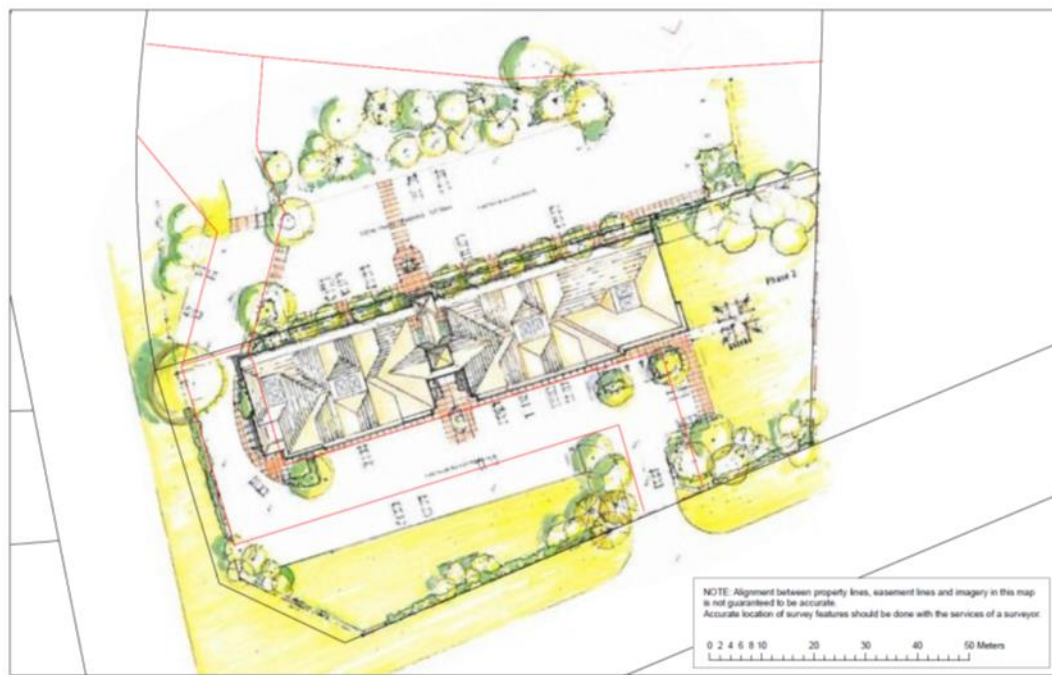
20.01 The failure of either party to insist upon strict performance of any covenant or condition contained in this Lease or to exercise any right or option hereunder shall not be construed as a waiver or relinquishment for the future of any such covenant, condition, right or option.

Canuck Properties Ltd. Easements

Legal – Easement Areas



Easement Areas with Concept Plan



Easement Areas with Ortho Image (2009)



TO: Electoral Area Services Committee **MEETING:** November 28, 2017

FROM: Tom Armet
Manager, Building & Bylaw Services **FILE:** 2330 20 2017

SUBJECT: Animal Control Services Agreement

RECOMMENDATION

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

SUMMARY

An independent contractor, under a Service Agreement, provides animal control services in the RDN, which has proven to be an efficient and cost effective model for delivery of the service across the region. The previous Agreement has expired and RDN staff issued a Request for Quotes (RFQ) in October 2017 to evaluate qualified companies for best practices, and financial value in the delivery of the service. Two companies responded to the RFQ and staff is recommending acceptance of the proposal from Coastal Animal Control Services.

BACKGROUND

In 1995, the Regional District of Nanaimo (RDN) established the Animal Control Service for the regulation and control of dogs in the Electoral Areas. As illustrated in the following table, there are three Animal Control Bylaws in the RDN with varying levels of animal control services in the Electoral Areas:

Electoral Areas	Bylaw No	Service Level
A, B, C, District of Lantzville	1066	Dangerous dog investigations, pick up of confined strays
E, G, H	939	Full dog control and licensing
F	941	Dangerous dogs, dogs at large, pick up of confined strays

Animal control is a rather complex function requiring specialized equipment, internal systems, personnel training, and facilities. A limited number of organizations have the ability to perform this role on behalf of local governments. The Board must appoint personnel employed by the contractor as Bylaw Enforcement Officers for the specific purpose of enforcing the RDN's Animal Control Bylaws. Animal Control Officers are representatives of the RDN in this role, and it is essential that they perform their duties in a knowledgeable and professional manner.

Coastal Animal Control Services (CACS) has been providing the service since 2009 with the latest Agreement expiring on December 31, 2016. In accordance with the terms of the Agreement, CACS has continued to provide the services on a month-to-month basis. In October 2017, Building & Bylaw Services issued a Request for Quotes (RFQ) for evaluating qualified companies for best practices and financial value in the delivery of animal control services in the RDN electoral areas. The RFQ was advertised on the RDN website, BC Bid, and in local newspapers. The following two companies submitted proposals by the submission deadline of November 15, 2017:

1. Nanaimo Animal Control Services (NACS) 3 pricing options ranging from \$221,040/year to \$264,200/year with additional costs for after-hour call-outs and veterinary fees.

2. Coastal Animal Control Services (CACS) \$121,800/year, all-inclusive.

Both companies presented detailed proposals that were evaluated by staff according to the following selection criteria:

- Credentials and references (10 pts)
- Experience (10 pts)
- Facilities, equipment and staff (15 pts)
- Additional services or efficiency measures (5 pts)
- Annual fee (10 points)

After evaluating and scoring the proposals, there was a significant difference between the two companies with CACS receiving the higher overall score. The CACS proposal meets the RDN's service level requirements for 24/7 response to complaints, and 210 dedicated hours of patrol time per month within the Electoral Areas. The CACS proposal also includes preventative patrol time in the RDN parks during peak summer months.

CASC has been providing animal control enforcement on Vancouver Island for many years and currently serves eight (8) local governments and three (3) First Nations. They employ professional and well-trained animal control officers who work closely with respected animal welfare agencies on a continuous basis. CACS has delivered a professional animal control service to the RDN since 2009, and staff recommend that the Board approve an Agreement with CACS for a three-year term with the option to extend the Agreement for a further two-year term.

ALTERNATIVES

1. Approve the Agreement for Animal Control Services with CASC.
2. Not approve the Agreement with CACS and provide alternate direction to staff.

FINANCIAL IMPLICATIONS

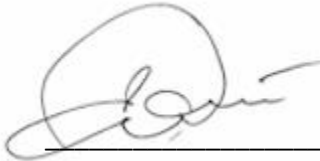
The cost options in the NACS proposal are substantially higher than the cost proposed by CACS, with no remarkable service enhancements or efficiency measures that would be a benefit to the RDN at that higher cost. CACS is proposing an annual fixed cost of \$121,800 over the term of the three-year agreement, which is \$12,000 below their previous contract rate.

Should the Board wish to consider changing the level of services, it has the option to amend the terms of the Agreement to either increase or decrease those costs. Alternatively, the Board may wish to explore

other means of providing animal control services. However, the current service model within the Electoral Areas has proven to be cost effective and efficient.

STRATEGIC PLAN IMPLICATIONS

An Agreement with a professional Animal Control Contractor is a cost effective and efficient means of providing animal control services, and supports the Board's Strategic Plan focus on service and organizational excellence.



Tom Armet
tarmet@rdn.bc.ca
November 16, 2017

Reviewed by:

- G. Garbutt, General Manager, Strategic & Community Development and Acting Chief Administrative Officer