

REGIONAL DISTRICT OF NANAIMO  
SPECIAL BOARD MEETING  
AGENDA

Tuesday, September 12, 2017

3:00 P.M.

RDN Board Chambers

*This meeting will be recorded*

Pages

1. CALL TO ORDER
2. APPROVAL OF THE AGENDA
3. CORRESPONDENCE
4. UNFINISHED BUSINESS
  - 4.1 **Bowser Village Sewer System Development Cost Charge Frontender Agreement** 4  
(All Directors - Weighted Vote)  
WHEREAS the Developers have requested an amendment to the August 22, 2017 Board approved Bowser Village Sewer System Development Cost Charge Frontender Agreement to:
    1. remove one of the Developers as a party to the Agreement, and
    2. reallocate the Capacity Allocation (Dwelling Unit Equivalents) amongst the remaining DevelopersNOW THEREFORE BE IT RESOLVED THAT the Regional District of Nanaimo enter into the Development Cost Charge Frontender Agreement with the participating Developers.
5. COMMITTEE MINUTES  
(All Directors - One Vote)  
That the following minutes be received for information:
  - 5.1 **Minutes of the Special Electoral Area Services Committee Meeting - August 22, 2017** 19

6. COMMITTEE RECOMMENDATIONS

6.1 Electoral Area Services Committee

- 6.1.1 **Development Permit with Variance Application No. PL2017-069 - 1682 Cedar Road, Electoral Area 'A'** 22

**Delegations wishing to speak to Development Permit with Variance Application No. PL2017-069 - 1682 Cedar Road, Electoral Area 'A'.**

(Electoral Area Directors, except EA 'B' - One Vote)

That the Board approve Development Permit with Variance No. PL2017-069 to permit the construction of an automotive repair shop subject to the terms and conditions outlined in Attachments 2 to 6.

- 6.1.2 **Development Permit with Variance Application No. PL2017-073 - 126 Kinkade Road, Electoral Area 'G'** 38

**Delegations wishing to speak to Development Permit with Variance Application No. PL2017-073 - 126 Kinkade Road, Electoral Area 'G'**

(Electoral Area Directors, except EA 'B' - One Vote)

That the Board approve Development Permit with Variance No. PL2017-073 to permit the construction of a dwelling unit subject to the terms and conditions outlined in Attachments 2 to 5.

- 6.1.3 **Development Variance Permit Application No. PL2017-096 - 1856 Cedar Road, Electoral Area 'A'** 49

**Delegations wishing to speak to Development Variance Permit Application No. PL2017-096 - 1856 Cedar Road, Electoral Area 'A'**

(Electoral Area Directors, except EA 'B' - One Vote)

That the Board approve Development Variance Permit No. PL2017-096 to reduce the minimum required front and other lot line setback requirements to recognize an existing kiosk structure, subject to the conditions outlined in Attachments 2 to 4.

- 6.1.4 **Development Permit Application No. PL2017-078 and Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in relation to Subdivision Application No. PL2016-130 - 300 Dan's Road and Myles Lake Road, Electoral Area 'C'** 59

(Electoral Area Directors, except EA 'B' - One Vote)

1. That the Board approve the request to relax the minimum 10% perimeter frontage requirements for proposed lot A in relation to Subdivision Application No. PL2016-130.

2. That the Board approve Development Permit No. PL2017-078 to permit a lot line adjustment subdivision, subject to the terms and conditions outlined in Attachments 2 and 3.

**7. REPORTS**

**7.1 San Pareil UV Disinfection Upgrades – Construction Contract Award 65**

(All Directors - Weighted Vote)

That the Board award the construction contract for the San Pareil Ultra-Violet Disinfection Upgrades to Ridgeline Mechanical Ltd. for \$476,159.26 (excluding GST).

**7.2 Zoning Amendment – File No. PL2017-089 – Electoral Area ‘A’, ‘C’, ‘E’, ‘G’ and ‘H’ – Amendment Bylaw 500.410, 2017 – Adoption; Amendment Bylaw 500.411, 2017 – Adoption 69**

(Electoral Area Directors, except EA 'B' - One Vote)

1. That the Board adopt “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.410, 2017”.

2. That the Board adopt “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.411, 2017”.

**8. RECESS**

(All Directors - One Vote)

That the Board recess and reconvene immediately following the Committee of the Whole meeting for the purpose of moving In Camera.

**9. IN CAMERA**

(All Directors - One Vote)

That pursuant to Section 90 (1) (c) of the *Community Charter*, the Board proceed to an In Camera meeting for discussions related to labour relations.

**10. ADJOURNMENT**

**DEVELOPMENT COST CHARGE FRONTENDER AGREEMENT**

THIS AGREEMENT dated for reference the 5th day of September, 2017.

BETWEEN:

**REGIONAL DISTRICT OF NANAIMO**

6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

(the “**Regional District**”)

OF THE FIRST PART

AND:

**A.G. PROJECT MANAGEMENT INC.**

56 McColl Road  
PO Box 183  
Bowser, BC V0R 1G0

AND:

**CORAL ICE DEVELOPMENTS LTD.**

c/o 7400 Island Highway West  
Bowser, BC V0R 1G0

AND:

**BALLARD FINE HOMES LTD.**

4265 Park Avenue  
PO Box 75  
Bowser, BC V0R 1G0

AND:

**JAMES WALTER FOULDS and LENNY AGUSTIN FOULDS**

85 Henry Morgan Drive  
Bowser, BC V0R 1G0

(collectively the “**Developers**”)

OF THE SECOND PART

- A** **Whereas** the Regional District wishes to implement the policies of the Bowser Village Centre Plan and the lands described in Schedule “A” (the “Developers’ Lands”) form part of the Bowser Village Plan Area adopted by the Board of the Regional District;
- B** **Whereas** the Developers are or are entitled to become the registered owners of the Developers’ Lands identified in Column 2 of Schedule “A”;
- C** **Whereas** the Developers have agreed to contribute to the cost of the Works to enable completion of the Works by the Regional District to serve the Service Area;
- D** **Whereas** section 565(2)(a) of the *Local Government Act* contemplates a Developer paying the cost of providing a specific service outside the boundaries of the lands being subdivided or developed;
- E** **Whereas** the Regional District intends to impose development cost charges within the service area described in Bowser Village Sanitary Sewer Service Establishing Bylaw No. 1760, 2017;

**Now Therefore this Agreement Witnesses** that in consideration of the sum of ten (\$10.00) dollars of lawful money of Canada and other good and valuable consideration now paid by each of the parties hereto, to each of the other parties hereto, the receipt whereof is hereby acknowledged the parties hereto hereby covenant and agree with each other as follows:

**1 Definitions**

In this Agreement, and in the recitals above:

“**Act**” means the *Local Government Act*;

“**Agreement**” means this Agreement and all schedules attached to this Agreement;

“**Assignee Developer**” means an owner of land in the Service Area to which all or part of a Developer’s Capacity Allocation is assigned under section 11.3 of this Agreement;

“**Assigning Developer**” means a Developer referred to in section 11.2(a) of this Agreement, whether or not such person is an original signatory Developer;

“**Bowser Village Sewer Service Area Bylaws**” means the Establishing Bylaw, Loan Authorization Bylaw, and the Development Cost Charge Bylaw;

**“Bowser Village Sewer System”** means the system of Works, including any extensions or alterations, constructed under the authority of the Establishing Bylaw;

**“Business Day”** means a day that the offices of the Regional District are ordinarily open for the conduct of activities related to the administration of the Regional District;

**“Capacity Allocation”** means the number of Dwelling Unit Equivalents allocated to a Developer under section 5 of this Agreement shown in Schedule “A”, as may be amended from time to time;

**“Construction Contract”** means a contract between the Regional District and a contractor for the construction of any part of the Works;

**“Contribution”** means a contribution by a Developer to the cost of the Works to be paid to the Regional District in accordance with this Agreement as set out in Schedule “A” to this Agreement;

**“Contribution Effective Date”** means the date of adoption of the Bowser Village Sewer Service Area Bylaws by the Board of the Regional District;

**“Developer’s Portion”** means, in connection with the payment of any part of the Contribution Second Instalment referred to in section 3.1 the percentage for a Developer set out in Column 4 of Schedule “A” multiplied by 30% of the amount of the progress payment payable by the Regional District under the Construction Contract including, for certainty, the amount of any portion of the progress payment retained or to be retained as a holdback by the Regional District under any applicable enactment or pursuant to the Construction Contract;

**“Development Cost Charge”** or “DCC” means a charge imposed by the Regional District under Part 14 of the *Local Government Act* to recover a portion of the cost of the Works;

**“Development Cost Charge Bylaw”** means the Bowser Village Sanitary Sewer Service Development Cost Charge Bylaw No. 1765, 2017;

**“Dwelling Unit Equivalents”** has the meaning set out in Schedule “A” to this Agreement;

**“Effective Date”** means the date of adoption of the Bowser Village Sewer Service Area Bylaws;

**“Establishing Bylaw”** means Bowser Village Sanitary Sewer Service Establishment Bylaw No. 1760, 2017;

**“Estimated Cost”** means the Estimated Cost of the Works set out in section 2.3 of this Agreement;

**“Loan Authorization Bylaw”** means Bowser Village Sanitary Sewer Service Loan Authorization Bylaw No. 1761, 2017, to authorize the borrowing of funds for the construction of the Works;

**“Maximum Amount”** means the maximum amount shown in Column 5 of Schedule “A” to be credited to a Developer for the Contribution received under this Agreement as specified in section 6;

**“Owners”** means the owners of real property within the Service Area;

**“Service Area”** means the service area established under the Establishing Bylaw and shown outlined in heavy outline on Schedule “B”;

**“Term”** means the period of time this Agreement is in effect as specified in section 9;

**“Works”** means the works related to the Bowser Village Sewer System referred to in section 2.1 of this Agreement.

## **2 Works**

2.1 The Regional District has sole authority for the design, engineering and construction of the Works and for retaining consultants and entering into any contracts required to construct and complete the Works as described in the Report entitled Bowser Wastewater Servicing Design Report prepared by Stantec dated the 7th day of April, 2017 as may be modified from time to time.

2.2 The Regional District is responsible for financing the construction of the Works.

2.3 The parties acknowledge that, as of the date of this Agreement, the estimated cost of the Works is Ten Million Six Hundred and Eighty-One thousand Five hundred and eleven (\$10,681,511) in Canadian dollars.

2.4 Subject to the Regional District’s authority under section 2.1 in consideration of the Developers providing the Contribution under this Agreement the Regional District will consult with the Developers in a meaningful way in the final design of the Works.

## **3 Contribution of Developers toward Cost of Works**

3.1 The Developers each agree to pay or secure the Contribution on or before the Effective Date to be used in accordance with this Agreement as follows:

- (a) ten (10%) percent of the Contribution (the "Contribution First Instalment") shall be paid on or before the Effective Date to Stewart McDannold Stuart, the solicitors for the Regional District, in trust, to be held in accordance with the terms of section 3.3 of this Agreement; and
- (b) to secure the balance of the Contribution being Ninety (90%) percent of the amount of the Contribution (the "Contribution Second Instalment") by depositing with the Regional District a standby irrevocable letter of credit in a form acceptable to the Regional District, acting reasonably, to be valid until the completion of the Works or such other time agreed in writing by the Regional District.
- (c) the Contribution Second Instalment shall be paid by the Developers to the Regional District in instalments at the time of the progress payments made by the Regional District to a contractor or contractors on account of the cost of the Works made under any Construction Contract or Contracts in accordance with the process set out in paragraphs (d) and (e) and the Developers letter of credit will be reduced accordingly.
- (d) upon receipt by the Regional District of an application for a progress payment under a Construction Contract, the Regional District may, by notice in writing delivered to the Developers, require payment from each of the Developers of the Developer's Portion of the Contribution Second Instalment related to such progress payment.
- (e) each Developer shall pay to the Regional District the full amount of that Developer's Portion of the Contribution Second Instalment as set out in the Notice referred to in paragraph (d) without deduction or set-off, within 10 (ten) Business Days of the giving of such Notice.

3.2 If a Developer has not paid the Developer's Portion to the Regional District within 10 (ten) Business Days of the giving of the Notice under section 3.1, the Regional District may make demand and draw down on the Letter of Credit provided by a Developer under this Agreement to the extent of the unpaid amount of such Developer's Portion, without further notice to the Developer.

3.3 If the Regional District

- (a) has not adopted the Bowser Village Sewer Service Area Bylaws on or before the 13th day of December, 2017, then the Regional District shall cause the Contribution First Instalment, without interest, to be promptly repaid to the Developers, and shall return to each of the Developers the letter of credit referred to in section 3.1 and this Agreement shall be at an end;



- (b) adopts the Bowser Village Sewer Service Area Bylaws by the date referred to in paragraph (a) the payment shall be released to the Regional District and the Contribution shall be deposited in a reserve fund and used by the Regional District to pay the capital costs of the Works.
- 3.4 The Regional District agrees that it will cause to be prepared a report to determine the actual cost of the Works within 90 (ninety) days of completion of the Works, and that if the total cost of the Works as determined by the Regional District using its usual accounting principles, is more than 1% less than the Estimated Cost, that the Regional District shall within 30 (thirty) days of such determination repay to the Developers the difference between the actual cost of Works and the Estimated Cost to the maximum amount of the Developer's Contribution less any DCC credit the Developer has received prior to the date of repayment in the proportions set out in Column 4 of Schedule "A".
- 3.5 Under no circumstances will the Regional District be liable to pay or repay more to a Developer than an amount greater than the total of the Developer's Contribution less any DCC credit the Developer has received in connection with such Contribution.
- 3.6 The amount of a DCC credit to which a Developer is entitled in connection with the payment of a Contribution will be reduced by an amount equal to any repayment to that Developer under section 3.4.

#### **4 Effective Date**

- 4.1 Sections 5 to 12 of this Agreement come into effect on the date of adoption of the Bowser Village Sewer Service Area Bylaws which shall be no later than the date referred to in section 3.3(a) of this Agreement and if the Bowser Village Sewer Service Area Bylaws are not adopted by such date, this Agreement shall be at an end.

#### **5 Allocation of Capacity**

- 5.1 The Developers agree, each with one another, that in consideration of the payment referred to in section 3.1, that the Developers will not seek to subdivide or develop their Lands in a manner or to a density that would require capacity in the Bowser Village Sanitary Sewer System in excess of the Capacity Allocation of that Developer set out in Column 6 of Schedule "A".
- 5.2 The Developers expressly acknowledge and agree that:
  - (a) while the Regional District believes, at the date of this Agreement, that the Works as constructed will provide the Developers with the capacity set out in Column 6 of Schedule "A", the availability of such capacity is subject to a

number of factors that cannot be determined at the date of this Agreement, including, without limitation:

- (i) the sequence and timing of development applications within the Service Area;
  - (ii) decisions of the Regional Board regarding adoption of zoning bylaws applicable to lands within the Service Area; and
  - (iii) decisions regarding expansion of the Service Area to include lands not currently within the Service Area;
- (b) the Regional District has made no warranty or representation to the Developers regarding the capacity within the Works that may be available for allocation to the Developers at the time of development or subdivision of the Developers' lands.

5.3 Despite section 5.1 but subject to section 14 of this Agreement the Developers may apply to rezone the Developers' Lands listed in column 2 of Schedule "A" to a density consistent with the Bowser Village Centre Plan that permits development beyond the Capacity Allocation of that Developer, provided that it is agreed and understood that the Developers will not seek such additional capacity until the Bowser Village Sewer System Treatment facility has been expanded beyond the first phase.

5.4 Section 5.1 shall not apply to any additional capacity required in the Bowser Village Sewer System by a Developer as a result of the development of lands that creates additional development units beyond the Capacity Allocation where such Developer provides or pays the cost of additional works to provide additional capacity in the Bowser Village Sewer System beyond the Capacity Allocation of that Developer set out in Column 6 of Schedule "A" as amended from time to time.

## **6 DCC Credit**

6.1 In consideration of the payment of the Contribution to the Regional District, the Regional District acknowledges that in accordance with section 565(2) of the *Local Government Act* the Developers will be entitled to a DCC credit to be deducted from the payment of DCCs imposed by the Regional District in connection with the subdivision or development of their Lands within the Service Area.

6.2 The Regional District does not represent or warrant to the Developers or to any Developer that a DCC credit available under this Agreement on a specific parcel of land will be equal to the amount of the Contribution from that Developer's land.

## **7 No Interest**

- 7.1 The Developers acknowledge and agree that no interest is payable by the Regional District on any amount that may be subject to a credit under this Agreement from DCCs imposed by the Regional District under this Agreement.

## **8 Indemnity**

- 8.1 In consideration of Ten (\$10.00) Dollars and other good and valuable consideration paid by the Regional District to the Developers (the receipt and sufficiency of which is hereby acknowledged), the Developers severally agree to indemnify and save harmless the Regional District, its employees, elected officials, contractors and agents against all actions, causes of action, suits, claims and demands whatsoever which may arise either directly or indirectly by reason of the Regional District and the Developers entering into this Agreement, and including, without limitation, the Developers agree that if the amount of the Contribution paid by the Developers exceeds the DCCs imposed in connection with the subdivision or development of the Developers' Lands, that the Developer is not entitled to any further reimbursement or repayment from the Regional District. This indemnity shall survive the expiry of this Agreement.

## **9 Term**

- 9.1 Subject to earlier termination under section 3.3(a) term of this Agreement expires upon the allocation of the Maximum Amount that is available to all of the Developers as a DCC credit as contemplated by section 6.
- 9.2 The right of assignment of Capacity Allocation under section 11.3 of this Agreement terminates on a date that is fifteen (15) years from the Contribution Effective Date.

## **10 Notices**

- 10.1 Any notice, demand, acceptance or request required to be given hereunder in writing shall be deemed to be given if either personally delivered or mailed by registered mail, postage prepaid (at any time other than during a general discontinuance of postal services due to a strike, lockout or otherwise) and addressed to the Developers as follows:

Name: A.G. Project Management Inc.  
Address: 56 McColl Road  
PO Box 183  
Bowser, BC V0R 1G0

Name: Coral Ice Developments Ltd.  
Address: c/o 7400 Island Highway West  
Bowser, BC V0R 1B0

Name: Ballard Fine Homes Ltd.  
Address: 4265 Park Avenue  
PO Box 75  
Bowser, BC V0R 1G0

Name: James Walter Foulds and Lenny Agustin Foulds  
Address: 85 Henry Morgan Drive  
Bowser, BC V0R 1G0

Or such change of address as a Developer has, by written notification, forwarded to the Regional District, and to the Regional District as follows:

Name: Regional District of Nanaimo  
Address: 6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

Attention: Corporate Officer

Or such change of address as the Regional District has, by written notification, forwarded to the Developers.

10.2 Any notice shall be deemed to have been given to and received by the party to which it is addressed:

- (a) if delivered, on the date of delivery; or
- (b) if mailed, then on the fifth (5th) day after the mailing thereof.

## **11 Assignment**

11.1 A Developer shall not assign or transfer its interest in this Agreement without the prior written consent of the Regional District, which consent shall not be unreasonably withheld.

11.2 For certainty, it will not be considered unreasonable for the Regional District to withhold consent where the Developer seeks to assign or transfer its interest in this Agreement to a person that is not the owner of the land of that Developer listed in Column 2 of Schedule "A" unless the assignment is done in accordance with section 11.3.

11.3 The Developers covenant and agree that the Developers' Capacity Allocation set out in Schedule "A" cannot be transferred or assigned to an Assignee Developer except as follows:

- (a) a Developer who no longer wishes to retain the Capacity Allocation under Schedule "A" may in writing, and on notice to the Regional District delivered

under this Agreement, assign all or part of its Capacity Allocation to an Assignee Developer to be effective upon:

- (i) payment by the Assignee Developer to the Regional District of a Contribution to the cost of the Works equal to the Dwelling Unit Equivalents of the Capacity Allocation to be assigned to the Assignee Developer and
  - (ii) execution of an Agreement in writing by the Assignee Developer agreeing that it will be bound by the terms of this Agreement as if it had been an original Developer signatory;
- (b) upon receipt of the Contribution from the Assignee Developer under subsection (a) the Regional District shall pay such amount within 30 days to the Assigning Developer who assigned such Capacity Allocation to the Assignee Developer, and Schedule C shall be deemed to be amended to deduct the Development Unit Equivalents from the account of the Assigning Developer and to add the Development Unit Equivalents represented by the Contribution to the account of the Assignee Developer.

11.4 The Developers agree to the amendment of Capacity Allocation established under section 5 of this Agreement by the Regional District through the process referred to in section 11.3 of this Agreement.

11.5 The Developers agree not to seek or accept from a Assignee Developer a premium or additional payment above the value of the Contribution for the assignment of any part of Capacity Allocation under this Agreement, it being acknowledged and agreed that the purpose of an assignment is to permit a Developer that changes its plans to recover all or a portion of its Contribution but not that Developers will profit from the selling of its Capacity Allocation”.

11.6 In the event of the assignment or transfer of the rights of a Developer voluntarily under section 11.3 of this Agreement or by operation of law, following delivery of written notice of such assignment, the Regional District may, subject to section 11.3(b), pay or credit any amount to be paid or credited under this Agreement to the successor and assign of the Developer as the Regional District in its sole discretion, considers entitled to such benefits. In the event of conflicting demands or claims being made upon the Regional District for benefits accruing under this Agreement, then the Regional District may, at its sole discretion and option, commence an action in interpleader joining any party claiming rights under this Agreement, or other parties which the Regional District believes to be necessary or proper, and the Regional District will be discharged from further liability upon paying the person or persons whom any court having jurisdiction of such interpleaded action determines to be entitled to the payment.

## **12 Entire Agreement**

12.1 This Agreement constitutes the entire agreement between the parties hereto with respect to the subject matter hereof and supersedes any prior agreements, undertakings, declarations or representations, written or verbal, in respect thereof. It is hereby agreed between the parties hereto that this Agreement shall be enforceable by and against the parties, and their successors and permitted assigns.

## **13 Interpretation**

13.1 Wherever the singular or masculine is used in this Agreement, the same shall be construed as meaning the plural or the feminine or the body corporate or politic where the context or the parties so require.

## **14 No Fettering of Discretion**

14.1 Nothing contained or implied in this Agreement shall fetter or impair the exercise of any discretion of the Regional District or the Board of Directors of the Regional District, nor affect or impair the exercise by the Regional District or its Board of any discretionary statutory powers, duties or functions, all of which may be exercised as fully and effectively as if this Agreement had not been executed and delivered by the parties.

## **15 Laws of British Columbia**

15.1 This Agreement shall be interpreted under and is governed by the applicable laws of Canada and the Province of British Columbia.

## **16 Severability**

16.1 If any part of this Agreement is held to be invalid, illegal or unenforceable by a court having the jurisdiction to do so, that part of the agreement shall be considered to have been severed from the rest of this Agreement and the rest of the Agreement shall remain in force unaffected by that holding or by the severance of that part.

## **17 Counterpart**

17.1 This Agreement may be executed in counterpart with the same effect as if all parties had signed the same document. Each counterpart shall be deemed to be an original. All counterparts shall be construed together and shall constitute one and the same Agreement.

**18 Schedules**

The Schedules attached hereto, which form part of this Agreement, are as follows:

- 1. Schedule "A" List of Developers and Property, Amount of Contribution, Percentage, Maximum Amount of DCC Credit and Capacity Allocation
- 2. Schedule "B" Service Area Map

**IN WITNESS WHEREOF** this Agreement has been executed as of the day and year first above written.

<b>REGIONAL DISTRICT OF NANAIMO</b>	)	<b>A.G. PROJECT MANAGEMENT INC.)</b>	
By its authorized signatory(ies):	)	By its authorized signatory:	)
	)		)
_____	)		)
William Veenhof, Chair	)		)
	)		)
_____	)	_____	)
Jacque Hill, Corporate Officer	)	Alan Grozell	)

<b>CORAL ICE DEVELOPMENTS LTD.</b>	)	<b>BALLARD FINE HOMES LTD.</b>	)
By its authorized signatory:	)	By its authorized signatory(ies):	)
	)		)
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_____	)	_____	)
Keith Reid	)	Donald C. Ballard	)

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**JAMES WALTER FOULDS**

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**LENNY AGUSTIN FOULDS**

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## Schedule "A"

List of Developers and Property, Amount of Contribution, Percentage, Maximum Amount of DCC Credit and Capacity Allocation

Column 1 Developers (Property Owners)	Column 2 Legal Description of Property	Column 3 Cash Contribution	Column 4 Percentage	Column 5 Maximum Amount of DCC Credit	Column 6 Capacity Allocation (Dwelling Unit Equivalents)
A.G. Project Management Inc. (Alan Grozell)	Lot A, District Lot 36, Newcastle District, Plan VIP87894	<u>\$923,056.00</u>	<u>35%</u>	<u>\$923,056.00</u>	62
Coral Ice Developments Ltd. (Keith Reid)	Lot 3, District Lot 36, Newcastle District, Plan VIP86668	<u>\$253,096.00</u>	<u>10%</u>	<u>\$253,096.00</u>	17
Ballard Fine Homes Ltd. (Donald C. Ballard)	Lot 1, District Lot 36, Newcastle District, Plan VIP86668	<u>\$1,161,264.00</u>	<u>44%</u>	<u>\$1,161,264.00</u>	78
Ballard Fine Homes Ltd. (Donald C. Ballard)	Lot 2, District Lot 36, Newcastle District, Plan VIP86668				
James Walter Foulds and Lenny Agustin Foulds	Lot 2, District Lot 36, Newcastle District, Plan VIP61726	<u>\$297,760.00</u>	<u>11%</u>	<u>\$297,760.00</u>	20
<b>\$2,635,176.00 x \$14,888/unit = \$2,635,176.00</b>					<b>177</b>

"Dwelling unit equivalents" shall be calculated as follows:

1. Residential Use:-- 1 Dwelling unit equivalent per lot in the case of single detached housing; and 1 dwelling unit equivalent for each dwelling unit in the case of duplex and multi-family developments;
2. Commercial, Industrial and Institutional uses (other than Congregate care):  
-- 0.00238 dwelling unit equivalents per square metre of gross floor area of development for which a building permit is issued;
3. Congregate Care: .476 dwelling unit equivalent per bed.

Schedule "B"  
Service Area



**REGIONAL DISTRICT OF NANAIMO**

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

**Tuesday, August 22, 2017**

**5:30 P.M.**

**RDN Board Chambers**

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

**CALL TO ORDER**

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

**APPROVAL OF THE AGENDA**

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

**CARRIED UNANIMOUSLY**

**PLANNING**

**Development Permit with Variance**

**Development Permit with Variance Application No. PL2017-069 - 1682 Cedar Road, Electoral Area 'A'**

It was moved and seconded that the Board approve Development Permit with Variance No. PL2017-069 to permit the construction of an automotive repair shop subject to the terms and conditions outlined in Attachments 2 to 6.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct staff to complete the required notification for Development Permit with Variance No. PL2017-069.

CARRIED UNANIMOUSLY

**Development Permit with Variance Application No. PL2017-073 - 126 Kinkade Road, Electoral Area 'G'**

It was moved and seconded that the Board approve Development Permit with Variance No. PL2017-073 to permit the construction of a dwelling unit subject to the terms and conditions outlined in Attachments 2 to 5.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct staff to complete the required notification for Development Permit with Variance No. PL2017-073.

CARRIED UNANIMOUSLY

**Development Variance Permit**

**Development Variance Permit Application No. PL2017-096 - 1856 Cedar Road, Electoral Area 'A'**

It was moved and seconded that the Board approve Development Variance Permit No. PL2017-096 to reduce the minimum required front and other lot line setback requirements to recognize an existing kiosk structure, subject to the conditions outlined in Attachments 2 to 4.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board direct staff to complete the required notification for Development Variance Permit No. PL2017-096.

CARRIED UNANIMOUSLY

**Other**

**Development Permit Application No. PL2017-078 and Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in relation to Subdivision Application No. PL2016-130 - 300 Dan's Road and Myles Lake Road, Electoral Area 'C'**

It was moved and seconded that the Board approve the request to relax the minimum 10% perimeter frontage requirements for proposed lot A in relation to Subdivision Application No. PL2016-130.

CARRIED UNANIMOUSLY

It was moved and seconded that the Board approve Development Permit No. PL2017-078 to permit a lot line adjustment subdivision, subject to the terms and conditions outlined in Attachments 2 and 3.

CARRIED UNANIMOUSLY

**ADJOURNMENT**

It was moved and seconded that the meeting be adjourned.

TIME: 5:41 PM

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CHAIR

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CORPORATE OFFICER

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**TO:** Electoral Area Services Committee                      **MEETING:** August 22, 2017

**FROM:** Greg Keller    **FILE:** PL2017-069  
Senior Planner

**SUBJECT:** Development Permit with Variance Application No. PL2017--069  
1682 Cedar Road – Electoral Area ‘A’  
Parcel A (Being a Consolidation of Lots 3 and 4, See CA6132805) Section 16, Range 8,  
Cranberry District, Plan 2049

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**RECOMMENDATIONS**

1. That the Board approve Development Permit with Variance No. PL2017-069 to permit the construction of an automotive repair shop subject to the terms and conditions outlined in Attachments 2 to 6.
2. That the Board direct staff to complete the required notification for Development Permit with Variance No. PL2017-069.

**SUMMARY**

This is an application to permit the construction of an automotive repair shop and associated improvements within the Cedar Main Street Development Permit Area. Given that the DPA guidelines have been met and no negative impacts are anticipated as a result of the proposed variances, 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 Attachments 2-6.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from Jack Anderson on behalf of Kern Motors Ltd. to permit the construction of an automotive repair shop. The proposed development is consistent with Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.408, 2017 (Bylaw 500.408), which is on the Board’s August 22, 2017 agenda for consideration of adoption. If adopted, Bylaw 500.408 will rezone the subject property from Commercial 2 to Commercial 2.1 to allow automotive repair and accessory vehicle sales.

The subject property is approximately 1,249 m<sup>2</sup> in area and is zoned Commercial 2.1 (CM2.1) Subdivision District ‘M’, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The subject property is located on the east side of Cedar Road just north of MacMillan Road and is

adjacent to a commercial parcel to the southeast and residential parcels to the northwest. There is an unconstructed Ministry of Transportation and Infrastructure (MOTI) road right-of-way located to the northeast of the subject property. (see Attachment 1 — Subject Property Map). The subject property generally slopes down away from Cedar Road towards the undeveloped road right-of-way. Access to the subject property is proposed off of Cedar Road and a secondary access is proposed off of the laneway to the rear, which will be improved as part of this development.

The subject property, which is currently vacant and is serviced by North Cedar Improvement District water and RDN community sewer, was recently consolidated as a condition of rezoning to create one larger parcel for the purpose of facilitating the proposed development.

The Cedar Main Street Development Permit Area (CMS DPA) applies to the proposed development per the “Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Bylaw No. 1620, 2011”.

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

This is the first development permit application within the CMS DPA since the adoption of the Cedar Main Street Village Plan (CMS Plan) in September 2013. The proposed development includes the construction of an automotive repair shop, landscaping, and other site improvements along with improvements within the Cedar Road right-of-way including the installation of an asphalt curb, a gravel walkway, and three parallel on-street parking stalls as approved by MOTI.

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

- **Section 3.4.12.1 – Minimum Setback Requirements** to reduce the minimum setback requirement from Front and Other lot lines from 4.5 m to 0.0 m to accommodate on-site parking located adjacent to Cedar Road.
- **Section 3.4.12.1 – Minimum Setback Requirements** to reduce the minimum setback requirement from the Front and Other lot lines from 4.5 m to 2.8 m to permit the construction of a retaining wall greater than 1.0 m in height along a portion of the northeast property line.
- **Section 3.4.12.1 – Minimum Setback Requirements** to reduce the minimum setback requirement from the Front and Other lot lines from 4.5 m to 0.45 m to permit the construction of a retaining wall greater than 1.0 m in height adjacent to the laneway.
- **Schedule ‘3B’ – Parking Stall and Aisle Dimensions** to reduce the minimum parking stall width from 2.6 m to 2.5 m and the minimum parking stall length from 5.2 m to 4.6 m to permit the construction of three reduced sized parking stalls.

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

In summary, the proposed development is consistent with the applicable CMS DPA guidelines as follows:

*Building Massing, Green Building, Façade Design, and Architectural Detailing*

- The applicant has submitted building elevations prepared by Greenplan dated May 10, 2017 which demonstrates that the proposed building maintains a residential scale consistent with a rural context and includes a varied building face and artistic design features which add to the interest of the streetscape (see Attachment 4).
- The proposed building uses cedar posts and siding and includes stone veneer around the base of the building.
- Roof lines are oriented south to provide for clear-storey windows for solar gain and natural lighting.

*Site Planning and Pedestrian Design*

- The applicant has submitted a Site and Landscaping Plan prepared by Greenplan dated July 19, 2017 which includes a reduced setback from Cedar Road and a building that is oriented towards Cedar Road to allow for greater pedestrian interaction.
- Outdoor seating areas are proposed to create social gathering places for customers of the establishment and a covered porch fronting Cedar Road is provided adjacent to the building entrance.
- Bicycle parking and a 1.5 m wide compacted gravel pathway are proposed in support of active transportation.

*Groundwater Protection and Landscape Design*

- The applicant has provided a Rainwater Management Plan prepared by J.E. Anderson & Associates dated January 23, 2017 that proposes to collect rainwater and direct it towards an oil water separator located on the northeast of the subject property. The Plan also includes recommendations for oil/water separator maintenance. As per the DPA guidelines, staff recommend that the applicant be required to register the oil/water separator maintenance schedule included in the Rainwater Management Plan as a Section 219 covenant prior to the issuance of this permit (see Attachment 2 – Terms and Conditions of Permit).
- The applicant has also provided a landscaping plan prepared by Greenplan dated July 19, 2017 and cost estimate and security deposit in the amount of \$5,450.00 which proposes landscaping to promote compatibility between uses and improves the aesthetic appeal of the proposed development (see Attachment 6).
- The proposal includes a boulevard planted with grass within the Cedar Road right-of-way.

*Signage, Lighting, Parking and Loading*

- Two rough-finished painted wood fascia signs illuminated by soffit lighting from above are proposed to be located on the front of the building facing Cedar Road (see Attachment 5). The combined sign surface area is approximately 3.0 m<sup>2</sup>.



- Space for three on-street parking spaces have been reviewed and accepted by MOTI. These parking spaces are not required to satisfy the minimum parking requirements of the proposed development and are provided as additional on-street parking as contemplated in the CMS DPA (see Attachment 3).
- Most of the parking spaces are provided to the rear of the building and tow truck movement patterns have been illustrated on the site plan to ensure adequate circulation.

A variance is being requested to reduce the minimum setback requirement adjacent to Cedar Road from 4.5 to 0.0 m to permit one disability parking space and one reduced size parking space. It should be noted that the proposed disability space is not required by Bylaw 500 as fewer than 20 off-street parking spaces are needed to service the proposed development. In addition, the proposed parking variance would allow more efficient use of the subject property by providing a drop off point close to Cedar Road for customers accessing the building.

Two variances relating to retaining walls are being requested. The first is in relation to a portion of a proposed retaining wall over 1.0 m in height which would be constructed along a portion of the southeast property line. There is an existing retaining wall on the subject property as well as the adjacent property to the east. The applicant is proposing to remove the portion of this retaining wall located on the subject property and to construct a retaining wall perpendicular to Cedar Road to tie in with the west edge of the existing retaining wall on the adjacent property to the east. The proposed retaining wall would provide a level area for the outdoor seating and social gathering place.

The second variance requested in relation to retaining walls is to permit the construction of a retaining wall adjacent to the rear laneway. The proposed retaining wall is necessary to address the sloping topography of the subject property and to allow for appropriate grading for parking and vehicle access to the shop doors.

Board Policy B1.5 “Development Variance Permit, Development Permit with Variance & Floodplain Application Evaluation” for the evaluation of variance applications requires that there is an adequate demonstration of an acceptable land use justification prior to the Board’s consideration of a variance proposal. The proposed development and proposed variances are consistent with the CMS DPA Guidelines. Given that the applicant has provided sufficient rationale and the variance will not result in negative implications for adjacent properties, the applicant have made reasonable efforts to address Board Policy B1.5.

### ***Intergovernmental Implications***

In addition to the referrals completed as part of the zoning amendment process, this application was referred to the local fire department and MOTI. The North Cedar Fire Department provided comments in response to the zoning amendment referral which were addressed by the applicant and no further comments were received in response to the development permit referral.

This application is the result of on-going discussion and involvement with MOTI throughout the Cedar Main Street Village Planning process, the zoning amendment, and this development permit with variance application. The applicant has submitted permit applications to MOTI for access to Cedar Road, reduced setbacks, construction of the rear laneway, and works within the Cedar Road right-of-way.

The works approved within the road dedication include the construction of an asphalt curb, three on-street parking spaces, a grassed boulevard, and a 1.5 m separated gravel pathway. The proposed works are to be maintained by MOTI as part of its regular road maintenance program. The proposed development, including on-street parking, has been reviewed and accepted by MOTI and has been designed to accommodate three on-street parking stalls, which are in addition to the bylaw required parking provided on-site.

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

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

### **ALTERNATIVES**

1. To approve Development Permit with Variance No. PL2017-069 subject to the terms and conditions outlined in Attachments 2 to 6.
2. To deny Development Permit with Variance No. PL2017-069.

### **FINANCIAL IMPLICATIONS**

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

### **STRATEGIC PLAN IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal is in keeping with the 2016 – 2020 Board Strategic Plan’s “Focus on Economic Health” as it would support the first new development within Cedar Main Street since the adoption of the Cedar Main Street Plan.



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Greg Keller  
gkeller@rdn.bc.ca  
July 24, 2017

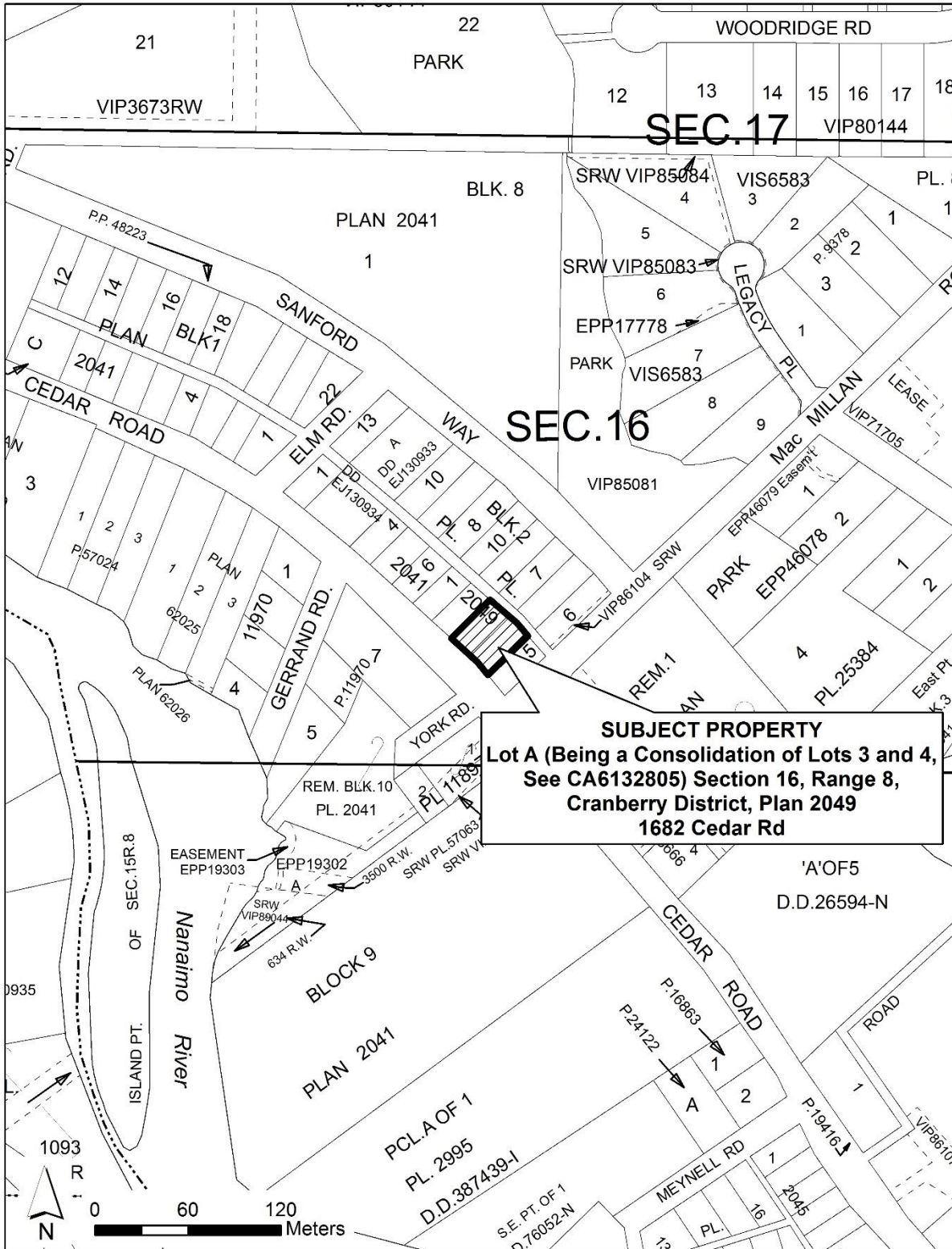
Reviewed by:

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

#### Attachments

1. Subject Property Map
2. Terms and Conditions of Permit
3. Proposed Site Plan
4. Building Elevations
5. Proposed Signage
6. Proposed Landscaping Plan

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



**Attachment 2**  
**Terms and Conditions of Permit (Page 1 of 2)**

The following sets out the terms and conditions of Development Permit with Variance No. PL2017-069:

Bylaw No. 500, 1987 Variances

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

1. **Section 3.4.12.1 – Minimum Setback Requirements** to reduce the minimum setback requirement from Front and Other lot lines from 4.5 m to 0.0 m to accommodate on-site parking located adjacent to Cedar Road.
2. **Section 3.4.12.1 – Minimum Setback Requirements** to reduce the minimum setback requirement from the Front and Other lot lines from 4.5 m to 2.8 m to permit the construction of a retaining wall greater than 1.0 m in height along a portion of the northeast property line.
3. **Section 3.4.12.1 – Minimum Setback Requirements** to reduce the minimum setback requirement from the Front and Other lot lines from 4.5 m to 0.45 m to permit the construction of a retaining wall greater than 1.0 m in height adjacent to the laneway.
4. **Schedule ‘3B’ – Parking Stall and Aisle Dimensions** to reduce the minimum parking stall width from 2.6 m to 2.5 m and the minimum parking stall length from 5.2 m to 4.6 m to permit the construction of three reduced sized parking stalls.

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 Rainwater Management Plan dated January 23, 2017 and Oil/Water Separator Maintenance Recommendations dated January 6, 2017 both prepared by J.E. Anderson & Associates, and requires that the oil/water separator be maintained as per the recommended maintenance recommendations.
2. The site is developed in accordance with the Site Plan prepared by Greenplan dated July 19, 2017 and attached as Attachment 3.
3. The proposed development is in general compliance with the building elevations prepared by Greenplan dated June 5, 2017 and attached as Attachment 4.
4. The proposed signage is in general compliance with Signage Plan prepared by Anderson Greenplan and as attached as Attachment 5.
5. The subject property shall be developed in accordance with the recommendations contained in the Rainwater Management Plan prepared by J.E. Anderson & Associates dated January 23, 2017.
6. The proposed landscaping shall be provided and maintained in accordance with the Landscaping Plan prepared by prepared by Greenplan dated July 19, 2017 and attached as Attachment 6.

**Attachment 2**  
**Terms and Conditions of Permit (Page 2 of 2)**

7. The applicant shall provide a landscaping security in the amount of \$5,450.00.
8. The three reduced size parking stalls shall be clearly marked “SMALL CAR ONLY” on the pavement or wall facing.
9. The property owner shall obtain the necessary permits for construction in accordance with the “Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1250, 2001” as replaced or amended.

**Attachment 3**  
**Proposed Site Plan (Page 1 of 3)**

**Greenplan**  
 1655 Cedar Road  
 Nanaimo, BC  
 (250) 722-3456  
 www.greenplan.ca  
 info@greenplan.ca

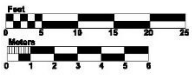
Date  
**JULY 19, 2017**

Project  
**1605-KRN**

Drawing #  
**1605-S-0718-31**

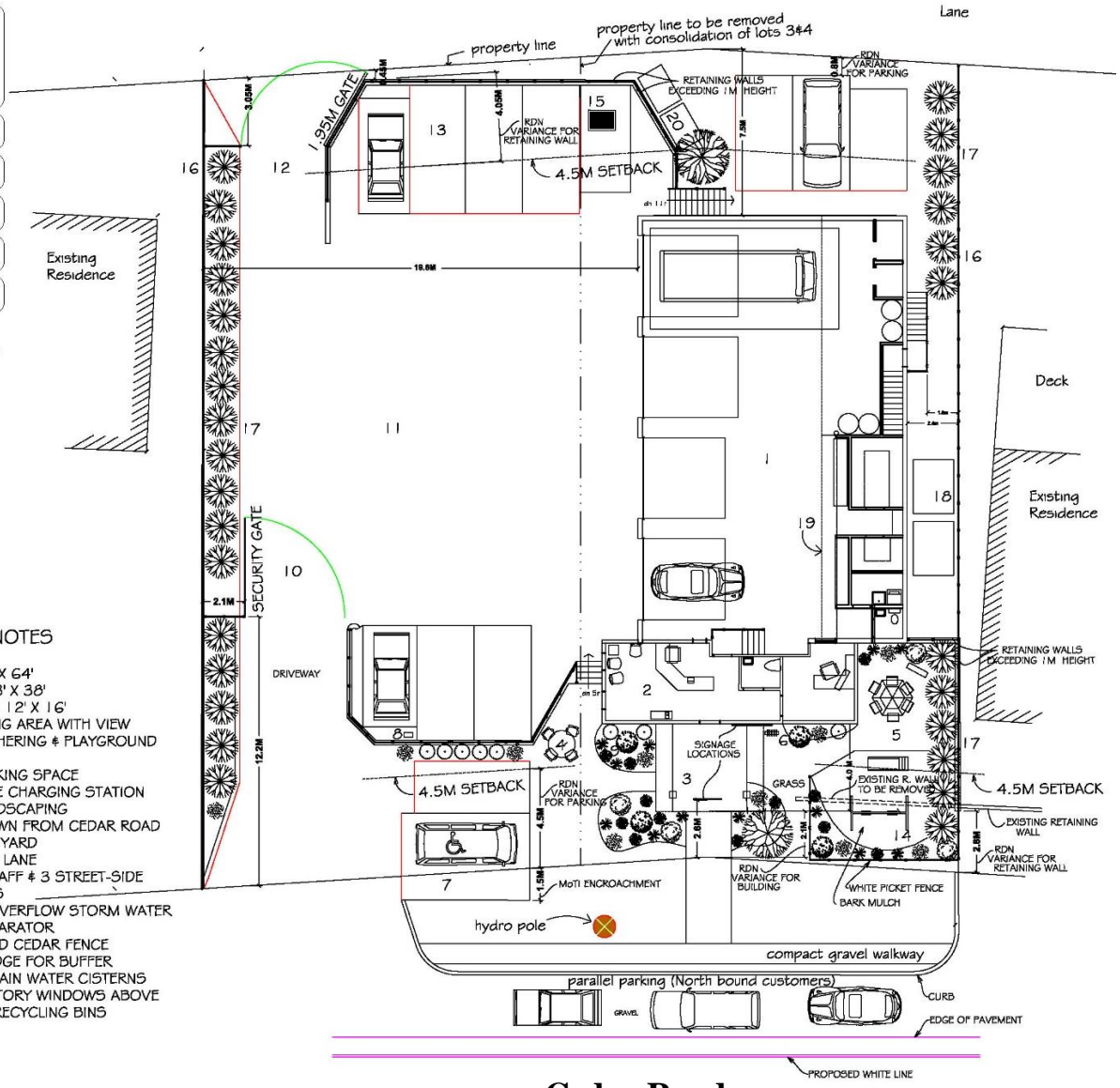
Scale  
**AS BAR SCALE BELOW**

Sheet Title  
**SITE PLAN - DP & MoTI**



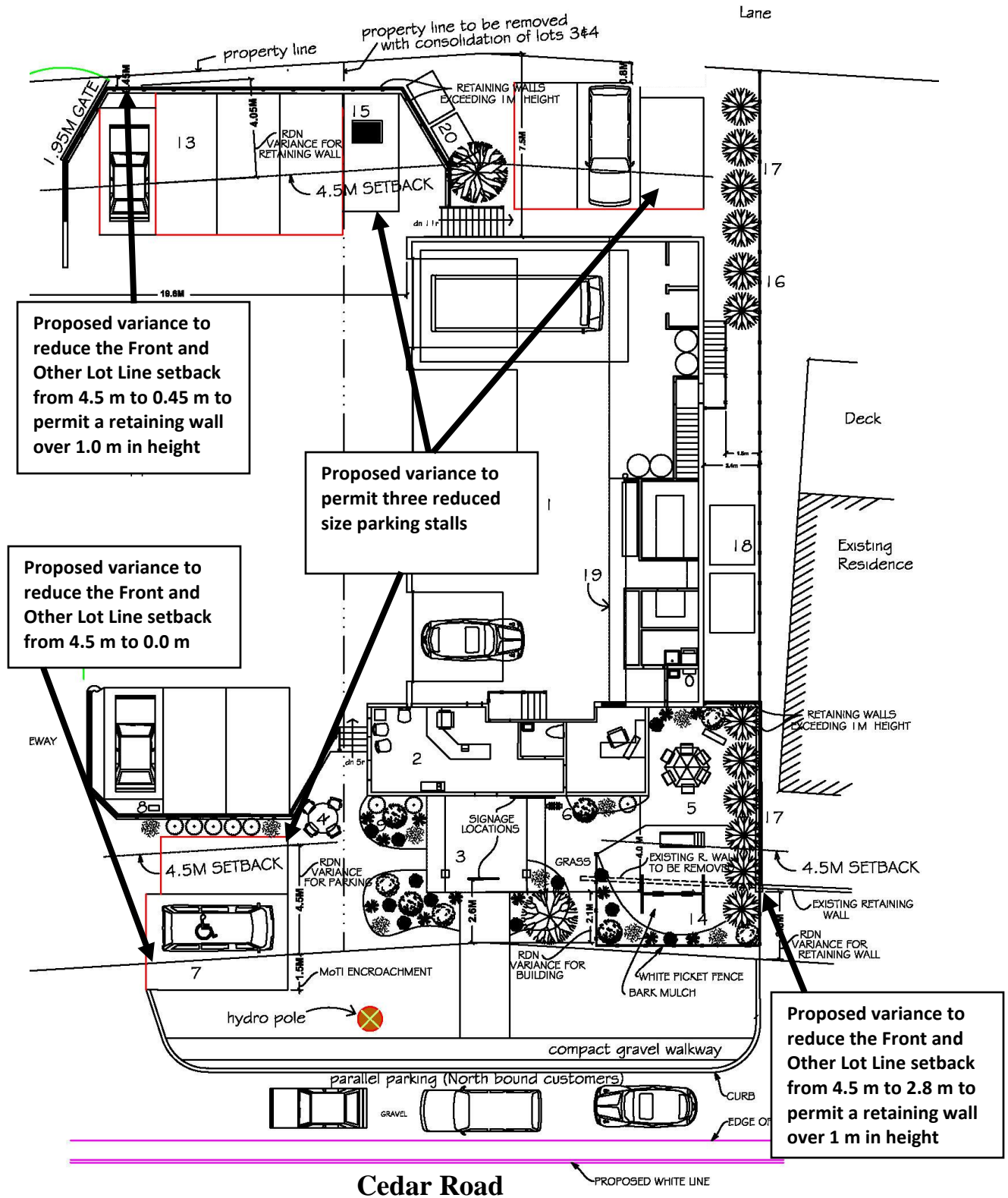
**SITE PLAN NOTES**

- 1 - SHOP FLOOR 40' X 64'
- 2 - OFFICE FLOOR 13' X 38'
- 3 - COVERED PORCH 12' X 16'
- 4 - OUTDOOR WAITING AREA WITH VIEW
- 5 - COMMUNITY GATHERING & PLAYGROUND
- 6 - BICYCLE RACKS
- 7 - ACCESSIBLE PARKING SPACE
- 8 - ELECTRIC VEHICLE CHARGING STATION
- 9 - FRONT YARD LANDSCAPING
- 10 - GATED RAMP DOWN FROM CEDAR ROAD
- 11 - SHOP ENTRANCE YARD
- 12 - GATED RAMP TO LANE
- 13 - 10 CLIENT, 3 STAFF & 3 STREET-SIDE PARKING SPACES
- 14 - ROCK PIT FOR OVERFLOW STORM WATER
- 15 - OIL / WATER SEPARATOR
- 16 - 2.5M HIGH SOLID CEDAR FENCE
- 17 - CEDAR TREE HEDGE FOR BUFFER
- 18 - BELOW GRADE RAIN WATER CISTERNS
- 19 - LINE OF CLEARSTORY WINDOWS ABOVE
- 20 - GARBAGE AND RECYCLING BINS



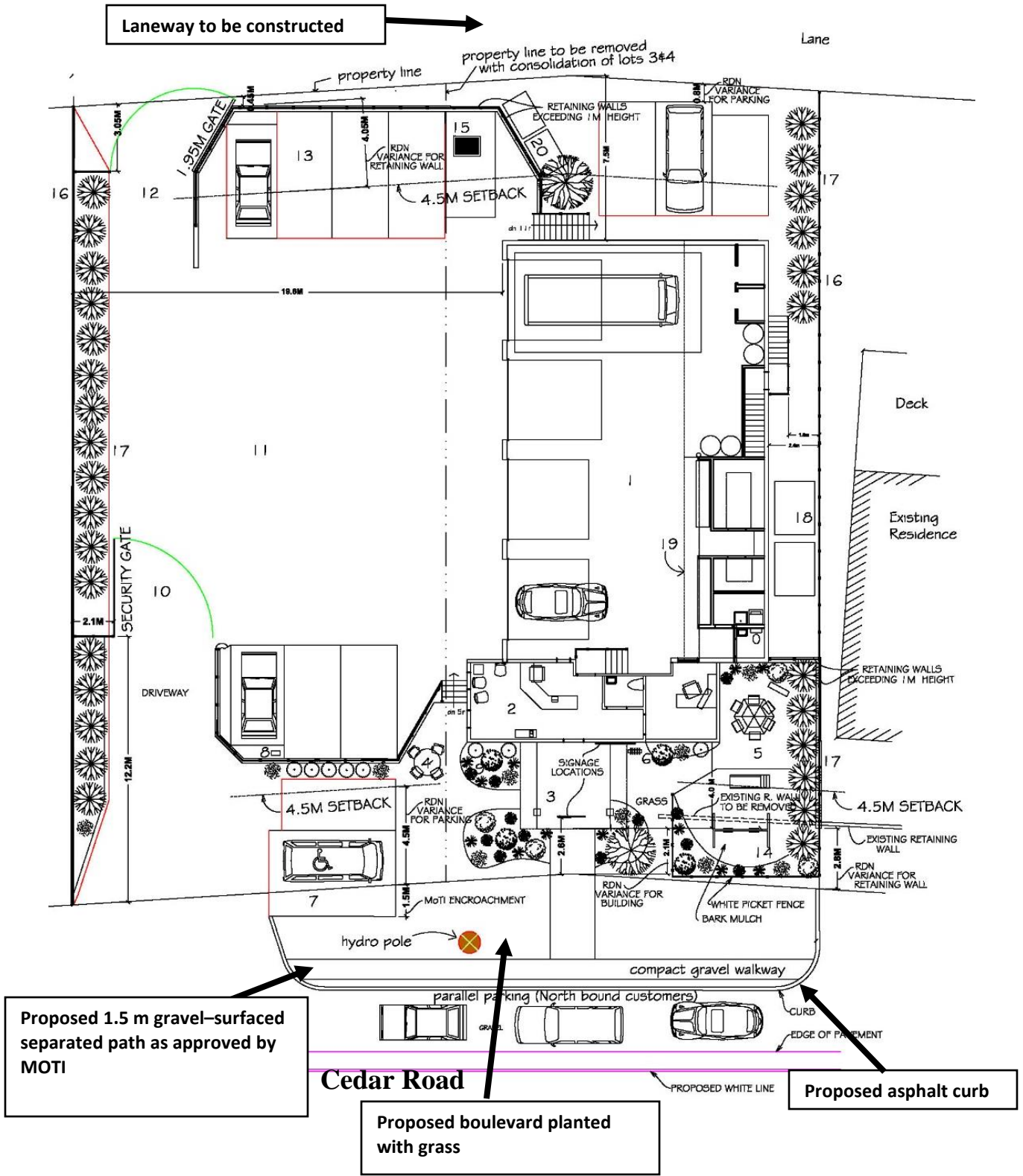
**Cedar Road**

**Attachment 3**  
**Proposed Site Plan and Variances (Page 2 of 3) – Enlarged for Convenience**





**Attachment 3**  
**Proposed Off-Site Improvements (Page 3 of 3)**  
**(As approved by MOTI)**



**Proposed 1.5 m gravel-surfaced separated path as approved by MOTI**

**Proposed boulevard planted with grass**

**Proposed asphalt curb**



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

**LEFT (WEST) ELEVATION**  
SCALE: 1/4" = 1'-0"

**REAR (NORTH) ELEVATION**  
SCALE: 1/4" = 1'-0"

NO.		QTY	SIZE	TYPE	FINISH	HANDLE	HINGE	HANDICAPABLE		REMARKS
1	2							MIN. CLEARANCE	MIN. CLEARANCE	
D1	0	1	36" X 48"	DOOR	WOOD	WOOD	WOOD	5'-0"	5'-0"	RE-PAINT
D2	0	1	36" X 48"	DOOR	WOOD	WOOD	WOOD	5'-0"	5'-0"	RE-PAINT
D3	0	1	36" X 48"	DOOR	WOOD	WOOD	WOOD	5'-0"	5'-0"	RE-PAINT
D4	0	1	36" X 48"	DOOR	WOOD	WOOD	WOOD	5'-0"	5'-0"	RE-PAINT
D5	0	1	36" X 48"	DOOR	WOOD	WOOD	WOOD	5'-0"	5'-0"	RE-PAINT
D6	0	1	36" X 48"	DOOR	WOOD	WOOD	WOOD	5'-0"	5'-0"	RE-PAINT
D7	0	1	36" X 48"	DOOR	WOOD	WOOD	WOOD	5'-0"	5'-0"	RE-PAINT
D8	0	1	36" X 48"	DOOR	WOOD	WOOD	WOOD	5'-0"	5'-0"	RE-PAINT
D9	0	1	36" X 48"	DOOR	WOOD	WOOD	WOOD	5'-0"	5'-0"	RE-PAINT
D10	0	1	36" X 48"	DOOR	WOOD	WOOD	WOOD	5'-0"	5'-0"	RE-PAINT
D11	0	1	36" X 48"	DOOR	WOOD	WOOD	WOOD	5'-0"	5'-0"	RE-PAINT
D12	0	1	36" X 48"	DOOR	WOOD	WOOD	WOOD	5'-0"	5'-0"	RE-PAINT
D13	0	1	36" X 48"	DOOR	WOOD	WOOD	WOOD	5'-0"	5'-0"	RE-PAINT
D14	0	1	36" X 48"	DOOR	WOOD	WOOD	WOOD	5'-0"	5'-0"	RE-PAINT

**Anderson Greenplan**  
 1835 Cedar Road  
 Delta BC V4L 2A5  
 604-273-4455  
 info@greenplan.ca

Drawn: [ ]  
 Check: [ ]  
 Date: [ ]

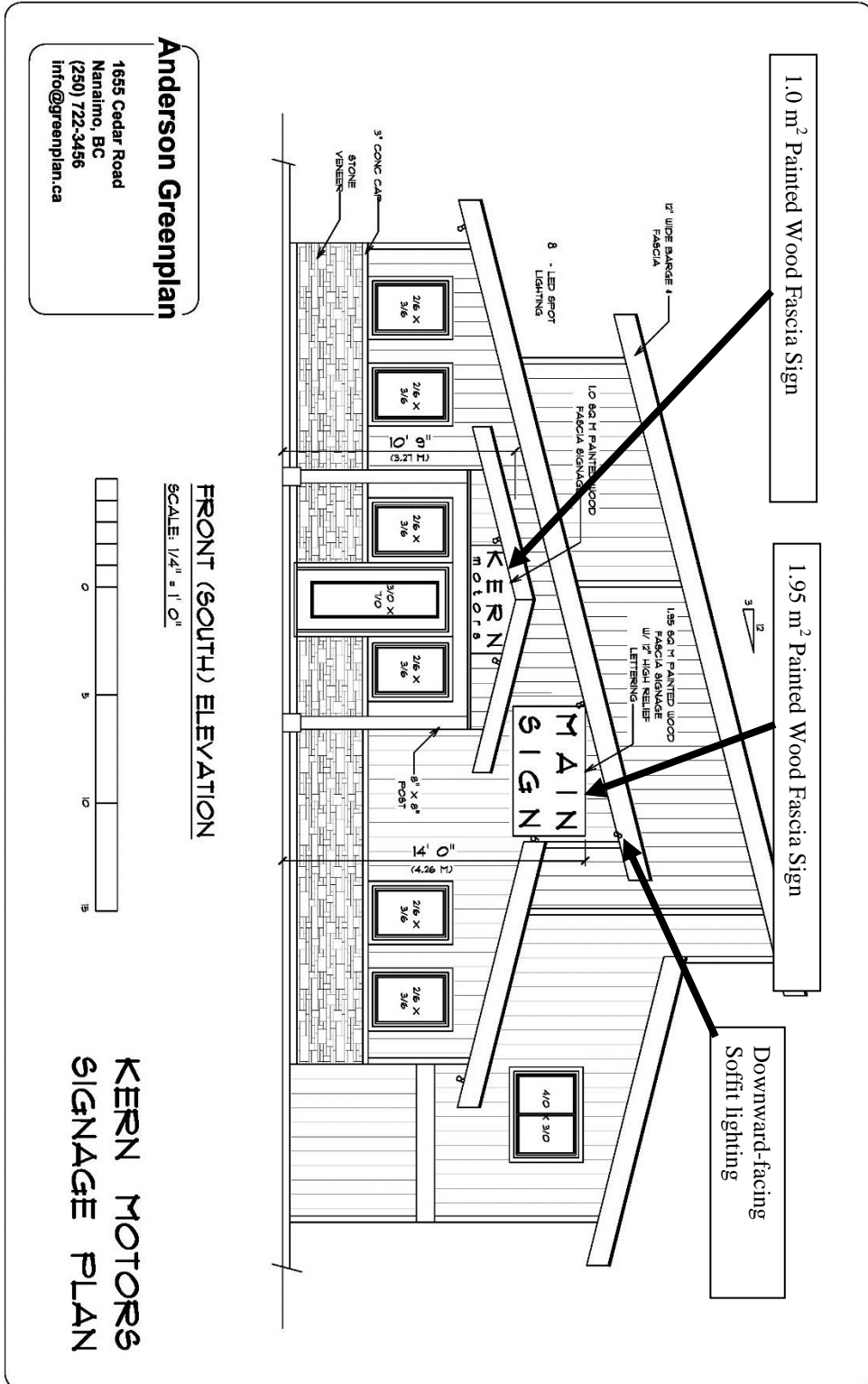
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ELEVATION 5

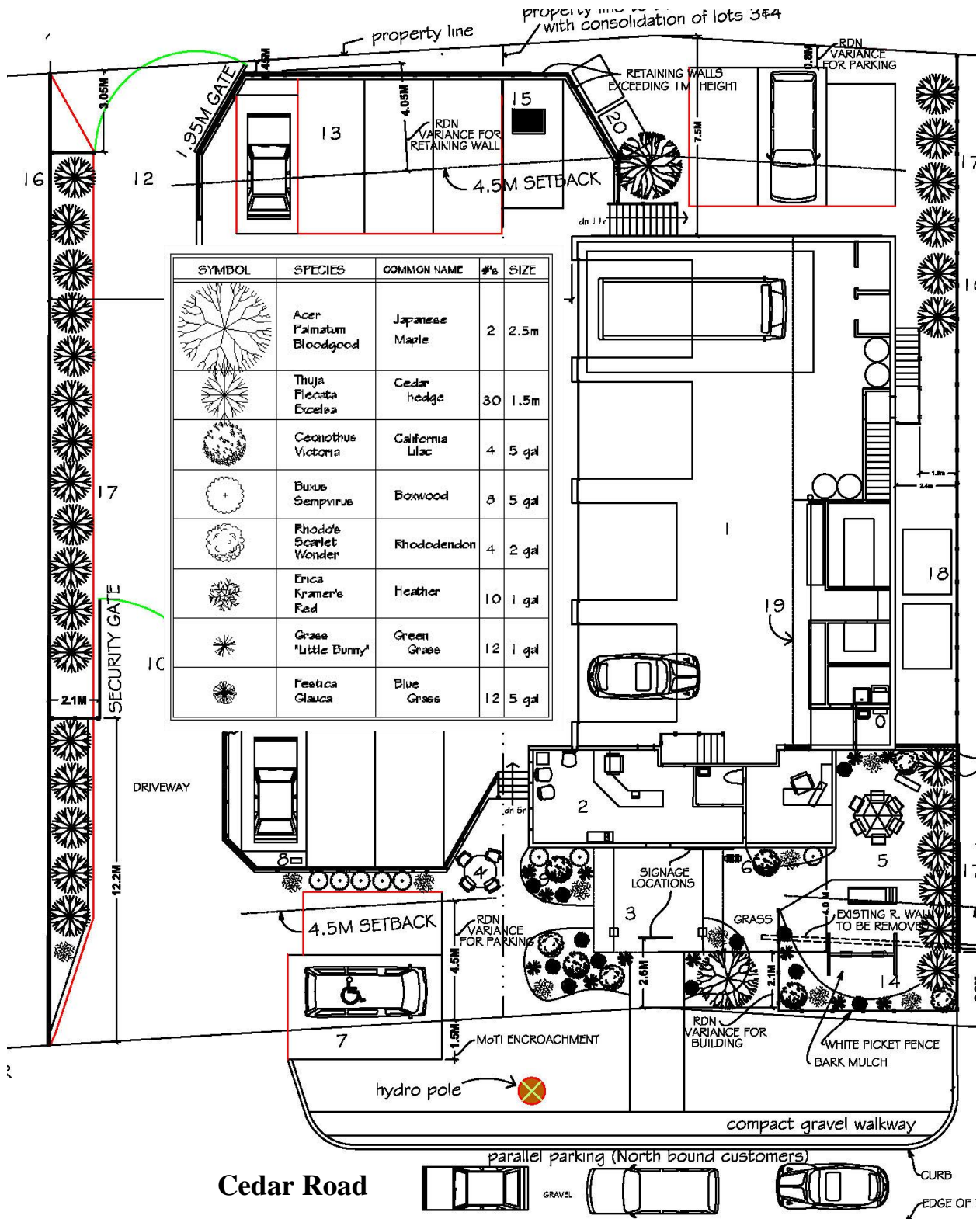
**Y I R N MOTORS**

**A-2/6**

**Attachment 5  
 Proposed Signage**



### Attachment 6 Landscaping Plan



**TO:** Electoral Area Services Committee      **MEETING:** August 22, 2017

**FROM:** Greg Keller  
Senior Planner      **FILE:** PL2017-073

**SUBJECT:** Development Permit with Variance Application No. PL2017-073  
126 Kinkade Road – Electoral Area ‘G’  
Lot 8, District Lot 9, Newcastle District, Plan 11816

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#### RECOMMENDATIONS

1. That the Board approve Development Permit with Variance No. PL2017-073 to permit the construction of a dwelling unit subject to the terms and conditions outlined in Attachments 2 to 5.
2. That the Board direct staff to complete the required notification for Development Permit with Variance No. PL2017-073.

#### SUMMARY

To consider an application for a development permit with variance to increase the maximum dwelling unit height and reduce the minimum front lot line setback to permit the construction of a dwelling unit on the subject property.

#### BACKGROUND

The Regional District of Nanaimo (RDN) has received an application from Andrew Mill on behalf of James Morin, Diane Nelles, Andrew Mill and Jean Mill to permit the construction of a dwelling unit on the subject property. The subject property is vacant, is approximately 951.0 m<sup>2</sup> in area and is zoned Residential 2 Zone (RS2), Subdivision District ‘M’, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The property is located on the west side of Kinkade Road near McFeely Drive and is adjacent to other RS2 zoned parcels (see Attachment 1 – Subject Property Map). The subject property contains an existing accessory building, is primarily flat, and is serviced by on-site water and community sewer.

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

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

The proposed development includes the removal of an existing accessory building and the construction of a new dwelling unit. The applicants propose to vary the following regulations from the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”:

1. **Section 3.4.62 – Minimum Setback Requirements** to reduce the front lot line setback from 8.0 m to 5.0 m for a portion of a deck as shown on Attachment 3.
2. **Section 3.5.64 – Maximum Number and Size of Buildings and Structures** to increase the maximum dwelling unit height from 8.0 m to 9.3 m as shown on Attachment 3.

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

The subject property is located in a low-lying area at least 65 m from the natural boundary of the ocean and more than 100 m east of the Little Qualicum River Estuary. Despite not being a coastal waterfront parcel or being adjacent to a watercourse, the subject property is located within the Little Qualicum River floodplain. As such, the subject property is designated within the Hazard Lands DPA.

In support of this application the applicants have submitted a survey plan prepared by Sims Associates dated July 21, 2017 (see Attachment 3), Building Elevations prepared by DNA Project Managers dated July 14, 2017 (see Attachment 4), and a Fill and Grading Plan prepared by DNA Project Managers dated July 18, 2017 (see Attachment 5).

To satisfy the DPA guidelines, the applicants have also submitted a geotechnical hazard assessment (the report) dated May 5, 2015, prepared by Lewkowich Engineering Associates Ltd. The report was prepared for lots 7-13 of Plan 11816 and designates a 2015 Flood Construction Level (FCL) of 4.2 m Geodetic (GSC). The report includes provisions for sea level rise and recommends that an additional 0.008 m be added to the recommended 2015 FCL in each year following the publication of the report until the year 2025. This recommendation provides flexibility with regard to the timing of construction in relation to the impact of sea level rise on FCL. Since it is now more than two years since the report was published, the recommended FCL has increased by 0.016 m and is rounded to 4.22 m GSC which is greater than the 3.8 m FCL required by Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006 (Floodplain Bylaw).

The report indicates that from a geotechnical perspective, the subject property is safe and suitable for the intended use and the proposed development will not result in detrimental impact on the environment, subject properties, or adjoining properties provided the recommendations of the report are followed. To ensure that the subject property is developed in accordance with the recommendations contained in the report, staff recommends that prior to the issuance of this permit, the applicant be required to register a Section 219 covenant which registers the report on title and includes a save harmless clause which protects the RDN from all losses or damages to life or property as a result of the potential hazard (see Attachment 2 – Terms and Conditions of Permit).

The applicants are proposing to construct the dwelling unit using a combination of fill and structural support in order to meet the minimum FCL of 4.22 m GSC recommended by their geotechnical engineer. Elevating the dwelling unit to the recommended minimum FCL of 4.22 m GSC results in the dwelling unit being 9.3 m in height when measured from natural grade. As such, the applicants are requesting a height variance of 1.3 m over the permitted 8.0 m maximum dwelling unit height. The applicants have

minimized the requested height variance by designing a dwelling unit with a flat roof that would comply with maximum height requirements on a parcel unencumbered by floodplain construction requirements. The dwelling unit would also meet the 8 m maximum building height if it were measured from the Floodplain Bylaw required FCL of 3.8 m GSC as proposed in “*Regional District of Nanaimo Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.410, 2017*” (Bylaw 500.410), which is currently under consideration by the Regional Board.

As part of this application, backfilling and grading of the property is proposed as shown on Attachment 4. The proposed depth of fill is greatest on the north side of the property and varies between 0.0 m and 1.8 m and is intended to match the final grade of adjacent Lot 7. The proposed fill will be fully contained on the subject property and will be graded to match existing grade on the east, west, and south sides without the use of retaining walls. In support of the proposed grading plan, the applicant has submitted a letter of support from the owner of Lot 7. It should be noted that development permit PL2016-122 was recently issued on Lot 7 to permit the construction of a dwelling unit which also required a height variance to meet the minimum FCL and the use of a substantial volume of fill.

As outlined in Attachment No. 3, the requested variance will apply only to a small portion of the setback and would allow a 9.6 m<sup>2</sup> portion of a second-storey cantilevered deck to be constructed within the minimum front lot line setback requirement. The applicant has minimized the requested variance by locating the deck on the north east corner of the proposed dwelling unit and has limited the footprint of the deck within the setback. From a design and aesthetic perspective, the applicant has chosen to design a long narrow dwelling unit which limits opportunities to move the dwelling unit west while maintaining a sizable back yard. Given the location of the deck in relation to the dwelling unit’s orientation and potential view corridors the proposed deck is not anticipated to have any impacts on views from adjacent properties.

Board Policy B1.5 “Development Variance Permit, Development Permit with Variance & Floodplain Application Evaluation” for the evaluation of variance applications requires that there is an adequate demonstration of an acceptable land use justification prior to the Board’s consideration of a variance proposal. Given that the applicant has provided sufficient rationale and the variances will not result in negative view implications for adjacent properties, the applicants have made reasonable efforts to address Policy B1.5 guidelines.

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

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

### **ALTERNATIVES**

1. To approve Development Permit with Variance No. PL2017-073 subject to the terms and conditions outlined in Attachments 2 to 5.
2. To deny Development Permit with Variance No. PL2017-073.



## FINANCIAL IMPLICATIONS

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

## STRATEGIC PLAN IMPLICATIONS

Staff have reviewed the proposed development and note that the Strategic Plan’s “Focus on Environment” supports preparing for and mitigating the impact of environmental events. The DPA guideline requirement for a geotechnical engineering assessment helps to protect the proposed development against the impact of climate impacts and environmental events.



---

Greg Keller  
gkeller@rdn.bc.ca  
July 24, 2017

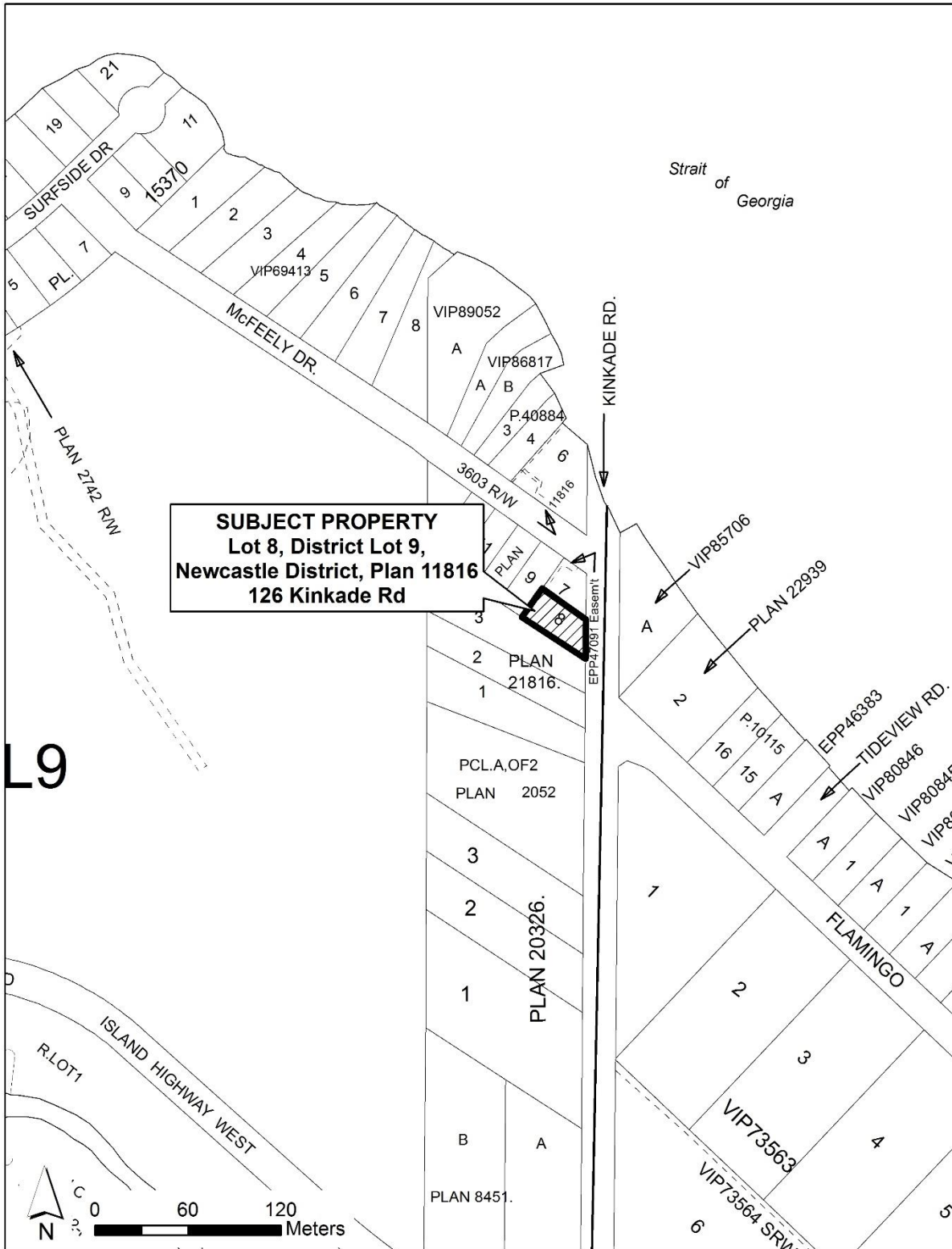
### Reviewed by:

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

### Attachments

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

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



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

The following sets out the terms and conditions of Development Permit with Variance No. PL2017-073:

### Bylaw No. 500, 1987 Variances

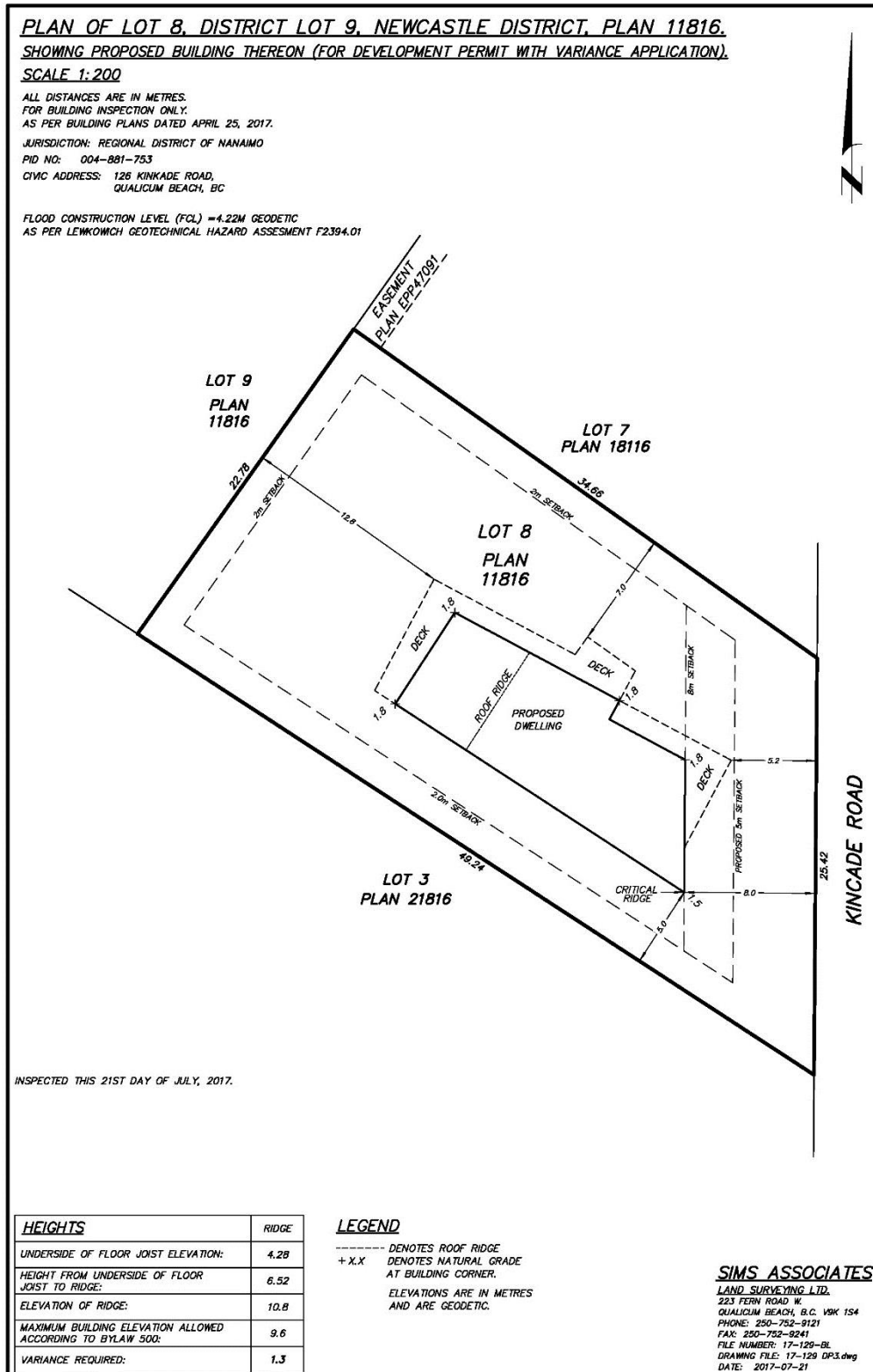
With respect to the lands, “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” is varied as follows:

1. **Section 3.4.62 – Minimum Setback Requirements** to reduce the front lot line setback from 8.0 m to 5.0 m for a portion of a deck as shown on Attachment 3.
2. **Section 3.5.64 – Maximum Number and Size of Buildings and Structures** to increase the maximum dwelling unit height from 8.0 m to 9.3 m on Attachment 3.

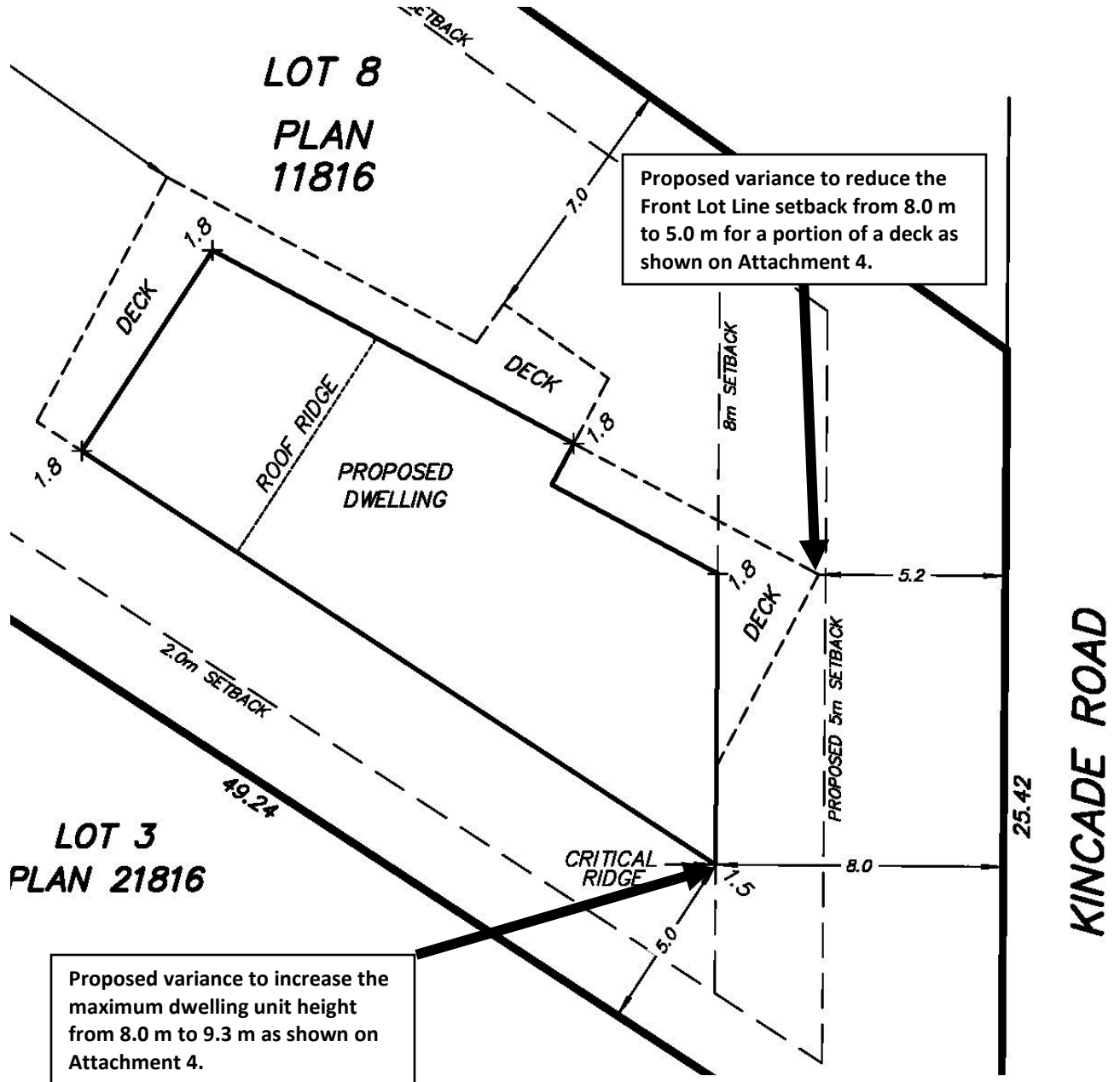
### Conditions of Approval

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 dated May 5, 2015, prepared by Lewkowich Engineering Associates Ltd., and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of the potential hazard.
2. The subject property shall be developed in accordance with the recommendations contained in the Geotechnical Hazard Assessment prepared by Lewkowich Engineering Associates Ltd, dated May 5, 2015.
3. The site is developed in accordance with the Survey Plan prepared by Sims Associates dated July 21, 2017 and attached as Attachment 3.
4. The proposed development is in general compliance with the plans and elevations prepared by DNA Project Managers dated July 14, 2017 and attached as Attachment 4.
5. The proposed development is in general compliance with the Fill and Grading Plan prepared by DNA Project Managers dated July 18, 2017 and attached as Attachment 5.
6. The property owner shall obtain the necessary permits for construction in accordance with the “Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1250, 2001” as replaced or amended.

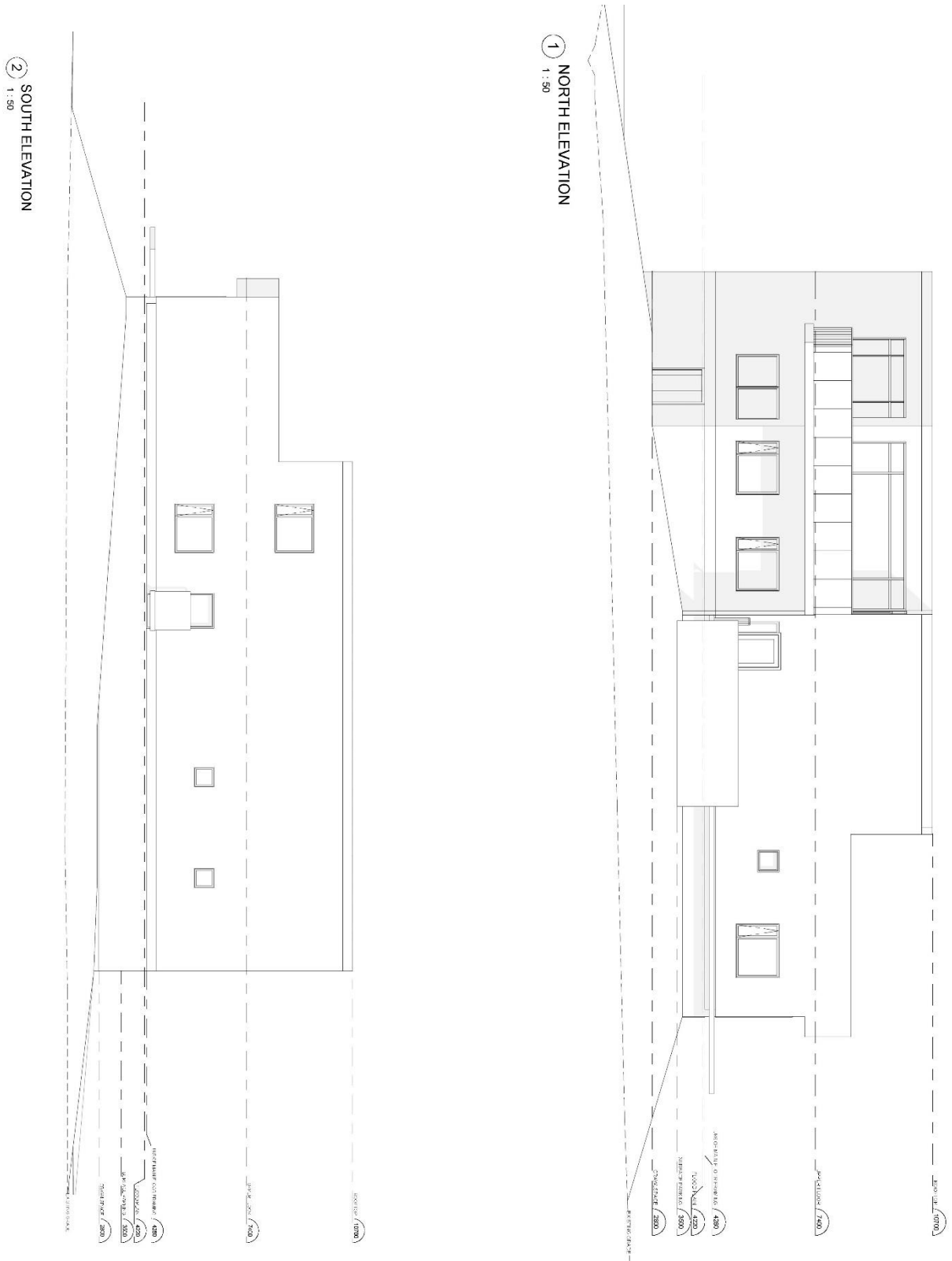
**Attachment 3**  
**Proposed Site Plan and Variances (page 1 of 2)**



**Attachment 3**  
**Proposed Site Plan and Variances (page 2 of 2) – Enlarged for Convenience**

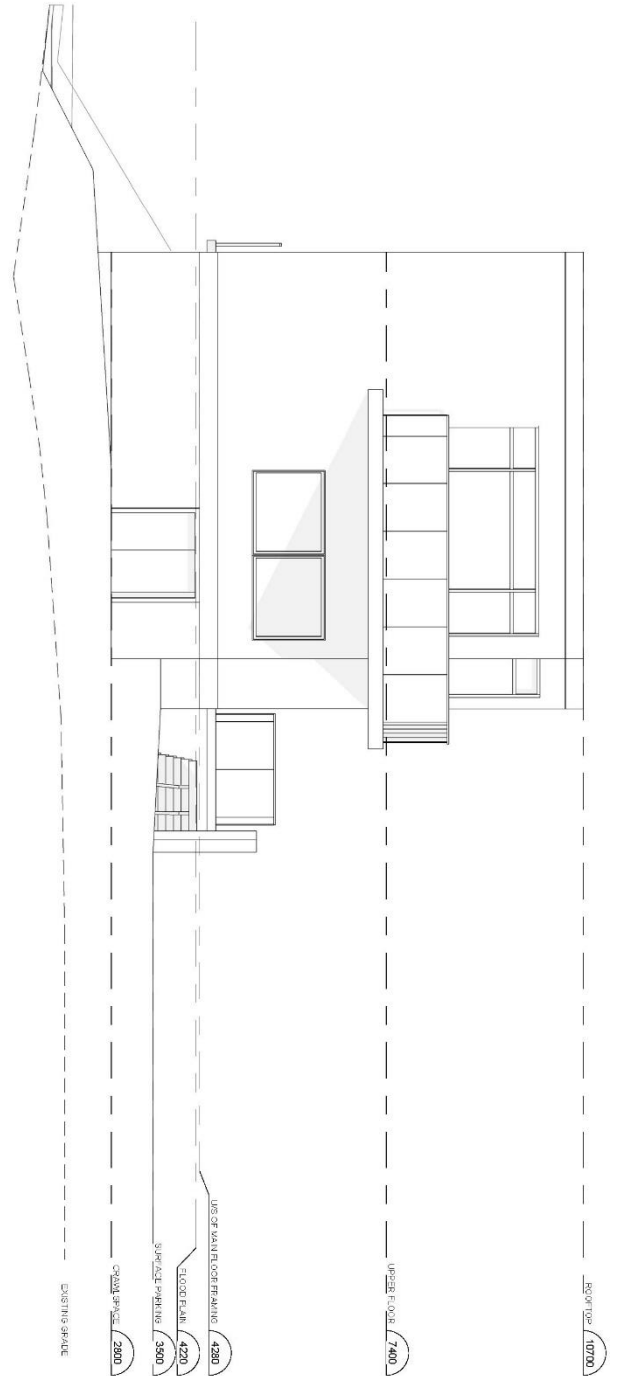


**Attachment 4**  
**Building Elevations (page 1 of 2)**

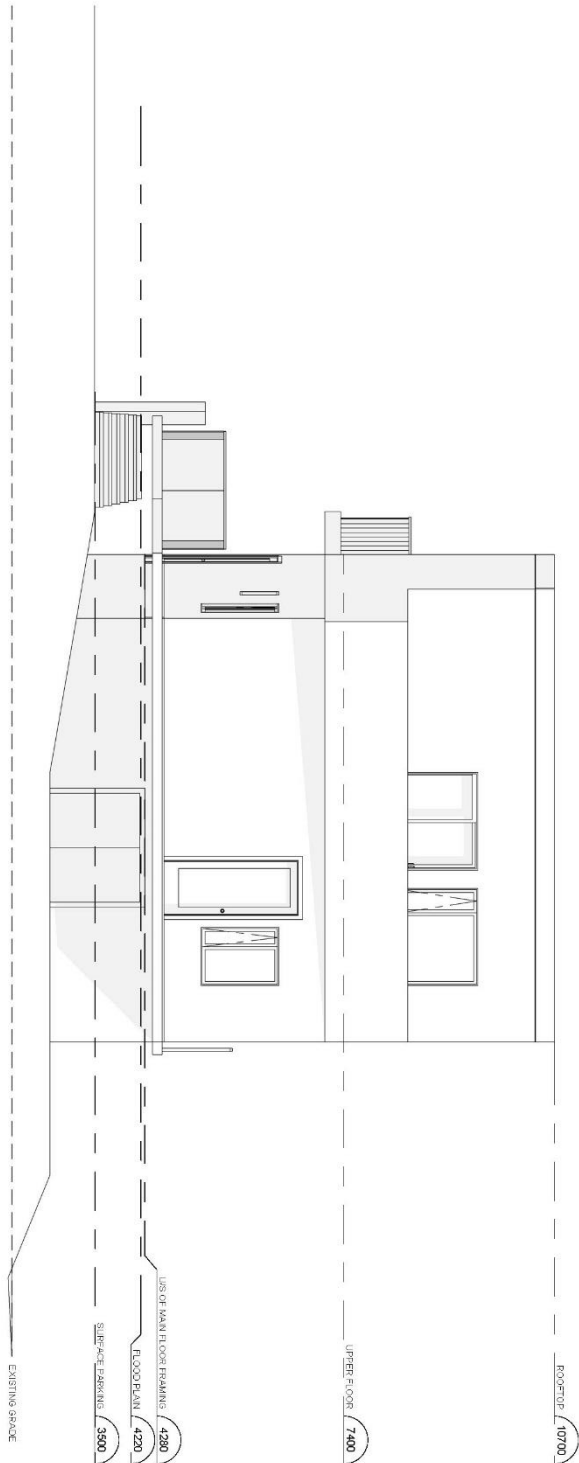


**Attachment 4**  
**Building Elevations (page 2 of 2)**

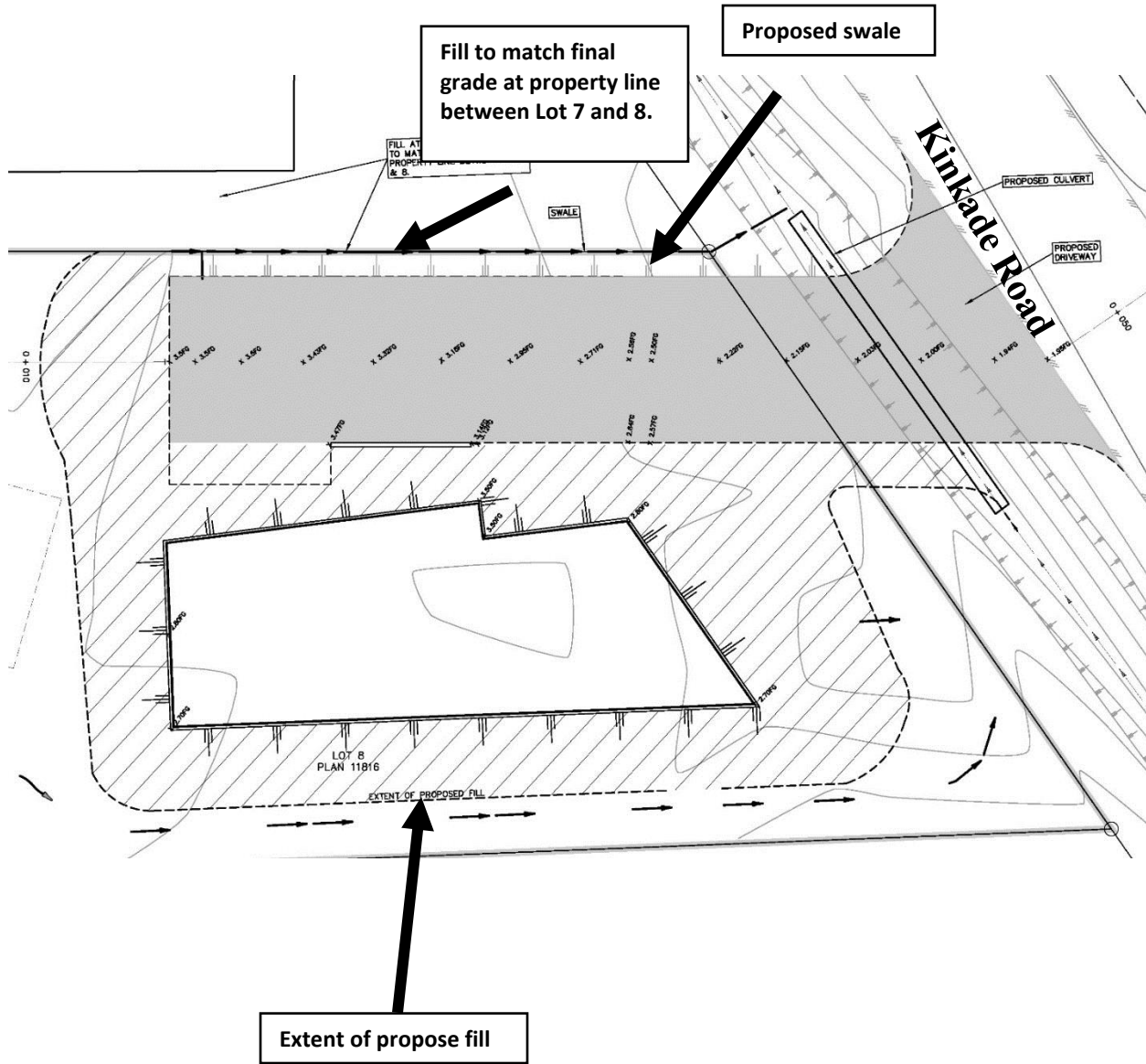
1 EAST ELEVATION  
 1 : 50



2 WEST ELEVATION  
 1 : 50



**Attachment 5  
 Fill and Grading Plan – Enlarged for Convenience**





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**TO:** Electoral Area Services Committee      **MEETING:** August 22, 2017  
**FROM:** Greg Keller  
Senior Planner      **FILE:** PL2017-096  
**SUBJECT:** **Development Variance Permit Application No. PL2017-096**  
**1856 Cedar Road – Electoral Area ‘A’**  
**Park, Section 14, Range 1, Cedar District, Plan VIP59634**

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### **RECOMMENDATIONS**

1. That the Board approve Development Variance Permit No. PL2017-096 to reduce the minimum required front and other lot line setback requirements to recognize an existing kiosk structure, subject to the conditions outlined in Attachments 2 to 4.
2. That the Board direct staff to complete the required notification for Development Variance Permit No. PL2017-069.

### **SUMMARY**

This is an application to recognize the siting of a timber-frame seating shelter and interpretive kiosk structure located at the entrance to the Morden Colliery Regional Trail that is intended to resemble the historic concrete tipple at the Morden Colliery Provincial Park. Development Variance Permit PL2016-098 was previously approved to reduce the minimum front and other setback requirements. A survey following construction confirmed that the structure is located closer to the property lines than permitted through Development Variance Permit application PL2016-098.

Given that no negative impacts are anticipated as a result of the proposed variance, staff recommends that the Board approve the variance pending the outcome of public notification and subject to the terms and conditions outlined in Attachment 2.

### **BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from Lesya Fesiak on behalf of the Regional District of Nanaimo Recreation and Parks department to recognize the siting of an existing timber-frame seating shelter and interpretive kiosk structure that is intended to resemble the historic concrete tipple at the Morden Colliery Provincial Park and provide a focal point in the community. The subject property is zoned Commercial 2 Zone (CM2), Subdivision District ‘M’, pursuant to “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”. The subject property is the entrance to the Morden Colliery Regional Trail located between the 49<sup>th</sup> Parallel Plaza and the

Wheatsheaf Pub on the east side of Cedar Road (see Attachment 1 – Subject Property Map). The property is currently developed with two community kiosk structures, a portion of the Morden Colliery Regional Trail, a paved plaza, and other park improvements.

Development Variance Permit PL2016-098 was recently approved to permit the construction of two community kiosk structures. Two variances were approved in relation to structure B including a reduced minimum front lot line setback from 8.0 m to 5.0 m and a reduced other lot line setback from 5.0 m to 3.5 m. Following the issuance of Development Variance Permit PL2016-098, a building permit was issued and construction of the community kiosk structures was commenced. A footing layout inspection was conducted on December 2<sup>nd</sup>, 2017 and approved subject to a survey being provided at the next required inspection. Based on the type of structure being constructed, the next required inspection was for final approval. When the structures were complete, a survey was submitted to the RDN Building Inspections Department to confirm compliance with the approved variances. The survey confirmed that the tipple structure was located closer to the front and other lot line than approved by PL2016-098. This error was likely caused by a measurement error on the part of the general contractor when locating the footing forms in relation to the lot lines. As a result of this discrepancy, a new development variance permit is required.

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

The proposal is to recognize the siting of structure B, an existing timber-frame kiosk structure which resembles a mining tipple (see Attachments 3 and 4) and is located at the entrance to the Morden Colliery Regional Trail.

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

- **Section 3.4.12 – Minimum Setback Requirements** to reduce the minimum front lot line setback from 8.0 metres to 4.5 metres for structure B.
- **Section 3.4.12 – Minimum Setback Requirements** to reduce the minimum setback from other lot lines from 5.0 metres to 3.2 metres for proposed structure B.

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

In support of this application, the applicant has provided a survey prepared by Williamson and Associates dated June 13, 2017 as well as elevation drawings.

Structure B is located entirely within the land that is designated as park in Plan VIP59634. This structure requires a variance to the minimum setback requirements that apply to the front lot line and all other lot lines. This structure is also located within the minimum 4.5 metre setback from a public road. Staff have confirmed that the Ministry of Transportation and Infrastructure has no issue with the structure and has confirmed acceptance of the discrepancy between the pre-construction design and the as-built survey plan.

Board Policy B1.5 for evaluation of Development Variance Permit Applications requires that there is an adequate demonstration of an acceptable land use justification prior to the Board’s consideration. In this case the proposed variances are required to address a discrepancy between the location approved

by DVP PL2016-098 and the final location surveyed at completion. In addition, there are a number of site constraints including a narrow parcel, the location of the existing entrance to the Morden Colliery Regional Trail, an existing paved plaza, and an existing rock retaining wall. As a result of these site constraints, an alternate placement of the proposed kiosks to meet the required setbacks is impractical.

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

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

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

### **ALTERNATIVES**

1. To approve Development Variance Permit No. PL2017-096 subject to the conditions outlined in Attachments 2 to 4.
2. To deny Development Variance Permit No. PL2017-096.

### **FINANCIAL IMPLICATIONS**

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

### **STRATEGIC PLAN IMPLICATIONS**

Staff have reviewed the proposed development and note that the proposal helps support eco-tourism which is in keeping with the RDN strategic priority related to economic health contained in the 2016 – 2020 Board Strategic Plan.



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Greg Keller  
gkeller@rdn.bc.ca  
July 13, 2017

Reviewed by:

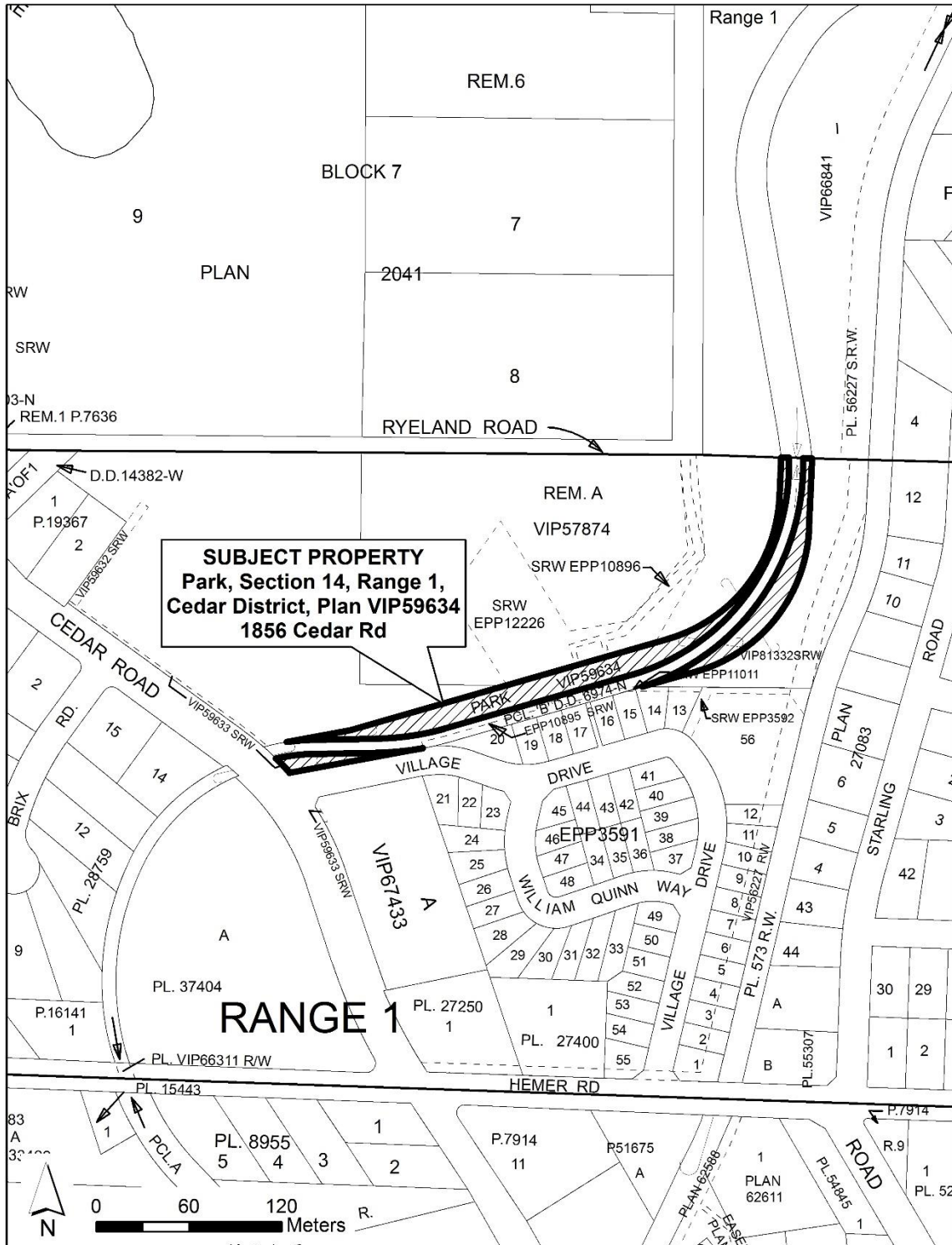
- J. Holm, Manager, Current Planning

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

#### Attachments

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

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



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

The following sets out the terms and conditions of Development Variance Permit No. PL2017-096:

Bylaw No. 500, 1987 Variances

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

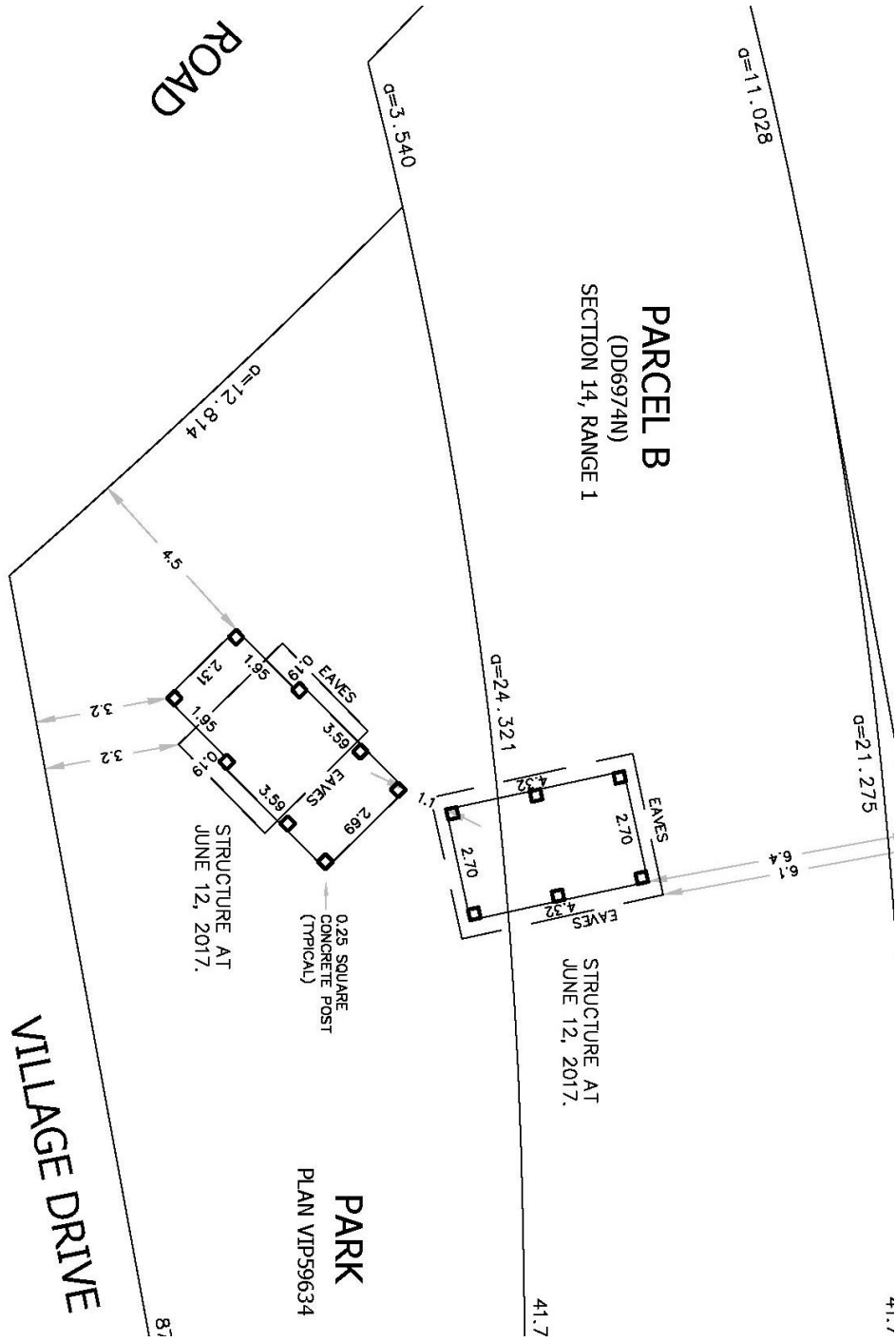
1. **Section 3.4.12 – Minimum Setback Requirements** to reduce the minimum front lot line setback from 8.0 metres to 4.5 metres for proposed structure B.
2. **Section 3.4.12 – Minimum Setback Requirements** to reduce the minimum setback from other lot lines from 5.0 metres to 3.2 metres for proposed structure B.

Conditions of Approval:

1. The site is developed in accordance with the Survey Plan prepared by Williamson and Associates dated June 13, 2017 and attached as Attachment 3.
2. The proposed development is in general compliance with the plans and elevations attached as Attachment 3.
3. The proposed development is in general compliance with elevation drawings attached as Attachment 4.

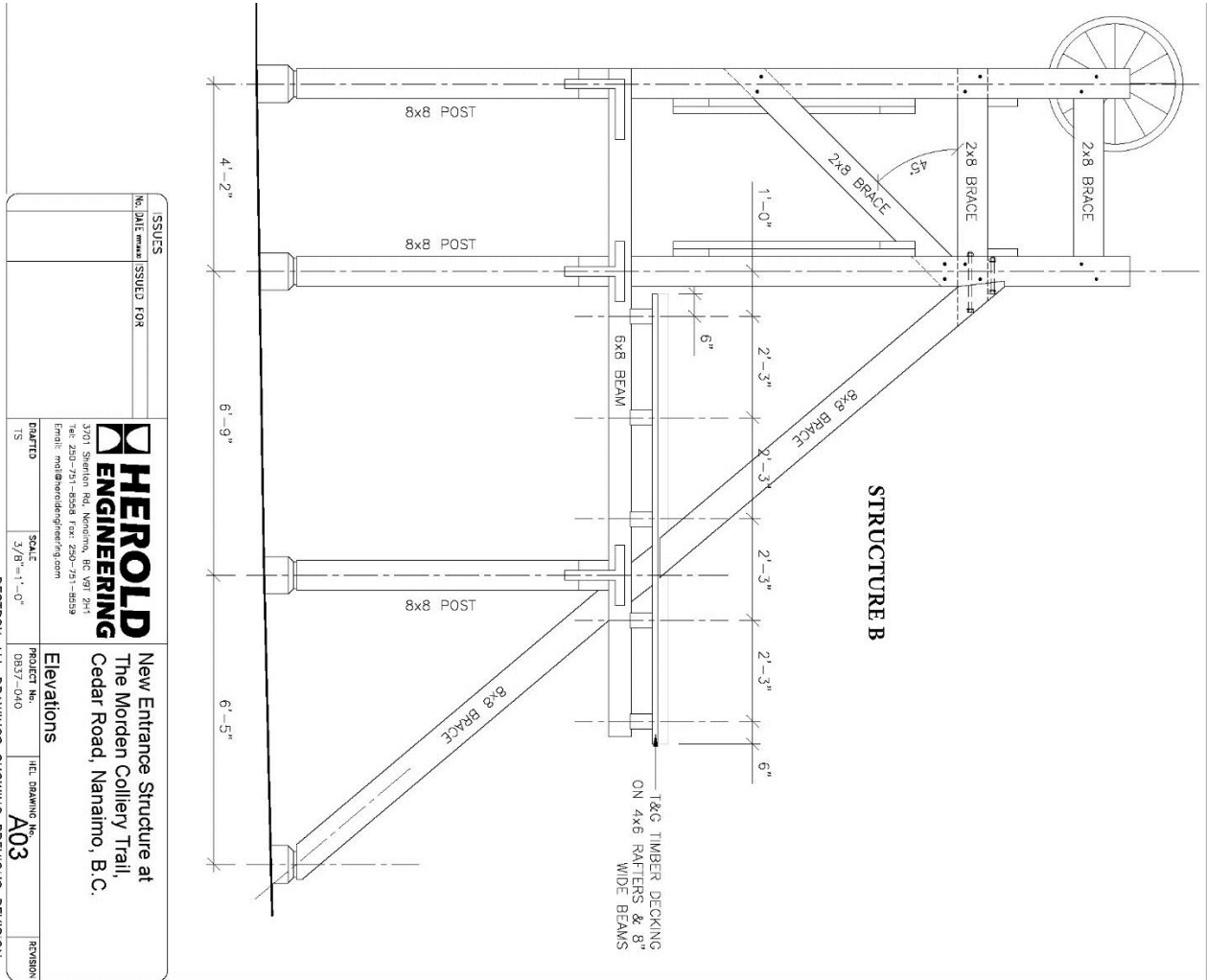


**Attachment 3**  
**Proposed Site Plan and Variances - Enlarged for Convenience (Page 2 of 2)**

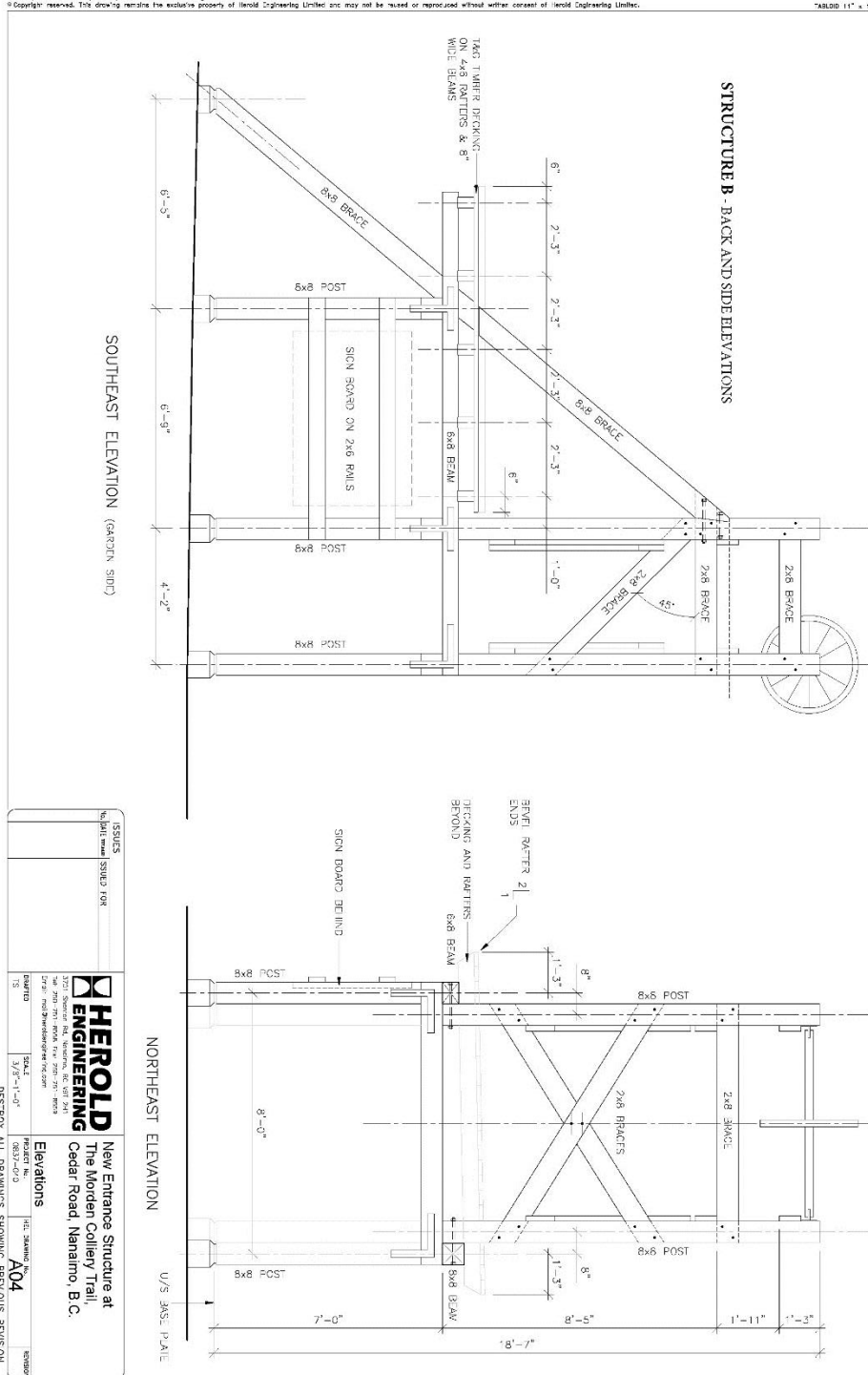




**Attachment 4**  
**Structure Elevations (page 1 of 2)**



**Attachment 4**  
**Structure Elevations (page 2 of 2)**



**TO:** Electoral Area Services Committee      **MEETING:** August 22, 2017

**FROM:** Angela Buick  
Planner      **FILE:** PL2017-078

**SUBJECT:** **Development Permit Application No. PL2017-078 and Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement in relation to Subdivision Application No. PL2016-130**  
**300 Dan’s Road and Myles Lake Road – Electoral Area ‘C’**  
**Lot 1, Section 7, Range 3 Cranberry District Plan VIP79020; and**  
**Lot C, Section 7, Range 3 Cranberry District Plan EPP36446**

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**RECOMMENDATIONS**

1. That the Board approve the request to relax the minimum 10% perimeter frontage requirements for proposed lot A in relation to Subdivision Application No. PL2016-130.
2. That the Board approve Development Permit No. PL2017-078 to permit a lot line adjustment subdivision, subject to the terms and conditions outlined in Attachments 2 and 3.

**SUMMARY**

The applicant has requested a relaxation of the minimum 10% perimeter frontage requirement and approval for a Fish Habitat Development Permit Area for a proposed lot line adjustment subdivision. The Development Permit guidelines have been met and no negative impacts are anticipated as a result of the proposed development. As such, staff recommends that the Board approve the proposed development permit and frontage relaxation subject to the conditions outlined in Attachment 2.

**BACKGROUND**

The Regional District of Nanaimo (RDN) has received an application from Ryan Turner of Ryan Turner Land Surveying on behalf of Jeffery and Audrie Addison and Linda and George Addison to relax the minimum 10% perimeter frontage requirement for proposed Lot A in relation to a lot line adjustment subdivision (Application No. PL2016-130). Pursuant to Bylaw 500, the subject property at Lot 1 Dan’s Road is zoned Rural 6 (RU6), while the subject property at Lot C Myles Lake Road is zoned Rural 9 (RU9). The subject properties are located to the north of Blind Lake in an area of rural residential and agricultural properties (see Attachment 1 – Subject Property Map).

Lot 1 on Dan’s Road contains a house and two accessory buildings whereas Lot C on Myles Lake Road is vacant land. Both lots are currently being serviced by individual private water wells and on-site septic disposal systems.

The proposed development is subject to the Fish Habitat Development Permit Area per the “Electoral Area ‘C’ Arrowsmith Benson – Cranberry Bright Official Community Plan Bylaw No.1148, 1999”.

**Proposed Development**

The applicant is proposing a lot line adjustment between the two subject properties (see Attachment 3 – proposed Plan of Subdivision). The proposed lot line adjustment will result in lots which meet the requirements of Bylaw 500 and retain adequate site area to support permitted uses.

**Minimum 10% Perimeter Frontage Requirement**

Proposed Lot A (currently Lot 1) will not meet the minimum 10% perimeter frontage requirement pursuant to Section 512 of the *Local Government Act* (see Attachment 3 – Proposed Plan of Subdivision). The applicant has requested Board approval to relax the required frontage of proposed Lot A as follows:

<b>Required Frontage (m)</b>	<b>Proposed Frontage (m)</b>	<b>Proposed % of Perimeter (Proposed Lot A)</b>
69.02	59.69	8.6

**Land Use Implications**

The applicant proposes a lot line adjustment between two existing parcels adjacent to Blind Lake in Electoral Area ‘C’. Proposed Lot A is situated between an adjacent parcel to the east and Blind Lake to the west. As such, the applicants cannot provide additional frontage and are constrained within the existing road frontage. The proposed boundary adjustment subdivision complies with the evaluation criteria of “Board Policy B1.4 Frontage Requirements for Rural Lots” and is not anticipated to have any negative impacts on the surrounding lands.

Proposed Lot A will become a split zoned lot (RU9 and RU6) as a result of the boundary adjustment subdivision. Bylaw 500 deems portions of land divided by zone boundary to be separate parcels for the purposes of determining uses permitted within each zone. As such, it is recommended that the applicant be required to register a Section 219 covenant to restrict the residential density of proposed Lot A to two dwelling units only. This restriction reflects permitted density if the entire parcel were to retain its current RU9 zoning and ensures the split zoning does not result in land uses that are incompatible with the OCP designation for the lands.

**Environmental Implications**

The applicant has provided an RAR Assessment Report dated April 27, 2017 by Aquaparian Environmental Consulting Ltd. to address the Fish Habitat DPA guidelines. The report concludes that there no measures to protect the Streamside Protection and Enhancement Area and the subdivision will not negatively impact fish habitat.

**Intergovernmental Implications**

The Ministry of Transportation and Infrastructure (MOTI) has reviewed the application and has issued a Preliminary Layout Approval for the proposed subdivision. Ministry staff have confirmed that they have no concerns with the proposed frontage relaxation.

**ALTERNATIVES**

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

**FINANCIAL IMPLICATIONS**

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

**STRATEGIC PLAN IMPLICATIONS**

Staff have reviewed the proposed development in relation to the 2016 – 2020 Board Strategic Plan and note that the proposal will be consistent with guidelines in the strategic priority to ‘focus on the environment’ through ensuring environmental values are addressed through the Fish Habitat DPA requirements.



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Angela Buick  
Abuick@rdn.bc.ca  
July 21, 2017

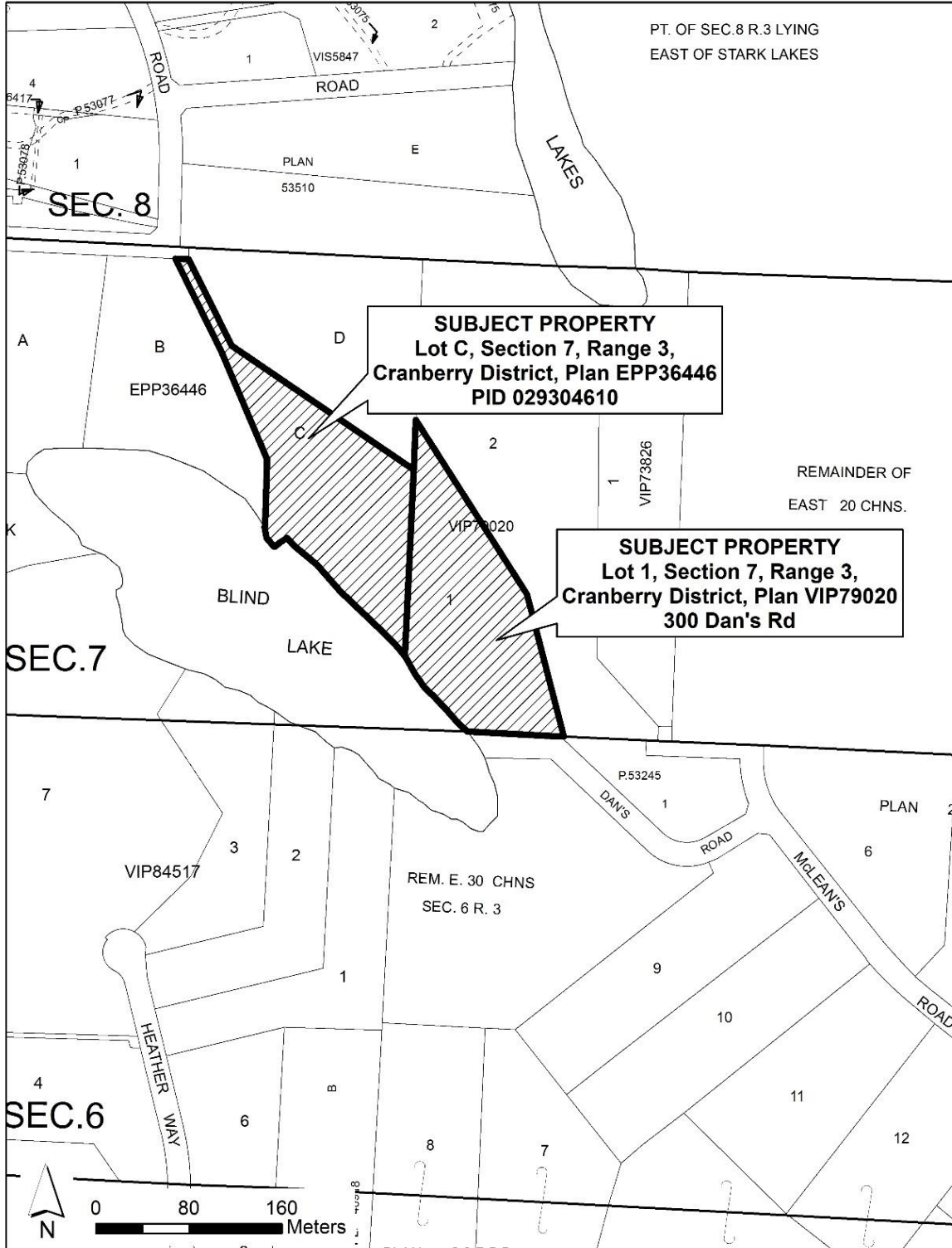
Reviewed by:

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

Attachments

1. Subject Property Map
2. Conditions of Permit
3. Proposed Plan of Subdivision

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



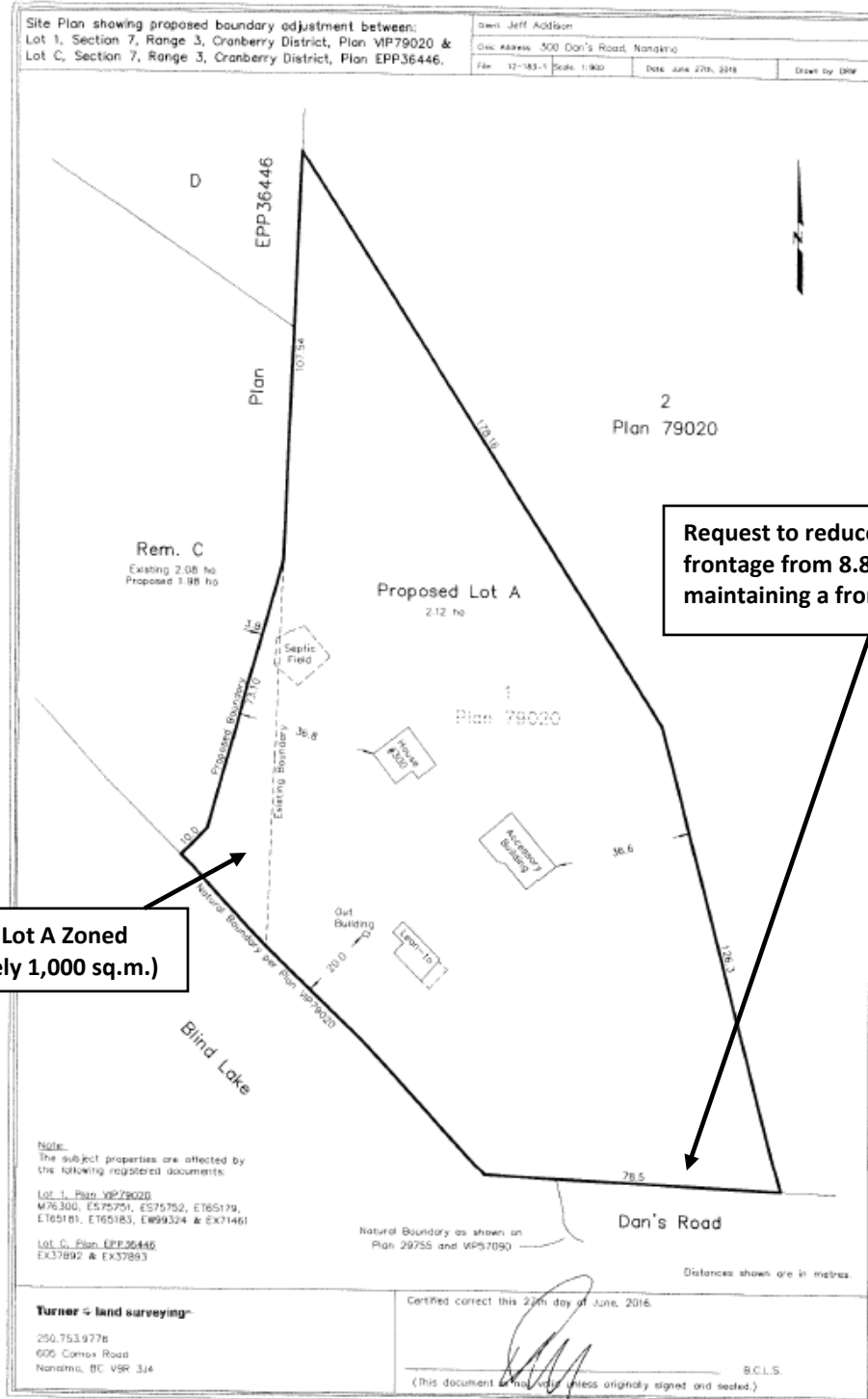
**Attachment 2**  
**Conditions of Permit**

The following sets out the conditions of Development Permit No. PL2017-078:

Conditions of Approval

1. The subdivision of lands shall be in substantial compliance with the Plan of Subdivision prepared by Ryan Turner of Turner Land Surveying dated June 26, 2016 and attached as Attachment 3.
2. The subject property shall be developed in accordance with the recommendations contained in the Riparian Area Regulation: Assessment Report dated April 27, 2017 by Aquaparian Environmental Consulting Ltd.
3. 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 of proposed Lot A, restricting the number of dwelling units to two.

**Attachment 3**  
**Proposed Plan of Subdivision**



**Request to reduce the minimum required frontage from 8.8% to 8.6 % and maintaining a frontage of 59.69 m**

**Portion Proposed Lot A Zoned RU6 (approximately 1,000 sq.m.)**



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**TO:** Regional District of Nanaimo Board                      **MEETING:** September 12, 2017  
**FROM:** Gerald St. Pierre, P.Eng., PMP                      **FILE:** 5500-22-SP-001  
Project Engineer  
**SUBJECT:** San Pareil UV Disinfection Upgrades – Construction Contract Award

---

**RECOMMENDATION**

1. That the Board award the construction contract for the San Pareil Ultra-Violet Disinfection Upgrades to Ridgeline Mechanical Ltd. for \$476,159.26 (excluding GST).

**SUMMARY**

The Construction Tender for San Pareil Ultra-Violet (UV) Disinfection Upgrades was posted to BC Bid and the RDN website on July 18<sup>th</sup>, 2017. The Invitation to Tender closed on August 16<sup>th</sup>, 2017 and tenders were received from four contractors. After a careful review, Koers & Associates Engineering has recommended that the RDN award the construction contract to Ridgeline Mechanical Ltd.

**BACKGROUND**

In March 2014, Island Health updated the Operating Permit for the San Pareil Water System to include the requirement to meet the Drinking Water Treatment Objectives (Microbiological) For Surface Water Supplies in British Columbia.

This change in the Operating Permit was in response to a study completed by Thurber Engineering in December 2013, which concluded that the source ground water is under the direct influence of surface water in the area.

The RDN submitted an Aquifer Filtration Assessment to Island Health and gained a filtration deferral; however, the addition of UV disinfection to the San Pareil Water System is still required. A Clean Water & Wastewater Fund (CWWF) grant of up to \$697,200, or 83% of the overall estimated project cost, has been received for this project.

In January 2017, the design and contract management of the project was awarded to Koers & Associates Engineering Ltd. The design progressed throughout early 2017 and the supply of the UV Disinfection Equipment was awarded to Aquionics Inc. in March 2017.

Detailed design of the UV system is now complete and the tender for construction of the building, piping, and installation of the UV disinfection equipment was posted on July 18<sup>th</sup>, 2017.

The tender period closed on August 16th, 2017 and four tenders were received. A list of the tenderers and their tender prices are shown in Table 1 below.

**Table 1 – San Pareil UV Disinfection Project – Tenders Received**

Tenderer	Tender Price (excluding GST)
Ridgeline Mechanical Ltd.	\$476,159.26
CanWest Mechanical Inc.	\$656,587.48
Knappett Projects Inc.	\$679,130.00
Tritech Group Ltd.	\$750,029.00

The lowest Tender price was submitted by Ridgeline Mechanical Ltd. for \$476,159.26 (excluding GST).

Koers Engineering has reviewed the tenders on behalf of the RDN for compliance and recommends awarding the contract to Ridgeline Mechanical Ltd.

**ALTERNATIVES**

1. Award the construction contract for San Pareil Ultra-Violet Disinfection Upgrades to Ridgeline Mechanical Ltd. for \$476,159.26 (excluding GST).
2. Provide alternate direction to staff.

**FINANCIAL IMPLICATIONS**

The recommended construction contract award amount of \$476,159.26 is within the Class C construction estimate of \$600,000.00. The original estimate was based on a conceptual design which included a larger building footprint, and the contract awarded for UV Equipment supply, which is included in the construction contract amount, was under the estimated amount as well. See Table 2 below.

**Table 2 – Original Estimate vs. Current Budget**

	Original Estimate (Class C)	Current Budget
Engineering	\$122,980.00 (actual)	\$122,980.00
Construction	\$600,000.00	\$476,159.26
Contingency	\$117,020.00	\$90,860.74
Total	<b>\$840,000.00</b>	<b>\$690,000.00</b>

A Clean Water & Wastewater Fund (CWWF) grant of up to \$697,200, or 83% of the overall estimated project cost, has been received for this project.

**STRATEGIC PLAN IMPLICATIONS**

The installation of UV Disinfection for the San Pareil Water Service area directly supports the strategic priority to Focus on Service and Organization Excellence and “...deliver efficient, effective and economically viable services that meet the needs of the Region”. More specifically, this project increases the level of service provided to the San Pareil Water Service Area, and the successful CWWF grant application allows the RDN to complete the project while minimizing the financial impact on participating residents.

---

Gerald St. Pierre  
gstpierre@rdn.bc.ca  
August 17<sup>th</sup>, 2017

Reviewed by:

- S. De Pol, Director, Wastewater and Water Services
- R. Alexander, General Manager, Regional and Community Utilities
- P. Carlyle, Chief Administrative Officer



**KOERS  
& ASSOCIATES  
ENGINEERING LTD.**  
*Consulting Engineers*

P.O. BOX 790  
194 MEMORIAL AVENUE  
PARKSVILLE, BC. V9P 2G8  
Phone: (250) 248-3151  
Fax: (250) 248-5362  
www.koers-eng.com

August 17, 2017  
File: 1683-09

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

**Attention: Mr. Gerald St.Pierre, PEng  
Water & Utility Services**

**Re: San Pareil UV Disinfection Upgrades  
Review of Tenders**

Tenders for the San Pareil UV Disinfection Upgrades were received and opened in public at the office of Koers & Associates Engineering Ltd. on Wednesday, August 16, 2017 after 2:00 p.m. A total of four (4) tenders were received. All tenders were accompanied with the required Bid Bond and signed Addenda, except for Knappett Projects Inc. who did not submit the signed addenda. The tender prices have been checked for accuracy and are considered mathematically correct, for the exception of Ridgeline Mechanical's price which we calculated to be \$0.03 higher. Overall, this minor correction makes no difference in the Tender outcome.

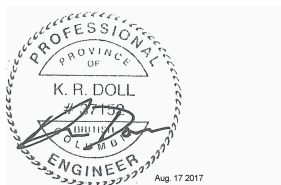
TENDERER	TENDER PRICE	COMPLETION
Ridgeline Mechanical Ltd.	\$499,967.22	120 days
CanWest Mechanical Inc.	\$689,416.85	105 days
Knappett Project Inc.	\$713,086.50	175 days
Tritech Group Ltd.	\$787,530.45	240 days

The Tender prices include a contingency allowance of \$35,000 and 5% GST.

Ridgeline Mechanical Ltd., who is based in Courtenay, BC, stated a completion period of one-hundred and twenty (120) calendar days which is considered appropriate for the scope of work involved in the Contract. We enclose a draft Notice of Award, which should be retyped on Regional District letterhead and issued to the chosen Contractor following award. Please send us a copy of the notice for our records.

Yours truly,

KOERS & ASSOCIATES ENGINEERING LTD.



Ken Doll, PEng  
Project Engineer

**TO:** Regional District of Nanaimo Board                      **MEETING:** September 12, 2017

**FROM:** Tyler Brown    **FILE:** PL2017-089  
Intergovernmental Liaison

**SUBJECT: Zoning Amendment – File No. PL2017-089  
Electoral Area ‘A’, ‘C’, ‘E’, ‘G’ and ‘H’  
Amendment Bylaw 500.410, 2017 – Adoption  
Amendment Bylaw 500.411, 2017 – Adoption**

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**RECOMMENDATION**

1. That the Board adopt “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.410, 2017”.
2. That the Board adopt “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.411, 2017”.

**SUMMARY**

The modernization of “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” (Bylaw 500) through targeted amendments is identified in the Regional District of Nanaimo 2017 Operational Plan as an action to support the RDN 2016-2020 Strategic Plan’s focus on service and organizational excellence. Minor amendments to Bylaw 500 have been identified that would have an immediate impact on reducing the need for height and setback variances.

Amendment Bylaws No. 500.410 and 500.411 (Attachment 1 and Attachment 2) were introduced and read two times on July 25, 2017. In accordance with the requirements of the *Local Government Act*, the public hearing for both Amendment Bylaws was waived and the Amendment Bylaws received third reading on August 22, 2017. The Ministry of Transportation and Infrastructure approved the Bylaws on August 29, 2017. It is recommended that the Board adopt Amendment Bylaw No. 500.410, 2017 and Amendment Bylaw No. 500.411, 2017.

**BACKGROUND**

Bylaw 500 was adopted in 1987 and due to its age, it is not consistent with contemporary best practices in regulating land use and the siting, size and dimensions of buildings and structures. Amendment Bylaws 500.410 and 500.411 will introduce contemporary regulations for the siting, size and dimensions of buildings with regard to sea-level rise and hazard planning, green building technology advancements, the increasing complexity of building regulations, the evolution of professional standards and the

market demand for more architecturally complex building types. The proposed bylaw amendment to height addresses typical building challenges experienced by residential homeowners and builders developing in flood prone areas, while the proposed bylaw amendment to setbacks in residential zones balances modern Building Code requirements with contemporary building design and adopts an approach that is more consistent with other jurisdictions.

The Amendment Bylaws were introduced and given first and second reading on July 25, 2017. The public hearing for both Amendment Bylaws was waived in accordance with Section 464 and 467 of the *Local Government Act*. Amendment Bylaws No. 500.410 and 500.411 were given third reading on August 22, 2017 and the Ministry of Transportation and Infrastructure approved the Amendment Bylaws on August 29, 2017.

### ALTERNATIVES

1. To adopt “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.410, 2017” and “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.411, 2017”.
2. To not adopt “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.410, 2017” and “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.411, 2017”.



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Tyler Brown

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August 30, 2017

### Reviewed by:

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

### Attachments

1. Proposed Amendment Bylaw No. 500.410, 2017
2. Proposed Amendment Bylaw No. 500.411, 2017

REGIONAL DISTRICT OF NANAIMO  
BYLAW NO. 500.410

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. 500.410, 2017”.
- B. The “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, is hereby amended as follows:
  - 1. Under **PART 2, INTERPRETATION, DEFINITIONS** by replacing the definition of “height” with the following:

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

- a) that part of the building or structure being measured above land (or the surface of water at high water), and;
- b)
  - I. on a line connecting the two intersections of the natural grade and the outermost exterior building walls or supports as indicated on a plan showing any complete vertical section of that part of the building or structure being measured; or
  - II. where a building is required to meet the minimum Flood Construction Level, that part of the building being measured above the Flood Construction Level as prescribed in the “Regional District of Nanaimo Floodplain Management Bylaw No. 1469, 2006”;

Introduced and read two times this 25th day of July 2017.

Public Hearing waived in accordance with the *Local Government Act* this 25th day of July, 2017.

Read a third time this 22nd day of August, 2017.

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this 29th day of August, 2019.

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

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Chair

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Corporate Officer

REGIONAL DISTRICT OF NANAIMO  
BYLAW NO. 500.411

**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. 500.411, 2017”.
- B. The “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987”, is hereby amended as follows:

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

**“bay window** means a projection from the wall of a building that contains a window or a series of windows, is cantilevered and may result in the projection of the adjacent floor structure;

**deck** means an open, unroofed platform with or without railings or parapets and supported by columns, foundations, walls or ground;

**eaves** means the part of a roof that meets or overhangs the walls of a building or structure;

**hutch** means a projection from the wall of a building that does not contain a window, is cantilevered and results in the projection of the adjacent floor structure;

**landing** means an open, unroofed platform or portion thereof with or without railings or parapets at the foot or head of a flight of stairs or between flights of stairs provided that it:

- a) is used for pedestrian access or egress to a building; and
- b) has a maximum area equal to the width of the stairs squared;”

2. Under **PART 3, LAND USE REGULATIONS, Section 3.3 General Regulations** by adding the following subsection after 3.3.10 c):

d) Projections into Required Setbacks

- i) In RS1, RS1.1, RS1.2, RS2, RS2.1, RS2.2, RS3, RS4, and RS5 zones, decks, stairs, landings and wheel chair ramps less than 0.6 metres above finished grade immediately adjacent to a building may be located up to 0.6 metres from an interior side lot line and 1.5 metres from a rear lot line.
- ii) The following table outlines features which may project into the front, rear, interior side or exterior side lot line setback as specified:



Feature	Zone	Permitted Projection into Required Setbacks			
		Front	Rear	Interior Side	Exterior Side
<b>Hutches, canopies, chimneys, cornices, eaves, gutters, leaders, ornamental features, pilasters, sills, sunshades</b>	RS1	1.75 m	0.6 m	0.6 m	1.75 m
	RS1.1	Not permitted		0.6 m	
	RS1.2	Not permitted		Not permitted	
	RS2	1.75 m		0.6 m	
	RS2.1	1.75 m		0.6 m	
	RS2.2	1.75 m		Not permitted	
	RS3	1.75 m		0.6 m	
	RS4	1.75 m		0.6 m	
	RS5	1.75 m		0.6 m	
<b>Footings below finished grade</b>	RS1	0.5 m	0.5 m	0.5 m	0.5 m
	RS1.1				
	RS1.2				
	RS2				
	RS2.1				
	RS2.2				
	RS3				
	RS4				
RS5					
<b>Bay window</b>	RS1	1.75 m	Not permitted	Not permitted	Not permitted
	RS1.1	Not permitted			
	RS1.2	Not permitted			
	RS2	1.75 m			
	RS2.1	1.75 m			
	RS2.2	1.75 m			
	RS3	1.75 m			
	RS4	1.75 m			
RS5	1.75 m				

- iii) For certainty, a projection into a required setback must not obstruct the sight triangle as specified in Section 3.3.7.
- iv) For certainty, where a lot line is referenced as other and meets the definition of front, rear, interior side or exterior side lot line, the corresponding permitted projection of this section applies.

Introduced and read two times this 25th day of July 2017.

Public Hearing waived in accordance with the *Local Government Act* this 25th day of July, 2017.

Read a third time this 22nd day of August, 2017.

Approved by the Minister of Transportation and Infrastructure pursuant to the *Transportation Act* this 29th day of August, 2017.

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

\_\_\_\_\_  
Chair

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