

REGIONAL DISTRICT OF NANAIMO

ELECTORAL AREA SERVICES COMMITTEE

TUESDAY, NOVEMBER 22, 2016

3:00 PM

(RDN Board Chambers)

This meeting will be recorded

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

MINUTES

3-7 Minutes of the Electoral Area Services Committee meeting held Tuesday, October 11, 2016.

That the minutes of the Electoral Area Services Committee meeting held Tuesday, October 11, 2016 be adopted.

BUSINESS ARISING FROM THE MINUTES

COMMUNICATIONS/CORRESPONDENCE

UNFINISHED BUSINESS

8-21 Electoral Area Telecommunication Antenna System Consultation and Information Policy.

22-32 Electoral Area Boundary Amendment Process, Requirements, and Implications.

PLANNING

DEVELOPMENT PERMIT

33-42 Development Permit Application No. PL2016-148 – Point Mercer Drive, Electoral Area 'G'.

DEVELOPMENT VARIANCE PERMIT

43-51 Development Variance Permit Application No. PL2016-163 – Andover Road, Electoral Area 'E'.

DEVELOPMENT PERMIT WITH VARIANCE

- 52-61 Development Permit with Variance Application No. PL2016-153 – Mariner Way, Electoral Area 'G'.
- 62-71 Development Permit with Variance Application No. PL2016-166 – Andover Road, Electoral Area 'E'.

OTHER

- 72-84 Zoning Amendment Application No. PL2016-007 – 4660 & 4652 Anderson Avenue, Electoral Area 'H' – Bylaw 500.405, First and Second Reading.

ADDENDUM

DIRECTORS' FORUM

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

BUSINESS ARISING FROM DELEGATIONS, COMMUNICATIONS OR DIRECTORS' FORUM

NEW BUSINESS

Sleepy Hollow

At the October 11, 2016 Electoral Area Services Committee meeting, Director Fell noted that the following motions would be brought to the November 22, 2016 Electoral Area Services Committee Agenda:

1. *That Planning staff are requested to proceed with all planning requirements necessary to enable completion of the Sleepy Hollow subdivision in approximate accordance with layouts proposed in 1997.*
2. *That staff are directed to amend Bylaws 1152, 1285 and 1615 to bring these bylaws into compliance with the final Sleepy Hollow layout.*

IN CAMERA

That pursuant to Sections 90 (1) (f) and (i) of the Community Charter the Committee proceed to an In Camera Meeting for discussions related to law enforcement and solicitor-client privilege.

ADJOURNMENT

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA SERVICE COMMITTEE MEETING
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, OCTOBER 11, 2016 AT 3:00 PM IN THE
RDN BOARD CHAMBERS**

In Attendance:

Director J. Stanhope	Chairperson
Director A. McPherson	Electoral Area A
Director H. Houle	Electoral Area B
Alternate	
Director C. Pinker	Electoral Area C
Director B. Rogers	Electoral Area E
Director J. Fell	Electoral Area F
Director W. Veenhof	Electoral Area H

Regrets:

Director M. Young	Electoral Area C
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Also in Attendance:

P. Carlyle	Chief Administrative Officer
R. Alexander	Gen. Mgr. Regional & Community Utilities & Solid Waste
G. Garbutt	Gen. Mgr. Strategic & Community Development
T. Osborne	Gen. Mgr. Recreation & Parks
J. Harrison	Director of Corporate Services
W. Idema	Director of Finance
D. Pearce	A/Director of Transportation Services and Emergency Planning
J. Hill	Mgr. Administrative Services
J. Holm	Mgr. Current Planning
T. Brown	Intergovernmental Liason
B. Ritter	Recording Secretary

CALL TO ORDER

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

Director Veenhof welcomed Phyllis Carlyle, the new Chief Administrative Officer, and Alternate Director Pinker to the meeting.

DELEGATIONS

Mitch and Ardella Freko, re 2377 Higginson Road, Nanoose Bay.

Mitch and Ardella Franko raised their concerns regarding their neighbouring property which is operating as a vacation rental citing issues of security, liability and lack of privacy.

Sam Sugita, Rogers, re Telecommunication Antenna System Application No. PL2014-139 – Electoral Area 'C'

Sam Sugita spoke in support of Application No. PL2014-139 and requested concurrence from the Board.

ELECTORAL AREA SERVICES COMMITTEE MINUTES

Minutes of the Regular Electoral Area Services Committee meeting held Tuesday, September 13, 2016.

MOVED Director Houle, SECONDED Director Veenhof, that the minutes of the Regular Electoral Area Services Committee meeting held Tuesday, September 13, 2016, be adopted.

CARRIED

COMMUNICATION/CORRESPONDENCE

BC Rural Dividend Program Guide, Ministry of Forests, Lands and Natural Resource Operations.

MOVED Director McPherson, SECONDED Director Fell, that the BC Rural Dividend Program Guide, Ministry of Forests, Lands and Natural Resource Operations, be received.

CARRIED

PLANNING

DEVELOPMENT PERMIT

Development Permit Application No. PL2016-125 – 939 Cypress Road, Electoral Area 'G'.

MOVED Director Veenhof, SECONDED Director Rogers, that the Board approve Development Permit No. PL2016-125 to permit the construction of a dwelling unit subject to the conditions outlined in Attachments 2 to 4.

CARRIED

Development Permit Application No. PL2016-127 – 935 Cypress Road, Electoral Area 'G'.

MOVED Director Veenhof, SECONDED Director Rogers, that the Board approve Development Permit No. PL2016-127 to permit the construction of a dwelling unit subject to the conditions outlined in Attachments 2 to 4.

CARRIED

Development Permit Application No. PL2016-135 – 67 River Terrace, Electoral Area 'C'.

MOVED Director Pinker, SECONDED Director Rogers, that the Board approve Development Permit No. PL2016-135 to permit the construction of additions to a dwelling unit and the replacement of deck structures subject to the conditions outlined in Attachments 2 to 4.

CARRIED

DEVELOPMENT VARIANCE PERMIT

Development Variance Permit Application No. PL2016-140 – 5078 Longview Drive, Electoral Area 'H'.

MOVED Director Veenhof, SECONDED Director Fell, that the Board approve Development Variance Permit No. PL2016-140 to reduce the setback from the Other Lot Line to permit the construction of a garage subject to the terms and conditions outlined in Attachments 2 to 4.

CARRIED

MOVED Director Veenhof, SECONDED Director Fell, that the Board direct staff to complete the required notification for Development Variance Permit No. PL2016-140.

CARRIED

OTHER

Electoral Area Boundary Amendment Process, Requirements, and Implications.

Staff provided a presentation and overview of the process, requirements and implications of an Electoral Area boundary amendment.

MOVED Director Veenhof, SECONDED Director Fell, that the Electoral Area Boundary Amendment Process, Requirements, and Implications report be referred to the Strategic Planning Session.

After debate the mover withdrew the motion with consent of the assembly.

MOVED Director McPherson, SECONDED Director Veenhoff, that the Electoral Area Boundary Amendment Process, Requirements, and Implications report be referred to the November Electoral Area Services Committee meeting.

CARRIED

Telecommunication Antenna System Application No. PL2014-139 – Electoral Area 'C'.

MOVED Director Pinker, SECONDED Director McPherson, that the Board instruct Regional District of Nanaimo staff to advise ROGERS COMMUNICATIONS Inc. and Innovation, Science and Economic Development Canada of the following:

ROGERS COMMUNICATIONS INC. has satisfactorily completed its consultation with the Regional District of Nanaimo;

The Regional District of Nanaimo is satisfied with ROGERS COMMUNICATIONS INC.'s public consultation process and does not require any further consultation with the public; and

The Regional District of Nanaimo concurs with ROGERS COMMUNICATIONS INC.'s proposal to construct a wireless telecommunications facility on the property parcel legally described as Section 16, Range 3, Cranberry District provided it is constructed substantially in accordance with the plans submitted to it.

CARRIED

Electoral Area Telecommunication Antenna System Consultation and Information Policy.

Staff provided an overview of the Electoral Area Telecommunication Antenna System Consultation and Information Policy.

MOVED Director Fell, SECONDED Director Veenhof, that the Electoral Area Telecommunication Antenna System Consultation and Information Policy be referred back to staff for reconsideration at the next Electoral Area Services Committee meeting.

CARRIED

COMMUNITY PARKS

PARKS AND OPEN SPACE COMMITTEE MINUTES AND RECOMMENDATIONS

Minutes of the Electoral Area 'B' Parks and Open Space Advisory Committee meeting held Monday, September 19, 2016.

MOVED Director Houle, SECONDED Director Veenhof, that the minutes of the Electoral Area 'B' Parks and Open Space Advisory Committee meeting held Monday, September 19, 2016 be received for information.

CARRIED

Bylaw Referral Park Implications – Gabriola Island Local Trust Committee Bylaw Nos. 289 & 290 (Density Transfer).

MOVED Director Houle, SECONDED Director Veenhof, that the Gabriola Island Local Trust Committee of the Islands Trust be advised that the proposed 136-hectare park land addition to the 707 Community Park is acceptable and that further information and discussion is required prior to the park land dedication in conjunction with the subdivision of the 'receiver' parcels, specifically in regards to whether the Mallett Creek reservoir and dam be included within the park land dedication area.

CARRIED

Minutes of the Electoral Area 'A' Parks, Recreation and Culture Commission meeting held Wednesday, September 21, 2016.

MOVED Director Rogers, SECONDED Director Pinker, that the minutes of the Electoral Area 'A' Parks, Recreation, and Culture Commission meeting held Wednesday, September 21, 2016 be received for information.

CARRIED

Salish Sea Marine Trail Proposal BC Marine Trails Network Association.

MOVED Director Veenhof, SECONDED Director Houle, that the Board direct staff to work with the BC Marine Trails Network Association on developing a partnership agreement for Electoral Area 'A' Parks, Recreation and Culture Commission review, that establishes the Nelson Road Boat Launch as a Salish Sea Marine Trail access point, noting the parking congestion and a lack of available services.

CARRIED

Cedar Heritage Centre Agreement

MOVED Director McPherson, SECONDED Director Pinker, that the Board direct staff to enter into discussions with Cedar School and Community Enhancement Society to discuss an extension of the current Lease and Site License Agreement to December 31, 2018.

CARRIED

DIRECTOR'S FORUM

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

BUSINESS ARISING FROM DELEGATIONS, COMMUNICATIONS OR DIRECTORS' FORUM

BC Rural Dividend Program Guide, Ministry of Forests, Lands and Natural Resource Operations – List of Possible Projects for 2017 Round of Funding for Discussion.

MOVED Director Veenhof, SECONDED Director Rogers, that the Board recommend the projects that are listed as feasible for the October 31, 2016 deadline for the second application intake of the BC Rural Dividend Program.

CARRIED

NEW BUSINESS

Notice of Motion – Sleepy Hollow.

Director Fell noted that the following motions will be brought forward to the November 22, 2016 Electoral Area Services Committee agenda:

That Planning staff are requested to proceed with all planning requirements necessary to enable completion of the Sleepy Hollow subdivision in approximate accordance with layouts proposed in 1997.

That staff are directed to amend Bylaws 1152, 1285 and 1615 to bring these bylaws into compliance with the final Sleepy Hollow layout.

In Camera

MOVED Director Veenhoff, SECONDED Director Houle, that pursuant to Sections 90 (1) (e), (f), (i) and (k) of the *Community Charter* the Committee proceed to an In Camera Meeting for discussions related to land acquisition, law enforcement, solicitor-client privilege, and the proposed provision of a service.

CARRIED

TIME: 4:47pm

ADJOURNMENT

MOVED Director Veenhoff, SECONDED Director Rogers, that this meeting be adjourned.

CARRIED

TIME: 5:10 PM

CHAIRPERSON

CORPORATE OFFICER

TO: Electoral Area Services Committee **DATE:** November 16, 2016
FROM: Tyler Brown
Intergovernmental Liaison **MEETING:** November 22, 2016
SUBJECT: Electoral Area Telecommunication Antenna System Consultation and Information Policy

RECOMMENDATIONS

1. That the attached amended draft policy titled Electoral Area Telecommunication and Antenna System Consultation and Information Policy be adopted as a Board policy.
2. That "Regional District of Nanaimo Planning Services Fees And Charges Bylaw No. 1259.11, 2016" be introduced and read three times.
3. That "Regional District of Nanaimo Planning Services Fees And Charges Bylaw No. 1259.11, 2016" be adopted.

PURPOSE

To bring forward a revised draft of a Regional District of Nanaimo Board policy to guide the siting of telecommunication wireless infrastructure in the Electoral Areas and to propose amendments to the Planning Services Fees and Charges Bylaws to include applications for telecommunication infrastructure.

BACKGROUND

A draft Electoral Area Telecommunication and Antenna System Consultation and Information Policy and the "Regional District of Nanaimo Planning Services Fees And Charges Bylaw No. 1259.11, 2016" amendment bylaw were presented to the Electoral Area Services Committee (EASC) at the October 11, 2016 meeting. The EASC referred the proposed policy and amendment bylaw back to staff for additional considerations.

DISCUSSION

At the October 11, 2016, EASC meeting, the draft policy was reviewed with the committee members and issues were raised regarding:

1. How height would be calculated for a telecommunication antenna system proposed to be mounted on an existing building or structure,
2. Whether the proposed fees would favour the construction of shorter towers; and
3. How the Board would evaluate radiofrequency emission levels associated with an antenna system proposal.

To clarify, for the purposes of height calculations with regard to building/structure-mounted antenna systems, height shall be measured from the base of any building or structure to the most elevated portion of any antenna system. The base of the building is the level of the building at finished grade.

Proposed fees are discussed under the Financial Implications section of the report.

Innovation, Science and Economic Development Canada (ISED) refers to the standards set by Health Canada for determining acceptable levels of radiofrequency electromagnetic energy produced by telecommunication infrastructure. All telecommunication proponents are required to follow the guidelines outlined in Health Canada's *Safety Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 kHz to 300 GHz – Safety Code 6 (2009)*.

The draft policy, as presented to the EASC on October 11, 2016, required that the proponent submit a written and signed attestation that the Telecommunication Antenna System will respect Health Canada's Safety Code 6. Based on EASC comments, the following requirement for the proponent to also provide a radiofrequency heat map to the Regional District of Nanaimo as part of the application information submission has been added to Section 5.D. of the draft policy (see Attachment 1):

10. A heat map showing the maximum radiofrequency emission levels, as a function of power per square metre, at ground level within 1000 metres of the proposed Telecommunication Antenna System. The map should include the cumulative effects of multiple Telecommunication Antenna Systems at the proposed location with any other existing Telecommunication Antenna Systems broadcasting in the area;

ALTERNATIVES

1. To adopt the amended draft Electoral Area Telecommunication and Antenna System Consultation and Information Policy as a Board policy and amend the "Regional District of Nanaimo Planning Services Fees and Charges Bylaw No. 1259, 2002" as proposed to include applications for telecommunication infrastructure.
2. To adopt the amended draft Electoral Area Telecommunication and Antenna System Consultation and Information Policy as a Board policy and amend the "Regional District of Nanaimo Planning Services Fees and Charges Bylaw No. 1259, 2002" to include applications for telecommunication infrastructure with additional revisions, or amendments as directed by the Board.
3. To not adopt the amended draft Electoral Area Telecommunication and Antenna System Consultation and Information Policy as a Board policy nor amend the "Regional District of Nanaimo Planning Services Fees and Charges Bylaw No. 1259, 2002" to include applications for telecommunication infrastructure, and provide alternate direction to staff.

FINANCIAL IMPLICATIONS

Discussion at the October 11, 2016 EASC meeting regarding a fee for processing telecommunication infrastructure applications centred on whether charging an application fee based on the tower height would incentivize industry proponents to build shorter towers to avoid the fees associated with

constructing a taller tower. Staff inquired with an industry proponent on whether the application fee as proposed would deter or influence the type of tower they would pursue. Staff were informed that typically a local government's application fee is a very minor cost in comparison to other expenses associated with site selection and tower construction. Therefore, the fee as proposed in the draft amendment bylaw (Attachment 2), is not anticipated to influence industry to pursue a taller tower wireless coverage strategy. A flat fee would be recommended if the Board would like to implement an alternative fee structure that does not increase with tower height.

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the 2016 – 2020 Board Strategic Plan and note that the Electoral Area Telecommunication Antenna System Consultation and Information Policy is consistent with the RDN strategic priority of Focusing on Relationships as it requests increased public consultation on telecommunication infrastructure proposals, improving two-way communication between industry proponents and the public and industry proponents and the RDN. In addition, the Board policy is consistent with the strategic priority of Focusing on Service and Organizational Excellence as it promotes a consistent process and review of telecommunication infrastructure applications.

SUMMARY/CONCLUSIONS

A draft of the Electoral Area Telecommunication and Antenna System Consultation and Information Policy and the "Regional District of Nanaimo Planning Services Fees And Charges Bylaw No. 1259.11, 2016" amendment bylaw were presented to the EASC at the October 11, 2016, meeting. The EASC referred the proposed policy and amendment bylaw back to staff for additional considerations. Based on the feedback received, staff have provided clarification on how height is calculated for building/structure mounted telecommunication antenna systems; made revisions to the draft policy to require proponents to provide the Regional District of Nanaimo with a heat map illustrating the maximum radiofrequency emission levels, as a function of power per square metre, at ground level within 1000 metres of a proposed telecommunication antenna system; and consulted with industry proponents on the application fee.

It is recommended that the attached draft policy titled Electoral Area Telecommunication and Antenna System Consultation and Information Policy be adopted as a Board policy and that the RDN Planning Services Fees and Charges Bylaw be amended to help recover the costs associated with processing telecommunication infrastructure applications.



T. Brown
Intergovernmental Liaison



G. Garbutt
GM, Strategic and Community Development



J. Holm
Manager, Current Planning



P. Carlyle
Chief Administrative Officer

Attachment 1
Draft Electoral Area Telecommunication Antenna System Consultation and Information Policy

REGIONAL DISTRICT OF NANAIMO
P O L I C Y

SUBJECT:	<i>Electoral Area Telecommunication Antenna System Consultation and Information Policy</i>	POLICY NO:	B 1.23
		CROSS REF.:	
EFFECTIVE DATE:	October 25, 2016	APPROVED BY:	Board
REVISION DATE:		PAGE:	1 of 10

1. PURPOSE

The purpose of this protocol is to outline the Regional District of Nanaimo’s (RDN) role in the siting of Telecommunication Antenna Systems in the Electoral Areas, excluding Electoral Area ‘B’; communicate the RDN’s expectations of the proponent with regards to public consultation and application submissions; establish that Innovation, Science and Economic Development Canada (ISED) has exclusive authority over the approval of the siting and installation of telecommunication infrastructure in Canada; and provide the RDN Board with consistent procedures and information in which to evaluate the siting of a Telecommunication Antenna System.

2. OBJECTIVES

The objectives of the protocol are:

1. To acknowledge that ISED has exclusive jurisdiction over the approval of the siting and installation of telecommunication infrastructure in Canada;
2. To establish a harmonized RDN-wide process for reviewing, evaluating and considering Board comment on telecommunication structure proposals in Electoral Areas, Excluding Electoral Area ‘B’;
3. To set out an objective process, succinct criteria and clear expectations that are transparent, consistent and predictable for the evaluation of telecommunication antenna structure proposals that:
 - I. Encourages efficient and effective Telecommunication Antenna System infrastructure siting within the RDN while minimizing the number of new antenna sites by encouraging co-location on taller towers;
 - II. Establishes when public consultation is required; and
 - III. Assists the proponent in identifying potential land-use, siting, or design concerns with the RDN at an early stage in the process.

4. To establish a local land use consultation framework that respects the authority of ISED in the approval of telecommunication infrastructure while ensuring the RDN and members of the public contribute local knowledge that facilitates and influences the siting, location, and development of telecommunication infrastructure within the Regional District;
5. To advocate for the responsible siting of telecommunication infrastructure within the Regional District; and
6. To recover costs from telecommunication proponents with consideration given to the costs to the RDN to evaluate and process telecommunication infrastructure proposals.

3. JURISDICTION AND ROLES

A. *Role of Innovation, Science and Economic Development Canada*

Under the Radiocommunication Act, the Minister of ISED has sole jurisdiction over inter-provincial and international communication facilities. The final decision to approve and license the location of Telecommunication Antenna Systems is made only by ISED. All technical aspects and siting of telecommunication and broadcasting services are regulated by the Federal government under the *Radiocommunication Act*. ISED has an established procedure, *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)*, which prescribes the process and review of proposed telecommunication structures. As part of the process, proponents are required to notify the local land-use authority and nearby residents. Moreover, the proponent is required to address the public's questions, concerns and comments through ISED's prescribed public consultation process.

B. *Other Federal Legislation*

With regard to public health, ISED refers to the standards set by Health Canada for determining acceptable levels of radiofrequency electromagnetic energy produced by telecommunication infrastructure. All telecommunication proponents are required to follow the guidelines outlined in Health Canada's *Safety Limits of Human Exposure to Radiofrequency Electromagnetic Fields in the Frequency Range from 3 kHz to 300 GHz – Safety Code 6 (2009)*.¹ In addition to Health Canada's requirements, proponents must comply with the *Canadian Environmental Assessment Act* and any painting and lighting requirements for aeronautical safety prescribed by NAV Canada and Transport Canada.

C. *Role of Local Government*

Local governments are referred applications for proposed towers and are provided the opportunity to comment on the proposal. Ultimately, the role of the Regional District is to issue a statement of concurrence or non-concurrence to the Proponent and ISED.² The statement considers the land-use compatibility of the antenna structure, the responses of the impacted residents and the proponent's adherence to this protocol. In addition, local government can communicate and provide guidance to the Proponent on the particular sensitivities, planning priorities, and characteristics of an area. Moreover, local government can establish siting guidelines, which includes reasonably augmenting the public consultation process as defined in ISED's *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)*.

¹ The Regional District of Nanaimo does not assess any submission for an Antenna System with respect to health and radiofrequency exposure issues or any other non-placement or non-design related issues. Any questions or comments the public may wish to make regarding health issues related to cell phones, cell towers and radiofrequency exposure guidelines (Safety Code 6) should be directed to Health Canada on-line at healthcanada.gc.ca and to the Proponent's representative.

² Regardless of whether the Regional District issues a statement of concurrence or non-concurrence, ISED has exclusive jurisdiction over the approval of the siting and installation of telecommunication infrastructure in Canada.

4. INTERPERTATION

Definitions

Co-locations means the placement of antennas and equipment operated by one or more Proponents on a Telecommunication Antenna System owned by a different party, thereby creating a shared facility;

Community Association means an active area or neighbourhood specific group or association within the Regional District;

Emergency Service Providers means any police, fire, ambulance or search and rescue organization with a typical response area within the Notification Distance of a proposed Telecommunication Antenna System;

Localized Content means any public consultation materials, supporting documentation and/or other relevant promotional material provided by a Proponent for a proposed Telecommunication Antenna System which has been tailored specifically to the context of the RDN;

Neighbouring Land-Use Jurisdiction means any land-use authority or First Nations within a Prescribed Distance of any proposed Telecommunication Antenna System;

Notification Distance means the prescribed horizontal distance measured from the base of a proposed Freestanding Antenna System or the base of any building or structure that a Building/Structure-Mounted Antenna System is mounted to;

Proponent means a company or organization, including contractors or agents undertaking work for telecommunication carriers, for the purpose of providing commercial telecommunication services;

Regional District means the Regional District of Nanaimo;

School District means an area created or constituted as a school district under the *School Act*;

Sensitive Community Locations means institutions and services, such as schools, daycares, recreation facilities, public parks, or other sensitive locations;

Telecommunication Antenna System means an exterior transmitting device – or group of devices – used to receive and/or transmit radio-frequency (RF) signals, microwave signals, or other federally-licensed communications energy transmitted from, or to be received by, other antennas. Telecommunications Antenna Systems include the antenna, and may include a supporting tower, mast or other supporting structure, and an equipment shelter. This protocol refers to the following two types of Telecommunication Antenna Systems:

Freestanding Antenna System means a structure built from the ground for the expressed purpose of hosting transmitting devices; and

Building/Structure-Mounted Antenna System means a Telecommunication Antenna System mounted on an existing structure or building and for the purposes of height calculations, height shall be measured from the base of any building or structure to the most elevated portion of any antenna system.

5. INFORMATION AND CONSULTATION POLICY

A. Exemptions from Telecommunication Antenna System Proposal Review and Public Consultation

Activities exempt from public consultation requirements by ISED through its policies and procedures are also exempt from the Regional District's Telecommunication Antenna System proposal review and public consultation requirements. Exempt activities include the following:

1. Existing Freestanding Antenna Systems: where modifications are made, antennas added or the tower replaced, including facilitating co-location, provided that the total cumulative height increase is no greater than 25% of the height of the initial Antenna System installation. No increase in height may occur within one year of completion of the initial construction;
2. Maintenance of existing radio apparatus including the Telecommunication Antenna System, transmission line, mast, tower or other antenna-supporting structure;
3. An addition to or modification of an existing Telecommunication Antenna System that does not result in an overall height increase;
4. Maintenance of a Telecommunication Antenna System's painting or lighting in order to comply with either Transport Canada or NAV Canada's requirements;
5. Installation, for a limited duration of not more than three months, of a Telecommunication Antenna System that is used for a special event, or one that is used to support local, provincial, territorial or national emergency operations during an emergency, and is removed within three months after the emergency or event.

B. Site Investigation Meeting and Regional District Notification

Prior to submitting a Telecommunication Antenna System siting proposal, the Proponent will notify the Manager of Current Planning that locations in the community are being considered for potential siting options. At such time the proponent will initiate a site investigation meeting with the Regional District.

The Proponent will bring information pertaining to the following to the site investigation meeting:

- The proposed location;
- Potential alternative locations;
- The type and height of the proposed Telecommunication Antenna System and alternatives considered;
- Preliminary drawings or visual renderings of the proposed Telecommunication Antenna System superimposed to scale; and
- Documentation regarding the investigation of co-location potentials on existing or proposed Telecommunication Antenna Systems within 1000 metres of the subject proposal.

The purpose of the site investigation meeting is to:

- Identify preliminary issues of concern;
- Give opportunity for the Proponent to outline the proposal to the Regional District;
- Give opportunity for the Regional District to provide initial feedback to the Proponent;

- Identify any potential Sensitive Community Locations as defined by this policy;
- Identify any potential Neighbouring Land-Use Jurisdictions, School Districts, Emergency Service Providers and Community Associations that may be required to provide comment on the proposal as outlined in this Policy; and
- Guide the proponent on creating Localized Content for public notification and distribution.

C. *Following the Site Investigation Meeting*

Following the site investigation meeting, the Regional District will provide the proponent with an information package that includes:

1. This Protocol, which outlines the approval process and requirements for public consultation; and
2. Proposal submission requirements.

D. *Submission to the Regional District: Initial Application Proposal*

The Proponent must include the following information when submitting a Telecommunication Antenna System siting proposal to the Regional District that does not meet the exemption criteria for the proposal review and public consultation requirement:

1. A letter or report from the Proponent indicating the need for the proposal, the proposed site, the rationale for site selection, a map of RF coverage and capacity of existing Antenna Systems in the general area and a summary of opportunities for co-location potentials on existing or proposed Antenna Systems within 1000 metres of the subject proposal;
2. A written and signed attestation that there are no co-location opportunities within 1000 metres of the proposed siting location;
3. Engineering plans of the proposed structure which includes information outlining the number of antennas proposed on the structure, the type of wireless service each antenna provides, and the structure's ability to accommodate future antennas (including co-location);
4. Visual rendering(s) of the proposed Antenna System superimposed to scale;
5. A site plan showing the proposed development situated on the site;
6. A map showing the horizontal distance between the property boundary of the proposed site and the nearest property in residential use;
7. Confirmation of legal ownership of the lands subject to the proposal, or a signed letter of authorization from the registered property owner of the land, their agent or other person(s) having legal or equitable interest in the land;
8. A copy of Certificate of Indefeasible Title (dated within the past 30 days of proposal submission and any restrictions, restrictive covenants, easements or rights-of-way registered against the lands the Telecommunication Antenna System is proposed on;

9. A written and signed attestation that the Telecommunication Antenna System will respect Health Canada's Safety Code 6 which sets safe radiofrequency emission levels for these devices including the cumulative effects of multiple Telecommunication Antenna Systems at the location and in the immediate area;

10. A heat map showing the maximum radiofrequency emission levels, as a function of power per square metre, at ground level within 1000 metres of the proposed Telecommunication Antenna System. The map should include the cumulative effects of multiple Telecommunication Antenna Systems at the proposed location with any other existing Telecommunication Antenna Systems broadcasting in the area;

11. A preliminary geotechnical site investigation report where the potential for geotechnical hazards exist;
12. Any other documentation as identified by the Regional District following the site investigation meeting; and
13. The applicable application fee as required by Bylaw No. 1259, 2002.

E. Submission to the Regional District: Prior to Public Notification

Prior to public notification, the proponent must include the following information to the Regional District:

1. A draft of all public notices to be delivered by mail to the public, School Districts, Community Associations and Neighbouring Land-use Jurisdictions, which is to be approved by Regional District staff prior to mail out;
2. An address list and map indicating all properties which are to be notified by mail of the proposal;
3. A draft of newspaper advertisements indicating the time and date of any public information meeting, which is to be reviewed by Regional District staff prior to publication (if a public information meeting is required); and
4. A copy of written correspondence indicating that the Proponent has referred the proposal to local fire, police and ambulance services, and if given, any comments received from emergency services should be submitted to Regional District staff prior to mail out.

F. Submission to the Regional District: Request for Concurrence

Prior to submitting a formal request for siting concurrence, the proponent must include the following information to the Regional District:

1. A summary of and a copy of all public submissions and responses, as well as the proponent's response to public submissions as outlined in ISED's *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)*;

2. A letter outlining any NAV Canada and Transport Canada requirements for lighting and painting on the proposed Telecommunication Antenna System;
3. A copy of all plans and studies (i.e. Environmental Review, Geotechnical Reports, etc.) required for the construction of the proposed Telecommunication Antenna System;
4. A package summarizing the results of the public information meeting containing at a minimum, the following:
 - i. The time, date, location and number of people in attendance of any public information meeting held;
 - ii. A List of attendees, including names, addresses and phone numbers (where provided voluntarily);
 - iii. Copies of all letters and other written communications received; and
 - iv. A letter outlining how all the concerns and issues raised by the public were addressed.

6. PUBLIC CONSULTATION PROCESS

In addition to ISED's public consultation requirements as prescribed in *Radiocommunication and Broadcasting Antenna Systems Client Procedures Circular (CPC-2-0-03)* the Regional District requests the applicant complete the following augmentations to the public consultation process.

A. Notification Requirements

1. The Proponent will provide written notice, sent by regular mail or hand delivered, to all property owners with a Notification Distance of:
 - i. 10 metres for every one metre in height for a Freestanding Antenna System; or
 - ii. 10 metres for every one metre in height for a Building/Structure-Mounted Antenna System;
2. The Proponent will provide written notice, sent by regular mail or hand delivered, to all Neighbouring Land-Use Jurisdictions, Emergency Service Providers and School Districts with a Notification Distance of the greater of:
 - i. 500 metres; or
 - ii. 10 metres for every one metre in height for a Freestanding Antenna System or 10 metres for every one metre in height for a Building/Structure-Mounted Antenna System;
3. The Proponent will provide notice to ISED's regional office;
4. The Proponent will provide written notification to Community Associations identified at the site investigation meeting;
5. The proponent will place notice of the Telecommunication Antenna System proposal in at least two editions of a local newspaper;
6. Where a public information meeting is to be held for a proposed Telecommunication Antenna System, a notice of the meeting shall be placed in at least two editions of a local newspaper and the proponent will provide written notice of the meeting sent by regular mail or hand delivered, to all property

owners, Land-Use Jurisdictions, Emergency Service Providers and School Districts with a Notification Distance of:

- i. 10 metres for every one metre in height for a Freestanding Antenna System; or
- ii. 10 metres for every one metre in height for a Building/Structure-Mounted Antenna System.

B. Public Information Session

The Regional District requests the Proponent chair a public information meeting for all proposed Telecommunication Antenna Systems exceeding 15 metres in height or where there is significant public interest in the proposed Telecommunication Antenna System. The type of public meeting to be conducted is up to the discretion of the proponent, however:

- An appropriate date, time and location for the public information meeting will be determined in consultation with the Regional District's Current Planning Department;
- The Proponent will make available at the public information meeting an appropriate visual display of the proposal, including a copy of the site plan submitted with the application and an aerial photograph of the proposed site; and
- All information and materials presented should consist of Localized Content.

The Proponent shall not schedule a public information meeting less than seven days prior to the close of the public consultation period.

C. Notice Requirements

The Proponent shall include at a minimum the following information in any mailed or otherwise delivered public notice:

1. Information on the location, height, type, design and colour of the proposed Telecommunication Antenna System, including a copy of the site plan submitted with the application;
2. The rationale, including height and location requirements, of the proposed Telecommunication Antenna System;
3. Clear information on the role of ISED as the sole approving authority for the siting of Telecommunication Antenna Systems and that the Regional District only provides a statement of siting concurrence/non-concurrence at the request of the proponent;
4. Information that comments and responses should be directed to the proponent and that all submissions received by the proponent will be forwarded to ISED and the Regional District for their records;
5. The name and contact information of a contact person for the Proponent;
6. The name and contact information of ISED;
5. The name and contact information of the Regional Districts Current Planning department;
6. An attestation that the Telecommunication Antenna System will respect Health Canada's Safety Code 6 which sets safe radiofrequency emission levels for these devices; and

7. The date, time and location of the public information meeting where required.

The notification shall be sent in an envelope addressed to the “Occupant” and/or “Tenants” and shall clearly show in bold type on the face of the envelope the statement: “NOTICE FOR RESIDENTS: NEW PROPOSED CELL TOWER - INFORMATION IS ENCLOSED.”

7. FEES

The Proponent must pay the applicable planning fee as required by Bylaw No. 1259, 2002.

The Proponent is responsible for securing applicable applications or permissions from all relevant Regional District departments and paying any applicable application fees or charges as required to the Regional District.

8. CLOSE OF CONSULTATION AND REQUEST FOR CONCURRENCE

The purpose of this protocol is to provide the RDN Board with consistent procedures and information in which to evaluate the siting of a Telecommunication Antenna System. Following the commencement of the consultation period, the Proponent may request a statement of concurrence from the RDN Board. Once a request is received, RDN staff will prepare a report, to be received first by the Electoral Area Services Committee, who will provide a recommendation to the Board. The staff report will include information on the proposed Telecommunication Antenna System, a site plan, the location of the proposal, an overview of the application and all public consultation materials submitted by the Proponent for the Board’s review. It is the discretion of the Board to provide a statement of siting concurrence, non-concurrence or to provide no comment with respect to the Proponent’s proposal.

A. Rescinding a Concurrence

The Regional District may rescind its concurrence if following the issuance of a concurrence statement, it is determined by the Regional District that the proposal contains a misrepresentation or a failure to disclose all the pertinent information regarding the proposal, or the plans and conditions upon which the concurrence was issued in writing have not been complied with, and a resolution cannot be reached to correct the issue. In such cases, the Regional District will provide notification in writing to the Proponent and to ISED and will include the reason(s) for the rescinding of its concurrence.

B. Duration of Concurrence

A concurrence statement remains in effect for a maximum period of three years from the date it was issued by the Regional District for a specific tower proposal. If construction has not commenced within this time period, the concurrence expires and a new submission and review process, including public consultation as applicable, is necessary prior to any construction occurring. In addition, the Regional District requests that the Proponent send a written notification of an intent to construct to the Regional District’s Current Planning Department once the work to erect the structure is about to start. This notification should be sent 60 days prior to any construction commencing. No further consultation or notification by the Proponent is required.

C. *Transfer of Concurrence*

Once concurrence has been issued, that concurrence may be transferred from the original Proponent to another Proponent without the need for further consultation provided that:

- All information gathered by the original Proponent in support of obtaining the concurrence from the Regional District is transferred to the current Proponent;
- The structure for which concurrence was issued to the original Proponent is what the current Proponent builds; and
- Construction of the structure is commenced within the duration of the concurrence period.

9. TERMS OF USE OF THIS POLICY

The Board of the Regional District of Nanaimo is not in any way bound by this policy and is free to apply, or not apply, any evaluation criterion it deems appropriate in its consideration of applications.

**Attachment 2
Planning Services Fees and Charges Amendment Bylaw**

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1259.11**

**A BYLAW TO AMEND "REGIONAL DISTRICT OF NANAIMO
PLANNING SERVICES FEES AND CHARGES BYLAW NO. 1259, 2002"**

WHEREAS the Board of the Regional District of Nanaimo wishes to amend "Regional District of Nanaimo Planning Services Fees And Charges Bylaw No. 1259, 2002":

THEREFORE IT BE RESOLVED that the Board of the Regional District of Nanaimo, in open meeting assembled ENACTS AS FOLLOWS:

1. This Bylaw may be cited as "Regional District of Nanaimo Planning Services Fees And Charges Bylaw No. 1259.11, 2016".
2. The "Regional District of Nanaimo Planning Services Fees And Charges Bylaw No. 1259, 2002" is hereby amended as follows:

by adding the following immediately following Part 5 Section 9:

10. Telecommunication Antenna System Application

The fee for a Telecommunication Antenna System Application shall be as follows:

- a) For a Freestanding Antenna System 15.0 metres or less in height or a Building/Structure-Mounted Antenna System mounted to a structure 15.0 metres or less in height the fee shall be \$1,500; or
- b) For a Freestanding Antenna System 15.0 metres or greater in height or a Building/Structure-Mounted Antenna System mounted to a structure 15.0 metres or greater in height the fee shall be \$100 for each metre in height.

Introduced and read three times this ___ day of _____, 201_.

Adopted this ___ day of _____, 201_.

Chairperson

Corporate Officer



RDN REPORT		
CAO APPROVAL		✓
EAP		
COW		
SEP 30 2016		
RHD		
BOARD		
EAS <	DATE:	September 26, 2016

STAFF REPORT

TO: Paul Thompson
Manager, Long Range Planning

MEETING: EASC October 11, 2016

FROM: Greg Keller
Senior Planner

FILE: 6480-01-2016

SUBJECT: Electoral Area Boundary Amendment Process, Requirements, and Implications

RECOMMENDATIONS

1. That staff be directed to proceed with a land use analysis of parcels in Electoral Areas 'F' and 'G' which were affected by the construction of the Inland Island Highway.
2. That staff be directed to proceed with the preparation of a draft electoral area boundary amendment proposal for parcels in Electoral Areas 'F' and 'G' which were affected by the construction of the Inland Island Highway.

PURPOSE

To provide the Board with information on the process, requirements, and implications for amending electoral area (EA) boundaries and to request direction from the Board on how to proceed.

BACKGROUND

At its February 23, 2016 meeting, the Board heard a delegation from Ron Chiovetti of HBR Consulting Inc. regarding a proposed amendment to the boundary between Electoral Areas (EA) 'F' and 'G'. In response to the delegation, the Board passed the following motion:

MOVED Director Stanhope, SECONDED Director McLean, that the Board refer the issue of Electoral Area boundaries that were affected by the construction of the inland highway to staff, specifically the cutoff of Electoral Area 'G' and Electoral Area 'F' that were raised by the delegation, and the report to include other Electoral Areas that have similar problems that are not necessarily limited to being bisected by the inland highway.

Authority to alter the boundaries of an EA is enabled through Section 41(4)(d) of the *Local Government Act*. The Governance and Structure Branch of the Ministry of Community Sport and Cultural Development (MCSCD) is responsible for overseeing restructuring proposals for all local governments in the province, including electoral area boundary amendments. EA boundary amendment proposals require Cabinet approval for an amendment to the letters patent of the Regional District of Nanaimo (RDN), which is facilitated through a legislative order in council upon recommendation by the Minister of Community Sport and Cultural Development.

Scanned

The MCSCD has published a municipal boundary extension process guide and a municipal boundary extension policies guide. However, the process for amending an EA boundary is different than that of a municipal boundary as not all of the requirements and guidance are applicable to EA boundary amendments. The MCSCD staff have provided general direction on the process and information requirements for amending an EA boundary (See Attachment 1 for a list of requirements).

To initiate the process, a Board resolution is required outlining the RDN's intention to pursue a change in EA boundaries. This resolution, along with the required supporting information, is submitted to the MCSCD. The MCSCD will then review the information and work with the RDN to ensure that all of the required information has been provided before preparing the proposal for Cabinet's consideration. The timeframe for Cabinet to consider the proposal and make a decision can typically take from several months to more than a year to complete depending on the range of issues and complexity of change. MCSCD staff have indicated that they are currently scheduling items to be considered by Cabinet following the spring 2017 provincial election.

Staff have prepared a diagram, included as Attachment 2, which illustrates the general process to be used for an EA boundary amendment should the Board wish to proceed.

ALTERNATIVES

1. That the Board direct staff to proceed with a land use analysis and the preparation of a draft electoral area boundary amendment proposal for parcels in Electoral Area 'F' and 'G' which were affected by the construction of the Inland Island Highway.
2. That the Board direct staff to proceed with a land use analysis and the preparation of a draft electoral area boundary amendment proposal for parcels in Electoral Area 'F' and 'G' which were affected by the construction of the Inland Island Highway and other EAs that have similar problems that are not necessarily limited to being bisected by the inland highway.
3. That the Board direct staff to proceed with a land use analysis and bylaw amendments without pursuing an electoral area boundary amendment.
4. To not proceed with any of the above and provide staff with further direction.

Discussion

When the Inland Island Highway was constructed, some parcels became severed from the applicable EA by the new highway. This essentially created situations where affected properties were no longer connected physically or rationally to the adjacent EA.

During the EA 'G' Official Community Plan (OCP) review process in 2008 and more recently, the RDN received requests from some property owners to conduct an EA boundary adjustment to include EA 'G' properties located on the south side of the Inland Island Highway in EA 'F' for the purpose of industrial and commercial development. These parcels are generally adjacent to lands designated by the EA 'F' OCP as Industrial and within the Bellevue/Church Road Rural Separation Boundaries. Staff are not aware of any other requests from property owners in other EAs to consider other EA boundary amendments.

The motion passed by the Board at the February 23, 2016 meeting expanded the scope of the delegation's request significantly by directing staff to look at all lands affected by the construction of the

Inland Island Highway and other similar situations rather than focusing strictly on lands located in EAs 'F' and 'G' as originally requested.

Prior to initiating work in response to the Board's motion, staff wish to ensure that the Board has a full understanding of the process involved in amending an EA boundary, the implications on local services and taxation, and the impact on staff time and resources.

An EA boundary may be amended for any number of reasons such as to align parcels with the EAs that they are most associated with, to address anomalies created by the construction of a highway or other major infrastructure, to facilitate development, to accommodate requests for the provision of local services, to correct irregularities in the shape of an EA boundary, or any combination of the above.

EA boundary amendments can originate from a property owner request or from a Board initiative. In considering an amendment, it is important to have a strong rationale and clear objectives. This is critical because in many cases the desired outcomes may be achievable using other more simplistic and less resource intensive methods.

It is important to note that the driving force behind the EA boundary amendment requested by the delegation is land use changes that would enable future industrial development adjacent to lands in EA 'F' that are currently designated for industrial uses. It should be noted that the requested land use changes could occur regardless of whether the EA boundary was amended through the adoption of amendments to the applicable planning policy and regulatory bylaws.

EA Boundary Amendment Implications

As part of the Board's consideration on whether or not to proceed with developing an EA boundary amendment proposal, it is important to consider the implications of amending an EA boundary. Changes to an EA boundary may have effects on land use, local service areas, taxation, governance, and staff time and resources. The complexity of the implications increase with the scope (number of parcels) of the boundary amendment.

The following is a brief overview of the implications of amending an EA boundary. More detailed information on the implications would be provided to the Board for its consideration should the Board wish to proceed.

Scoping the Project - Identifying Potential Affected Properties

Should the Board wish to proceed with Alternative 1 or 2, a list of potential properties to be included in the proposal would be identified. The list of potential properties would be based on direction provided by the Board on which areas to include in the project. Based on the motion passed by the Board at its February 23rd, 2016 meeting, the scope of the project as it currently stands, is quite broad as it would cover the entire regional district and would involve a large number of parcels which have yet to be defined.

Proceeding with Alternative 2 would add significant complexity as multiple local service areas and bylaws would be affected. As a result, it is anticipated that considering the entire RDN would have significant impacts on staff time and resources. It would trigger the need to consider amendments to a number of Local Service Area Bylaws, the Regional Growth Strategy (RGS), multiple OCPs, and Bylaws 500 and 1285. Amendments to the aforementioned bylaws would be a significant undertaking which is likely more complex and resource intensive than the EA boundary amendment process itself.

At this time, the RDN is aware that there is some support for Alternative 1 - to consider EA boundary amendments in EAs 'F' and 'G'. Staff is uncertain about whether there would be community support for Alternative 2 - to make changes to other EA boundaries as well. If the Board chose to proceed with Alternative 2, region-wide consultation with affected property owners and residents would be highly recommended. The guidance provided by the MCSCD indicates that as the number of affected parcels increases, so does the recommended level of public consultation.

Based on the above, should the Board wish to proceed with considering amendments to the EA boundaries, staff recommends Alternative 1 which limits the scope of the project to parcels in EAs 'F' and 'G' as requested by the delegation. Alternative 1 is consistent with the Electoral Area 'G' OCP, is responsive to the requests for a boundary review which have been received, and is much less staff and resource intensive than Alternative 2.

Work Plan Implications

This project is not currently identified in the 2016 or 2017 Long Range Planning work plan and can not be accommodated this year without Board direction to reprioritize the work plan. Should the Board wish to pursue this project, staff would include it in subsequent work plans. With current and scheduled projects, it is likely that work on this project would not be able to be initiated until late 2017 or later depending on the scope of the project as directed by the Board.

Land Use Implications

If EA boundaries are amended, the current RGS and OCP policies as well as the current zoning regulations would continue to apply to affected properties. Therefore, there may not be a strong rationale to amend the EA boundary unless there is also support for a change in land use or the objective of the EA boundary amendment is for reasons other than to facilitate land use changes.

Although it is not a requirement of an EA boundary amendment approval, amending the applicable planning policy and regulatory bylaws may be desirable in some cases to help avoid potential land use conflicts and encourage a consistent and compatible land use planning approach. Therefore, it is important to determine where land use changes may be desirable and if there is support to make the identified land use changes prior to initiating a boundary amendment process.

Should the Board wish to proceed with Alternative 1 or 2, staff recommends that the process outlined in Attachment 2 be followed. The process would be the same whether the project focused only on EAs 'F' and 'G' or was expanded to also include other areas.

The process would start by obtaining Board direction on which areas to include in the project. This would be followed by a land use analysis of the potential affected properties to rationalize potential land use changes, identify what changes are required and/or are desirable, and to determine if there is Board, member municipality, and affected property owner support. This land use analysis would also look at the potential impacts of development on the subject lands.

Staff would then report the results of the analysis to the Board with a recommendation.

It should be noted that land use changes could be addressed following an EA boundary amendment through future RGS and OCP reviews.

Local Service Area Implications

Changes to the EA boundaries may have an impact on the delivery of local services and the financial contributions that each parcel is assessed to cover the cost of providing applicable local services. For example, if the EA boundary was amended such that some parcels in EA 'G' were moved to EA 'F', the cost of providing services in EA 'G' would be spread amongst the remaining parcels in EA 'G' that are within the applicable local service areas.

Should the Board wish to proceed with Alternative 1 or 2, staff would conduct an analysis of local service areas based on the list of potential affected properties. This would include an inventory of all local services that each affected property receives. Staff would also prepare a comparison of the current fees and charges relative to what the fees and charges would be if the proposal was approved to advise affected property owners on the potential financial impact of amending the EA boundary. In addition, staff would report on the overall tax burden on other properties in each of the affected EAs.

Staff would also determine if amendments to the applicable Local Service Area boundaries would be required.

Taxation Implications

Changes to the EA boundaries may have an impact on taxation through changes in the overall value of assessment depending on how many properties go from one EA to the other. Should the Board wish to proceed with Alternative 1 or 2, staff would, based on the list of potential affected properties, conduct an analysis of the impact on assessed value and taxation.

Governance Implications

If Cabinet were to approve an application to amend the EA boundary, there may be implications with respect to local government representation. The MCSCD will require that the RDN carry out a census for each redefined EA in order to determine the voting strength of each newly defined EA. MCSCD staff have indicated that this is not a full census and typically involves an estimate of the change in population which is a result of the EA boundary amendment. The required census can be signed by the Corporate Officer.

In addition, there may be implications with respect to elected and appointed representation as well as applicable bylaws and local services.

Should the Board wish to proceed with Alternative 1 or 2, staff would conduct an analysis of the potential governance implications to determine the potential impacts. This information would be presented to the Board for its consideration at a later date.

Public Consultation Implications

In terms of public consultation, the legislative requirements are much clearer for the restructuring of municipal boundaries than for EA boundaries. The municipal boundary extension process guide outlines consultation requirements which get more comprehensive as the number of affected properties increases. Although there is no legislative requirement to obtain voter consent for a change to an EA boundary, should the Board wish to proceed with Alternative 1 or 2, staff recommends that the process include public consultation which reflects the implications of the proposal. A consultation plan would be developed in discussion with MCSCD staff once a list of potential properties has been created. In this way the plan can reflect the scope of the project.

Alternative 3: Amending Land Use Without Changing EA Boundaries

A change to the EA boundaries is not required to change the applicable land use policies and regulations. The primary reason for the requested EA boundary amendment is to change the land use to allow industrial uses. The Board has the authority to amend land use policy and regulatory bylaws without considering an EA boundary amendment.

As mentioned above, if Cabinet were to approve an EA boundary amendment, the affected properties would continue to be subject to all current RDN bylaws until such time as the Board directs staff to initiate the applicable amendments or requests for property-specific amendments are received. From a land use perspective, this means that affected property owners would not be able to develop industrial or commercial uses without subsequent amendments to the RGS, OCPs, and zoning bylaws. Simply changing which EA a property is located in will not result in a change in permitted uses without subsequent bylaw amendments.

Alternative 3, as outlined in Attachment 2, is to consider land use changes without amending the EA boundary. This would follow a process similar to that used in Alternatives 1 and 2 and would achieve the same land use objective without completing the requirements for an EA boundary amendment. As such unlike Alternatives 1 and 2, an assessment of the taxation and local governance implications would not be required.

Alternative 3 may also include amendments to Local Service Area boundaries to reflect servicing efficiencies due to land use changes and proximity. As with Alternatives 1 and 2, the complexity of the implications of Alternative 3 also increases with the scope of the project.

It should be noted that this approach simply bypasses the EA boundary amendment process and goes directly to the required bylaw amendments. If amendments to the RGS are required, participation from the RDN member municipalities would be required in accordance with the direction provided by the RGS.

Staff are not recommending this approach as it does not address the anomalies created by the construction of the Inland Island Highway and other unique situations which have resulted in parcels being physically disconnected with the Electoral Area that they are located within.

FINANCIAL IMPLICATIONS

Proceeding with the staff recommendation has no implications related to the Board 2016 – 2020 Financial Plan. Should the Board wish to proceed, it should be noted that this is a large project requiring significant staff resources and the impact on staff resources is proportional to the scope of the project.

STRATEGIC PLAN IMPLICATIONS

Amending the EA boundary and the applicable land use policies and regulations may help achieve strategic priorities related to economic health as outlined in the 2016 – 2020 Board Strategic Plan by fostering economic development and recognizing the uniqueness of each community.

INTER-GOVERNMENTAL IMPLICATIONS

Should the Board concur with the recommendations outlined in this report, staff will send a referral to the adjacent local governments and First Nations. In addition, staff will consult with the City of Parksville

as the affected parcels are located adjacent to its boundary. Staff will also coordinate with the MCSCD to ensure that the proposal satisfies their requirements.

SUMMARY/CONCLUSIONS

The Board heard a delegation requesting that an electoral area (EA) boundary amendment between EAs 'F' and 'G' be initiated in support of potential land use changes. In response, the Board passed a motion referring to staff the issue of EA boundary adjustment for properties affected by the construction of the Inland Island Highway in EAs 'F' and 'G' and other EAs that have similar problems. In response, this report provides general information on the process and implications of pursuing an amendment to an EA boundary and specifically expanding the scope of the project beyond EAs 'F' and 'G'. In addition, staff have provided a proposed approach should the Board wish to pursue this project further. If the scope of the project is contained to EAs 'F' and 'G', the process appears to be fairly straightforward and could be completed with existing staff and resources.

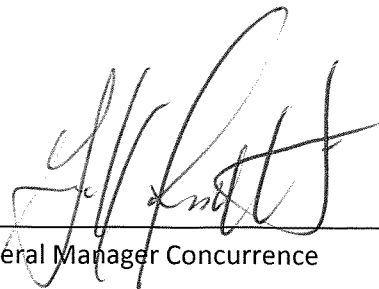
Amending the EA boundary between EAs 'F' and 'G' could help justify land use changes that result in economic development and may help rationalize EA boundary anomalies created by the construction of the Inland Island Highway. Notwithstanding the above, development opportunities, beyond what is supported by the current land use policies and regulatory bylaws, could only come to fruition if the Board were to initiate amendments to the applicable land use policy and regulatory bylaws. As mentioned above, amendments to the EA boundaries are not required in order to make the land use changes requested by the delegation.

Expanding the scope of this project to include all properties affected by the construction of the Inland Island Highway adds significant complexity and would have a substantial impact on staff time and resources. Focusing on EA 'F' and 'G' is consistent with the request made by the delegation, is in keeping with the EA 'G' OCP, and would be less complex and resource intensive. In addition, as the RDN has not undertaken an EA boundary review in the past, limiting the scope of the project creates an opportunity to treat this project as a pilot project which could be replicated and built upon in other areas of the RDN.

Based on the above, staff recommends that the Board direct staff to proceed with Alternative 1 - the preparation of a land use analysis and draft EA boundary amendment proposal focusing on parcels in EA 'F' and 'G' which were affected by the construction of the Inland Island Highway.



Report Writer



General Manager Concurrence



A/ Manager Concurrence



A/ CAO Concurrence

**Attachment 1
Electoral Area Boundary Change Information Requirements**

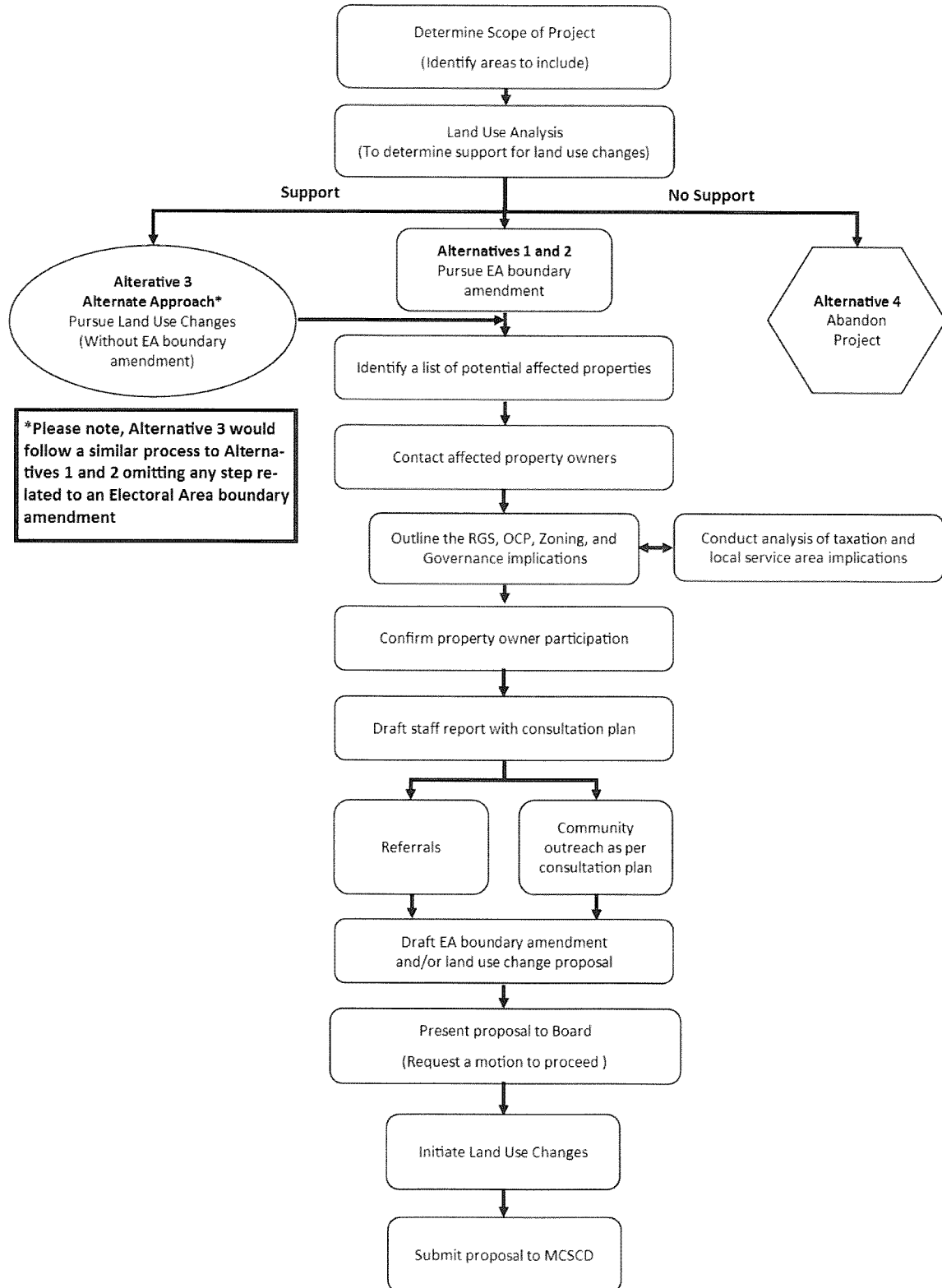
As a general guide, the Ministry of Community Sport and Cultural Development (MCSCD) has indicated that the Regional District of Nanaimo (RDN) would be required to provide information that:

- Articulates the reasons for and benefits of the change;
- Summarizes the community views and interests;
- Summarizes responses from or views of member municipalities of the RDN;
- Calculates the approximate financial impact of changing electoral areas in terms of the costs of services and overall tax implications;
- Inventories those services currently provided on the basis of the entire electoral area, including tax implications arising from either the basis of cost apportionment or changes to the mix of assessments in the resulting area of change;
- Inventories those local area services provided across the boundary of the changing electoral areas, including tax implications and bylaw amendments necessary to continue the service with multiple participants;
- Outlines the impacts of a change to electoral areas on the review of the Regional Growth Strategy (if applicable) and any Official Community Plans;
- Summarizes comments from affected agencies and/or governments (e.g., municipalities, improvement districts, First Nations); and,
- Proposes both a preferred and next-best implementation time frame.

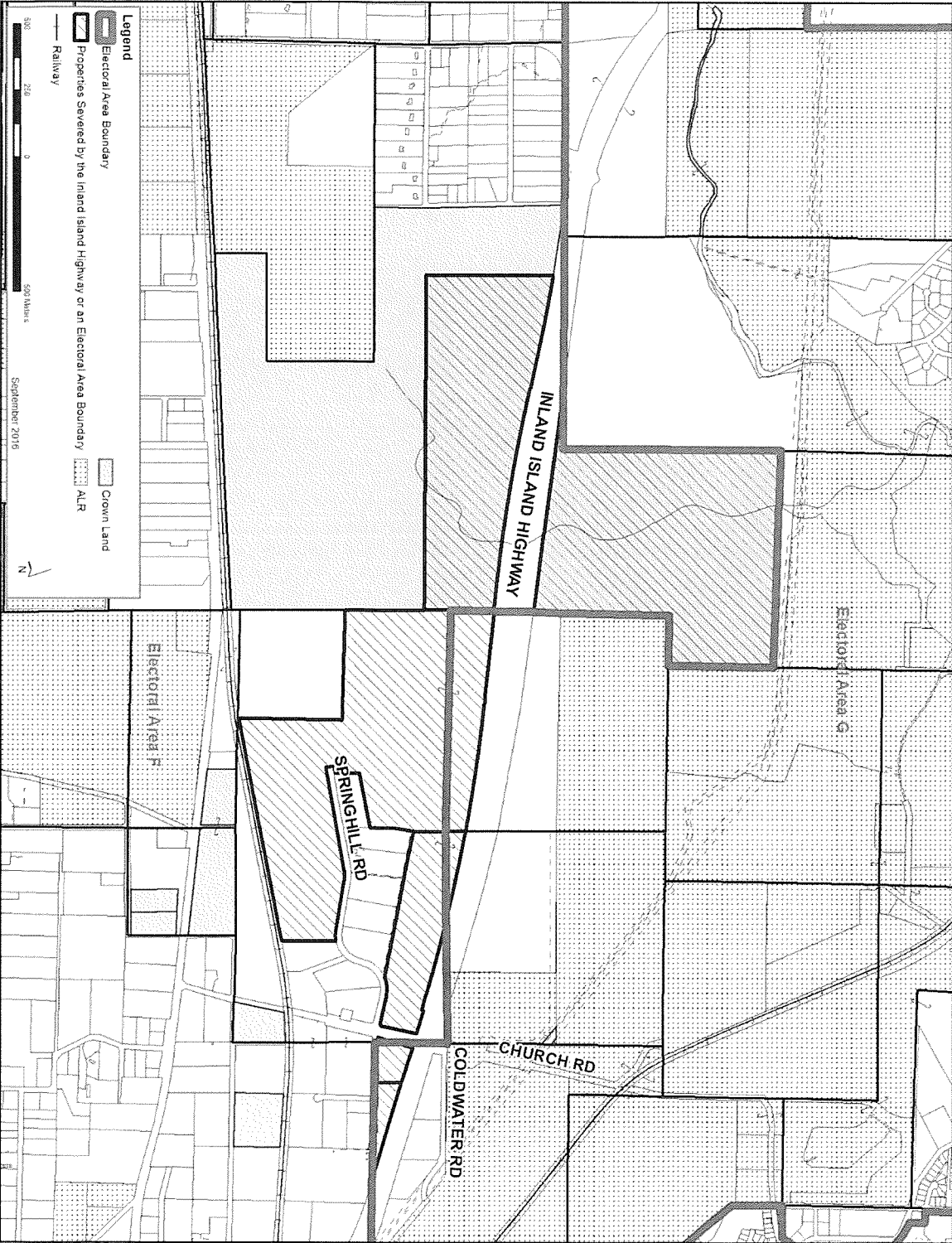
In addition to the above requirements, MCSCD staff have indicated that a letter of support from each affected Electoral Area Director is also required.

It should be noted that the above requirements may change in consultation with the MCSCD and in response to the particular details of an EA boundary proposal.

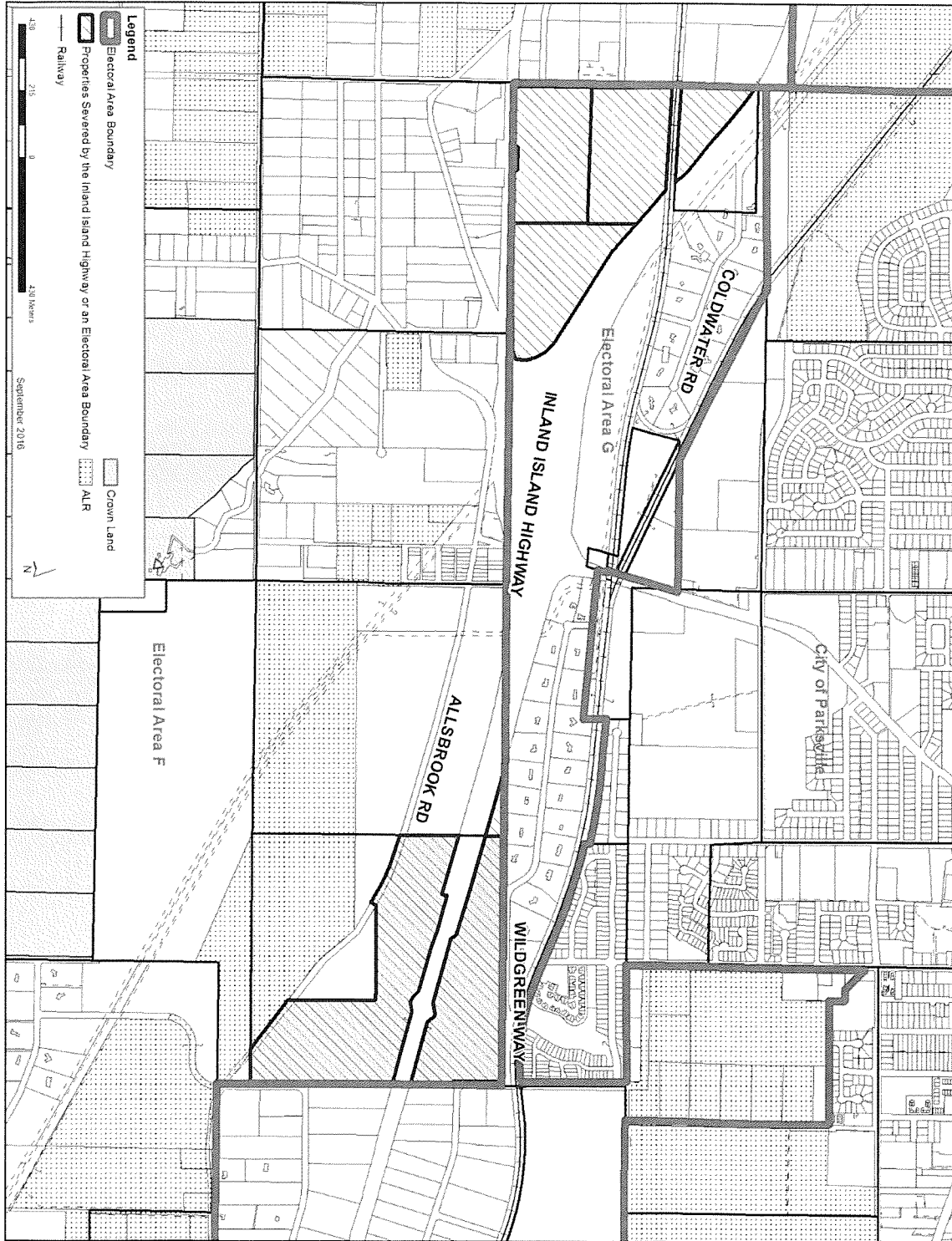
Attachment 2
Proposed Electoral Area Boundary Review Process



Attachment 3
Properties Severed by the Inland Island Highway and/or the Electoral Area Boundary (page 1 of 2)



Attachment 3
Properties Severed by the Inland Island Highway and/or the Electoral Area Boundary (page 2 of 2)



TO:	Electoral Area Services Committee	DATE:	November 8, 2016
FROM:	Greg Keller Senior Planner	MEETING:	November 22, 2016
		FILE:	PL2016-148
SUBJECT:	Development Permit Application No. PL2016-148 Strata Lot 16, District Lot 49, Nanoose District, Strata Plan VIS3167, Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lots As Shown on Form 1 Point Mercer Drive – Electoral Area ‘G’		

RECOMMENDATION

That the Board approve Development Permit No. PL2016-148 to permit the construction of a dwelling unit and the reconstruction of an existing riprap revetment subject to the conditions outlined in Attachments 2 and 3.

PURPOSE

To consider an application for a development permit (DP) to permit the construction of a dwelling unit and the reconstruction of an existing riprap revetment within the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Fern Road Consulting Ltd. on behalf of Glyn and Terri Davies to permit the construction of a dwelling unit and the reconstruction of an existing riprap revetment on the subject property. The subject property is approximately 966 m² in area and is zoned Residential 1 Zone (RS1), Subdivision District ‘Q’, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is located to the north of Point Mercer Drive (a common property road) and is located adjacent to the Strait of Georgia (see Attachment 1 – Subject Property Map).

The subject property is vacant, but has previously been disturbed and is primarily planted with an established lawn. It is relatively flat and is separated from the adjacent dwelling units by a mature cedar hedge. There are two mature Douglas fir trees, a dense row of Nootka rose bushes, and various native plant species growing in close proximity to the natural boundary. The shoreline is currently protected by a riprap revetment which extends to the adjacent parcels. Although the date of construction is unknown, the existing riprap revetment is contiguous with the revetment that has been in place for

many years to protect adjacent properties within the same subdivision. The subject property is serviced with community water and community sewer services.

The proposed development is subject to the Environmentally Sensitive Features Development Permit Area for coastal areas in accordance with the "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Bylaw No. 1540, 2008".

Development Variance Permit (DVP) 171 was issued on August 17, 1993 on the subject property and three adjacent bare land strata lots included in the same subdivision plan to reduce the minimum front lot line setback requirement adjacent to Point Mercer Drive from 8.0 metres to 6.0 metres. Development Variance Permit 171 did not specify dwelling unit designs or footprints and was intended to encourage development to be located further away from the natural boundary. This DVP has not lapsed as construction has been completed on the other bare land strata lots that are subject to DVP 171.

Proposed Development

The applicant proposes to construct a new dwelling unit and reconstruct the existing riprap revetment. As the proposed revetment will not exceed 1.0 metre in height and will not retain more than a metre of earth, the revetment is not considered a structure under "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". As such, bylaw setback requirements do not apply to the proposed revetment.

ALTERNATIVES

1. To approve Development Permit No. PL2016-148 subject to the conditions outlined in Attachments 2 and 3.
2. To deny Development Permit No. PL2016-148.

LAND USE IMPLICATIONS

Development Implications

The construction of the proposed dwelling unit and reconstruction of the existing riprap revetment are subject to the Environmentally Sensitive Features DPA guidelines for coastal areas and the RDN Board Policy B1.9 Retaining Walls – Marine. In support of this application, the applicant has submitted a Geotechnical Site Review – Foreshore Assessment, prepared by Lewkowich Engineering Associates Ltd. dated September 23, 2016, to satisfy the requirements of the Board's Marine Retaining Wall Policy. The site review indicates that the foreshore is poorly protected by an existing undersized riprap revetment. The site review indicates that the existing riprap shows significant signs of collapse as noted by the revetment's shallow angle of response. The site review indicates that not replacing the riprap revetment would result in significant acceleration of bank erosion. As a result, the site review recommends that the riprap revetment be replaced.

The geotechnical engineer recommends that the revetment consist of a placed riprap revetment constructed in accordance with the design shown on Attachment 3. The engineer has designed the proposed riprap revetment to be consistent with 'Green Shores' principles. The Green Shores program

mimics natural shoreline processes with soft approaches to stabilization of the shoreline, such as sand and native vegetation, as a means to reduce the impact on the environment and neighbouring properties. The proposal uses a combination of approaches to soften the riprap with the infill of sand and cobble, and a revegetation program which includes the planting of native plant species with 600 mm spacing between riprap. Given that the proposed revetment is located above the present natural boundary and will be less than 1.0 metre in height, public access to the beach is not impacted.

To address the applicant's concerns over flood hazard, a Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. dated July 5, 2016, has been submitted. The report indicates that the oceanic floodplain is the only potential geotechnical hazard on the subject property and establishes a minimum recommended flood construction level (FCL) of 4.7 metres geodetic. In addition, the report found that the subject property is safe and suitable for the intended use and that the proposed development will not result in a detrimental impact on the subject property or adjoining properties provided the recommendations contained in the report are followed. Staff recommend that prior to the issuance of this development permit, that the applicant be required to register a Section 219 covenant that registers the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd., requiring that the subject property be developed in accordance with the report, and includes a save harmless clause that releases the RDN from all losses and damages as a result of potential flood hazard. Development of the property in accordance with the recommendations of Geotechnical Hazard Assessment is included in the terms and conditions set out in Attachment 2.

The proposed dwelling unit is located 13.1 metres from the present natural boundary. Since the sea frontage will be protected by works designed by a professional engineer, the minimum setback distance from the natural boundary, in accordance with RDN Floodplain Management Bylaw 1469, 2006 (the floodplain bylaw) is 8.0 metres. In addition, the proposed dwelling unit will exceed the minimum required FCL specified by the floodplain bylaw. Therefore, the proposed development is consistent with the floodplain bylaw.

Environmental Implications

To satisfy the DPA guidelines the applicant has submitted a biological assessment prepared by Toth and Associates Environmental Services dated September 13, 2016 and a revegetation plan dated October 20, 2016, to address the requirements of the coastal development permit area. The assessment indicates that there were no rare plant or wildlife species observed and no rare species occurrences have been identified for the area by the BC Conservation Data Centre. The assessment indicates that as the proposed revetment is located above the present natural boundary, a review by Fisheries and Oceans Canada is not required.

The revegetation plan confirms the proposed planting recommended by the Lewkowich report. The revegetation plan indicates that the two mature Douglas fir trees, the Nootka rose hedge, and other native plant species located within the proposed revetment footprint will be removed to facilitate construction. To mitigate the impact within the DPA, the revegetation plan recommends that a 70 m² area at the top of the revetment be replanted with a minimum of 70% native plant species at a spacing of one plant per square metre in the area generally shown on Attachment 3. A list of preferred plant species is provided in the revegetation plan.

Staff recommends that the applicant be required to follow the recommendations contained in the biological assessment dated September 13, 2016 and the revegetation plan dated October 20, 2016.

The lands located below the present natural boundary adjacent to the subject property are located within the Parksville Qualicum Beach Wildlife Management Area. Prior to any development activities or machinery accessing the land below the present natural boundary, a General Wildlife Management permit is required from the Ministry of Forests, Lands, and Resource Operations. The applicant has confirmed that access to lands below the present natural boundary is not required to construct the proposed revetment.

Provided the recommendations contained in the biological assessment are implemented, the proposed development will be consistent with the applicable DPA guidelines.

FINANCIAL IMPLICATIONS

Staff have 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 proposed development and note that the proposal will be in keeping with the 2016 – 2020 Board Strategic Plan. 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.

INTER-GOVERNMENTAL IMPLICATIONS

As coastal properties may contain archeological sites, the application has been referred to the Provincial Archeology Branch. Archeological sites (both recorded and unrecorded) are protected under the *Heritage Conservation Act*. The Archeology Branch has advised that there are no known archeological sites recorded on the subject property. However, if archeological materials are encountered during development, activities must be halted and the Archeology Branch contacted.

Existing Covenant EH042840 is registered on the property title in favour of the Ministry of Forests, Lands, and Natural Resource Operations and the Regional District of Nanaimo. This covenant requires written consent from the Regional Fish and Wildlife Manager, of the Ministry of Forests, Lands and Resource Operations.

This application proposes to place riprap and remove vegetation within the covenant area. Staff have referred the application to the Ministry and have been advised by Ministry staff that written consent is forthcoming.

SUMMARY/CONCLUSIONS

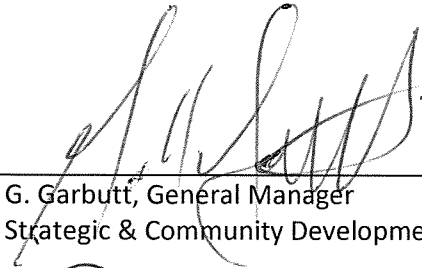
This is an application to construct a dwelling unit and reconstruct an existing riprap revetment for a parcel located on Point Mercer Drive adjacent to the Strait of Georgia. In support of the application, the applicant has submitted a site plan, a geotechnical assessment report, a biological assessment, and a revegetation plan. The geotechnical report confirms that the site is safe for the intended use and the reconstruction of the foreshore revetment is necessary as the property is vulnerable to erosion. In staff's assessment, the proposal is consistent with the Development Permit Area guidelines and Board policy. Therefore, staff recommends that the proposed development permit be approved subject to the conditions outlined in Attachment 2.



G. Keller
gkeller@rdn.bc.ca



J. Holm
Manager, Current Planning



G. Garbutt, General Manager
Strategic & Community Development



P. Carlyle
Chief Administrative Officer

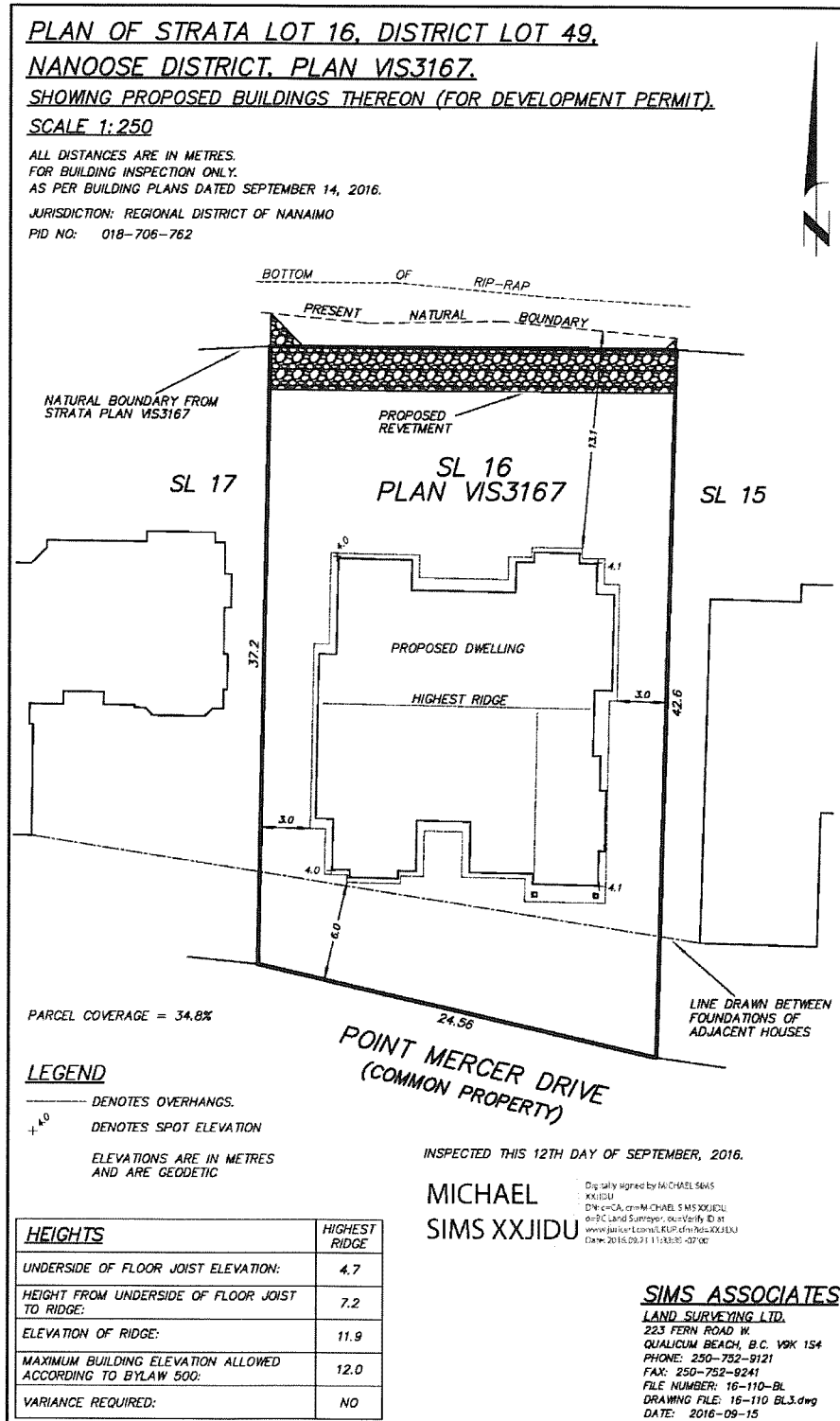
Attachment 2 Conditions of Permit

The following sets out the conditions of Development Permit No. PL2016-148:

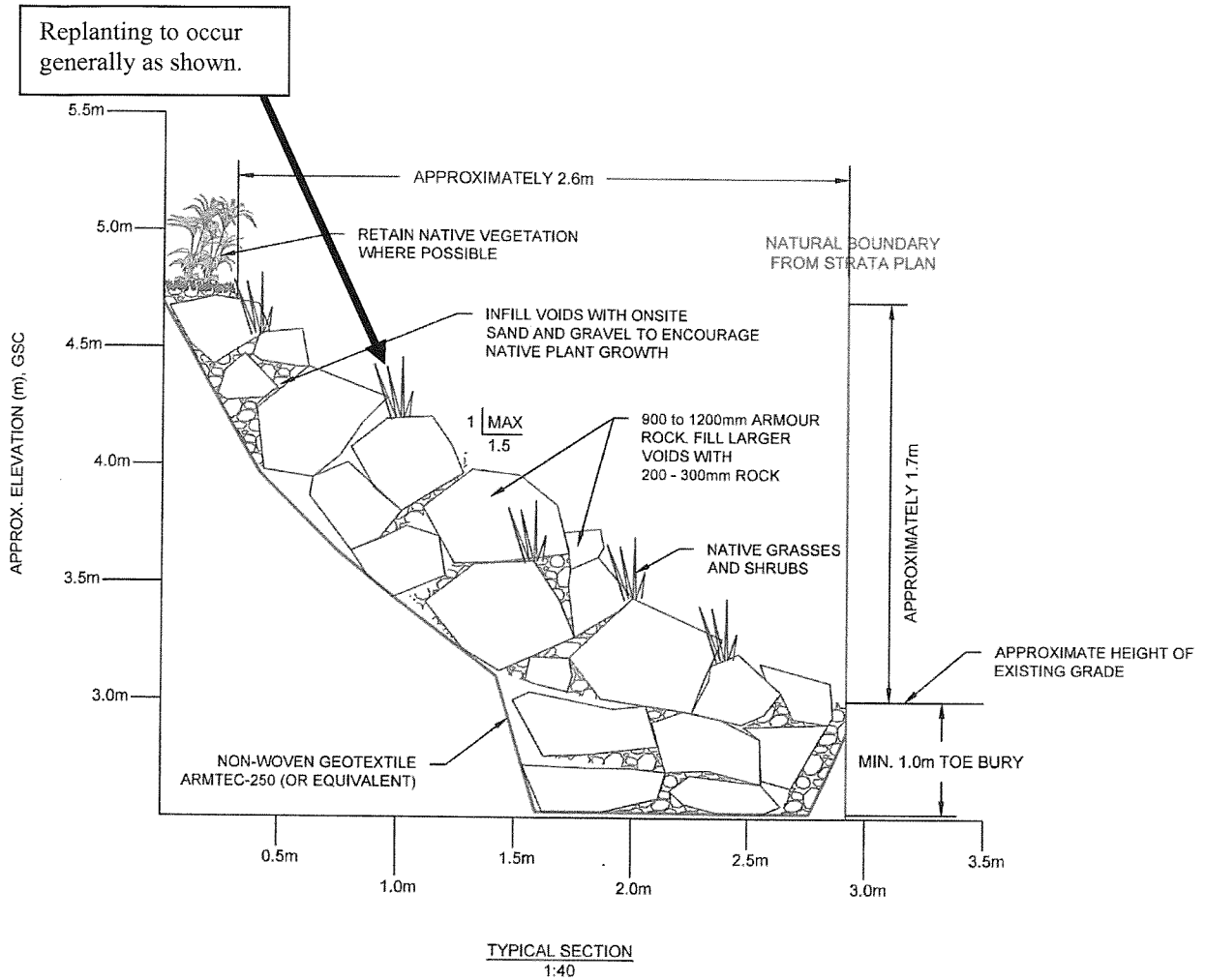
Conditions of Approval

1. 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 prepared by Lewkowich Engineering Associates Ltd., dated July 5, 2016 and the Foreshore Assessment, prepared by Lewkowich Engineering Associates Ltd. dated September 23, 2016 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.
2. A General Wildlife Permit from the Ministry of Forests, Lands and Natural Resource Operations shall be required if any development activities are to occur below the present natural boundary, including the operation of machinery.
3. The site is to be developed in accordance with the Site Plan prepared by Sims and Associates dated August 15, 2016, attached as Attachment 3.
4. The site is to be developed in accordance with the biological assessment prepared by Toth and Associates Environmental Services dated September 13, 2016.
5. The site is to be developed in accordance with the revegetation plan dated October 20, 2016, prepared by Toth and Associates Environmental Services. See Attachment 3 for areas to be replanted.
6. The revetment and associated development shall be constructed in accordance with the Geotechnical Site Observations – Foreshore Assessment prepared by Lewkowich Engineering Associates Ltd., dated September 23, 2016.
7. The property owner shall obtain the necessary permits for construction in accordance with RDN Building Regulations.

Attachment 3 (page 1 of 3)
Proposed Site Plan



Attachment 3 (page 2 of 3)
Revetment Cross-Section - Enlarged

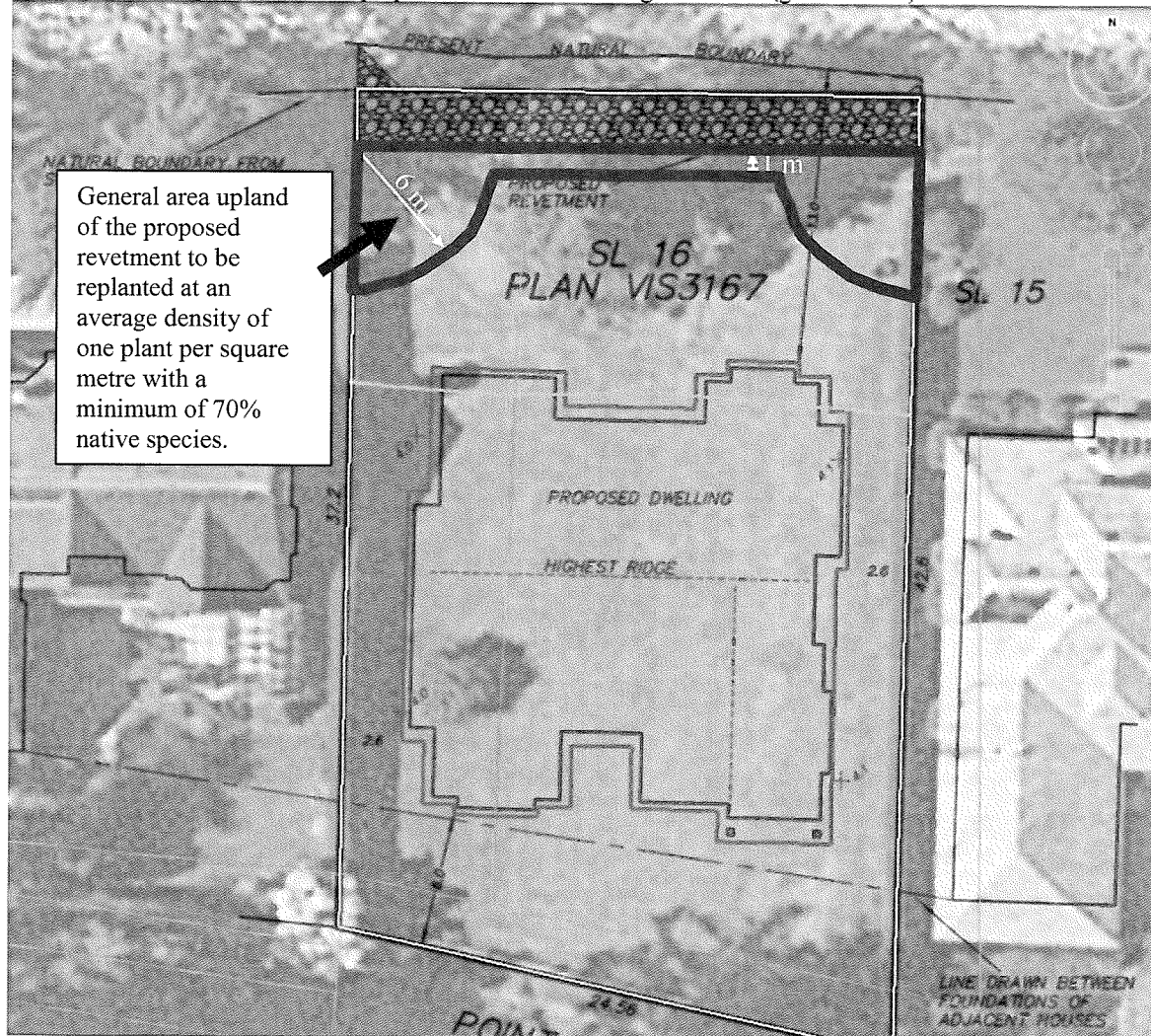


NOTES:

1. REMOVE DEBRIS ALONG SLOPE FACE PRIOR TO PLACING GEOTEXTILE.
2. LEAVE FORESHORE MATERIAL INTACT AS MUCH AS POSSIBLE.
3. TIE IN EAST AND WEST SIDES OF REVETMENT WITH A MAXIMUM 45° RETURN TO NEIGHBOURING PROPERTIES.
4. PLANTINGS MAY REQUIRE MAINTENANCE (POST HIGH WATER EVENTS) UNTIL VEGETATION IS FULLY ESTABLISHED.
5. ANY CHANGES TO THE DESIGN MUST BE APPROVED BY THE DESIGN ENGINEER.

**Attachment 3 (page 3 of 3)
Revegetation Plan**

Figure 2. Development Plan with proposed revetment and revegetation area (green outline)



General area upland of the proposed revetment to be replanted at an average density of one plant per square metre with a minimum of 70% native species.

List of acceptable plant species for revegetation

Salal	<i>Gaultheria shallon</i>
Saskatoon	<i>Amelanchier alnifolia</i>
Red Flowering Currant	<i>Ribes sanguineum</i>
Common snowberry	<i>Symphoricarpos albus</i>
Tall Oregon-grape	<i>Mahonia aquifolium</i>
Nootka rose	<i>Rosa nutkana</i>
Evergreen huckleberry	<i>Vaccinium ovatum</i>
Ocean spray	<i>Holodiscus discolor</i>
Dunegrass	<i>Leymus mollis</i>
Black hawthorn	<i>Crataegus douglasii</i>

TO: Electoral Area Services Committee **DATE:** November 9, 2016

FROM: Kristy Marks
Planner **MEETING:** November 22, 2016

FILE: PL2016-163

SUBJECT: Development Variance Permit Application No. PL2016-163
Lot 20, District Lot 78, Nanoose District, Plan 47638
Andover Road – Electoral Area ‘E’

RECOMMENDATIONS

1. That the Board approve Development Variance Permit No. PL2016-163 to reduce the setback from the top of the slope adjacent to the sea and from the Other Lot Line to permit the construction of a dwelling unit on the subject property subject to the terms and conditions outlined in Attachment 2 to 4.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2016-163.

PURPOSE

To consider an application for a development variance permit to reduce the setback from the top of the slope adjacent to the sea and from the Other Lot Line to permit the construction of a dwelling unit on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from JE Anderson and Associates on behalf of Penggui Yan to permit the construction of a dwelling unit on the subject property. The subject property is approximately 0.16 hectares in area and is zoned Residential 1 Zone, Subdivision District ‘P’, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is vacant and is bound by developed residential parcels to the north, the Strait of Georgia to the east, an unconstructed road rights-of-way to the south and Andover Road to the west (see Attachment 1 – Subject Property Map). The property will be serviced by community water and sewer.

Proposed Development and Variance

The proposed development includes the construction of a dwelling unit and an extensive landscaping. The applicant has provided confirmation that no variances are required to accommodate retaining walls proposed as part of the landscape plan as they will be less than 1.0 metre in height and that the proposed dwelling unit will meet the maximum permitted height. The applicant is requesting variances to allow a portion of the dwelling unit to be located within the setback from the top of the slope adjacent to the sea

and from the Other Lot Line adjacent to the unconstructed road rights-of-way. The applicant proposes to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

- **Section 3.3.9 Setbacks – Sea** in Electoral Area ‘E’ to reduce the setback from the top of a slope of 30% or greater from 8.0 metres to 3.4 metres for a portion of the proposed dwelling unit.
- **Section 3.4.61 – Minimum Setback Requirements** to reduce the setback from the Other Lot Line from 5.0 metres to 4.7 meters for a portion of the proposed dwelling unit.

ALTERNATIVES

1. To approve Development Variance Permit No. PL2016-163 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Variance Permit No. PL2016-163.

LAND USE IMPLICATIONS

Development Implications

The applicant is proposing to construct a dwelling unit on the subject property with variances to the setbacks from the sea and from the Other Lot Line. The location of the proposed dwelling unit is shown on Attachment 3 and building elevations are shown on Attachment 4.

The applicant has provided a Geotechnical Hazards Assessment prepared by Lewkowich Engineering Associates Ltd. dated October 25, 2016. The report concludes that the property is safe and suitable for the intended use and that the proposed development will not result in a detrimental impact on the subject property or adjoining properties. In addition, the engineer confirms that the proposed setback encroachment does not pose a geotechnical risk to the proposed residence, subject property, or adjacent properties. Staff recommend that the applicant be required to register the Geotechnical Hazards Assessment as a Section 219 covenant on title including a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential flood, slope and seismic hazard.

Board Policy B1.5 *Development Variance Permit, Development Permit with Variance & Floodplain Exemption Application Evaluation* for evaluation of Development Variance Permit Applications requires that there is an adequate demonstration of an acceptable land use justification prior to the Board’s consideration. In this case a Geotechnical Hazards Assessment for the proposed development confirms that there are no geotechnical hazards identified related to the requested variance. In addition, the dwelling unit has generally been designed to follow the contours of the natural boundary or top of slope. The applicant has also indicated that at the time the parcel was created, in 1988, the setback from the natural boundary of the sea was 7.5 metres and there was no required setback from the top of the bank. With respect to the setback variance from the Other Lot Line adjacent to the unconstructed road rights-of-way, the proposed siting of the dwelling unit meets the Ministry of Transportation and Infrastructure setback of 4.5 metres and if the road rights-of-way was a residential parcel, the minimum setback would

be 2.0 metres rather than 5.0 metres. The applicant has indicated that they have contacted adjacent property owners and they have not expressed any concerns with the proposed development.

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

FINANCIAL IMPLICATIONS

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

STRATEGIC PLAN IMPLICATIONS

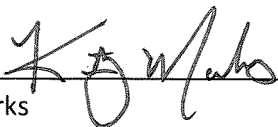
Staff have reviewed the proposed development and note that the proposal has no implications for the 2016 – 2020 Board Strategic Plan.

PUBLIC CONSULTATION IMPLICATIONS

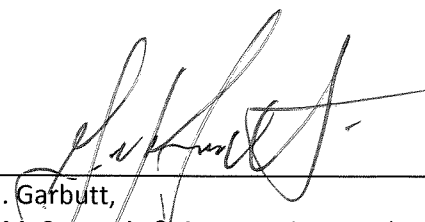
Pending the Electoral Area Services Committee’s recommendation and pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005”, property owners and tenants of parcels located within a 50.0 metre radius of the subject 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.

SUMMARY/CONCLUSIONS

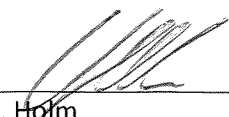
This is an application to allow the construction of a dwelling unit on the subject property with variances to setback requirements of “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. Given that the applicant has provided a Geotechnical Hazards Assessment that confirms that the site is considered safe and suitable for the proposed development and no negative impacts are anticipated as a result of the proposed variances, staff recommends that the Board approve the development variance permit pending the outcome of public notification and subject to the terms and conditions outlined in Attachment 2.




K. Marks
kmarks@rdn.bc.ca



G. Garbutt,
GM, Strategic & Community Development

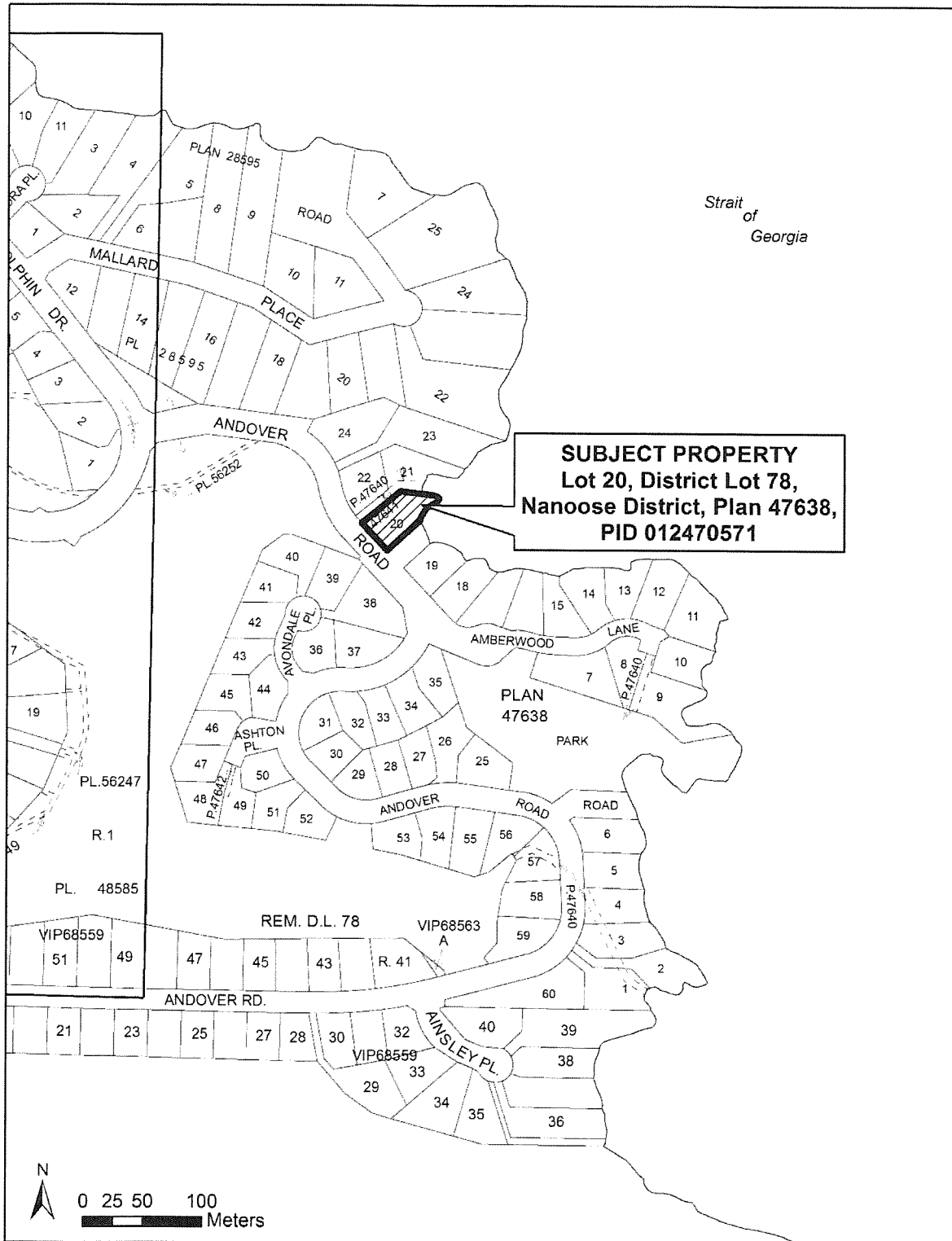


J. Holm
Manager, Current Planning



P. Carlyle
Chief Administrative Officer

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. PL2016-163:

Bylaw No. 500, 1987 Variances:

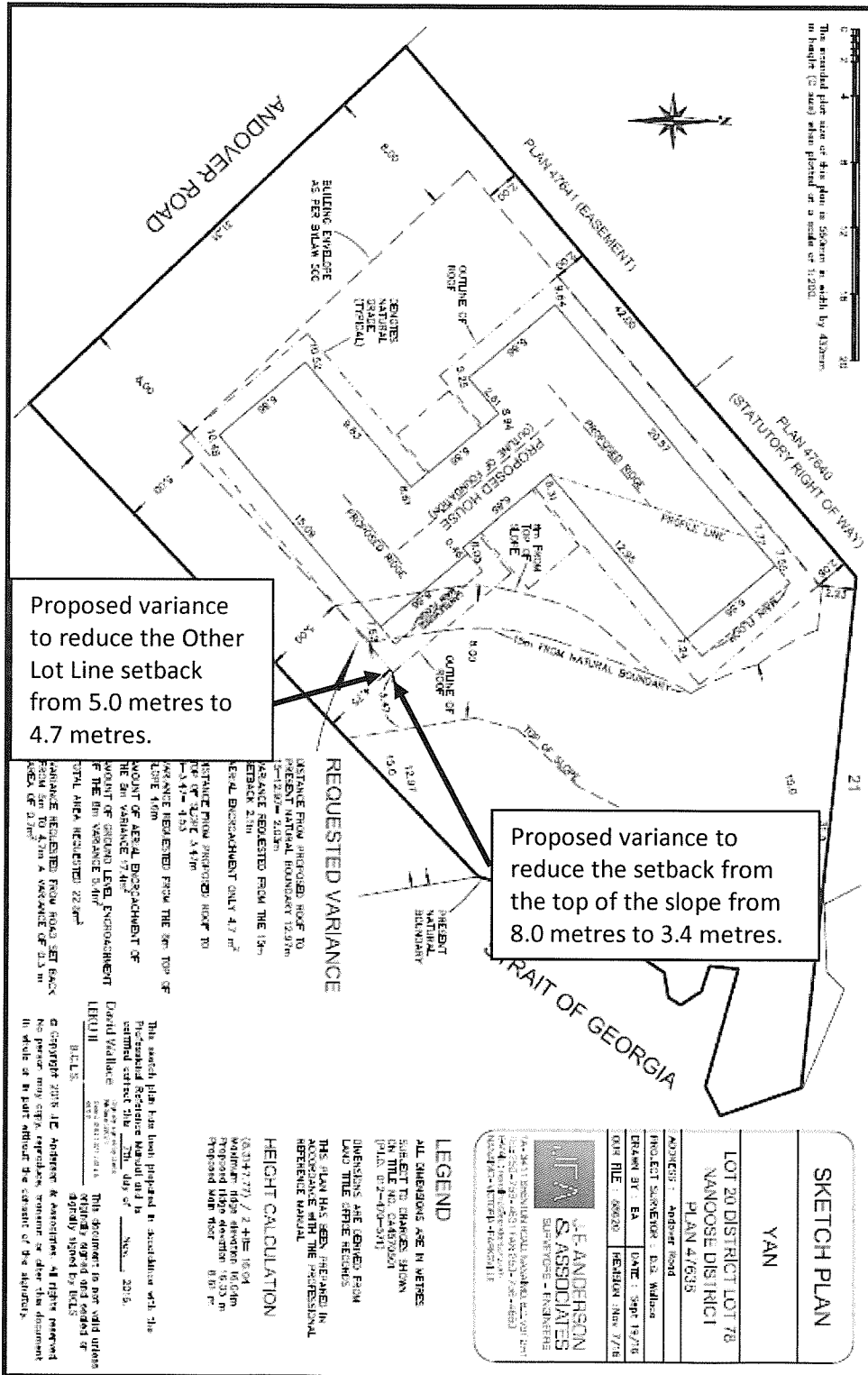
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

1. **Section 3.3.9 Setbacks – Sea** in Electoral Area 'E' to reduce the setback from the top of a slope of 30% or greater from 8.0 metres to 3.4 metres for a portion of the proposed dwelling unit.
2. **Section 3.4.61 – Minimum Setback Requirements** to reduce the setback from the Other Lot Line from 5.0 metres to 4.7 meters for a portion of the proposed dwelling unit.

Conditions of Approval:

1. The site is developed in accordance with the Sketch Plan prepared by JE Anderson and Associates, dated November 7, 2016 and attached as Attachment 3.
2. The proposed development is in general compliance with the plans and elevations prepared by Peter Rose Architecture & Interiors, dated October 2016 and attached as Attachment 4.
3. The subject property shall be developed in accordance with the recommendations contained in the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd., dated October 25, 2016.
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 prepared by Lewkowich Engineering Associates Ltd., dated October 25, 2016, 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 1 of 2)



Proposed variance to reduce the Other Lot Line setback from 5.0 metres to 4.7 metres.

Proposed variance to reduce the setback from the top of the slope from 8.0 metres to 3.4 metres.

REQUESTED VARIANCE

DISTANCE FROM PROPOSED ROOF TO PRESENT NATURAL BOUNDARY 12.97m
 VARIANCE REQUESTED FROM THE 19-1-2016 ZONING BY-LAW 2.00m
 VARIANCE REQUESTED ONLY 4.7 m²
 VARIANCE REQUESTED FROM THE 19-1-2016 ZONING BY-LAW 2.00m
 VARIANCE REQUESTED ONLY 4.7 m²
 VARIANCE REQUESTED FROM THE 19-1-2016 ZONING BY-LAW 2.00m
 VARIANCE REQUESTED ONLY 4.7 m²

LEGEND

ALL DIMENSIONS ARE IN METRES
 SUBJECT TO CHANGES SHOWN ON TITLE NO. C44870001
 (PLAN. 07-149-341)

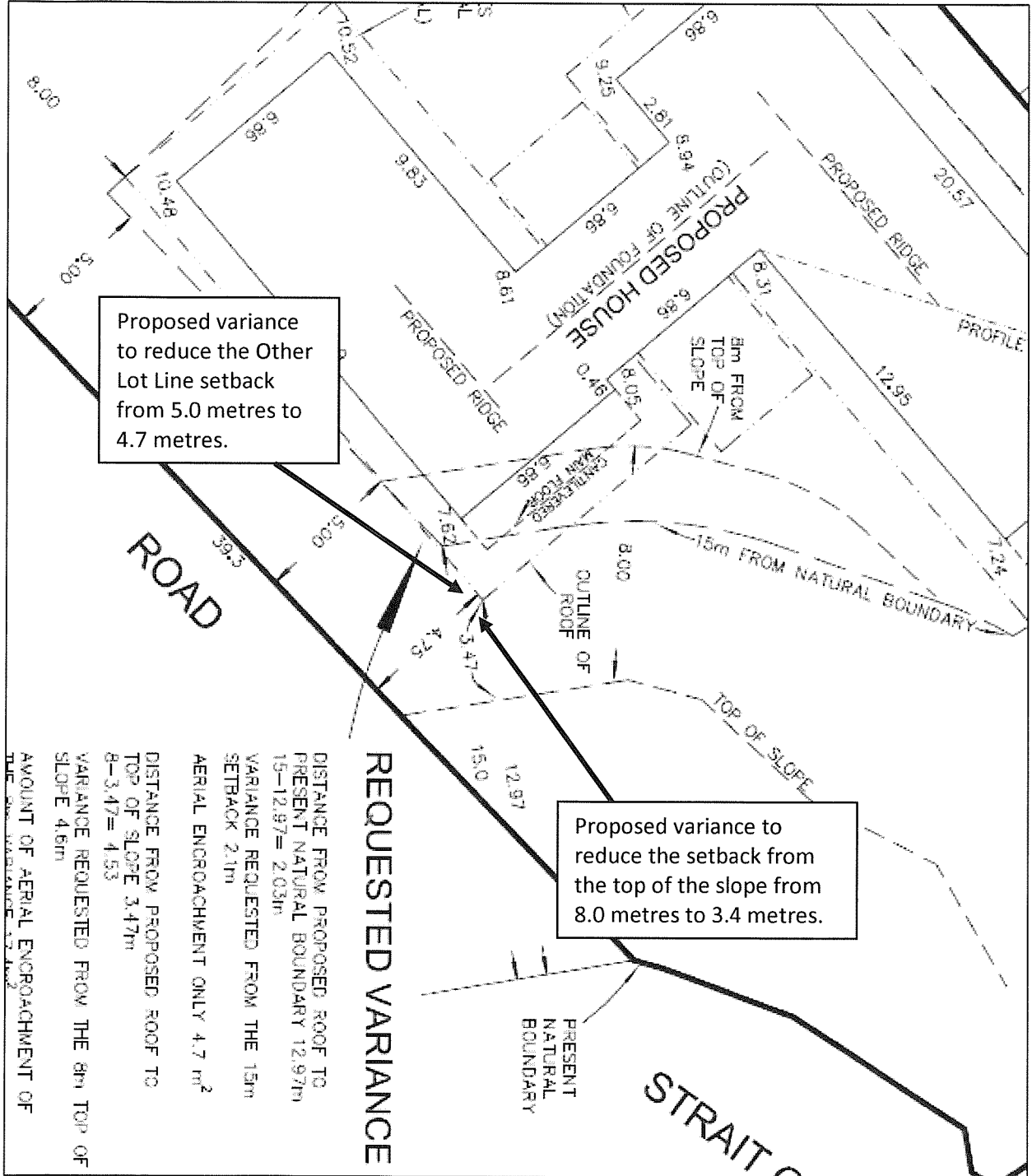
HEIGHT CALCULATION

(0.31777) / 2.418 = 13.04
 maximum ridge elevation 16.07m
 proposed ridge elevation 16.53 m
 proposed roof slope 0.46 m
 proposed roof rise 0.16 m

THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE PROFESSIONAL REFERENCED MANUAL

DATE: 13/11/2016
 DRAWN BY: EA
 CHECKED BY: EA
 PROJECT NUMBER: 163
 ADDRESS: 20 DISTRICT LOT 78
 NANOOSE DISTRICT
 PLAN 47635

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



Attachment 4
Building Elevations
(Page 1 of 2)

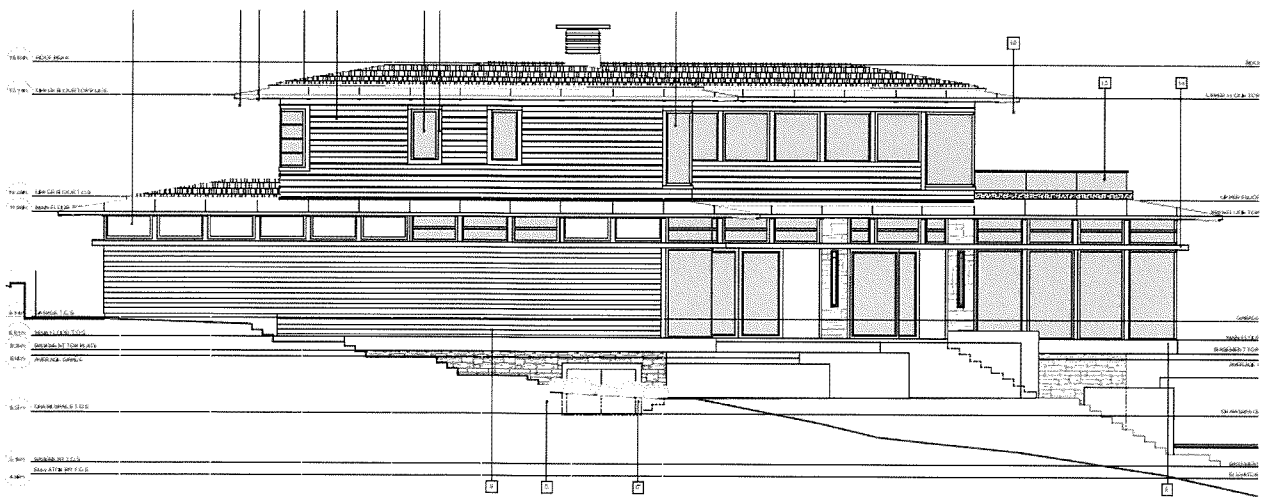
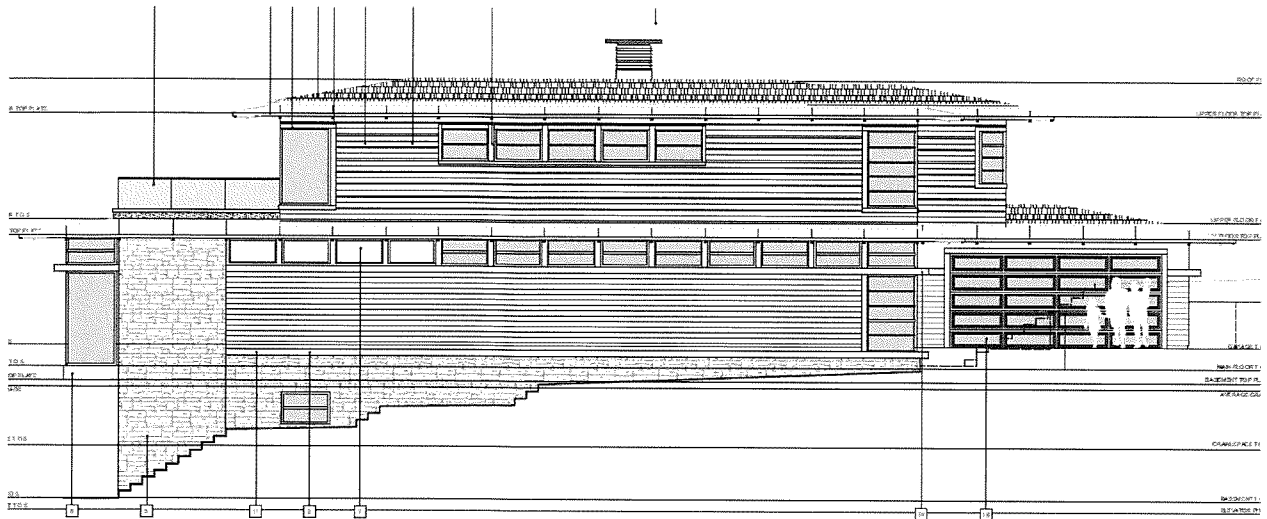


Front Elevation
Scale: 1/4" = 1'-0"



Waterfront Elevation
Scale: 1/4" = 1'-0"

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



Proposed Development and Variance

The applicant is proposing to construct a dwelling unit within the Environmentally Sensitive Features and Hazard Lands DPA. Further, in order to meet with provisions of the Floodplain Bylaw, the proposed dwelling unit has been designed to meet the required Flood Construction Level (FCL). Elevating the underside of the habitable floor area above the designated FCL results in loss of allowable building height as building height is measured from natural grade. As a result, the applicant proposes to vary the following regulation from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

3.4.61 - Maximum Number and Size of Buildings and Structures – Dwelling unit height to increase the maximum dwelling unit height from 8.0 metres to 8.95 metres for a proposed dwelling unit.

ALTERNATIVES

1. To approve Development Permit with Variance No. PL2016-153 subject to the conditions outlined in Attachments 2.
2. To deny Development Permit with Variance No. PL2016-153.

LAND USE IMPLICATIONS

Development Implications

In support of this application the applicants have submitted a site plan by Williamson and Associates dated September 23, 2016 (see Attachment 3). In an effort to minimize encroachment into the Environmentally Sensitive Features DPA, the applicant proposes to construct the foundation 15.2 metres from the natural boundary of the Strait of Georgia (outside the development permit area). However, A 1.0 metre section of the roof overhang and a 1.1 metre portion of the covered patio will encroach into the DPA.

To satisfy the Environmentally Sensitive Features DPA guidelines the applicants have submitted a biological assessment of the environmental impacts associated with the construction of the proposed dwelling unit. The assessment prepared by Toth and Associates Environmental Services dated September 8, 2016. The assessment states that there is very little native vegetation remaining on the development site and there are not any significant or critical environmental features or sensitive vegetation types located within the 15 metre DPA. The report concludes that the proposed works will not have a detrimental impact on the DPA.

The Floodplain Bylaw specifies FCL for lands within designated floodplain areas. The subject property lies within the Englishman River Floodplain and prescribes a FCL of 4.1 metres geodetic. To satisfy the Hazard Lands DPA guidelines, the applicants have submitted a Floodplain Hazard Assessment dated July 22, 2015 and an addendum dated November 7, 2016, prepared by Lewkowich Engineering Associates Ltd. The assessment recommends that the proposed dwelling be structurally elevated to a minimum FCL of 4.3 metres at the 8.0 metre setback from the existing sea wall, with a subtraction of 1.0 centimeter elevation from the FCL for every 1.0 metre that the dwelling is built beyond the recommended 8.0 metre setback from seawall. The proposed building setback is 15.2 metres from the

present natural boundary resulting in a FCL of 4.23 metres. Therefore, a FCL of 4.23 metres is specified for the proposed development.

The elevation at natural grade is 3.28 metres geodetic and the flood construction level recommended by the submitted geotechnical engineer report is 4.23 metres geodetic, a difference 0.95 metres. The recommended FCL of 4.23 metres geodetic exceeds the Floodplain Bylaw required FCL of 4.1 metres. Due to this requirement, the applicant is requesting a variance to increase the maximum dwelling unit height from 8.0 metres to 8.95 metres. In an effort to address Board Policy B1.5 *Development Variance Permit, Development Permit and Floodplain Exemption Application Evaluation* (Board Policy B1.5), the applicants have designed the dwelling unit to minimize the roof height by reducing roof pitches and utilizing flat roof sections. In addition, the proposed dwelling unit design would comply with the maximum dwelling unit height if the habitable floor space did not have to be elevated to meet the prescribed FCL.

Based on the location of the proposed dwelling unit in relation to adjacent dwelling units, minor impacts on views from adjacent properties may result. In staff's assessment, the anticipated impacts are not a result of the proposed 0.95 metre height variance but rather the siting of a building on the subject property. It should be noted that the proposed dwelling unit complies with all applicable minimum setback requirements.

Given that the applicants have provided a sufficient rationale for the requested variance, the applicants have designed the dwelling unit to minimize the height variance required, and that reasonable efforts have been made to address Board Policy B1.5, staff are recommending the Board approve Development Permit with Variance No. PL2016-153.

Environmental Implications

An assessment of the environmental impacts associated with the proposed dwelling unit was prepared by Toth and Associates Environmental Services. The report states that there is very little native vegetation remaining on the development site and there are no significant or critical environmental features or sensitive vegetation types located within the 15 metre DPA. Further, the report states that the works proposed will not have a detrimental impact on the DPA. The report recommends the use of native species for future landscaping works within the DPA.

FINANCIAL IMPLICATIONS

Staff have 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 proposed development and note that the proposal will be in keeping with the 2016 – 2020 Board Strategic Plan. The strategic priority labelled "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 priority 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. Requirements such as minimum FCL that take into account future sea level rise meet this Strategic Plan priority.

INTER-GOVERNMENTAL IMPLICATIONS

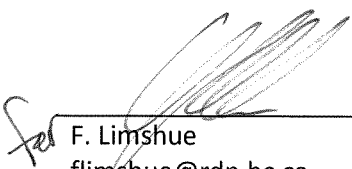
The subject property is adjacent to the Parksville-Qualicum Beach Wildlife Management Area. However, as the proposed construction is above the present natural boundary a permit from the Ministry of Forests, Lands and Natural Resource Operations is not required.

PUBLIC CONSULTATION IMPLICATIONS

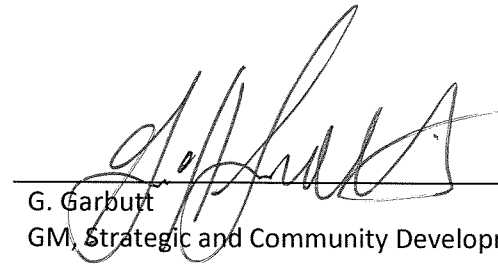
Pending the Electoral Area Services Committee’s recommendation and pursuant to the *Local Government Act* and the “Regional District of Nanaimo Development Approvals and Notification Procedures Bylaw No. 1432, 2005”, property owners and tenants of parcels located within a 50 metre radius of the subject 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.

SUMMARY/CONCLUSIONS


A development application was received for the purpose of building a dwelling unit with variance to the maximum height dwelling unit from 8.0 metres to 8.95 metres. Given that the Development Permit Area guidelines have been met and no negative land use impacts are anticipated as a result of the proposed variance, staff recommend that the Board approve the development permit with variance pending the outcome of public notification and subject to the terms and conditions outlined in Attachments 2.



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G. Garbutt
GM, Strategic and Community Development



J. Holm
Manager, Current Planning



P. Carlyle
Chief Administrative Officer

Attachment 2 Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2016-153:

Bylaw No. 500, 1987 Variances

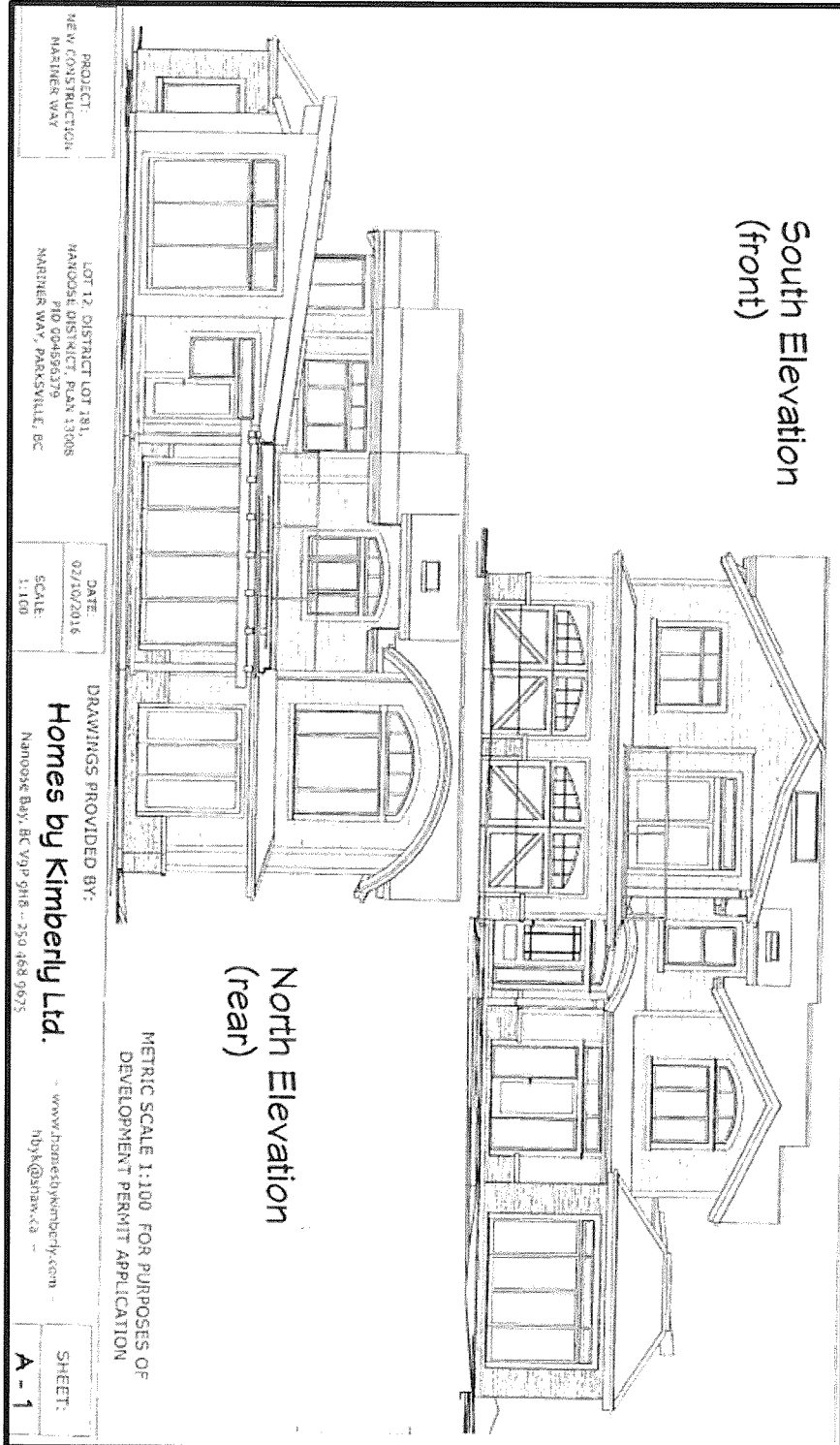
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

3.4.61 - Maximum Number and Size of Buildings and Structures – Dwelling unit height to increase the maximum dwelling unit height from 8.0 metres to 8.95 metres for a dwelling unit.

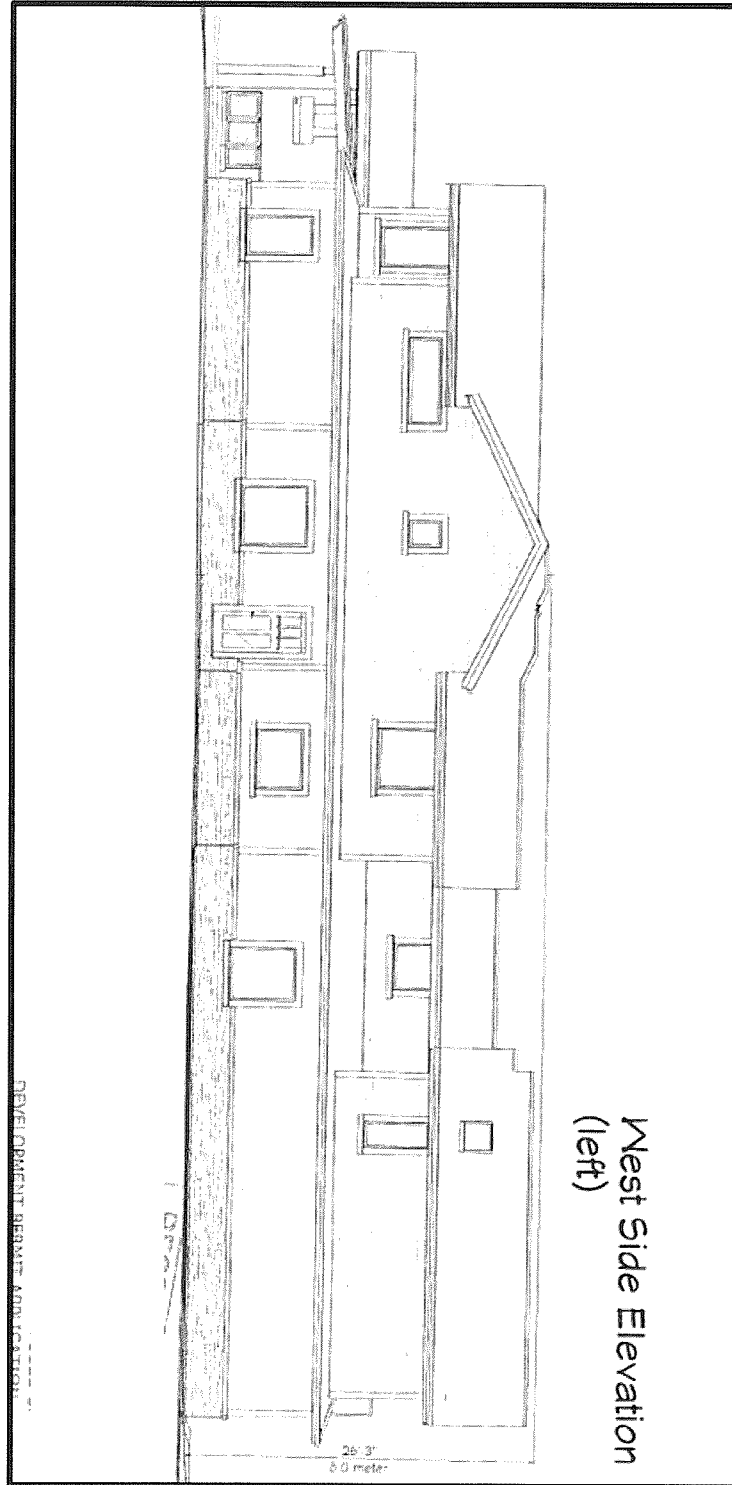
Conditions of Approval

1. 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 Floodplain Hazard Assessment prepared by Lewkowich Engineering Associates Ltd., dated July 22, 2015 and the Addendum prepared by Lewkowich Engineering Associates Ltd, dated November 7, 2016 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.
2. The site is developed in accordance with the Site Plan prepared by Williamson and Associates Professional Surveyors, dated September 23, 2016 and attached as Attachment 3.
3. The proposed development is in general compliance with the plans and elevations prepared by Homes by Kimberly Ltd., dated October 2, 2016 and attached as Attachment 4.
4. The subject property shall be developed in accordance with the recommendations contained in the Floodplain Hazard Assessment prepared by Lewkowich Engineering Associates Ltd. dated July 22, 2015 and addendum dated November 7, 2016.
5. The subject property shall be developed in accordance with the recommendations contained in the environmental report on Mariner Way, Parksville, prepared by Toth and Associates Environmental Services, dated September 8, 2016.
6. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

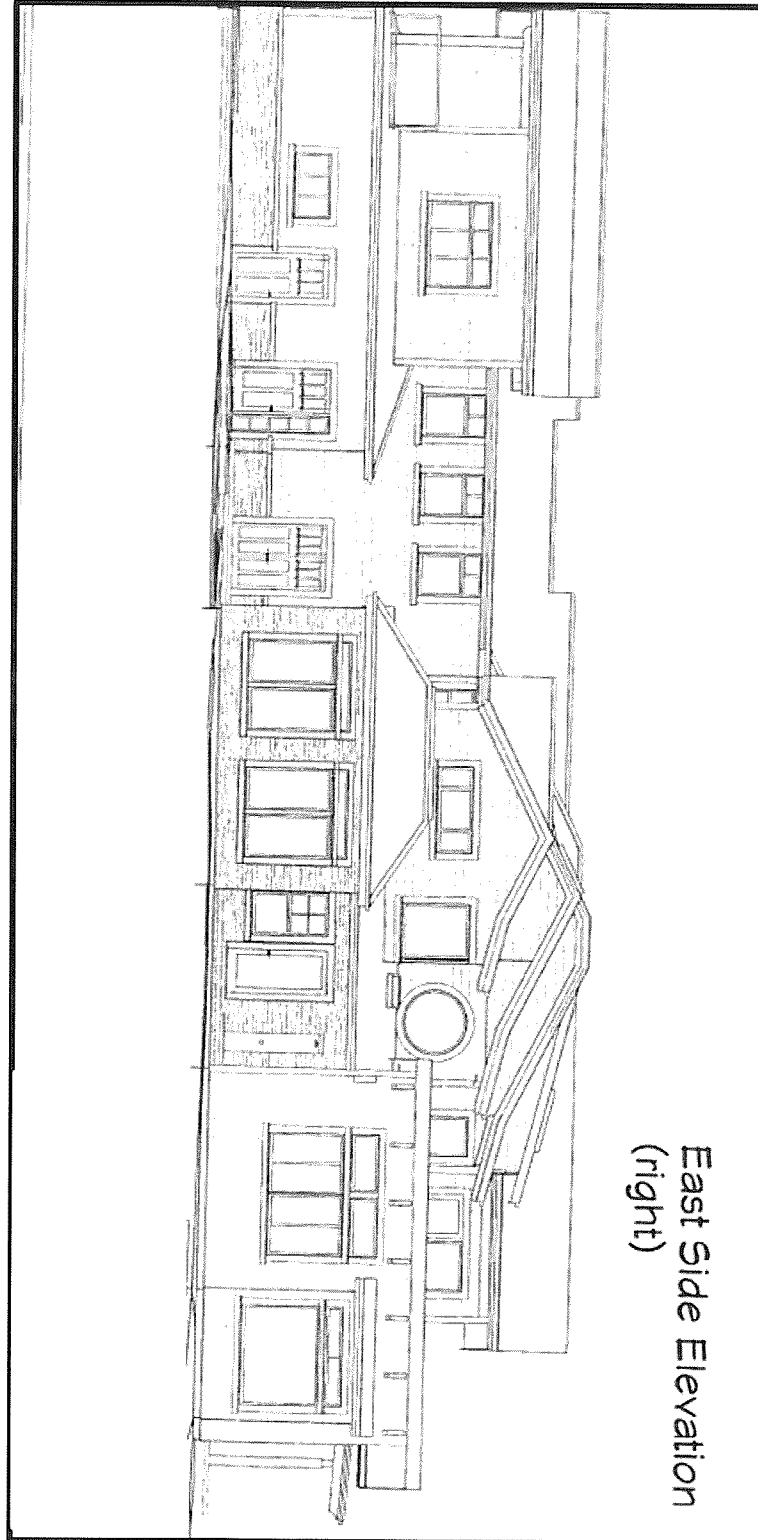
Attachment 4 (page 1 of 3)
Building Elevations – North and South



Attachment 4 (page 2 of 3)
Building Elevations – West



Attachment 4 (page 3 of 3)
Building Elevation – East



TO: Electoral Area Services Committee **DATE:** November 10, 2016
FROM: Kristy Marks
Planner **MEETING:** November 22, 2016
FILE: PL2016-166
SUBJECT: Development Permit with Variance Application No. PL2016-166
Lot 56, District Lot 78, Nanoose District, Plan 47638
Andover Road, Electoral Area 'E'

RECOMMENDATIONS

1. That the Board approve Development Permit with Variance No. PL2016-166 to permit the construction of a dwelling unit subject to the terms and conditions outlined in Attachments 2 to 4.
2. That the Board direct staff to complete the required notification for Development Permit with Variance No. PL2016-166.

PURPOSE

To consider an application for a development permit with variance to reduce the front lot line setback and the setback from the top of the bank adjacent to a watercourse to permit the construction of a dwelling unit on the subject property.

BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Ken Tanguay, Structure Design & Management, on behalf of Ted and Anne Kuzminski to permit the construction of a dwelling unit on the subject property. The subject property is approximately 0.14 ha in area and is zoned Residential 1 (RS1), Subdivision District 'P', pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The property is located in Fairwinds and is surrounded by developed residential parcels to the east and west, Andover Road to the north and a pond associated with the Fairwinds Golf Club to the south (see Attachment 1 – Subject Property Map). The parcel, which is currently vacant, will be serviced by community water and sewer.

The proposed development is subject to the Watercourse Protection Development Permit Area per the "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1400, 2005".

The applicant previously submitted an application for a development permit with variance (PL2016-107) requesting variances to the front lot line and to the setback from the top of the bank of the adjacent pond. The application was denied by the RDN Board on October 25, 2016. The applicants have since revised their proposal to reduce the extent of the encroachment of the cantilevered deck in an attempt

to address neighbours concerns with the requested variance to the watercourse setback related to reduced privacy and potential impacts to wildlife.

Proposed Development and Variance

The proposed development includes the construction of a 345 m² dwelling unit on the subject property. The applicant proposes to vary the following regulations from the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987":

- **3.4.31 – Maximum Number and Size of Buildings and Structures** to reduce the setback from the front property line from 8.0 metres to 5.0 metres to permit the construction of a dwelling unit.
- **3.3.8 – Setbacks – Watercourses, Excluding the Sea** to reduce the setback from the top of the slope adjacent to the pond from 9.0 metres to 6.48 metres to permit the construction of a dwelling unit for a cantilevered deck associated with the proposed dwelling unit.

The proposed dwelling unit has been designed to complement the steep and challenging topography of the parcel and is proposed to be sited closer to the road, within the setback to the front lot line, to limit the extent of encroachment into the watercourse setback. In addition, there will be limited level yard space on the parcel given its steep topography. As such, the applicant has requested a variance to the setback from the watercourse to accommodate a cantilevered deck, which will be the primary outdoor space for the parcel (see Attachment 3 - Site Plan and Variances and Attachment 4 - Building Elevations).

Since the initial application was denied the applicant has adjusted the building plans and reduced the total area of the deck that is within the setback from approximately 19 m² to approximately 7 m². To retain functionality of the reduced deck area, the applicant has also reduced the width of the dwelling unit by 2.13 metres. The result is a reduction in the requested setback variance of 0.65 metres. The difference between the area of encroachment in the previous application and that in the current application is illustrated on the attached Site Plan prepared by Structure Design & Management dated November 10, 2016 (see Attachment 5 – Site Plan and Amendments). The applicant has also offered to enhance the existing vegetation adjacent to neighbouring properties to increase privacy.

ALTERNATIVES

1. To approve Development Permit with Variance No. PL2016-166 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Permit with Variance No. PL2016-166.

LAND USE IMPLICATIONS

Development Implications

The applicant is requesting variances to the setback from the front lot line and the setback from the top of the bank adjacent to a pond to permit the construction of a dwelling unit. In accordance with the Watercourse Protection Development Permit Area guidelines the applicant has submitted an Assessment prepared by Toth and Associates Environmental Services dated June 30, 2016, which confirms that the pond is not subject to the Riparian Areas Regulation and there are no unique ecosystems associated with the pond. The Assessment notes that the area of intrusion into the

watercourse setback is for an upper level cantilevered deck and recommends a greater setback or compensation area be maintained adjacent to the pond in the southwest corner of the property. The biologist concludes that this compensation area represents higher quality riparian habitat than the terrestrial habitat that will be impacted by the deck intrusion and recommends that this area be fenced to support the establishment of riparian vegetation. The applicant is required to develop the subject property in accordance with the recommendations in the Assessment prepared by Toth and Associates Environmental Services (see Attachment 2 – Terms and Conditions).

Board Policy B1.5 *Development Variance Permit, Development Permit and Floodplain Exempt Application Evaluation* for evaluation of development variance permit applications requires that there is an adequate demonstration of an acceptable land use justification prior to the Board's consideration. The applicant has indicated in their letter of submission that in consideration of the steep topography of the site and the pond to the rear of the parcel they have designed the dwelling unit to be located closer to the road, within the setback from the front lot line, and further away from the pond. In addition, the requested variance to the top of the bank adjacent to the pond is to accommodate a cantilevered deck that will be the principle outdoor space for the dwelling. The applicant has also provided a letter of support for the requested variances from the property owners to the west and from Fairwinds confirming they have no concerns with the setback reduction. In addition, the Assessment prepared by Toth and Associates Environmental Services confirms that the proposed compensation area will provide higher quality riparian habitat than the habitat that will be lost due to the deck encroachment. The proposed dwelling unit has been designed to complement the site topography and will not obstruct views for adjacent properties.

Given that the applicant has provided sufficient rationale and has made an effort to reduce the requested variance to the watercourse setback and address neighbours concerns by adjusting the design of the dwelling unit and deck area in addition to offering to enhance buffering between adjacent parcels, the applicants have made reasonable efforts to address Policy B1.5 guidelines.

FINANCIAL IMPLICATIONS

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

STRATEGIC PLAN IMPLICATIONS

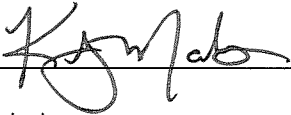
Staff have reviewed the proposed development and note that the proposal has no implications for the 2016 – 2020 Board Strategic Plan.

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.

SUMMARY/CONCLUSIONS

The applicant is proposing to construct a dwelling unit on the subject property with variances to the front lot line and the setback from the top of the bank adjacent to a watercourse. Given that the development permit guidelines have been met and that the applicants have made an effort to address neighbour concerns by reducing the floor area and extent that the cantilevered deck encroaches into the watercourse setback, in addition to the subject property being particularly challenging to develop given the parcel shape, topography and proximity to a watercourse, staff recommends that the Board approve the development permit with variance pending the outcome of public notification and subject to the terms and conditions outlined in Attachment 2.



K. Marks
kmarks@rdn.bc.ca



G. Garbutt
GM, Strategic and Community Development



Jeremy Holm
Manager, Current Planning



P. Carlyle
Chief Administrative Officer

Attachment 2 Terms and Conditions of Permit

The following sets out the terms and conditions of Development Permit with Variance No. PL2016-166:

Bylaw No. 500, 1987 Variances

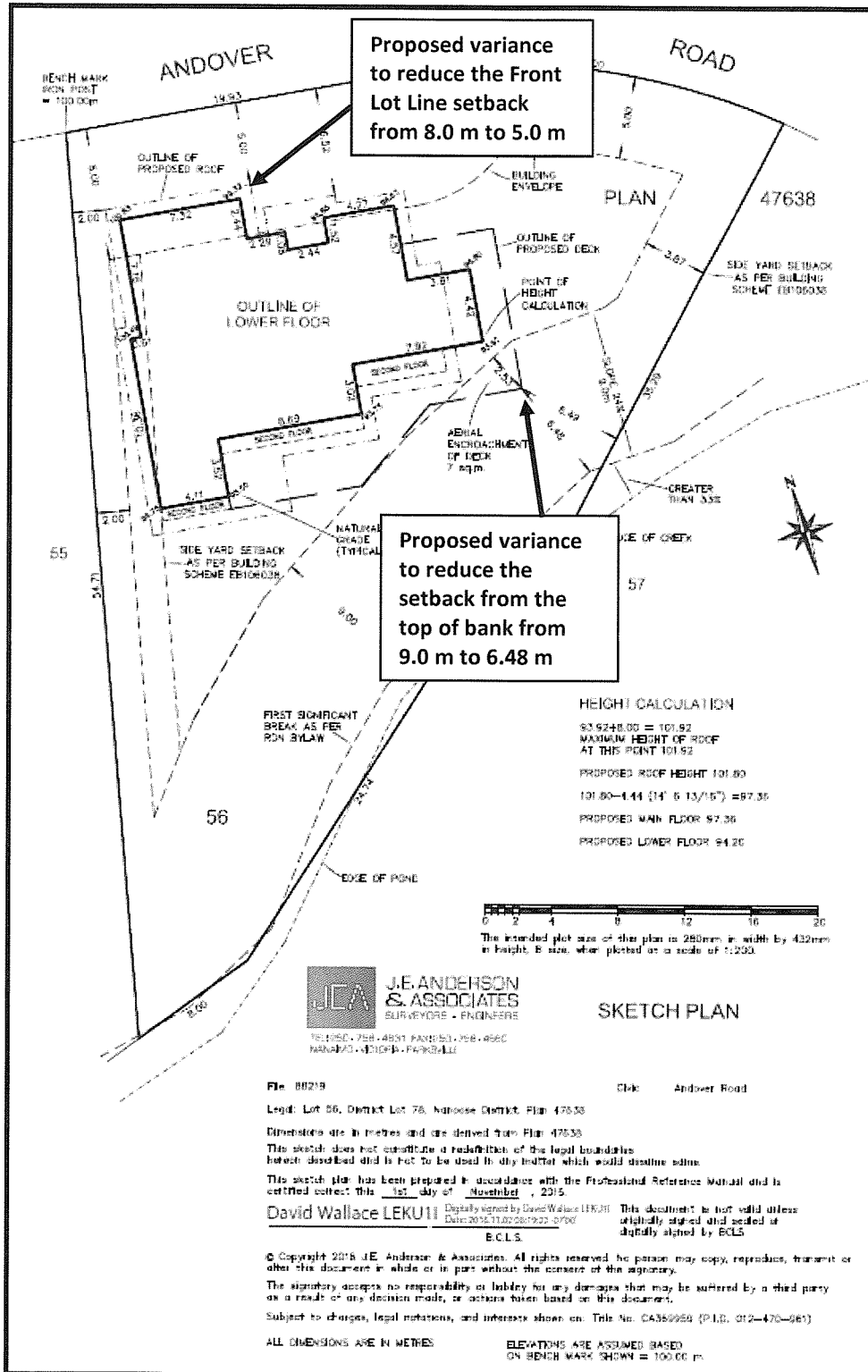
With respect to the lands, "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" is varied as follows:

1. **3.4.31 – Maximum Number and Size of Buildings and Structures** to reduce the setback from the front property line from 8.0 metres to 5.0 metres for a portion of the dwelling unit.
2. **3.3.8 – Setbacks – Watercourses, Excluding the Sea** to reduce the setback from the top of the slope adjacent to the pond from 9.0 metres to 6.48 metres for a cantilevered deck associated with the proposed dwelling unit.

Conditions of Approval

1. The site is developed in accordance with the Sketch Plan prepared by J.E. Anderson and Associates, dated November 2, 2016 and attached as Attachment 3 Proposed Site Plan and Variances.
2. The proposed development is in general compliance with the plans and elevations prepared by Structure Design & Management, dated October 26, 2016 and attached as Attachment 4.
3. The subject property shall be developed in accordance with the recommendations contained in the Assessment prepared by Toth and Associates Environmental Services Ltd., dated June 30, 2016.
4. The property owner shall obtain the necessary permits for construction in accordance with Regional District of Nanaimo Building Regulations.

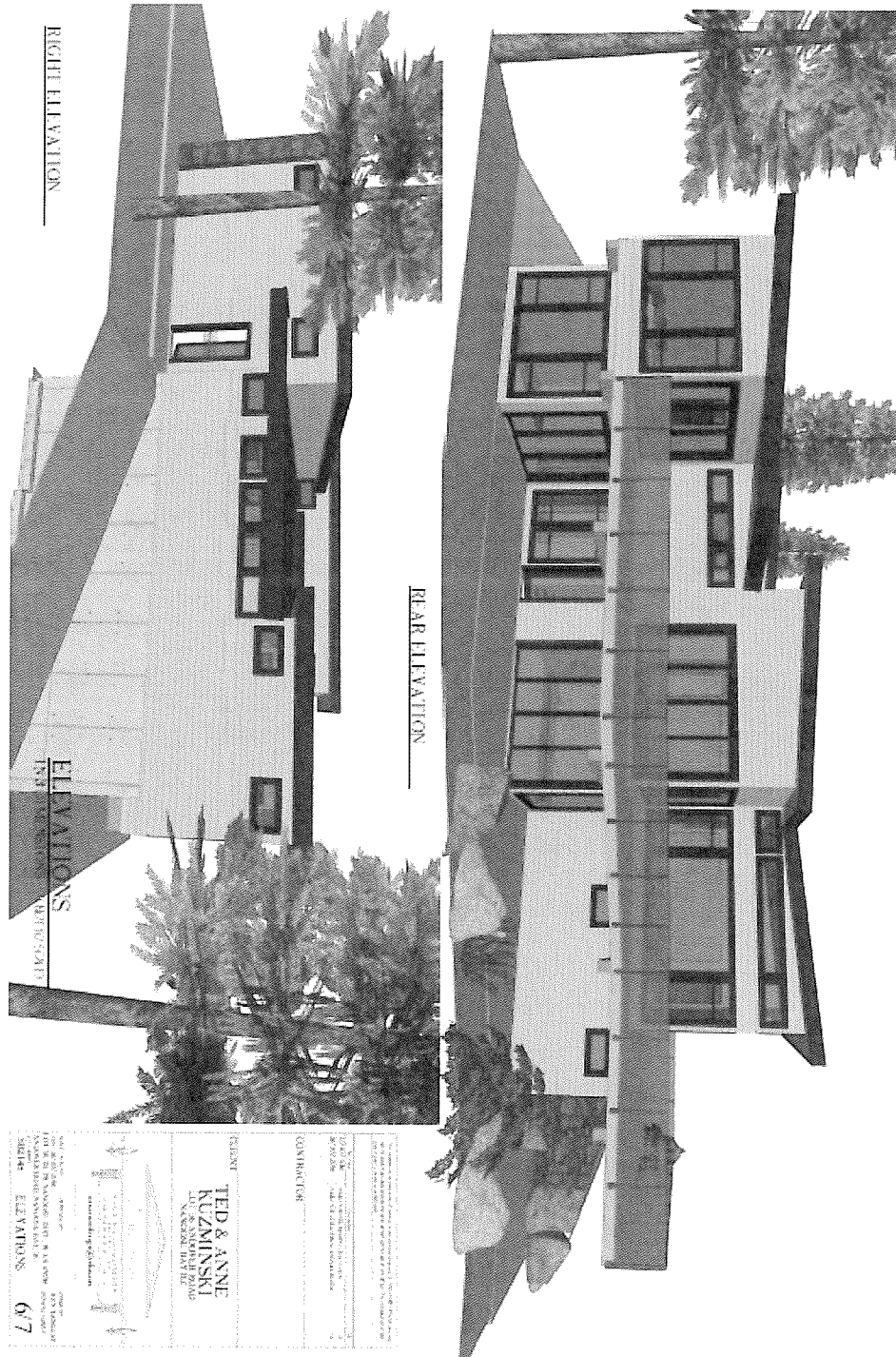
Attachment 3
Proposed Site Plan and Variances



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



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



parcel size from 20.0 hectares to 4.0 hectares to allow subdivision of the parcel. The portion of the parcel that is zoned Rural 1 Zone (RU1), Subdivision District 'E' will not be rezoned. This parcel would be approximately 3.70 hectares in area and will have future subdivision potential into two parcels based on the current minimum parcel size of 1.6 hectares within Subdivision District 'E'.

The property is subject to the Environmentally Sensitive Features Development Permit Area for Aquifer and Watercourse Protection per the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003", a development permit application will be required prior to the subdivision of the subject property.

The development is proposed to be serviced by individual wells and on-site septic systems. Access to and from the subject property will be from Anderson Avenue which is proposed to be extended to a cul-de-sac to provide access and frontage to future parcels.

ALTERNATIVES

1. To proceed with Zoning Amendment Application No. PL2016-007, consider first and second reading of the Amendment Bylaw and proceed to Public Hearing.
2. To not proceed with the Amendment Bylaw readings and Public Hearing.

LAND USE IMPLICATIONS

Official Community Plan Implications

The subject property is designated Rural pursuant to the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003". The Rural Lands designation supports a minimum permitted parcels size of 4.0 hectares and recognizes that lands zoned with a minimum permitted parcel size less than 4.0 hectares prior to the adoption of the OCP can retain that minimum parcel size. Therefore, the proposed amendment is consistent with the OCP policies.

Development Implications

The existing Rural 1 Zone allows agriculture, aquaculture, home-based business, produce stand, silviculture, and residential use with two dwellings currently permitted on the parcels greater than 2.0 hectares in area. The applicant proposes to amend the current Subdivision District or minimum parcel size from Subdivision District 'A' (20.0 hectare minimum parcel size) to Subdivision District 'CC' (4.0 hectare minimum parcel size) (see Attachment 5 – Proposed Amendment Bylaw 500.405, 2016).

As per Board Policy B1.21 *Groundwater – Application requirements for rezoning of un-serviced lands*, the applicant will be required, prior to final adoption of the amendment bylaw, to register a covenant on title requiring the wells to be constructed and tested, and a report submitted to the RDN prior to final approval of subdivision (see Attachment 2 – Conditions of Approval). The applicant has submitted a Preliminary Hydrogeological Assessment prepared by Lewkowich Engineering Associates Ltd. dated June 15, 2016 which indicates that the proposed subdivision of the parcel would have negligible effect on the drinking water aquifer and ground water resource. The report also concludes that new wells in this area will be able to meet the minimum required volume of 3.5 m³ per day due to the nature of the aquifer.

In recognition of the increased development potential that would be achieved through rezoning the subject property, the applicant is offering a community amenity contribution in the form of a cash contribution of \$3,000 towards the Electoral Area 'H' Parks Amenity Fund, to be used towards playground equipment or other park amenities in parks in Electoral Area 'H'. The provision of this amenity contribution is noted as a condition of approval in Attachment 2. Parks and Recreation staff have reviewed the proposal and recommend that the Board accept the proposed amenity contribution (see Attachment 2 – Zoning Amendment).

Environmental Implications

The applicant has submitted an assessment prepared by Toth and Associates Environmental Services dated June 14, 2016 of the wetland and surface water drainage on the subject property. This report confirms that the wetland is not subject to the Provincial Riparian Areas Regulation and notes that the applicable Development Permit Area (DPA) is 15.0 metre from the natural boundary and that the road construction would require an intrusion into the 15.0 metre DPA. The report recommends that as a condition of future development permit application, the area lost due to the road intrusion be compensated for by increasing the setback elsewhere on the property, such that there is a no net loss in the wetland on the subject property. The proposed zoning amendment and future subdivision is not expected to have any negative environmental impact.

FINANCIAL IMPLICATIONS

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

STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development and note that the proposal is consistent with Board 2016-2020 Strategic Plan priorities related to economic health and the environment, recognizing the importance of water and the protection of the natural environment through the implementation Board Policy B1.21 and applicable DPA Guidelines.

INTER-GOVERNMENTAL IMPLICATIONS

The application was referred to Island Health (VIHA), Ministry of Transportation and Infrastructure (MOTI) and the local fire department for review and comment. The MOTI have granted preliminary approval for the rezoning provide no additional drainage is directed to the Ministry's drainage system and note that upgrades to Anderson Avenue may be required. Island Health does not have any concerns with the application.

PUBLIC CONSULTATION IMPLICATIONS

A Public Information Meeting (PIM) was held on October 5, 2016. Six 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*, should the Board grant first and second reading to the amendment bylaw, a Public Hearing is required to be held or waived prior to the Board's

consideration of third reading. The purpose of the Public Hearing is to provide an opportunity for those who believe that their interest in property is affected by the proposed bylaw to be heard by the Regional Board. In addition, the Regional Board may delegate the Public Hearing by resolution in accordance with Section 469 of *The Local Government Act*. Therefore, staff recommends, that should the Board grant first and second reading to the proposed amendment bylaw, that a Public Hearing be held in accordance with Section 464 of *The Local Government Act* and that the Public Hearing be delegated to Director Veenhof.

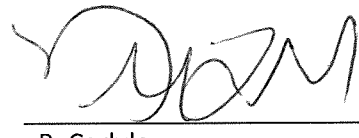
SUMMARY/CONCLUSIONS

The applicant proposes to rezone a portion of the subject property from Rural 1 Zone (RU1), Subdivision District 'A' to Rural 1 Zone (RU1), Subdivision District 'CC' to facilitate a future 4 lot subdivision. A Public Information Meeting was held on October 5, 2016. 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. 500.405, 2016 be granted first and second reading.

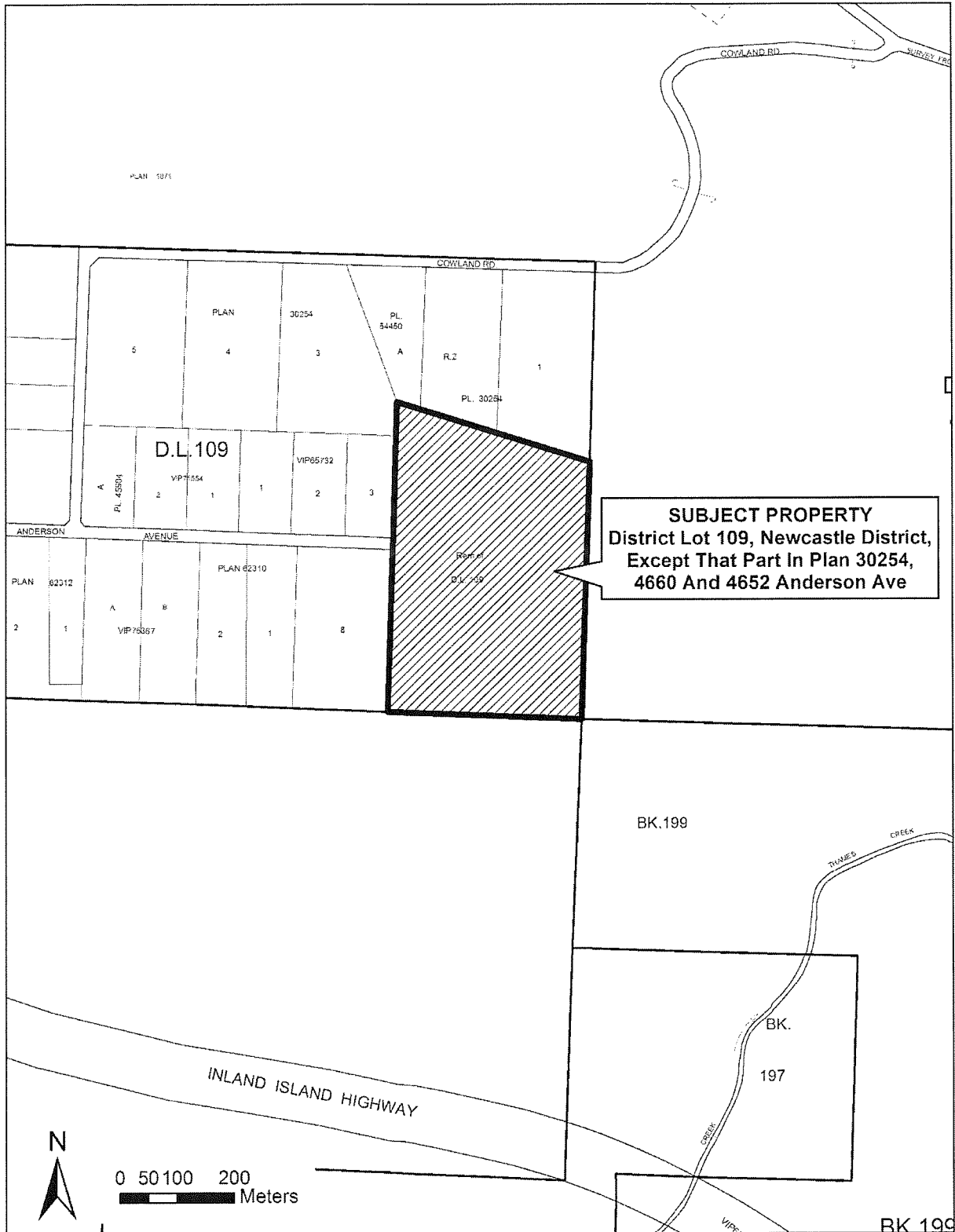

K. Marks
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G. Garbutt
GM, Strategic and Community Development


J. Holm
Manager, Current Planning


P. Carlyle
Chief Administrative Officer

Attachment 1
Subject Property Map

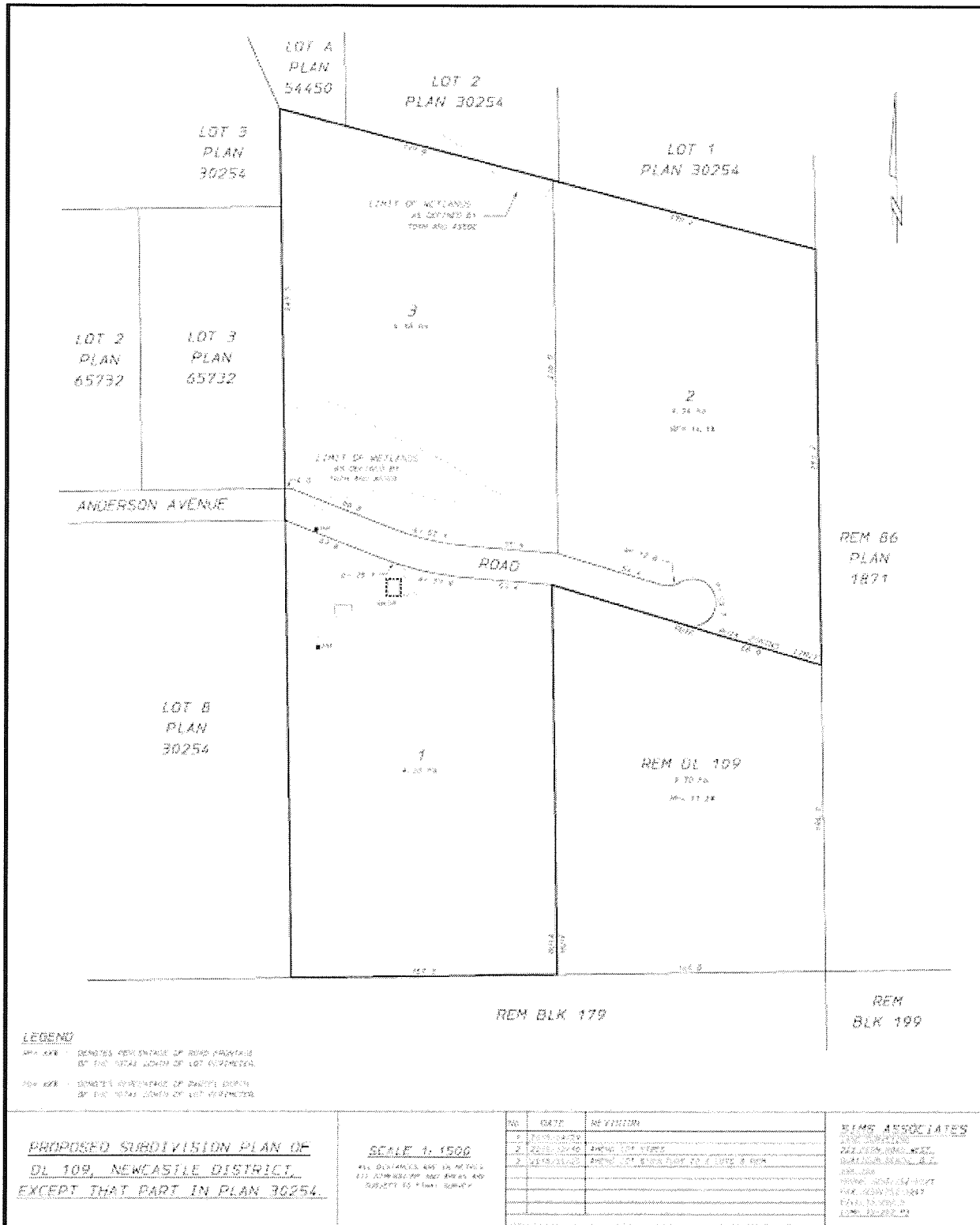


Attachment 2
Conditions of Zoning Amendment

The following is required prior to the “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.405, 2016” being considered for adoption:

1. The applicant shall provide a voluntary community amenity contribution in the amount of \$3000.00 towards park improvements in Electoral Area ‘H’.
2. The applicant is required to register, at the applicant’s expense, a Section 219 Covenant on the property title requiring that the development of the land occur in a manner consistent with the Preliminary Hydrogeological Assessment prepared by Lewkowich Engineering Associates Ltd. dated June 15, 2016.
3. The applicant is required to register, at the applicant’s expense, a Section 219 Covenant on the property title stating that the wells be constructed and 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 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 pump tested and certified including well head protection, and that the water meets Canadian Drinking Water Standards.

**Attachment 3
Proposed Subdivision Plan**



Attachment 4
Summary of the Public Information Meeting
Held at Light House Community Centre
240 Lions Way
Wednesday, October 5, 2016 at 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 were six members of the public in attendance at this meeting.

Present for the Regional District of Nanaimo:

Director Veenhof, Electoral Area 'H' (the Chair)
Kristy Marks, Planner handling the development application
Sarah Preston, Planning Technician, Minutes

Present for the Applicant:

Helen Sims, Fern Road Consulting Ltd.
Larisa Anderson, Subject Property Owner

The Chair opened the meeting at 6:30 pm, outlined the evening's agenda, and introduced the RDN staff and the applicant(s) 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, supporting documents provided by the applicant, and the application process.

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

Helen Sims, Fern Road Consulting Ltd. presented an overview of the proposal.

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

Carey Underhill, 4689 Anderson Avenue asked how many residences would be permitted on the new proposed parcels as compared to his own property.

Kristy Marks responded that on properties over 2 hectares, two residences are permitted under current zoning –the zoning will remain the same, what is proposed to be changed through the current application is the minimum parcel size.

Carey Underhill, 4689 Anderson Avenue asked if the road will be extended. Sims answered that yes, the road would be extended and a cul-de-sac created.

Carey Underhill, 4689 Anderson Avenue asked what was proposed in regards to the water feature that was both on his property and the subject property.

Helen Sims replied that the proposed road extension would pass within the riparian setback and a small portion along the edge had already been filled. A biologist assessment and recommendations have been made for the proposed works. The water feature will largely remain unchanged.

Dianne Alexander, 4775 & 4785 Anderson Avenue asked if the whole parcel was being re-zoned and why the subject property was already smaller than the current subdivision district permitted.

Helen Sims responded that only the RU1, Subdivision District 'A' portion was proposed for re-zoning and explained that the subdivision was completed prior to the current zoning and OCP being adopted.

Steve Anderosov, 600 Cowland, asked why the parcel was no longer in the ALR. He recalls that it was for sale in the mid 70's and at that time was in the ALR.

Director Veenhof responded that that history was prior to his time and that he did not know the details. He went on to explain the current process for ALR applications.

Helen Sims added that a very low percentage of applications to remove land are approved under the current regulation. The history of whether or not the parcel was at one time in the ALR is indeterminate.

Steve Anderosov, 600 Cowland, raised concerns over increasing the number of residents, especially at the end of a dead end road. He was concerned about traffic and increased dust (the road is gravel). He felt that the subdivision should not be allowed without the provision of an additional access road to the neighbourhood. He proposed one through the Sea Orchard property to the east of the subject property.

Carey Underhill, 4689 Anderson Avenue, added that dust abatement on the road was not very good this past summer and noted that he had heard that there was a supply issue with the dust abatement product.

Director Veenhof confirmed that there was indeed a supply issue and that it was out of the norm.

Doug Alexander, Resident 645/637/575 Cowland Road, asked what the minimum parcel size in the rest of the area was.

Kristy Marks noted that it varies from 20.0 hectares to 2.0 hectares.

Helen Sims explained that the OCP allows for a rezoning process to allow further subdivision – the minimum is 2.0 hectares.

Kristy Marks and Helen Sims further explained the rezoning process, minimum parcel sizes, and the role of the OCP; discussed the impact of historic subdivisions on current land use patterns that do not fit with the present OCP.

Director Veenhof observed that the discussion had moved on to the subdivision of the attendees' personal property. The Director asked if it would be ok to finish discussing the proposal for the subject

property so that the meeting could be adjourned. Invited attendees to stay afterwards to discuss with staff or visit the planning department for further information.

Dianne Alexander, 4775 & 4785 Anderson Avenue clarified that the subject property couldn't be subdivided further than 4 hectare parcels.

Kristy Marks advised that yes, this was the case, due to the inability of the parcel to meet frontage requirements. However, the remainder lot, which isn't proposed for re-zoning, can be further subdivided due to the existing minimum parcel size.

Helen Sims clarified that due to frontage requirements, the new parcels created could not be further subdivided due to existing OCP requirements.

Carey Underhill, 4689 Anderson Avenue, asked if the RDN can influence MOTI to put in another road – feels that a road dedication already exists on the Sea Orchard property; notes that it would provide another access point to the subject property and reduce the traffic impact on the existing road.

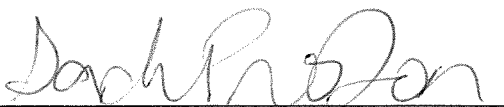
Director Veenhof offered to connect with MOTI on the matter.

Helen Sims added that from her client's perspective, providing additional road access to the site was not an option under the current proposal given that the adjacent orchard property is privately owned.

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 7:10 pm.



Sarah Preston
Recording Secretary

**Attachment 5
Proposed Amendment Bylaw No. 500.405, 2016**

**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 500.405**

**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. 500.405, 2016”.
- 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

District Lot 109, Newcastle District, Except That Part in Plan 30254

from Rural 1 Zone (RU1), Subdivision District ‘A’ to Rural 1 Zone (RU1), Subdivision District ‘CC’

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

Public Hearing held this ___ day of _____ 20XX.

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

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

Adopted this ___ day of _____ 20XX.

Chairperson

Corporate Officer

Schedule '1' to accompany "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.405, 2016".

Chairperson

Corporate Officer

Schedule '1'

