

REGIONAL DISTRICT OF NANAIMO  
ELECTORAL AREA SERVICES COMMITTEE  
AGENDA

Tuesday, January 9, 2018

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 - November 28, 2017 6

That the minutes of the Electoral Area Services Committee meeting held November 28, 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 'B' Parks and Open Space Advisory Committee - November 20, 2017 13
8. COMMITTEE RECOMMENDATIONS
  - 8.1 Electoral Area 'B' Parks and Open Space Advisory Committee
    - 8.1.1 5-Year Project Planning: 2018-2022 15

*Please note: Committee recommendation has no accompanying staff report*

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

## 9. PLANNING

### 9.1 Development Permit with Variance

#### 9.1.1 Development Permit with Variance Application No. PL2017-146 - 2421 Andover Road, Electoral Area 'E' 18

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

2. That the Board direct staff to complete the required notification for Development Permit with Variance No. PL2017-146.

#### 9.1.2 Development Permit with Variance Application No. PL2017-192 - 951 McFeely Drive, Electoral Area 'G' 28

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

2. That the Board direct staff to complete the required notification for Development Permit with Variance No. PL2017-192.

### 9.2 Development Variance Permit

#### 9.2.1 Development Variance Permit Application No. PL2017-129 - 1401 and 1415 Alberni Highway, Electoral Area 'F' 37

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

2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2017-129.

**9.2.2 Development Variance Permit Application No. PL2017-180 - 2949 Dolphin Drive, Electoral Area 'E'** 50

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

2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2017-180.

**9.3 Zoning Amendment**

**9.3.1 Zoning Amendment Application No. PL2017-060 - 2347 & 2419 Cedar Road, Electoral Area 'A' - Amendment Bylaw No. 500.412 – First and Second Reading** 59

1. That the Board receive the Summary of the Public Information Meeting held on August 30, 2017.

2. That the Board introduce and give two readings to “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.412, 2018”.

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

4. That the Board direct that the conditions set out in Attachment 3 of the staff report be completed prior to Bylaw No. 500.412 being considered for adoption.

**9.3.2 Zoning Amendment Application No. PL2017-093 - 3097 Landmark Crescent, Electoral Area 'C' - Amendment Bylaw 500.414, 2018 - First and Second Reading** 72

1. That the Board receive the Summary of the Public Information Meeting held on November 29, 2017.

2. That the conditions set out in Attachment 2 of the staff report be completed prior to Amendment Bylaw No. 500.414, 2018 being considered for adoption.

3. That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.414, 2018” be introduced and read two times.

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

9.4 Other

- 9.4.1 Cannabis Production – Zoning Amendments to Bylaw 500 and Bylaw 1285** 86
1. That the Board receive the Cannabis Production – Zoning Amendments to Bylaw 500 and Bylaw 1285 report for information.
  2. That the “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.415, 2018”, be introduced and read two times.
  3. That the public hearing for "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.415, 2018" be waived and notice of the Board’s intent to consider third reading be given in accordance with Section 467 of the *Local Government Act*.
  4. That the “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.31, 2018”, be introduced and read two times.
  5. That the public hearing for “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment Bylaw No. 1285.31, 2018” be waived and notice of the Board’s intent to consider third reading be given in accordance with Section 467 of the *Local Government Act*.
- 9.4.2 Regional Growth Strategy Amendment to Implement Electoral Area ‘H’ Official Community Plan** 97
1. That the amendments required to “Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1615, 2011” to implement the “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Amendment Bylaw No. 1335.06, 2017” proceed through the minor amendment process.
  2. That the Consultation Plan for “Regional Growth Strategy Amendment to Implement the Electoral Area ‘H’ Official Community Plan” be endorsed.
- 9.4.3 Short Term Vacation Rentals** 107
1. That “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” and “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” be amended to permit short-term vacation rentals, including in the place of a secondary suite, on resident occupied residential parcels.
  2. That “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” and "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” be amended to permit short-term vacation rentals on non-resident occupied residential parcels through a temporary use permit and that a Board Policy be created to include criteria to guide the evaluation of such permit applications.
  3. That staff prepare a report detailing the costs and benefits of a business licensing regime for the Regional District of Nanaimo Electoral Areas, and include a stakeholder engagement and implementation strategy.

**10. NEW BUSINESS**

**10.1 Directors' Forum**

**10.1.1 Planning**

**10.1.2 Community Parks**

**10.1.3 Emergency Preparedness**

**10.1.4 Fire Protection**

**10.1.5 Bylaw Enforcement**

**10.1.6 Building Inspection**

**10.1.7 Other Electoral Area Matters**

**11. ADJOURNMENT**

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE ELECTORAL AREA SERVICES COMMITTEE MEETING**

**Tuesday, November 28, 2017**

**1:30 P.M.**

**RDN Board Chambers**

In Attendance:	Director J. Stanhope	Chair
	Director A. McPherson	Electoral Area A
	Director H. Houle	Electoral Area B
	Director M. Young	Electoral Area C
	Director B. Rogers	Electoral Area E
	Director J. Fell	Electoral Area F
	Director W. Veenhof	Electoral Area H

Also in Attendance:	P. Carlyle	Chief Administrative Officer
	G. Garbutt	Gen. Mgr. Strategic & Community Development
	W. Idema	A/Gen. Mgr. Corporate Services
	T. Osborne	Gen. Mgr. Recreation & Parks
	D. Pearce	Director of Transportation & Emergency Services
	T. Armet	Mgr. Building and Bylaw Services
	J. Hill	Mgr. Administrative Services
	J. Holm	Mgr. Current Planning
	P. Thompson	Mgr. Long Range Planning
	B. Ritter	Recording Secretary

**CALL TO ORDER**

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

**APPROVAL OF THE AGENDA**

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

CARRIED UNANIMOUSLY

**ADOPTION OF MINUTES**

**Electoral Area Services Committee Meeting - October 10, 2017**

It was moved and seconded that the minutes of the Electoral Area Services Committee meeting held October 10, 2017, be adopted.

CARRIED UNANIMOUSLY

**DELEGATIONS**

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

Doug Thomasson provided an overview of his efforts to meet the requirements for a Development Permit and requested the Committee members visit his property so they can make an informed decision about his application.

**COMMITTEE MINUTES**

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

Electoral Area 'G' Parks and Open Space Advisory Committee - November 1, 2017

East Wellington / Pleasant Valley Parks and Open Space Advisory Committee - October 23, 2017

Electoral Area 'F' Parks and Open Space Advisory Committee - October 11, 2017

CARRIED UNANIMOUSLY

Director Fell requested that the Electoral Area 'F' Parks & Open Space Advisory Committee minutes be amended to remove reference to Ammonite Falls as it is not part of Electoral Area 'F'.

**COMMITTEE RECOMMENDATIONS**

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

**Parks Update Report - Spring and Summer 2017**

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

CARRIED UNANIMOUSLY

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

**Meadowood Community Park Washroom Vandalism**

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

CARRIED UNANIMOUSLY

**PLANNING**

**Development Permit**

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

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

CARRIED UNANIMOUSLY

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

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

CARRIED UNANIMOUSLY

**Development Variance Permit**

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

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

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct staff to complete the required notification for Development Variance Permit No. PL2017-174.

CARRIED UNANIMOUSLY

**Request for Frontage Relaxation in Relation to a Subdivision**

**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'**

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

CARRIED UNANIMOUSLY



**Other**

**Electoral Area 'F' Official Community Plan Review Project**

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

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

CARRIED UNANIMOUSLY

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

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

CARRIED UNANIMOUSLY

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

CARRIED UNANIMOUSLY

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

CARRIED UNANIMOUSLY

**Implications of Cannabis Legalization to the Regional District of Nanaimo**

Staff provided a presentation on the implications to the Regional District of Nanaimo in the advent of cannabis legalization in 2018.

It was moved and seconded that the Board of the Regional District of Nanaimo make the following recommendations to the Province of BC with respect to provincial regulation of non-medical cannabis:

- i. That the Province establish a hybrid government and private distribution and warehousing model for non-medical cannabis and permit local governments to regulate and/or prohibit cannabis warehousing, distribution and sale through zoning bylaws;
- ii. That the Province establish a retail model that consists of a hybrid government and private model and permit local governments to regulate the location and density of retailers through zoning bylaws;

- iii. That the minimum age to buy, grow and publicly possess non-medical cannabis in British Columbia be established at 19 years;
- iv. That the maximum public possession limit of dried cannabis for a person of legal age be established at 30 grams;
- v. That the personal possession limit of dried cannabis for youths without being criminally charged be established at 5 grams;
- vi. That public smoking of cannabis be restricted in the same manner as tobacco smoking and vaping;
- vii. That the Province launch a public education and awareness campaign to inform British Columbians about the risks and potential consequences of cannabis-impaired driving and set a zero-tolerance standard in respect of blood THC content for drivers in the Graduated Licensing Program with an “L” or “N” designation and/or drivers under a specific age threshold; and
- viii. That the maximum home cultivation of non-medical cannabis limit for an adult be established at 4 plants per household and prohibit outdoor cultivation and do not set restrictions regarding where and how non-medical cannabis can be grown and stored at home.

CARRIED UNANIMOUSLY

It was moved and seconded 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.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board request additional regional district representation on the Joint Provincial-Local Government Committee on Cannabis Regulation.

CARRIED UNANIMOUSLY

It was moved and seconded 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.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board request equitable sharing of tax revenues from cannabis between all orders of government.

CARRIED UNANIMOUSLY

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

CARRIED UNANIMOUSLY

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

CARRIED UNANIMOUSLY

## **COMMUNITY PARKS**

### **Nanoose Place Lease Agreement Renewal**

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

CARRIED UNANIMOUSLY

## **BYLAW ENFORCEMENT**

### **Animal Control Services Agreement**

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

CARRIED UNANIMOUSLY

## **NEW BUSINESS**

### **Electoral Area ‘A’ Recreation and Culture Grant Approval**

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

CARRIED UNANIMOUSLY

## **Directors' Forum**

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

**ADJOURNMENT**

It was moved and seconded that this meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 3:01 PM

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CHAIR

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CORPORATE OFFICER

## REGIONAL DISTRICT OF NANAIMO

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

Monday, November 20, 2017

7:00 P.M.

Gabriola Arts Centre

In Attendance:	Director H. Houle D. Kilbourn K. Clifford R. Brockley G. Borsuk	Electoral Area B Member, Gabriola Recreation Society Member at Large Member at Large Member at Large
Regrets:	A. Johnston M. Walker	Member at Large Member at Large
Also in Attendance:	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.

**APPROVAL OF THE AGENDA**

It was moved and seconded that the agenda be adopted with the late correspondence from Bob and Barbara Gillen.

CARRIED UNANIMOUSLY

**ADOPTION OF MINUTES****Electoral Area 'B' Parks and Open Space Advisory Committee Meeting - July 24, 2017**

It was moved and seconded that the minutes of the Electoral Area 'B' Parks and Open Space Advisory Committee meeting held July 24th, 2017 be adopted.

CARRIED UNANIMOUSLY

The Committee discussed further the Potlatch Density transfer proposal and viewpoints of K. Clifford and R. Brockley were clarified.

**CORRESPONDENCE**

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

E. McCulloch, RDN re: Bylaw Referral Regarding Bylaws 289 & 290

Bob & Barbara Gillen, re: Boat Launch Sites

CARRIED UNANIMOUSLY

## **REPORTS**

### **Parks Update Report - Spring and Summer 2017**

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

CARRIED UNANIMOUSLY

## **NEW BUSINESS**

### **Five Year Planning Review 2018-2022**

Discussion held that the Gabriola Local Trust Committee Bylaw Nos. 289 and 290 will, if passed, have an impact on trail development adjacent to the 707 Community Park, Coats Marsh Regional Park, and Cox Community Park. Members discussed the 707 Signage Project; as well as the proposed Dog Park project previously proposed for Rollo McClay Community Park. Members pointed out that if the Bylaws are passed and new parkland is acquired by the RDN, that could change where trails in the 707 will go; and could mean a different location for a dog park could be proposed dependent on future park management plans.

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

CARRIED UNANIMOUSLY

### **New/Returning POSAC members**

Four applications have been received for three available Parks and Open Space Advisory seats. No applications received from Mudge Island. Director Houle is talking to the Mudge Island community to work on that.

## **ADJOURNMENT**

It was moved and seconded that the meeting be adjourned.

CARRIED UNANIMOUSLY

Time: 8:00 pm

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CHAIR

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

## PLANNING WORKSHEET - DRAFT

for review at the November 20, 2017 POSAC meeting

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

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

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

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

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



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



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

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

### ***Proposed Development and Variance***

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

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

### ***Land Use Implications***

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

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

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

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

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

***Intergovernmental Implications***

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

***Public Consultation Implications***

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

**ALTERNATIVES**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC PLAN IMPLICATIONS**

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



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

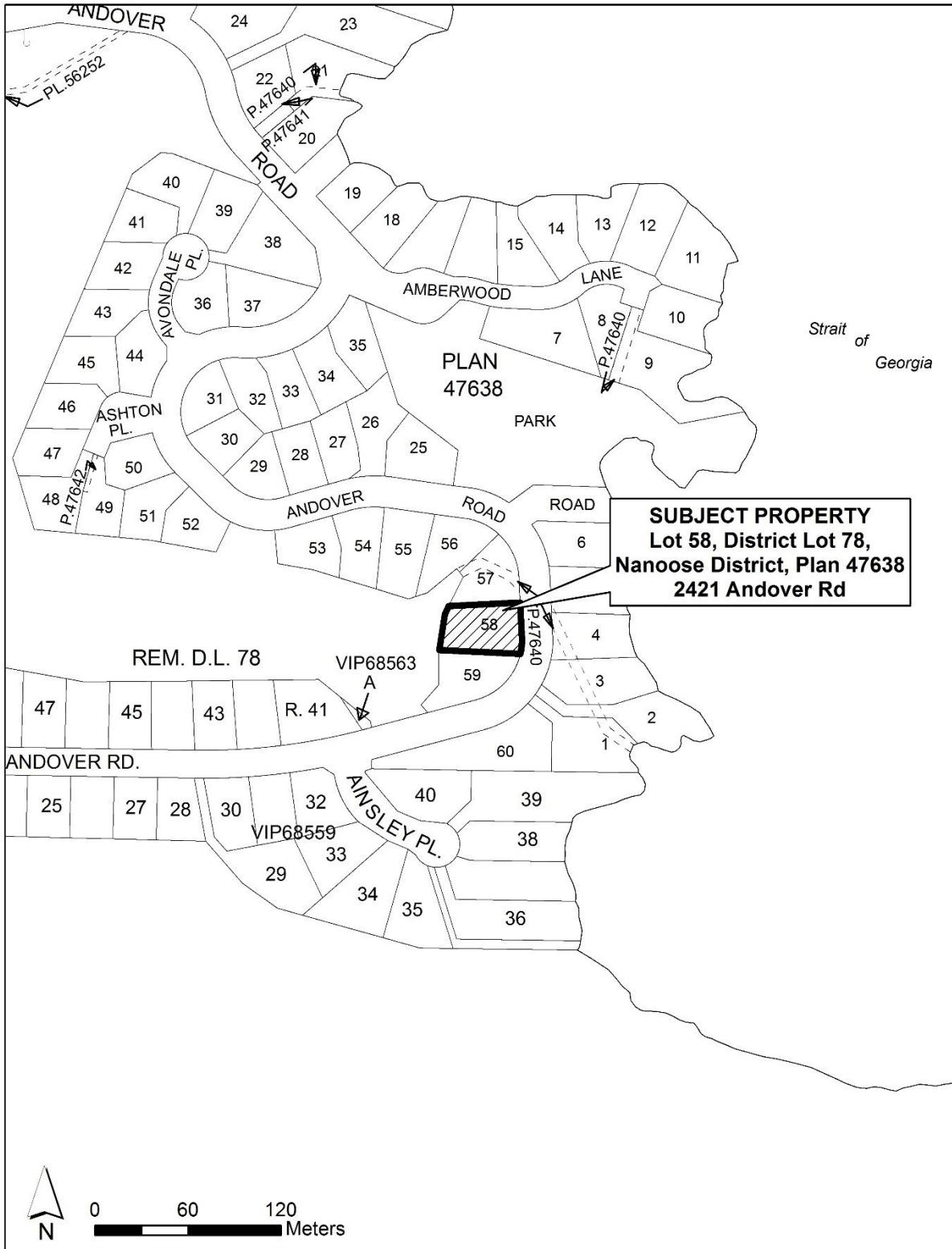
Reviewed by:

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

#### Attachments

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

**Attachment 1**  
**Subject Property Map**



## **Attachment 2 Terms and Conditions of Permit**

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

### Bylaw No. 500, 1987 Variances

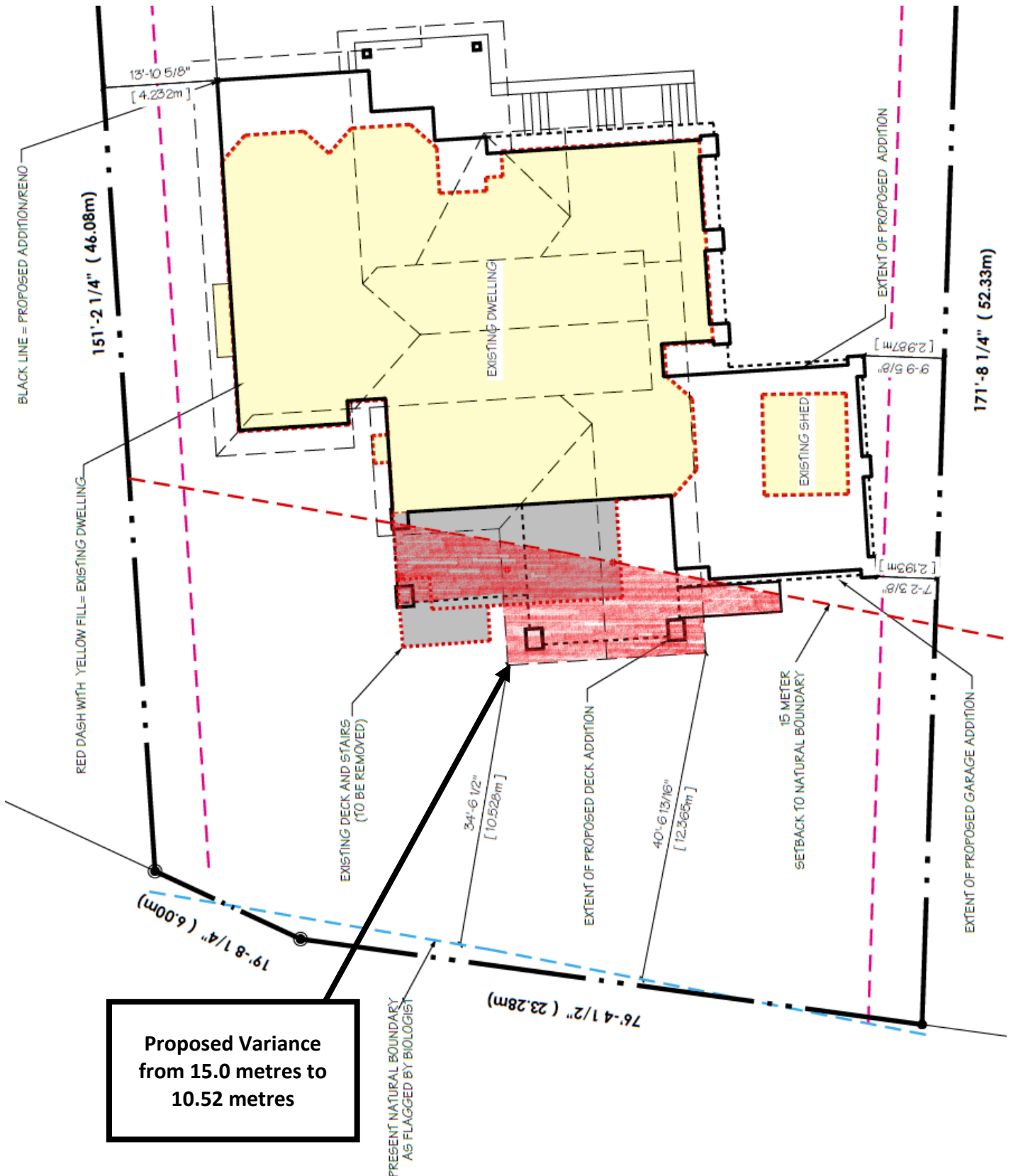
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

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

### Conditions of Approval

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

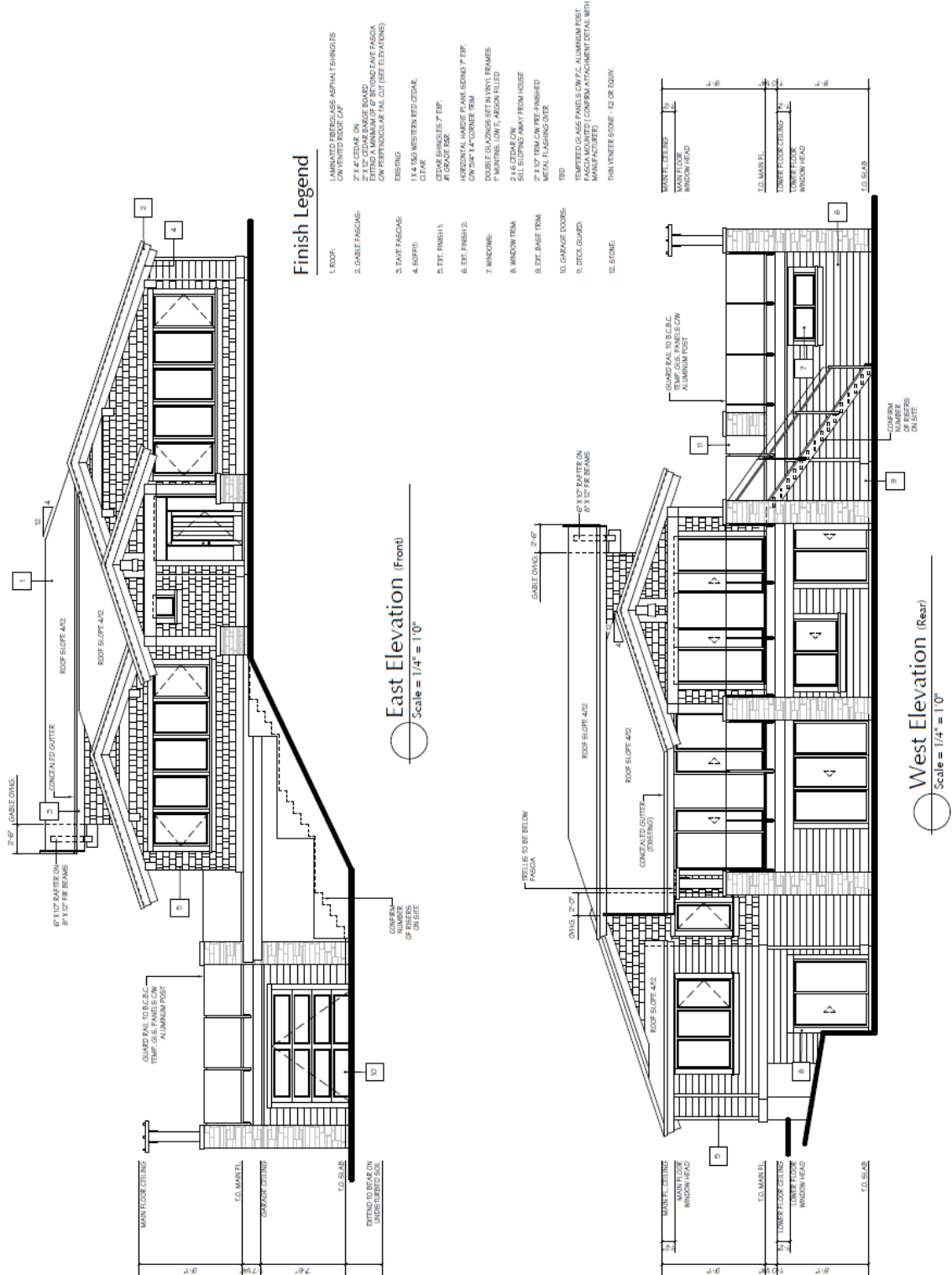
**Attachment 3**  
**Proposed Site Plan and Variances**



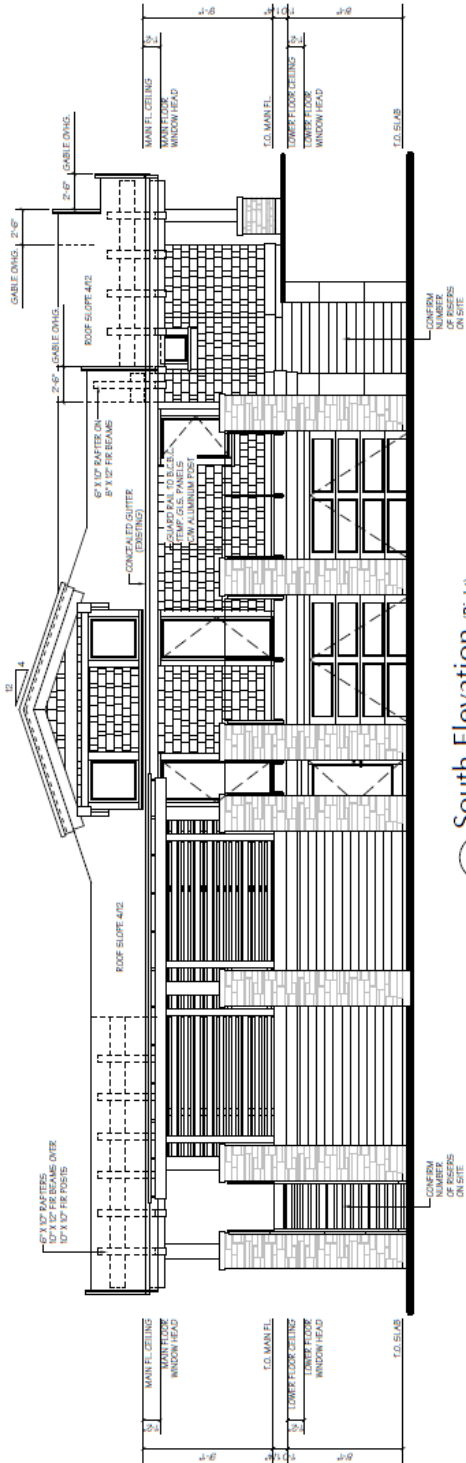
**Proposed Variance  
 from 15.0 metres to  
 10.52 metres**



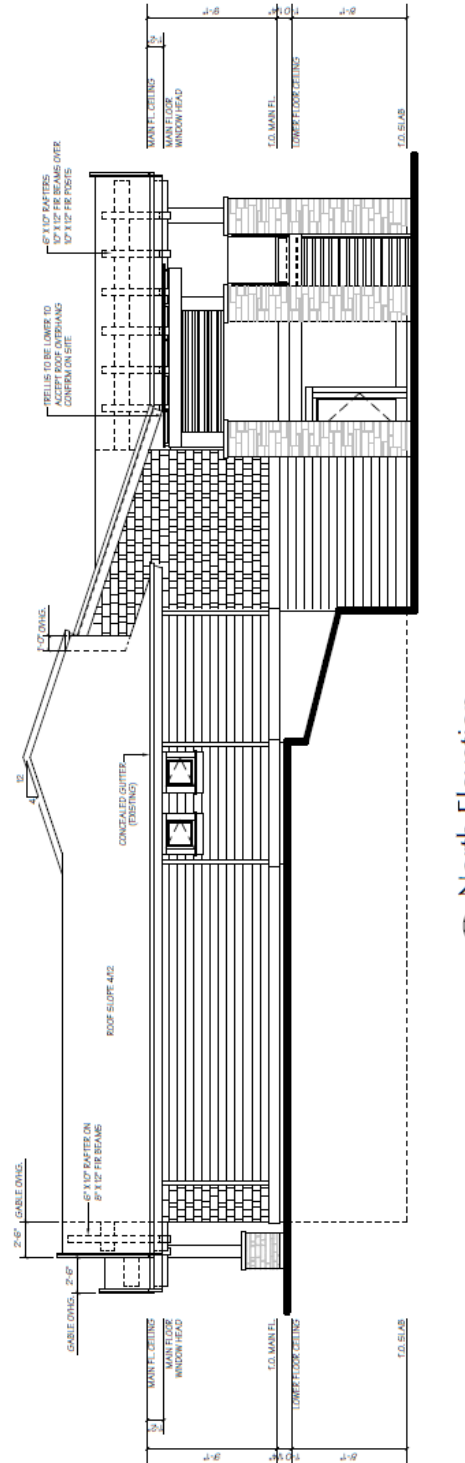
**Attachment 4**  
**Building Elevations**  
 (1 of 2)



**Attachment 4**  
**Proposed Building Elevations**  
**(2 of 2)**



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



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

**Attachment 5**  
**Proposed Landscape Plan**





### ***Proposed Development and Variance***

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

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

### ***Land Use Implications***

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

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

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

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

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

### ***Intergovernmental Implications***

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

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

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

## **ALTERNATIVES**

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

## **FINANCIAL IMPLICATIONS**

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

## **STRATEGIC PLAN IMPLICATIONS**

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



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

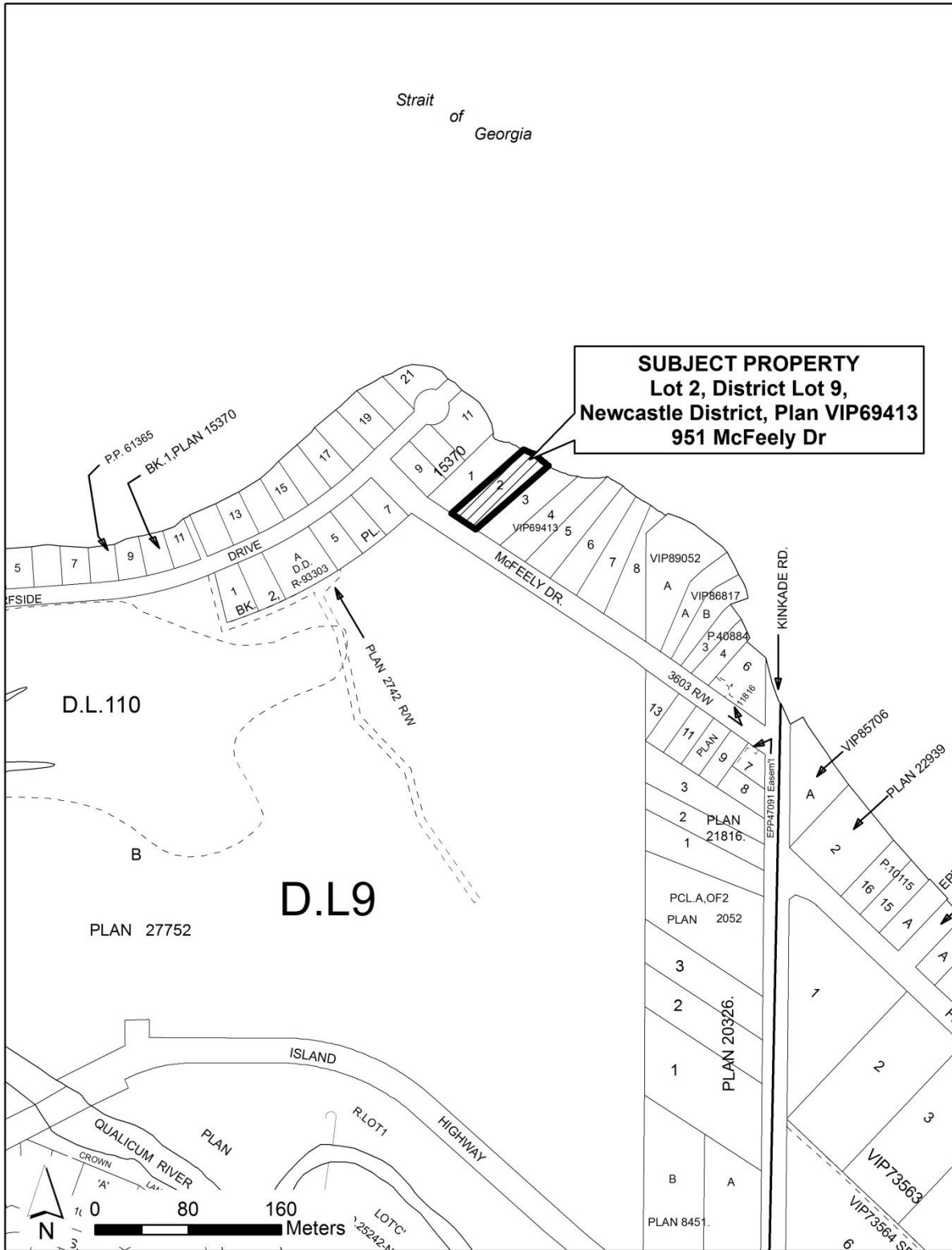
Reviewed by:

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

Attachments

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

**Attachment 1**  
**Subject Property Map**





## **Attachment 2 Conditions of Permit**

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

### Bylaw No. 500, 1987 Variances

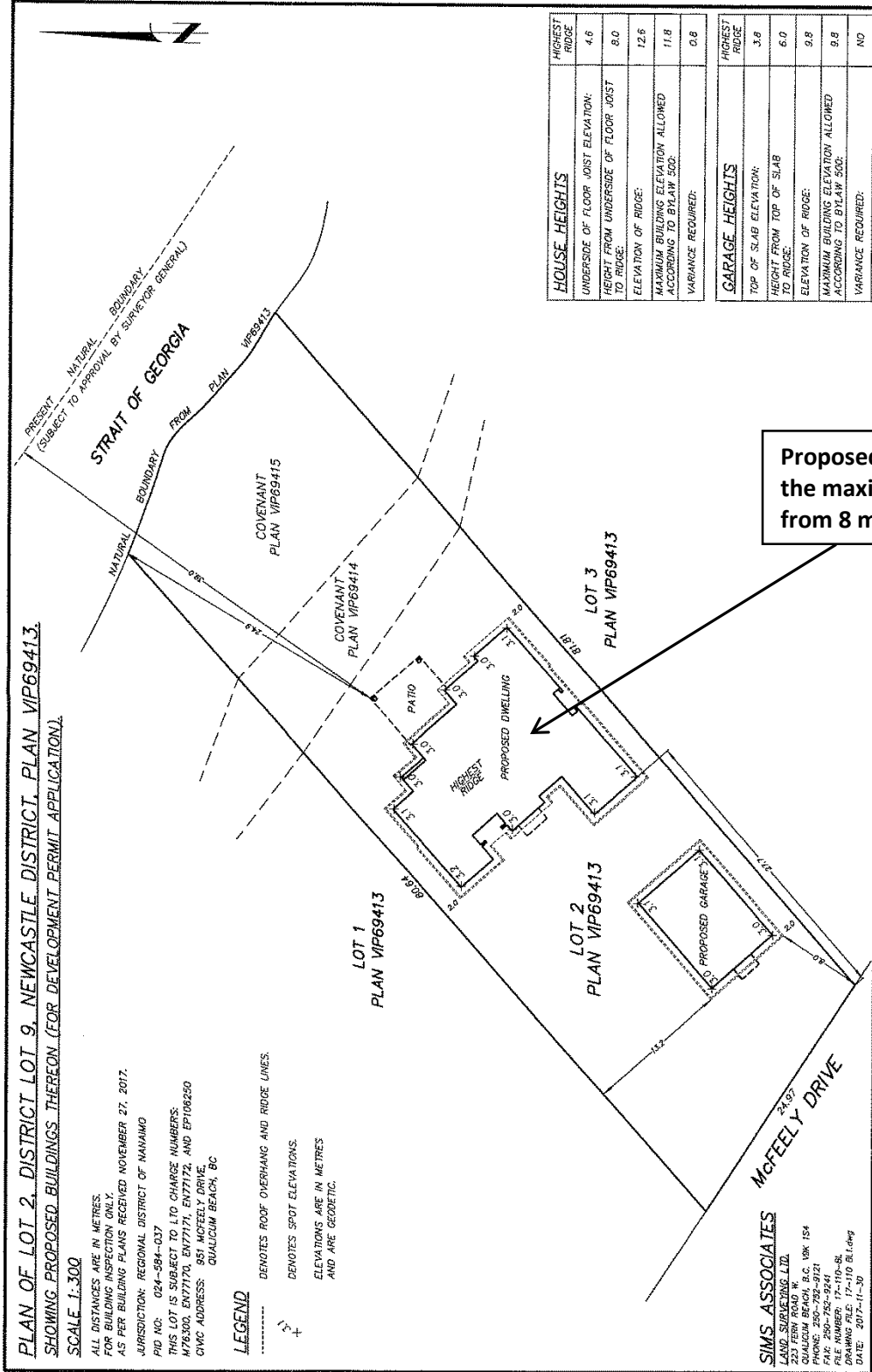
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

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

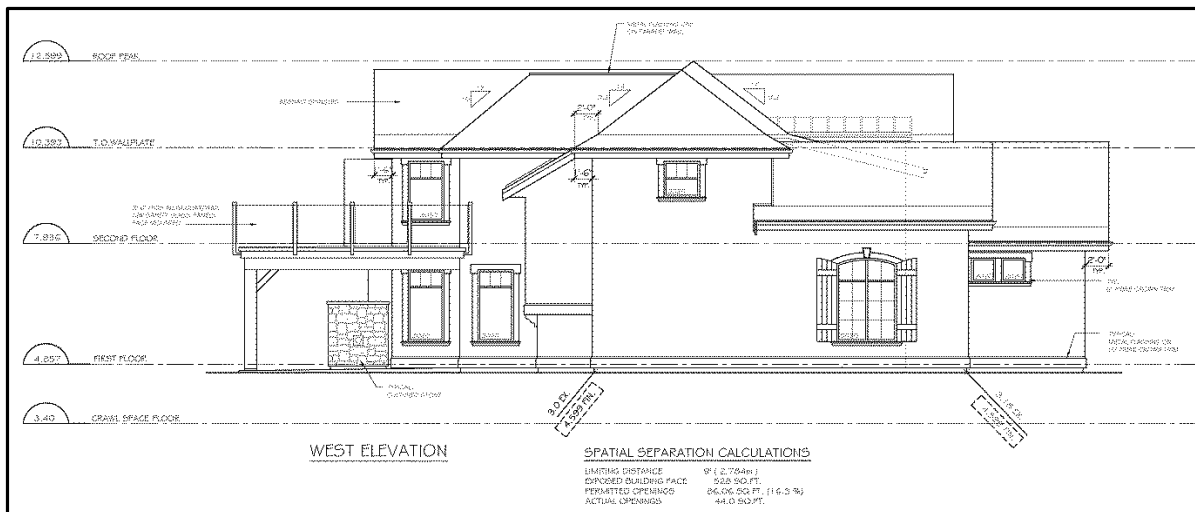
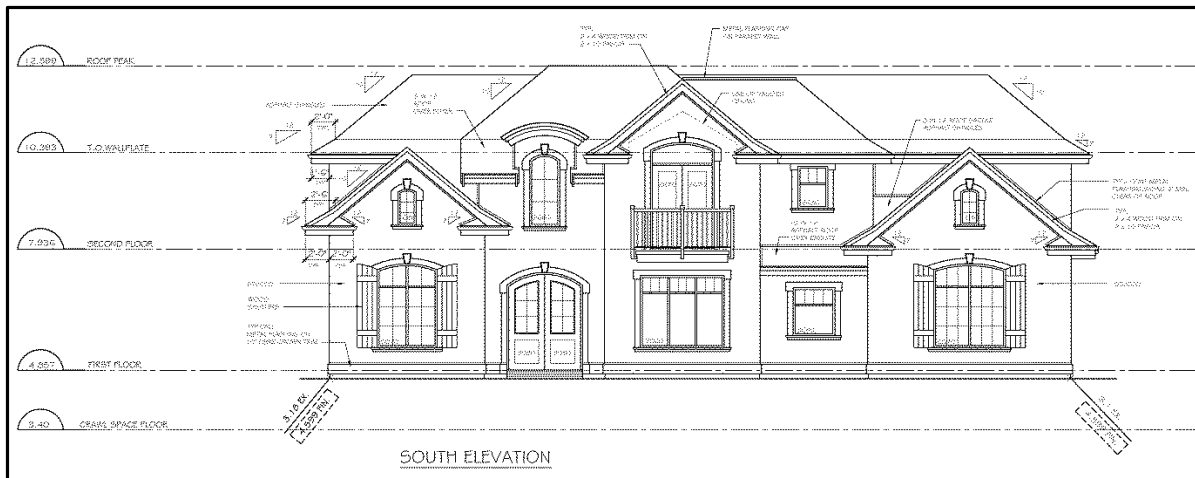
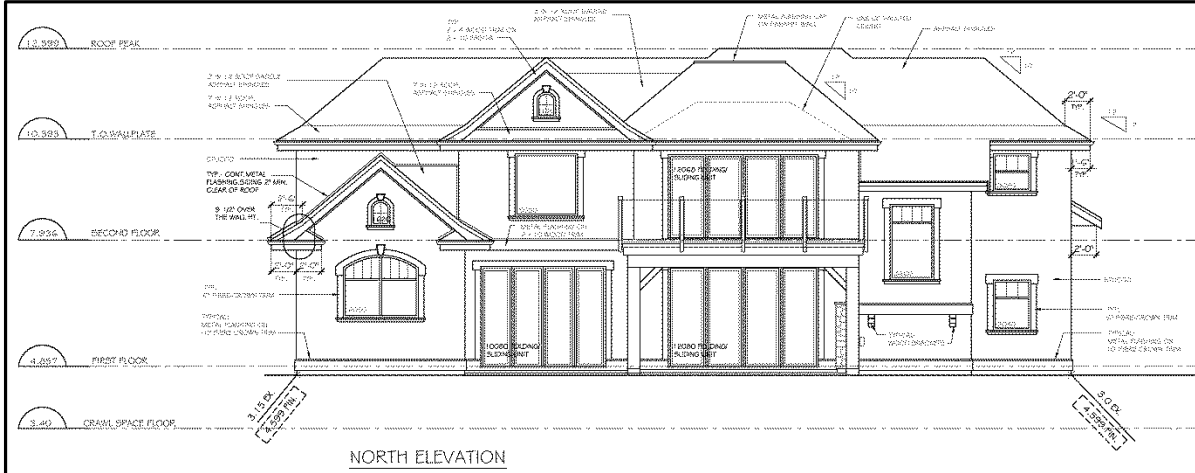
### Conditions of Approval

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

**Attachment 3**  
**Proposed Site Plan and Variances**



**Attachment 4**  
**Building Elevations**  
 Page 1 of 2





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

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

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

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#### **RECOMMENDATIONS**

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

#### **SUMMARY**

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

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

## **BACKGROUND**

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

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

### ***Proposed Development and Variance***

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

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

### ***Land Use Implications***

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

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

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

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

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

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

#### ***Intergovernmental Implications***

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

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

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

#### **ALTERNATIVES**

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

#### **FINANCIAL IMPLICATIONS**

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

## STRATEGIC PLAN IMPLICATIONS

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



---

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

### Reviewed by:

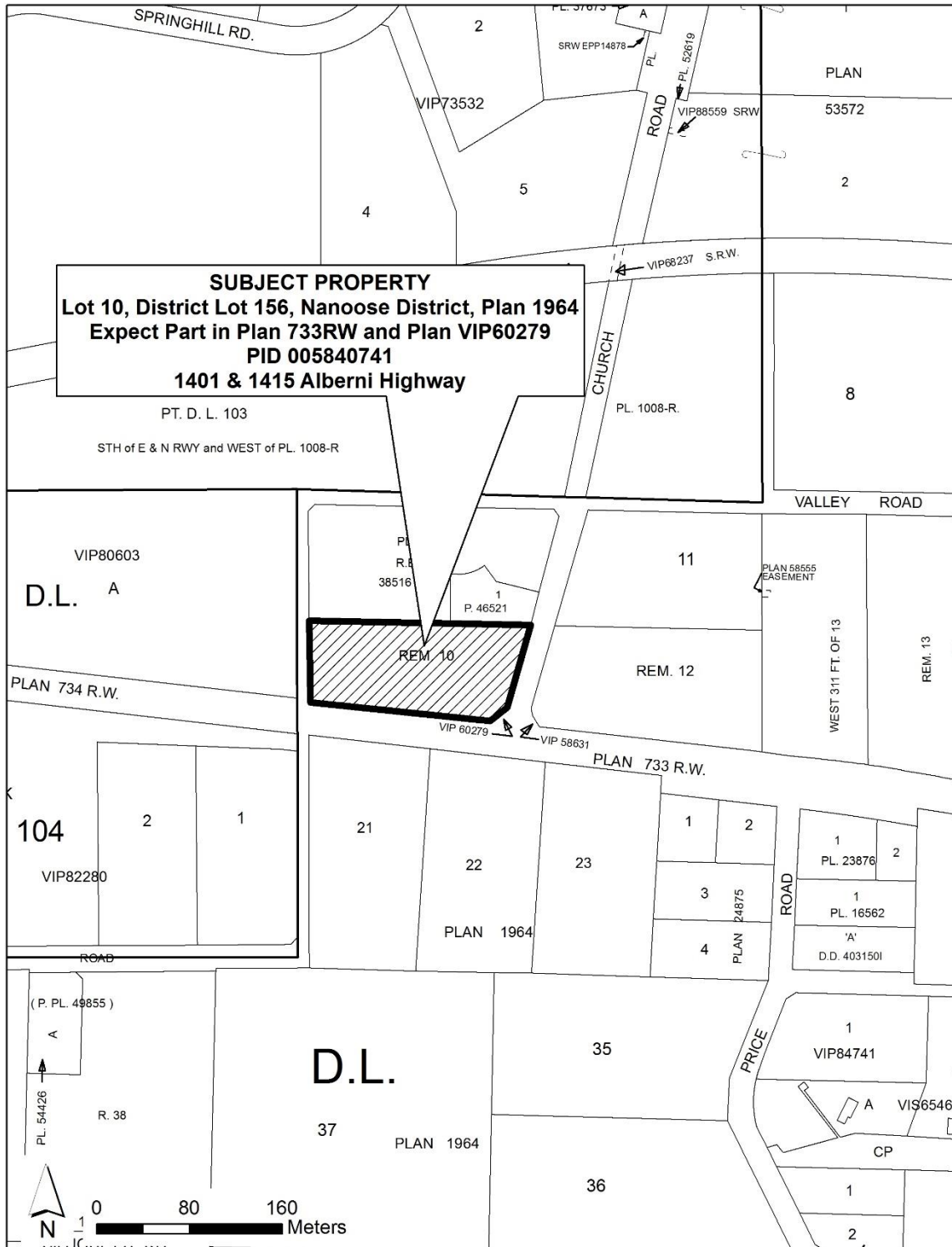
- J. Holm, Manager, Current Planning
- G. Garbutt, General Manager, Strategic & Community Development
- P. Carlyle, Chief Administrative Officer

### Attachments

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



**Attachment 1**  
**Subject Property Map**



## **Attachment 2 Terms and Conditions of Permit**

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

### Bylaw No. 1285, 2002 Variances

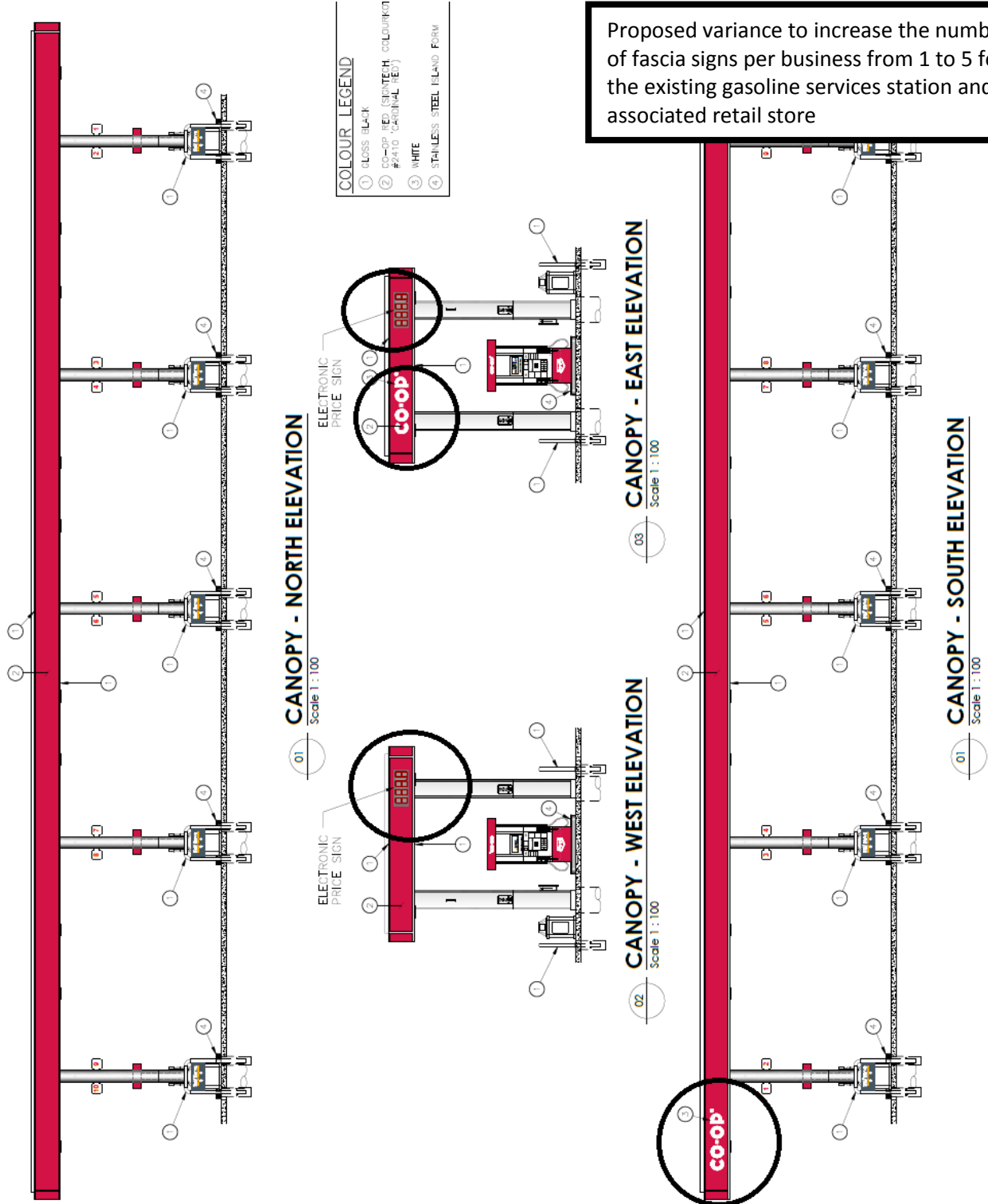
With respect to the lands, “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw No. 1285, 2002” is varied as follows:

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

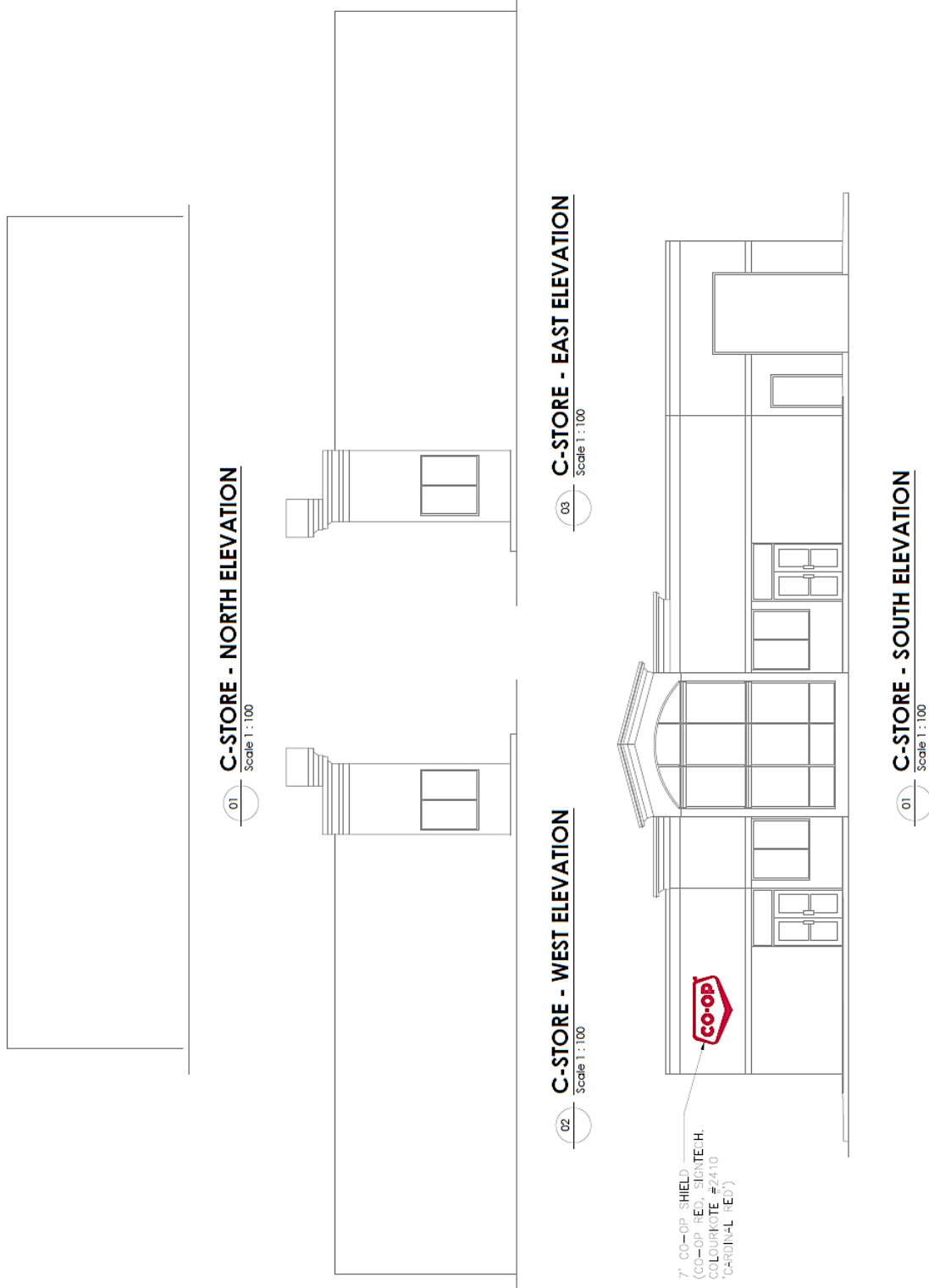
### Conditions of Approval

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

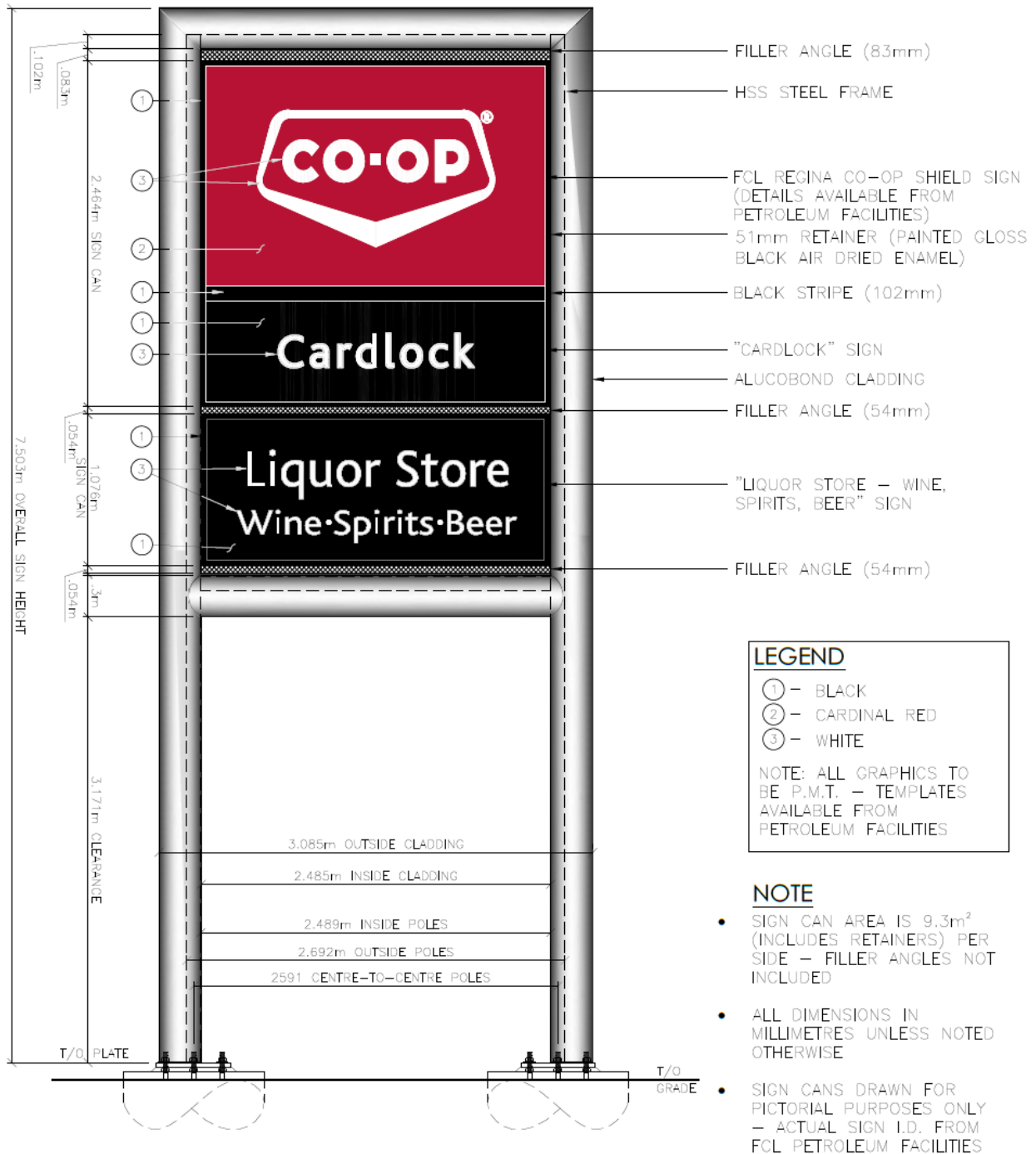
**Attachment 3**  
**Proposed Sign Details and Variances**  
 (1 of 7)



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

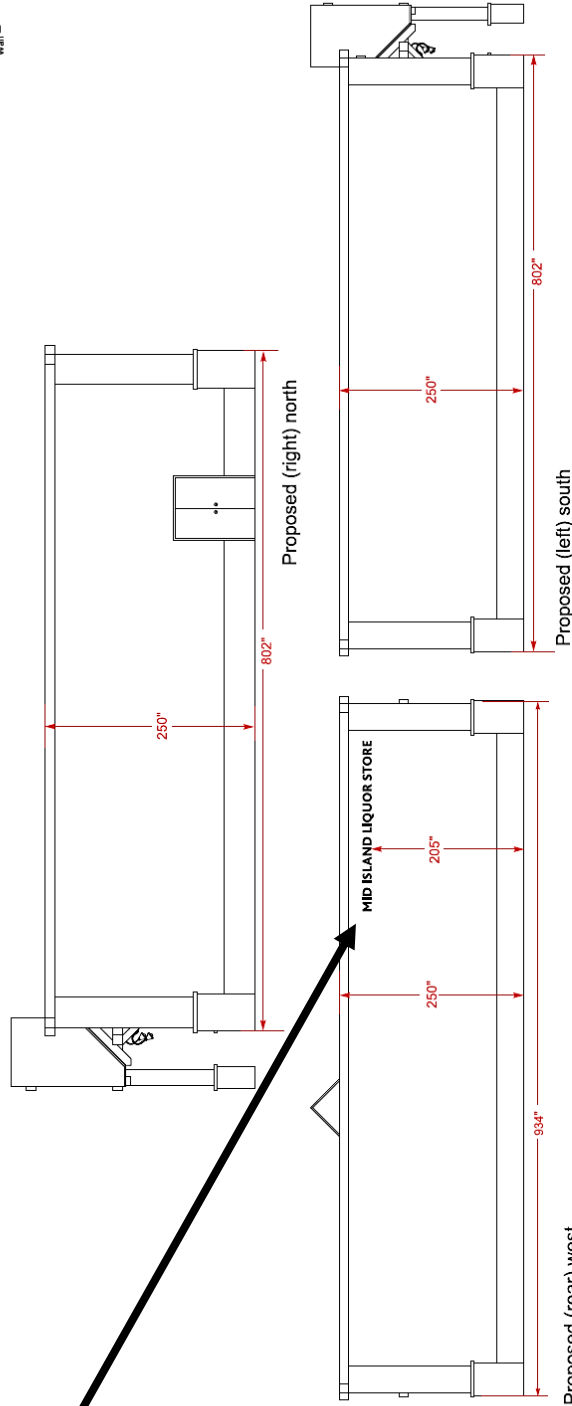
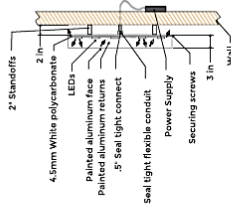


**Attachment 3**  
**Proposed Sign Details and Variances**  
**(3 of 7)**



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

**Cross Section**



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

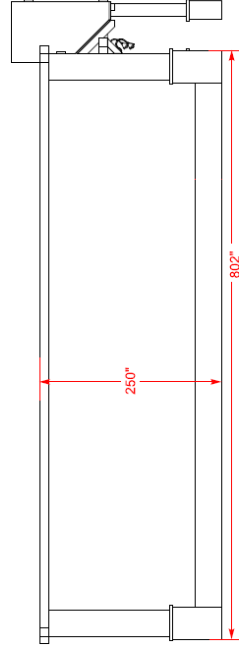
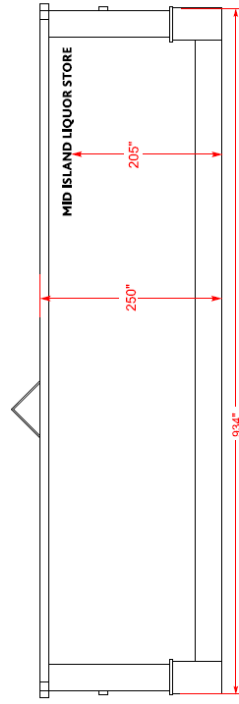
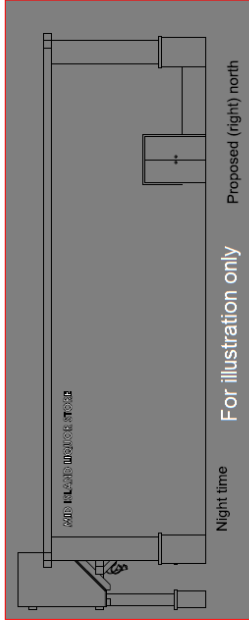
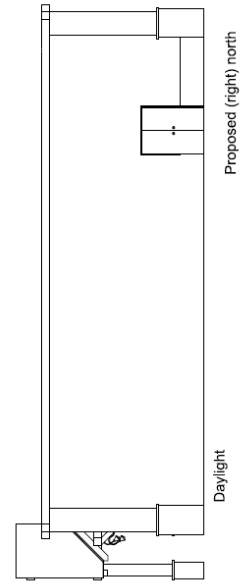
<b>Customer:</b> CO-OP	<b>Address:</b> Parksville, BC	<b>Project Manager:</b> Tracy K	<b>Designer:</b> Sheldon C	<b>Date:</b> 6/9/17
<b>Illumination</b> White LED Halo illuminated	<b>Returns/Trim/Perimeter</b> .63" Aluminum 3" returns To be painted Black No trim Perimeter: 1062"	<b>Faces</b> .125" Aluminum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

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

**Cross Section**

**PARKSVILLE\_CP\_CL3**

S:\1\_CORP\_CUSTOMERS\CO-OP\Projects\Parksville, BC\Design



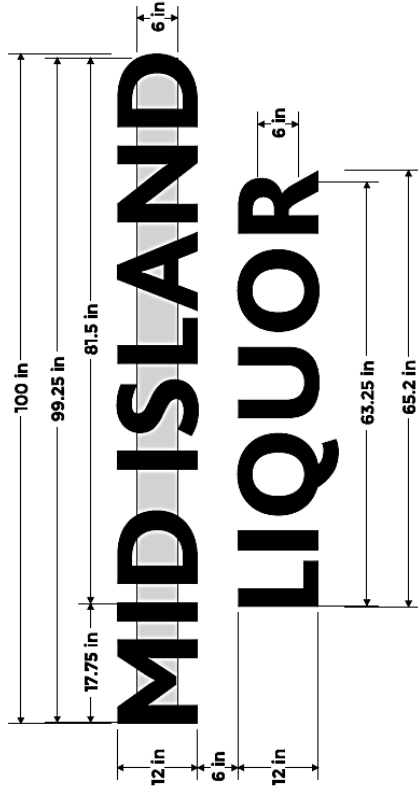
Customer: CO-OP	Address: Parksville, BC	Project Manager: Tracy K	Designer: Sheldon C	Date: 6/9/17
<b>Illumination</b> White LED Halo illuminated	<b>Returns/Trim/Perimeter</b> .63" Aluminum 3" returns To be painted Black No trim Perimeter: 1062"	<b>Faces</b> .125" Aluminum faces To be painted Black	<b>Mounting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

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

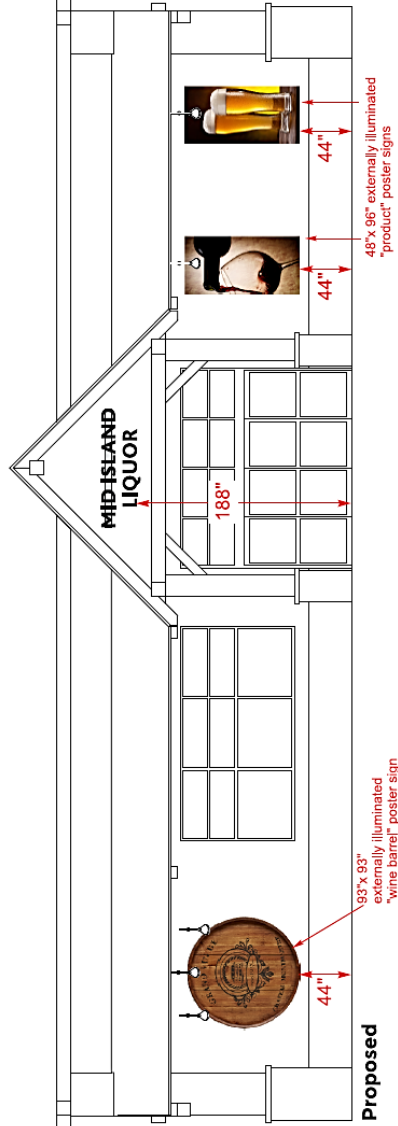
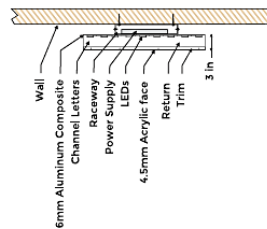
**PARKSVILLE\_CP\_CL1**

S:\1\_CORP\_CUSTOMERS\CO-OP\Projects\Parksville, BC\Design

Elevation (store front) east



**Cross Section**



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

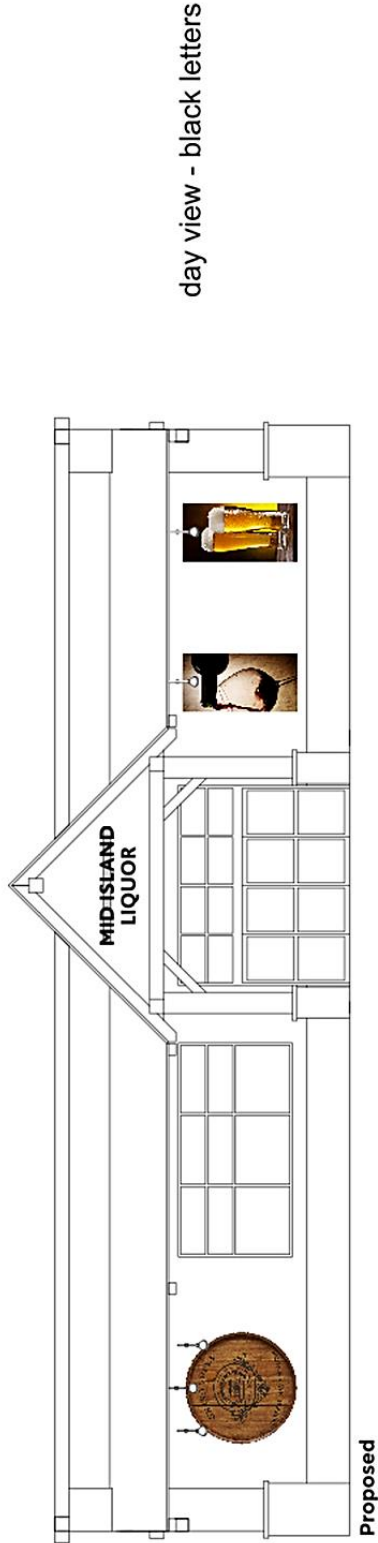


**Attachment 3**  
**Proposed Sign Details and Variances**  
 (7 of 7)

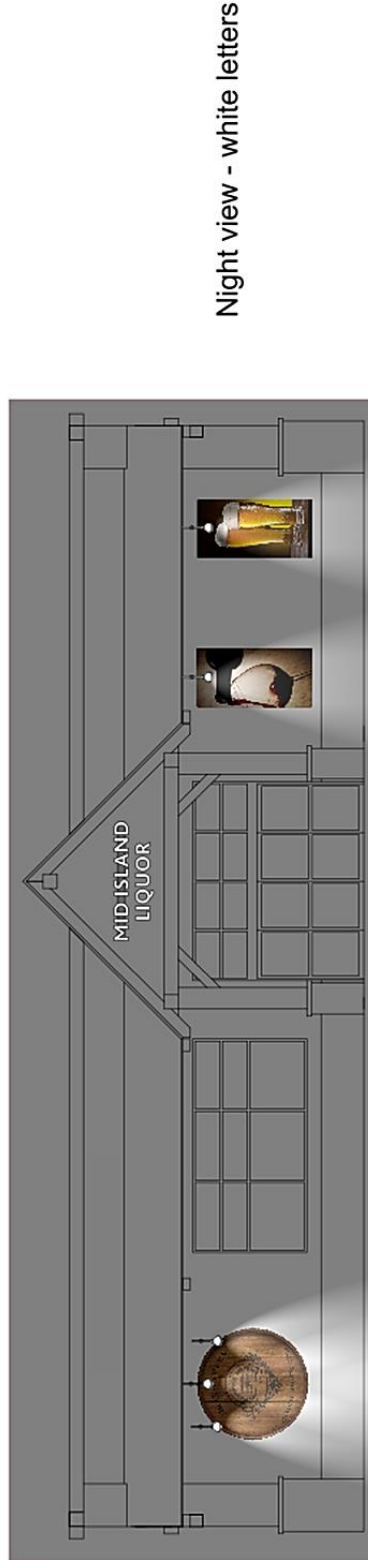
**Elevation (store front) east**

**PARKSVILLE\_CP\_CL1**

S:\1\_CORP\_CUSTOMERS\CO-OP\Projects\Parksville, BC\Design



day view - black letters



Night view - white letters

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

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

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

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

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**RECOMMENDATIONS**

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

**SUMMARY**

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

**BACKGROUND**

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

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

### ***Proposed Development and Variances***

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

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

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

### ***Land Use Implications***

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

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

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

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

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

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

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

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

***Intergovernmental Implications***

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

***Public Consultation Implications***

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

**ALTERNATIVES**

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

## **FINANCIAL IMPLICATIONS**

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

## **STRATEGIC PLAN IMPLICATIONS**

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



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Kelsey Chandler  
kchandler@rdn.bc.ca  
December 20<sup>th</sup>, 2017

### Reviewed by:

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

### Attachments

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



## **Attachment 2 Conditions of Permit**

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

### Bylaw No. 500, 1987 Variances

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

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

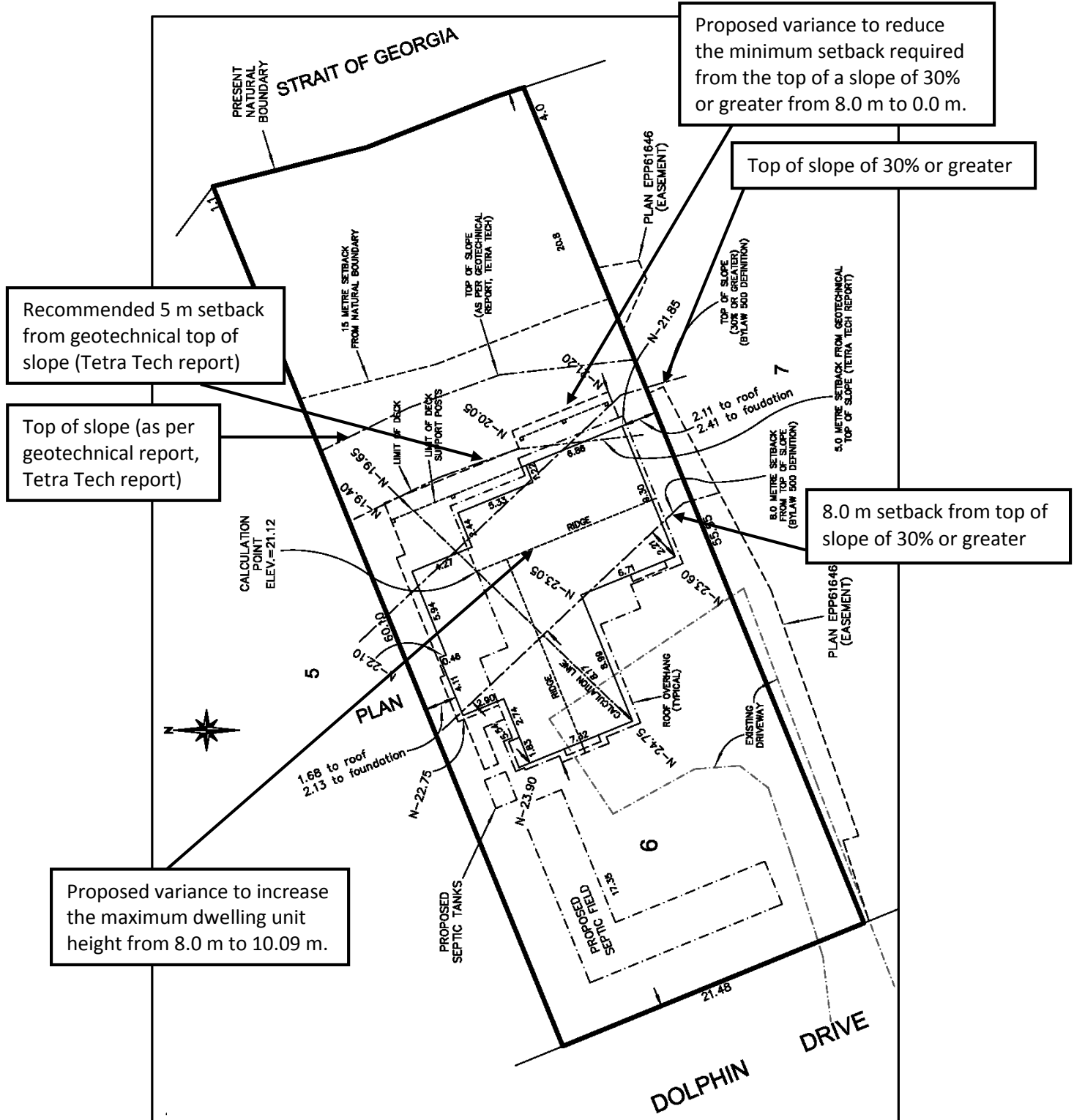
### Conditions of Approval

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

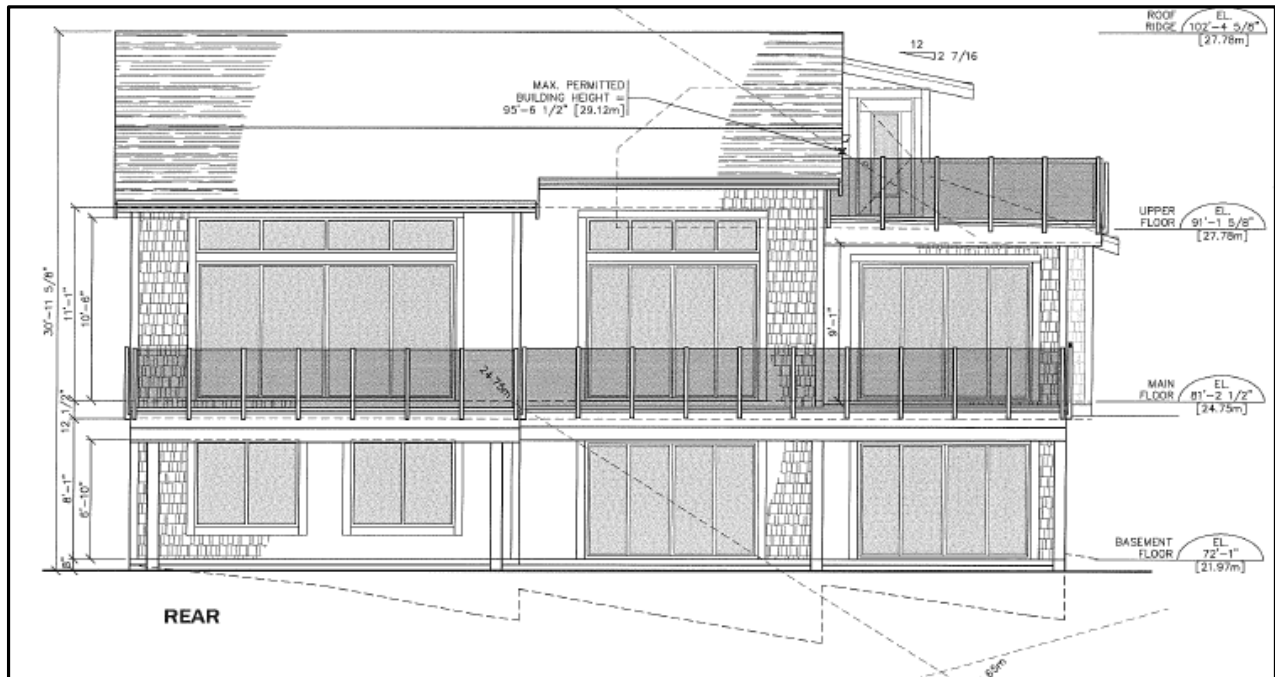
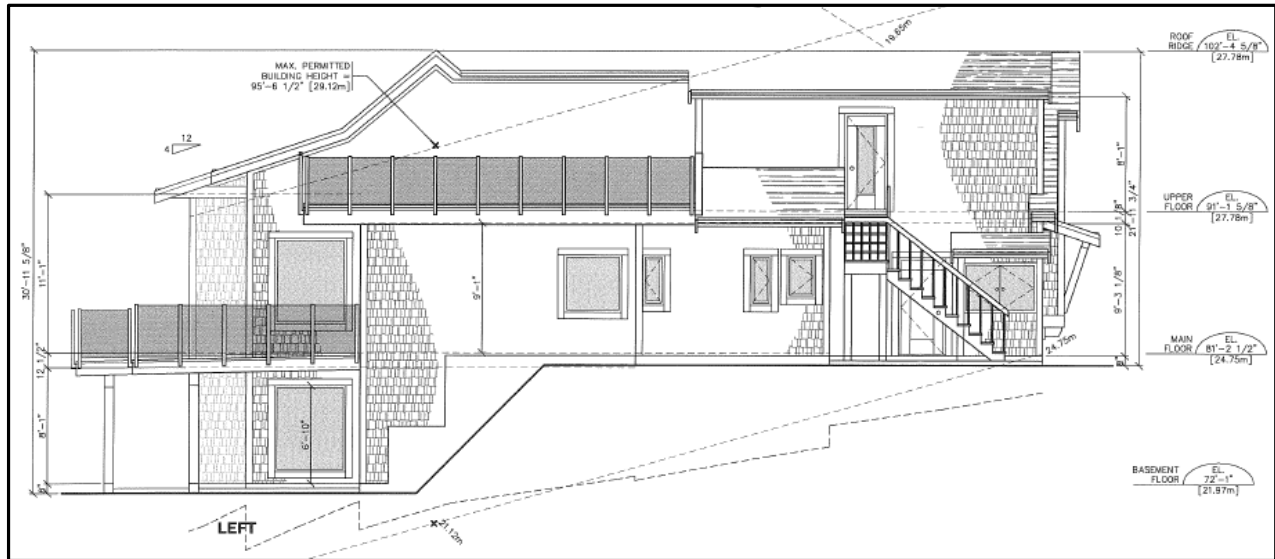




**Attachment 3**  
**Proposed Site Plan and Variances**  
 Page 2 of 2



**Attachment 4**  
**Building Elevations**



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

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

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

#### RECOMMENDATIONS

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

#### SUMMARY

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

#### BACKGROUND

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

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

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

### ***Proposed Development***

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

### ***Official Community Plan Implications***

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

### ***Land Use Implications***

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

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

### ***Intergovernmental Implications***

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

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

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

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

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

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

### **ALTERNATIVES**

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

### **FINANCIAL IMPLICATIONS**

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

### **STRATEGIC PLAN IMPLICATIONS**

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



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

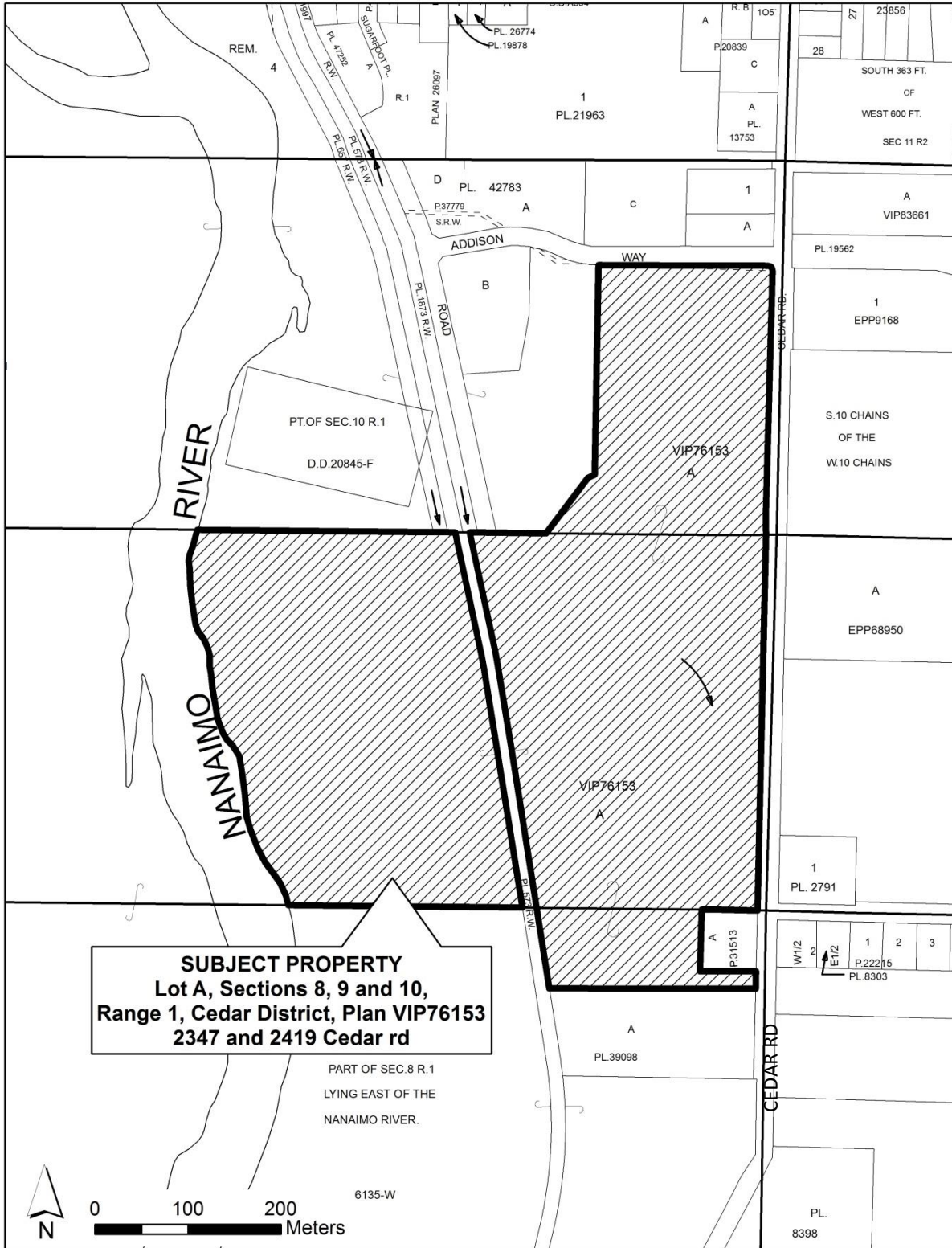
Reviewed by:

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

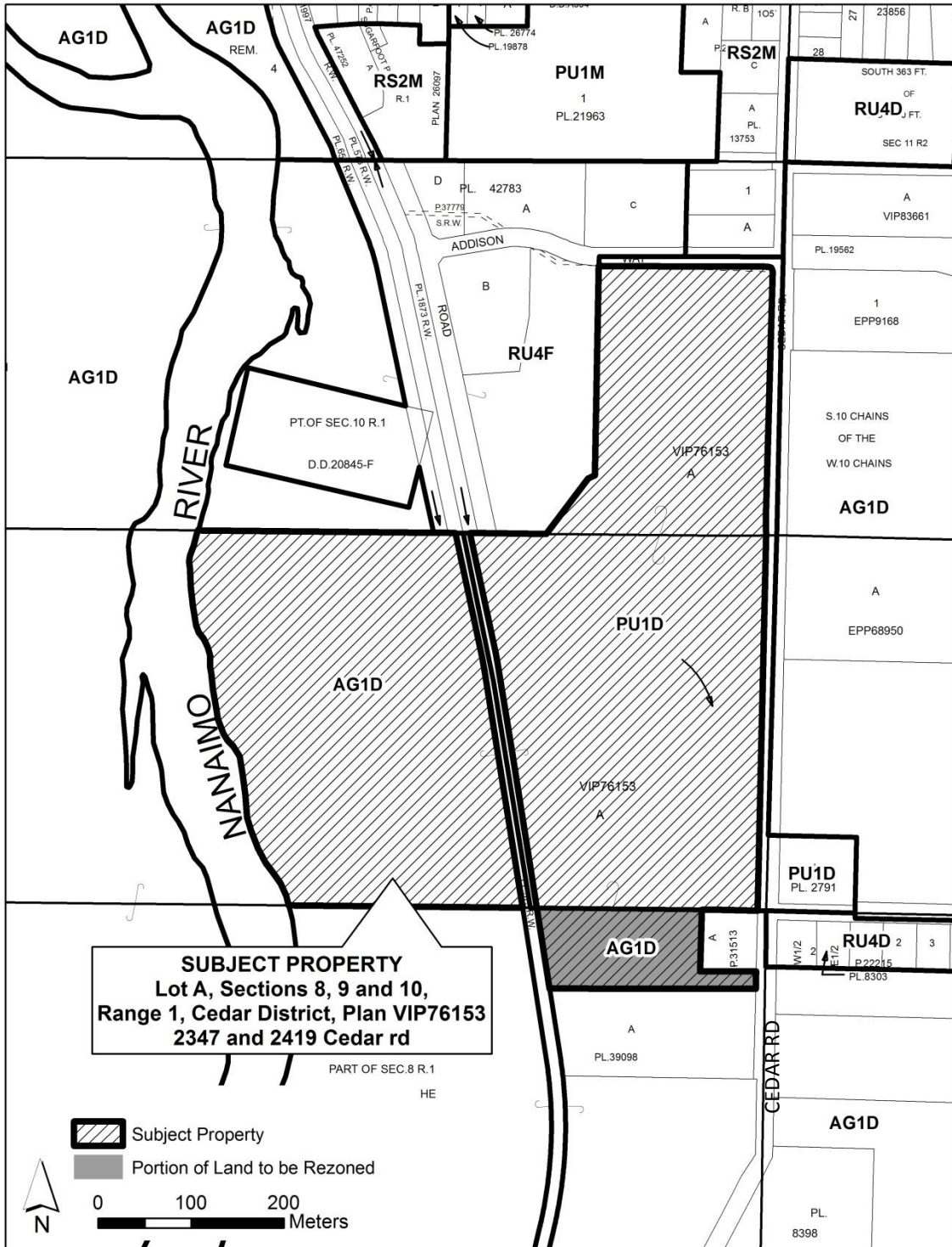
Attachments

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

**Attachment 1**  
**Subject Property Map**



**Attachment 2  
Current Zoning Map**



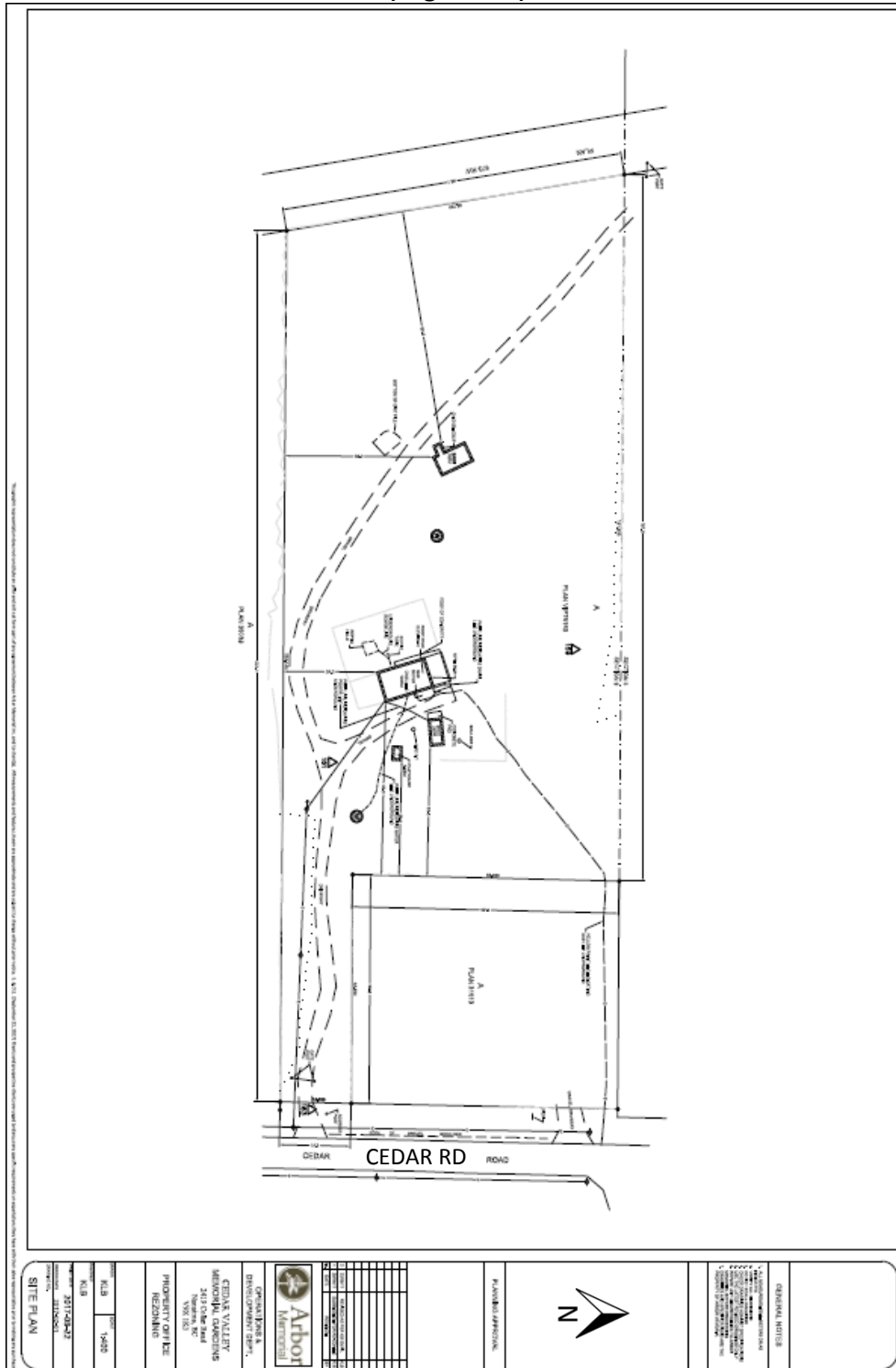


**Attachment 3**  
**Conditions of Approval**

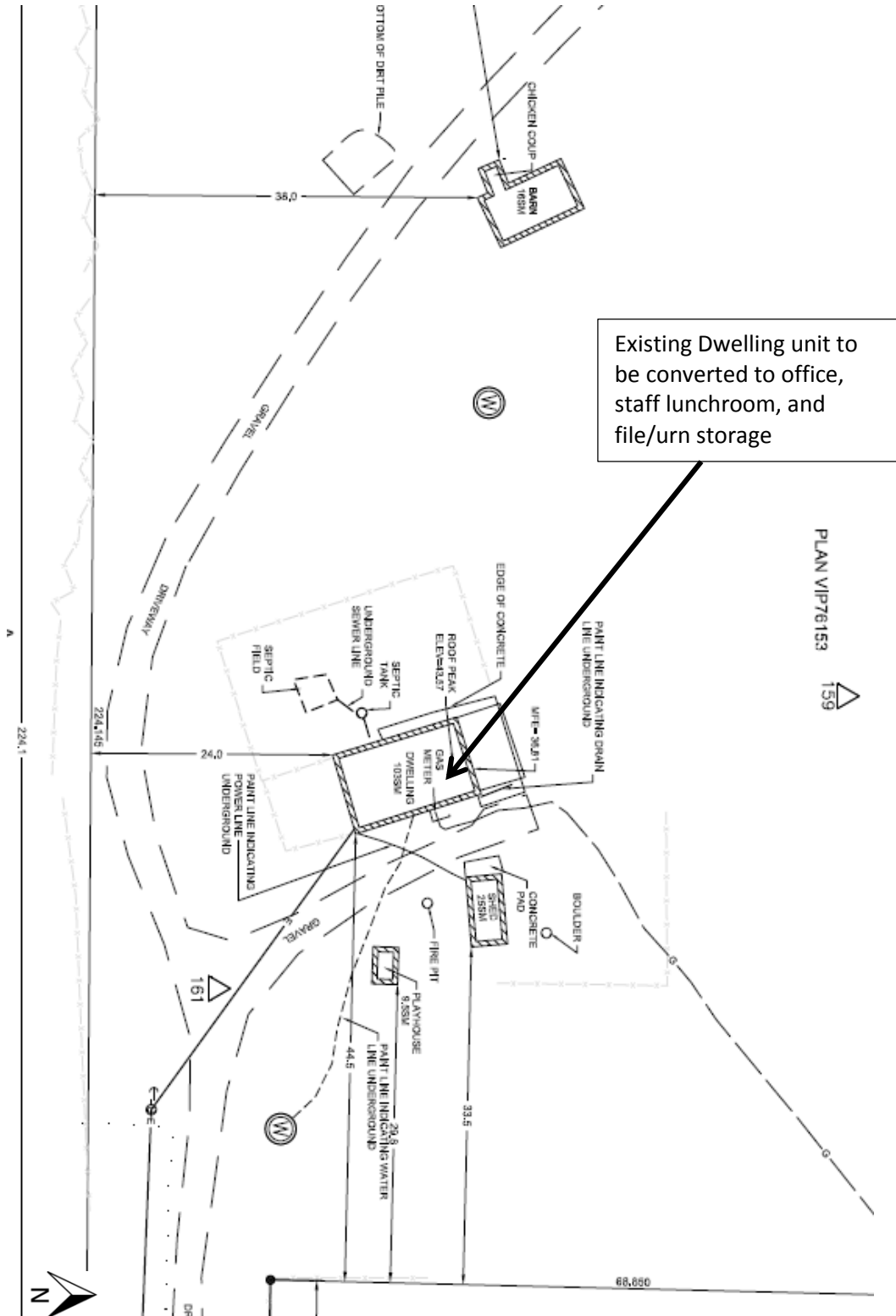
The following is required prior to the “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.412, 2018” being considered for adoption:

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

**Attachment 4**  
**Site Plan**  
**(Page 1 of 2)**



**Attachment 4**  
**Site Plan**  
**(Page 2 of 2)**



Existing Dwelling unit to be converted to office, staff lunchroom, and file/urn storage

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

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

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

**Present for the Regional District of Nanaimo:**

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

**Present for the Applicant:**

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

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

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

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

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

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

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

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

The meeting was concluded at 6:49 pm.



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Sarah Preston  
Recording Secretary

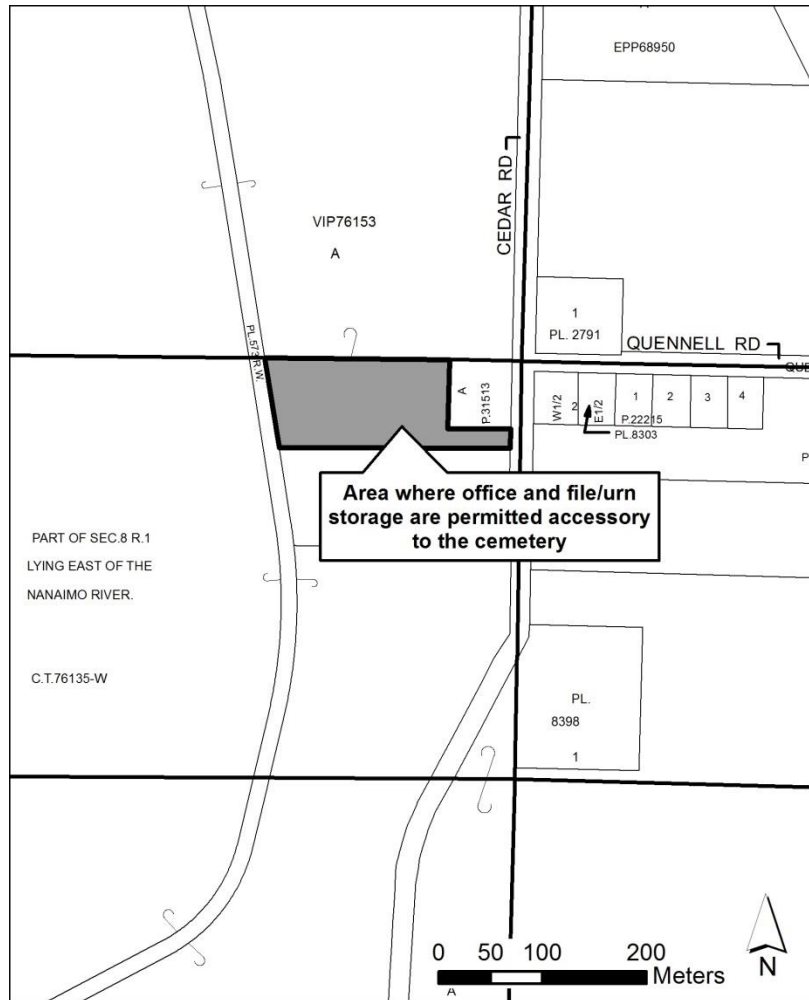
**Attachment 6**  
**Proposed Amendment Bylaw No. 500.412, 2018**

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

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

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

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



Introduced and read two times this \_\_\_ day of \_\_\_\_\_ 20XX.

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

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

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

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Chair

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Corporate Officer

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

**FROM:** Stephen Boogaards  
Planner    **FILE:** PL2017-093

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

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**RECOMMENDATIONS**

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

**SUMMARY**

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

**BACKGROUND**

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



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

### ***Proposed Development***

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

### ***Official Community Plan Implications***

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

### ***Land Use Implications***

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

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

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

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

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

#### ***Environmental Implications***

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

#### ***Intergovernmental Implications***

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

**Public Consultation Implications**

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

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

**ALTERNATIVES**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC PLAN IMPLICATIONS**

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



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

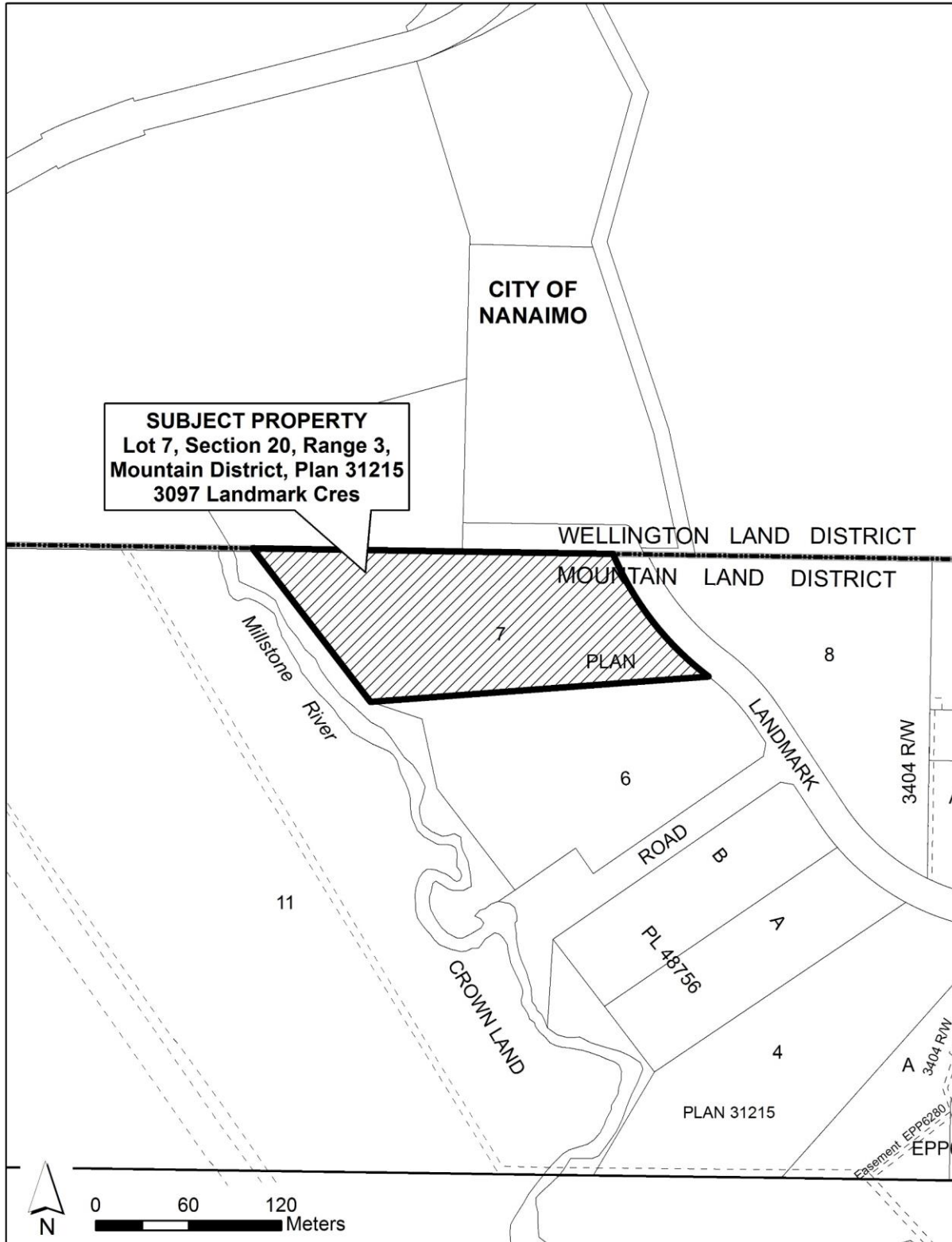
Reviewed by:

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

Attachments

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

**Attachment 1**  
**Subject Property Map**



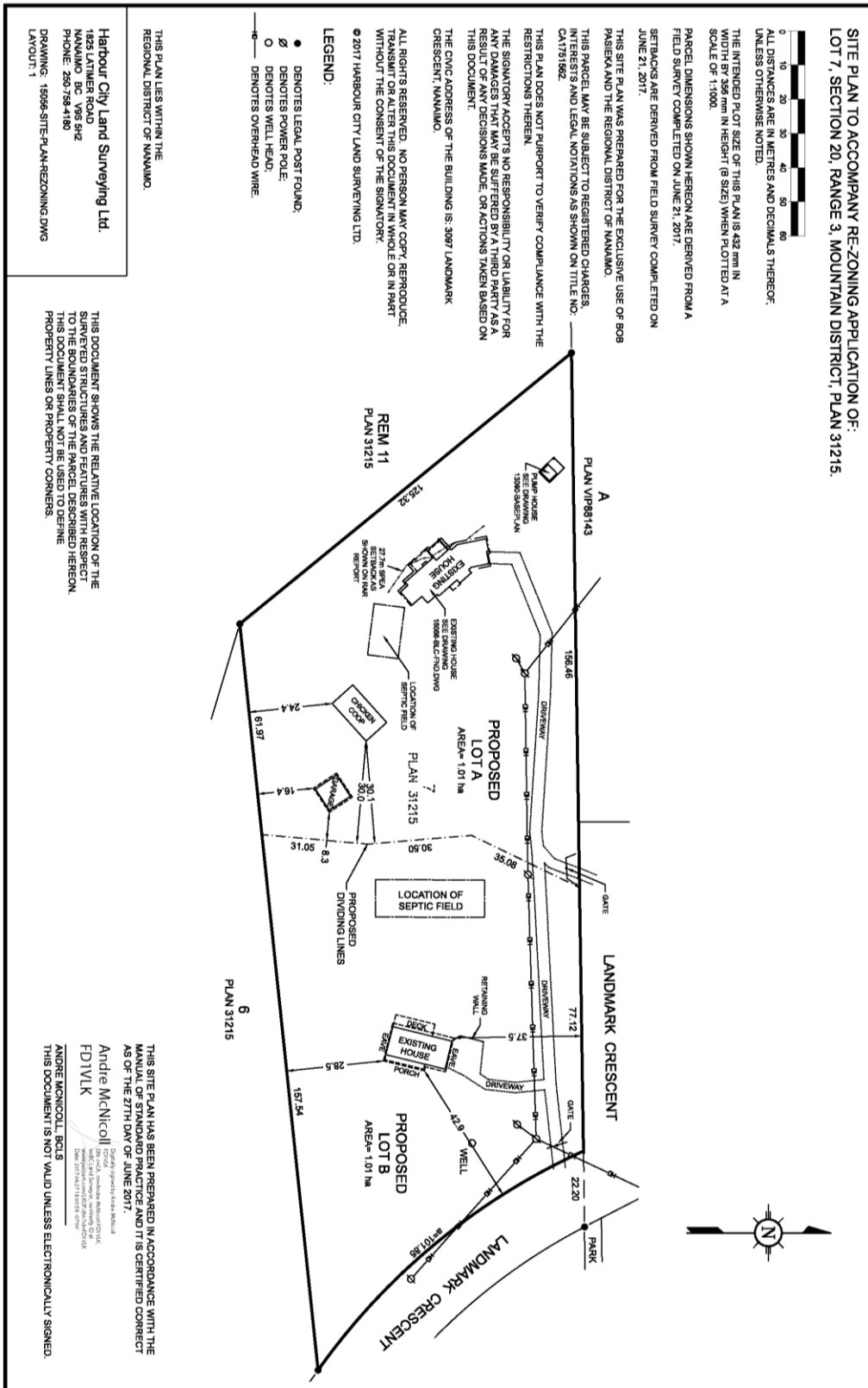
**Attachment 2**  
**Conditions of Approval**

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

Conditions of Approval

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

**Attachment 3**  
**Proposed Subdivision Plan (Page 1 of 2)**







**Attachment 4**

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

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

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

**Present for the Regional District of Nanaimo:**

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

**Present for the Applicant:**

Bob Pasioka, Subject Property Owner

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

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

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

Bob Pasioka presented an overview of the proposal.

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

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

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

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

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

The meeting was concluded at 6:55 pm.

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

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Sarah Preston  
Recording Secretary

**Attachment 5**  
**Proposed Amendment Bylaw No. 500.414, 2018**

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

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

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

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

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

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

Introduced and read two times this \_\_\_ day of \_\_\_\_\_ 20XX.

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

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

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

\_\_\_\_\_  
Chair

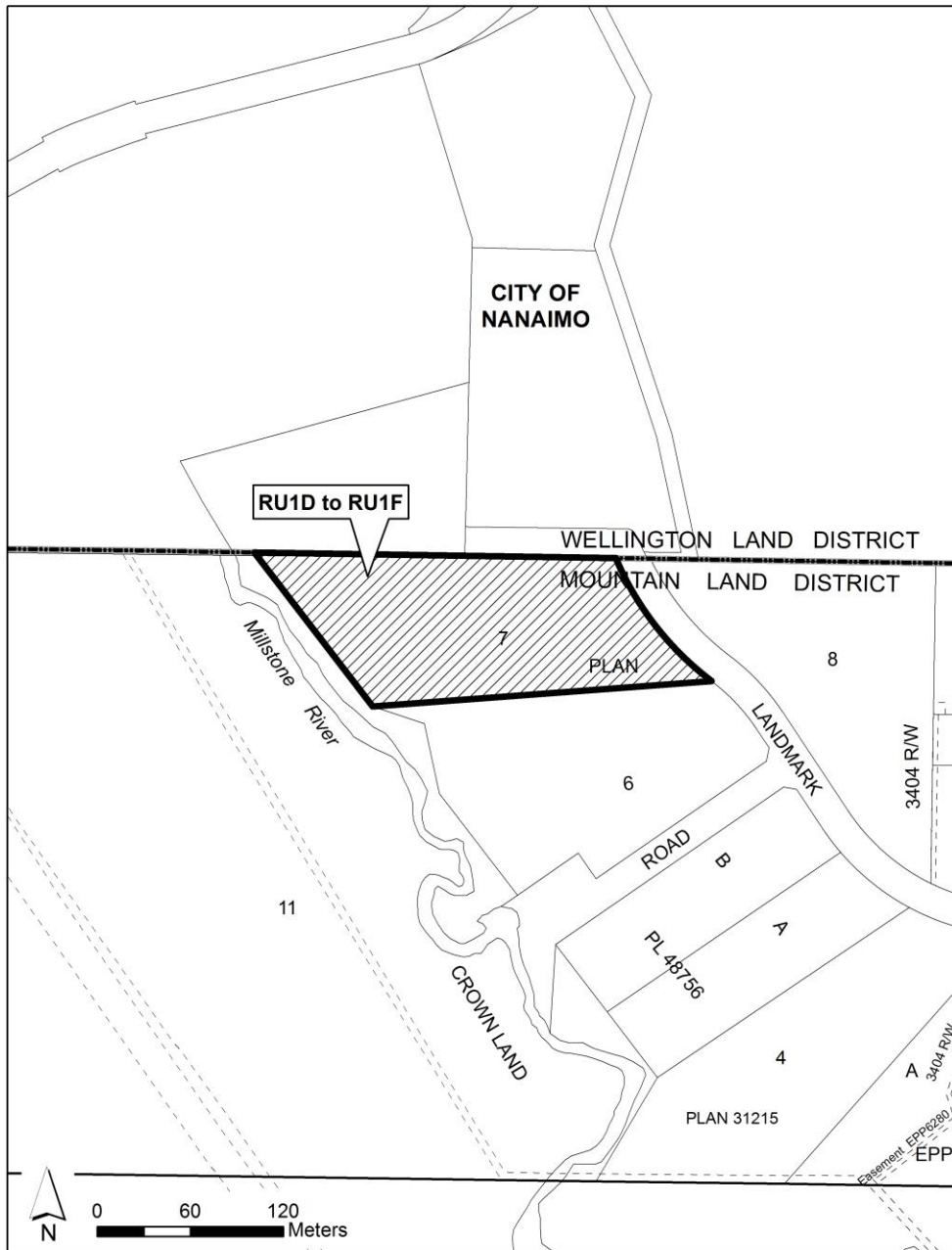
\_\_\_\_\_  
Corporate Officer

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

\_\_\_\_\_  
Chair

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

### Schedule '1'



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

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### RECOMMENDATIONS

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

### SUMMARY

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

## **BACKGROUND**

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

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

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

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

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

### ***Land Use Implications***

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

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

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

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

*Definitions*

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

*General Regulations*

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

*Setbacks*

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

***Federal, Provincial and Local Government Implications***

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

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



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

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

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

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

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

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

### **ALTERNATIVES**

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

### **FINANCIAL IMPLICATIONS**

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

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

### **STRATEGIC PLAN IMPLICATIONS**

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



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

#### Reviewed by:

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

#### Attachments

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

**Attachment 1**

**REGIONAL DISTRICT OF NANAIMO  
BYLAW NO. 500.415**

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

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

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

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

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

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

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

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

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

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

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

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

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

xxix) cannabis production.

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

**c) Cannabis Production**

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

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

Introduced and read two times this \_\_\_ day of \_\_\_\_\_ 2018.

Public Hearing held this \_\_\_ day of \_\_\_\_\_ 2018.

Read a third time this \_\_\_ day of \_\_\_\_\_ 2018.

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

Adopted this \_\_\_ day of \_\_\_\_\_ 2018.

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Chair

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Corporate Officer

Attachment 2

REGIONAL DISTRICT OF NANAIMO  
BYLAW NO. 1285.31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Introduced and read two times this \_\_\_ day of \_\_\_\_\_ 2018.

Public Hearing held this \_\_\_ day of \_\_\_\_\_ 2018.

Read a third time this \_\_\_ day of \_\_\_\_\_ 2018.

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

Adopted this \_\_\_ day of \_\_\_\_\_ 2018.

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Chair

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Corporate Officer



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

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

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

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### RECOMMENDATIONS

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

### SUMMARY

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

### BACKGROUND

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

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

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

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

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

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

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

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

#### **ALTERNATIVES**

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

#### **FINANCIAL IMPLICATIONS**

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

## STRATEGIC PLAN IMPLICATIONS

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



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

### Reviewed by:

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

### Attachments

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

## Attachment 1

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

#### 1.5.2 Process for Approving Minor Amendments

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

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

## Attachment 2

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

#### 1.5.1 Criteria for Minor Amendments

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

1. Criteria under which a proposed amendment to the RGS may be considered a minor amendment include the following:
  - Amendments resulting from a full Electoral Area or Municipal Official Community Plan review process;
  - Text and map amendments required to correct errors or as a result of more accurate information being received;
  - Amendments to incorporate changes to tables, figures, grammar, or numbering that do not alter the intent of the Regional Growth Strategy; and
  - Addition or deletion, or amendment to Section 5.4 Key Indicators.
  
2. Although not considered as an exhaustive list, the following types of amendments are not considered minor:
  - Those that lead to adverse changes to the health and ongoing viability of sensitive ecosystems and water sources;
  - Those that will negatively impact agricultural lands or land in the Agricultural Land Reserve;
  - Those related to a development that would require significant works to address a natural hazard;
  - Those that require the provision of new community water and sewer systems outside the Growth Containment Boundary; and,
  - Those that are not consistent with measures and or policies to reduce greenhouse gas emissions and improve air quality.

## Attachment 3

### REGIONAL DISTRICT OF NANAIMO BYLAW NO. 1615.02, 2018

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

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

#### 1) TITLE

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

#### 2) AMENDMENT

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

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

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

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

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

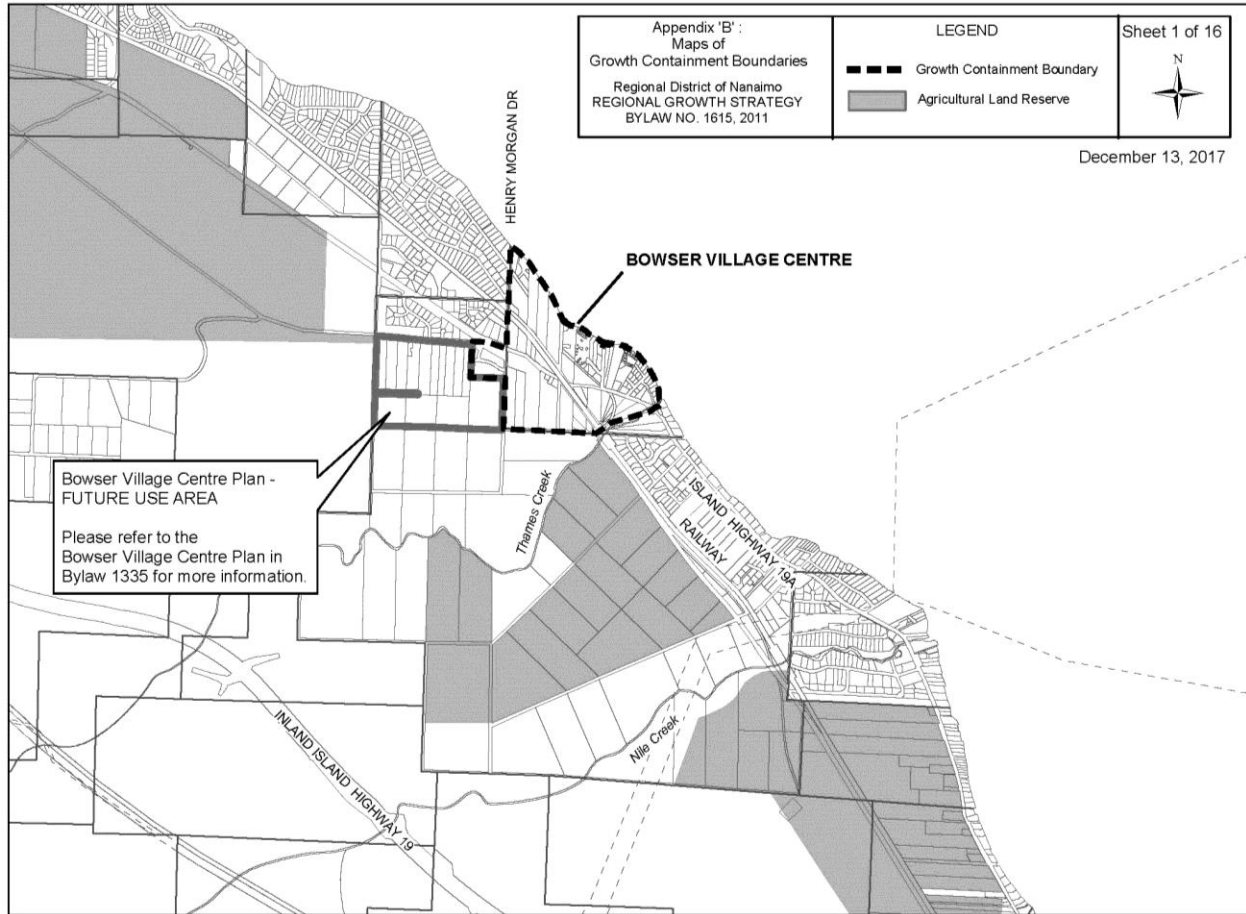
The provision of community water and/or wastewater systems may be permitted provided that the:

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

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

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

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



Introduced and read two times this \_\_\_\_ day of \_\_\_\_\_, 20 XX.

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

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

\_\_\_\_\_  
Chair

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



## CONSULTATION PLAN

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

December 12, 2017

#### *Introduction*

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

#### *Objectives*

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

#### *Methods and Tasks*

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

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

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

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

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

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

#### *Budget*

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

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**TO:** Electoral Area Services Committee**MEETING:** January 9, 2018**FROM:** Tyler Brown  
Intergovernmental Liaison**SUBJECT:** Short Term Vacation Rentals

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**RECOMMENDATIONS**

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

**SUMMARY**

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

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

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

**BACKGROUND**

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

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

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

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

***Regional Rental Trends***

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

*Table 1: AirDNA Statistics and Trends as of September 2017*

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

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

Within the RDN, the average monthly shelter costs for rented dwellings is \$982<sup>1</sup>. This is significantly less than the 2017 Average Monthly Revenue for STVRs as shown in Table 1, even with STVR occupancy rates considerably lower than 100%. As Table 1 shows, the majority of listings on Airbnb are for entire homes.

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

According to a study of the Vancouver, Toronto and Montreal markets, entire home listings account for three fifths of active listings and are growing 25% faster than other types of listings<sup>2</sup>.

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

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

### Current Regulations

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

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

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

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

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

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

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

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

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

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

### ***Hotel Tax and Tourism Considerations***

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

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

## ALTERNATIVES

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

## FINANCIAL IMPLICATIONS

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

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

## STRATEGIC PLAN IMPLICATIONS

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

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



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December 15, 2017

### Reviewed by:

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