

REGIONAL DISTRICT OF NANAIMO  
REGULAR BOARD MEETING  
AGENDA

Tuesday, October 11, 2022

1:00 P.M.

Board Chambers (Webstreamed)

*This meeting will be recorded*

Pages

1. **CALL TO ORDER**

The Chair will call the meeting to order and respectfully acknowledge the Coast Salish Nations on whose traditional territory this meeting takes place.

2. **APPROVAL OF THE AGENDA**

3. **ADOPTION OF MINUTES**

(All Directors - One Vote)

That the following minutes be adopted:

3.1. **Regular Board Meeting - September 27, 2022**

7

3.2. **Special Board Meeting - September 23, 2022**

19

4. **CORRESPONDENCE**

5. **COMMITTEE MINUTES**

(All Directors - One Vote)

That the following minutes be received for information:

5.1. **Executive Committee Meeting - October 4, 2022**

21

5.2. **Transit Select Committee Meeting - September 20, 2022**

23

5.3. **Electoral Area F Governance and Services Study Committee Meeting -  
September 21, 2022**

26

6. **CONSENT AGENDA**

*Note: Directors may adopt in one motion all recommendations appearing on the Consent Agenda or, prior to the vote, request an item be removed from the Consent Agenda for debate or discussion, voting in opposition to a recommendation, or declaring a conflict of interest with an item.*

*Committee recommendations on the Consent Agenda were Carried Unanimously at the Committee level.*

(Voting rule varies as noted - Unanimous vote required)

That the following items on the Consent Agenda be adopted by consent:

## **6.1. TRANSIT SELECT COMMITTEE RECOMMENDATIONS**

### **6.1.1. Free Transit for the General Local Government Elections 2022** 29

(All Directors, except Electoral Areas B and F - Weighted Vote)

That free Regional District of Nanaimo Transit Service for the Local Government General Elections Day on October 15, 2022, excluding interregional transit service, be approved.

## **7. ITEMS REMOVED FROM THE CONSENT AGENDA**

## **8. COMMITTEE RECOMMENDATIONS**

### **8.1. Executive Committee**

#### **8.1.1. Regional District of Nanaimo Board Procedure Bylaw No. 1862, 2022** 32

*Please note: The original recommendation was varied by the Committee*

(All Directors - One Vote / 2/3 - must be taken separately)

1. That section 17 (2) of Regional District of Nanaimo Board Procedure Bylaw No. 1862, 2022 be amended to replace the words 'Delegations wishing' with 'Delegation requests'; and that section 21 (2) be amended to replace the words 'notice of motion' with 'motion for which notice has been given'.

2. That the Board introduce and read three times "Regional District of Nanaimo Board Procedure Bylaw No. 1862, 2022" as amended.

3. That "Regional District of Nanaimo Board Procedure Bylaw No. 1862, 2022" be adopted.

## **9. REPORTS**

### **9.1. Development Approval Process Review - Update Report** 80

*Invited Presentation: Chris Sainsbury, KPMG Consultant*

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

1. That the Development Approval Process Review final report, dated September 2022, be received for information.

2. That staff be directed to proceed with Phases 3 and 4 of the Development



Approvals Program project in accordance with the recommendations in the Development Approval Process Review final report, as attached.

**9.2. Zoning Amendment Application No. PL2018-213, 3452 Jingle Pot Road, Second Request to Amend Covenant, Electoral Area C** 177

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

That the request to amend Section 219 Covenant No. CA9920305 registered on title as a condition of Zoning Amendment Application PL2018-213 and the adoption of Amendment Bylaw No. 500.432, 2021; and, as amended by the RDN Board on July 12, 2022, to remove the requirement for the applicant to obtain a water license, rather than require the applicant to obtain a water license prior to final inspection of the proposed school, be denied.

**9.3. Report on Options for Dark Sky Protection in Electoral Area F** 254

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

1. That the Board provide initial support to including a Dark Sky policy in the Electoral Area F draft Official Community Plan.

(All Directors - One Vote)

2. That the Board consider Dark Sky policy and regulation in the 2023-2027 strategic plan.

**9.4. General Local Election Acclamation Results** 257

(All Directors - One Vote)

That the Board receive the report 'General Local Election - Acclamation Results' dated October 11, 2022 for information.

**9.5. Meadowood Community Park and Little Qualicum River Regional Park Land Exchange Agreement and Alternative Approval Process (AAP) - Update** 259

(All Directors - One Vote)

1. That approval of the electors for "Regional District of Nanaimo Little Qualicum River Regional Park Exchange Bylaw No. 1859, 2022" be obtained by an Alternative Approval Process.

2. That the Board approve the Elector Response Form as provided in Attachment 2; establish 4:00 p.m. on November 28, 2022, as the deadline for receiving elector responses for the alternative approval process, and determine the total number of electors of the area to which the approval process applies to be 136,802.

**9.6. Bylaws No. 1864, 1865, 1866 and 1867 – Reserve Funds Establishment** 313

(All Directors - One Vote)

That 'Surfside Water Service Operating Reserve Fund Establishment Bylaw No. 1864, 2022' be introduced and read three times.

(All Directors - One Vote / 2/3)

That 'Surfside Water Service Operating Reserve Fund Establishment Bylaw No. 1864, 2022' be adopted.

(All Directors - One Vote)

That 'Whiskey Creek Water Service Operating Reserve Fund Establishment Bylaw No. 1865, 2022' be introduced and read three times.

(All Directors - One Vote / 2/3)

That 'Whiskey Creek Water Service Operating Reserve Fund Establishment Bylaw No. 1865, 2022' be adopted.

(All Directors - One Vote)

'San Pareil Water Service Operating Reserve Fund Establishment Bylaw No. 1866, 2022' introduced and read three times.

(All Directors - One Vote / 2/3)

That 'San Pareil Water Service Operating Reserve Fund Establishment Bylaw No. 1866, 2022' be adopted.

(All Directors - One Vote)

That 'Westurne Heights Water Service Operating Reserve Fund Establishment Bylaw No. 1867, 2022' be introduced and read three times.

(All Directors - One Vote / 2/3)

That 'Westurne Heights Water Service Operating Reserve Fund Establishment Bylaw No. 1867, 2022' be adopted.

**9.7. Budget Amendment Request - Extension Volunteer Fire Department (Administrative Work)**

319

(All Directors - One Vote)

1. That the 2022 budget for the Extension Volunteer Fire Department (EVFD) be increased by \$25,000 for administrative work conducted by the EVFD Fire Chief, Deputy Chief and Captain.

2. That the 2022 Transfer to Reserves be reduced to offset this increase.

**9.8. Budget Amendment Request - Nanoose Bay Volunteer Fire Department (Boiler Replacement)**

321

(Electoral Areas E, F, G - Weighted Vote)

1. That the 2022 budget for the Nanoose Bay Volunteer Fire Department (NVFD) be increased by \$20,000 to purchase a new gas fired boiler to replace the current boiler heating system.

2. That the transfer to the Building Reserves be reduced by \$10,000 and

reallocated to this purchase and that the remaining \$10,000 be funded from existing building reserves.

(All Directors - Weighted Vote)

3. That the 2022-2026 Financial Plan be amended accordingly.

**9.9. Cranberry Fire Services Agreement 2022 - 2026 and Request for Financial Plan Amendment** 322

(All Directors - Weighted Vote)

1. That the Cranberry Fire Service Agreement, for provision of the fire protection services covering the Cassidy Waterloo Fire Service area in Electoral Areas 'A' and 'C', be approved for a five-year term beginning April 1, 2022, ending March 31, 2026.

(Electoral Areas A, C - Weighted Vote)

2. That the 2022 Operation budget be increased by \$1,856 to reflect the revised transfer to the Cranberry Fire Service per the 2022-2026 agreement and that the 2022 Transfer to Reserve be reduced by \$1,856 to accommodate this payment.

(All Directors - Weighted Vote)

3. That the 2022-2026 Financial Plan be amended accordingly.

**9.10. 2022 Community Resiliency Investment Grant - Fuel Prescription Activities Amendments** 338

(All Directors - One Vote)

1. That the application to amend the scope of work for the 2022 Community Resiliency Investment Grant, Fuel Management Prescriptions, be approved.

2. That the application to extend the Community Resiliency Investment Grant deadline from January 31, 2023 to April 30, 2023 be approved.

**9.11. Dashwood Firehall Replacement - Tender Award** 341

(All Directors - Weighted Vote)

That the Regional District of Nanaimo Board:

1. Approve the award of a contract in an amount up to \$5,859,800.00 (exclusive of refundable taxes) to Saywell Contracting Ltd. for Dashwood Firehall Replacement; and

2. Authorize the Chief Administration Officer and the Corporate Officer to execute the contract.

**9.12. Regional Wood Stove Exchange Program - Additional Funding** 344

(All Directors, except B - One Vote)

1. That up to \$13,500 from the Regional Sustainability Initiatives Reserve account and up to \$13,000 from the Local Government Climate Action Grant be approved to allow the Regional Woodstove Replacement Program to continue through to end of year 2022.

(All Directors - Weighted Vote)

2. That the 2022-2026 Financial Plan be amended accordingly.

**10. DELEGATIONS - ITEMS NOT ON THE AGENDA**

**10.1. John Horn, Executive Director, Connective Support Society, re Rent Bank**

346

**11. BUSINESS ARISING FROM DELEGATIONS**

**12. NEW BUSINESS**

**13. IN CAMERA**

(All Directors - One Vote)

That pursuant to the following sections of the Community Charter the Board proceed to an In Camera meeting:

- 90(1)(i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- 90(1)(m) a matter that, under another enactment, is such that the public may be excluded from the meeting; and
- 90(1)(n) the consideration of whether a council meeting should be closed under a provision of this subsection or subsection (2).

**14. ADJOURNMENT**

**REGIONAL DISTRICT OF NANAIMO  
MINUTES OF THE REGULAR BOARD MEETING**

**Tuesday, September 27, 2022  
1:00 P.M.**

**Board Chambers (Webstreamed)**

In Attendance:	Director T. Brown	Chair
	Director V. Craig	Vice Chair (joined electronically)
	Director K. Wilson	Electoral Area A (joined electronically)
	Director C. Pinker	Electoral Area C
	Director B. Rogers	Electoral Area E (joined electronically)
	Director L. Salter	Electoral Area F (joined electronically)
	Director L. Wallace	Electoral Area G (joined electronically)
	Director S. McLean	Electoral Area H (joined electronically)
	Director L. Krog	City of Nanaimo (joined electronically)
	Director S. Armstrong	City of Nanaimo
	Director D. Bonner	City of Nanaimo (joined electronically)
	Director B. Geselbracht	City of Nanaimo (joined electronically)
	Director E. Hemmens	City of Nanaimo (joined electronically)
	Director Z. Maartman	City of Nanaimo (joined electronically)
	Director I. W. Thorpe	City of Nanaimo (joined electronically)
	Director E. Mayne	City of Parksville
	Alternate	
	Director T. Patterson	City of Parksville
	Director W. Geselbracht	District of Lantzville (joined electronically)
Regrets:	Director A. Fras	City of Parksville
	Director B. Wiese	Town of Qualicum Beach
Also in Attendance:	E. Tian	A/Chief Administrative Officer
	D. Banman	A/Gen. Mgr. Recreation & Parks (joined electronically)
	L. Grant	Gen. Mgr. Planning and Development (joined electronically)
	D. Wells	Gen. Mgr. Corporate Services
	T. Moore	A/ Director of Finance
	K. Fowler	Mgr. Long Range Planning & Energy Sustainability (joined electronically)
	Y. Gagnon	Mgr. Parks Services (joined electronically)
	M. Walters	Mgr. water Services (joined electronically)
	J. Bagnall	Deputy Corporate Officer
	G. Smith	Zoom Moderator
	S. Commentucci	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**

22-555

It was moved and seconded that the agenda be adopted as amended to:

- Add 9.2.1 Updated Vote Entitlement
- Add 10.2.1 Bylaw 889.78
- Reorder the agenda to move Item 11.1 to appear after Section 5

CARRIED UNANIMOUSLY

## **ADOPTION OF MINUTES**

22-556

It was moved and seconded that the minutes of the Regular Board meeting held September 6, 2022, be adopted.

CARRIED UNANIMOUSLY

## **COMMITTEE MINUTES**

22-557

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

Regular Board Meeting - September 6, 2022

Electoral Area Services Committee Meeting - September 8, 2022

CARRIED UNANIMOUSLY

## **DELEGATIONS - ITEMS NOT ON THE AGENDA**

### **Fraser Wilson and Paul Chapman, re Nanaimo and Area Land Trust Programs, Projects, and Funding**

Fraser Wilson and Paul Chapman from Nanaimo and Area Land Trust Programs presented on current program, projects, and funding and requested the Regional District of Nanaimo Board to continue annual financial support.

**Regional Parks and Trails Select Committee Meeting - September 7, 2022**

**CONSENT AGENDA**

22-558

It was moved and seconded that the following items on the Consent Agenda be adopted by consent:

6.1.1 2022 Funding Allocation for Active Trail User Groups

CARRIED UNANIMOUSLY

The item and recommendations referred to above are as follows:

**REGIONAL PARKS AND TRAILS SELECT COMMITTEE RECOMMENDATIONS**

**2022 Funding Allocation for Active Trail User Groups**

22-559

It was moved and seconded that funding to eligible active trail user groups to carry out trail maintenance and upgrades within the Regional District of Nanaimo be considered as follows:

1. The Nanaimo Mountain Bike Club – Outer Bypass Trail Project be approved in the amount of \$15,000 from the Regional Parks Budget.
2. The proposed community trail projects from the Lighthouse Country Recreation (\$3,000 – Electoral Area H Community Parks Budget) and Gabriola Land and Trails Trust (\$500 – Electoral Area B Community Parks Budget) be forwarded to the Electoral Area Services Committee for approval and that the 2022-2026 Financial Plan be amended accordingly.

ADOPTED ON CONSENT

**ITEMS REMOVED FROM THE CONSENT AGENDA**

None

**COMMITTEE RECOMMENDATIONS**

**Electoral Area Services Committee**

**Development Variance Permit Application No. PL2022-075 - 5224 Gainsberg Road, Electoral Area H**

The Board updated the voting entitlement to (Electoral Area Directors, except EA B)

22-560

It was moved and seconded that the Board approve Development Variance Permit No. PL2022-075 to recognize the location of an existing dwelling, permit the reduction of an existing trellis, and permit the construction of a new deck within the interior lot line setback, subject to the terms and conditions outlined in Attachment 2.

CARRIED UNANIMOUSLY

22-561

It was moved and seconded that the Board direct staff to complete the required notification for Development Variance Permit No. PL2022-075.

CARRIED UNANIMOUSLY

**Electoral Area 'G' Official Community Plan Amendment Bylaw No. 1540.04, French Creek Active Transportation Plan - Introduction**

The Board updated the voting entitlement to (Electoral Area Directors, except EA B)

22-562

It was moved and seconded that the Board receive the French Creek Active Transportation Plan included as provided in Attachment 1.

CARRIED UNANIMOUSLY

22-563

It was moved and seconded that the Board receive the Summary of Public Engagement and Written Correspondence included as Attachment 3.

CARRIED UNANIMOUSLY

22-564

It was moved and seconded that the Board approve the Draft Engagement Plan as outlined in Attachment 4.

CARRIED UNANIMOUSLY

22-565

It was moved and seconded that the Board introduce and give first reading to "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Amendment Bylaw No. 1540.04, 2022".

CARRIED UNANIMOUSLY

22-566

It was moved and seconded that the Board give second reading to "Regional District of Nanaimo Electoral Area 'G' Official Community Plan Amendment Bylaw No. 1540.04, 2022", having considered the impact on the current Financial Plan and Solid Waste Management Plan.

CARRIED UNANIMOUSLY



22-567

It was moved and seconded that the Board direct the public hearing on “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Amendment Bylaw No. 1540.04, 2022” be delegated to the Electoral Area G Director.

CARRIED UNANIMOUSLY

22-568

It was moved and seconded that the Board direct staff to provide a report on the creation of a service for the purpose of installing active transportation facilities.

CARRIED UNANIMOUSLY

22-569

It was moved and seconded that the French Creek Active Transportation Plan Project Planning staff present the Active Transportation Plan summary report and attend as an invited presentation on the agenda for the October 3 Electoral Area G Parks and Open Space Advisory Committee meeting.

CARRIED UNANIMOUSLY

## **Regional Parks and Trails Select Committee**

### **Parks and Trails Strategy**

It was moved and seconded that the Parks and Trails Strategy - September 7, 2022, be approved.

22-570

It was moved and seconded to refer the Regional Parks and Trails Strategic Plan to the Board Strategic planning sessions of the next term, to provide the new board with the opportunity to review and discuss in conjunction with the Regional District of Nanaimo RDN Climate Action, Drinking Water Watershed Protection, Stormwater Management and Sustainability Plans.

Opposed (11): Director Brown, Director Craig, Director Wilson, Director McLean, Director Krog, Director Bonner, Director B. Geselbracht, Director Hemmens, Director Maartman, and Director W. Geselbracht, Alternate Director T. Patterson

DEFEATED

The vote was taken on the main motion:

22-571

It was moved and seconded that the Parks and Trails Strategy - September 7, 2022, be approved.

Opposed (6): Director Pinker, Director Salter, Director Wallace, Director Armstrong, Director Thorpe, and Director Mayne

CARRIED

## REPORTS

### **Election Worker Liability Insurance Coverage 2022**

22-572

It was moved and seconded that the Board authorize the Acting Director of Finance and the Manager, Legislative Services to enter into Service Provider Agreements with individual election workers for the provision of liability insurance through the Regional District's liability insurance held with the Municipal Insurance Association of British Columbia (MIABC).

CARRIED UNANIMOUSLY

### **Response to Cowichan Valley Regional District Resolution 21-235**

22-573

It was moved and seconded that further to the letter dated May 28, 2021 from the Cowichan Valley Regional District Board stating concerns about protection of the Cassidy Aquifer and requesting an initial review to undertake a bio-regional growth strategy, a letter be sent to the Cowichan Valley Regional District Board stating an updated aquifer protection development permit area in each regional district is the most effective means to protect the aquifer due to the time, cost and limited legislative authority of a bio-regional growth strategy.

CARRIED UNANIMOUSLY

22-574

It was moved and seconded that information sharing and coordination between the Cowichan Valley Regional District and the Regional District of Nanaimo occur wherever possible in establishing aquifer development permit areas.

CARRIED UNANIMOUSLY

**City of Nanaimo Regional Context Statement - Request for Acceptance**

22-575

It was moved and seconded that the Board accept the City of Nanaimo's request for acceptance of their Regional Context Statement (within City Plan Bylaw 2022 No. 6600) as submitted to the Regional District of Nanaimo on July 21, 2022.

CARRIED UNANIMOUSLY

**Policy A1.31 Board Members' Equipment and Expense Claims**

It was moved and seconded that Policy A1.31 Board Members' Equipment and Expense Claims, with amendments, be approved.

22-576

It was moved and seconded that paragraph 1 of the attached Board policy A1.31 be amended as follows: "Upon initial election, an Electoral Area Director shall have the option to have the Regional District provide a RDN approved laptop or and iPad, monitor and printer/scanner/copier to the Electoral Area Director for their use for Regional District business during their term of office. The Regional District will pay for the initial installation, setup and maintenance costs as required and shall where requested provide paper, and printer cartridges for Regional District business or reimburse a Director for the out of pocket cost of such supplies. And further that the following wording be added: "Municipal Directors shall have the option to have the Regional District provide a RDN approved iPad."

CARRIED UNANIMOUSLY

22-577

It was moved and seconded that the provisions of Section 3 be modified to say "...the Regional District will either provide an Electoral Area Director with a mobile device including a plan OR reimburse the Director for their cost of a new mobile device up to a maximum of \$400 for the 4-year term of office AND a monthly allowance of \$50 as reimbursement for a mobile telecommunication device plan, these costs are to be requisitioned from Electoral Area Administration.

CARRIED UNANIMOUSLY

The vote was taken on the main motion as amended:

22-578

It was moved and seconded that Policy A1.31 Board Members' Equipment and Expense Claims, with amendments presented, and the following amendments, be approved:

- That paragraph 1 of the attached Board policy A1.31 be amended as follows: "Upon initial election, an Electoral Area Director shall have the option to have the Regional District provide a RDN approved laptop and iPad, monitor and printer/scanner/copier to the Electoral Area Director for their use for Regional District business during their term of office. The Regional District will pay for the initial installation, setup and maintenance costs as required and shall where requested provide paper, and printer cartridges for Regional District business or reimburse a Director for the out of pocket cost of such supplies. And further that the following wording be added: "Municipal Directors shall have the option to have the Regional District provide a RDN approved iPad."; and
- That the provisions of Section 3 be modified to say "...the Regional District will either provide an Electoral Area Director with a mobile device including a plan OR reimburse the Director for their cost of a new mobile device up to a maximum of \$400 for the 4-year term of office AND a monthly allowance of \$50 as reimbursement for a mobile telecommunication device plan, these costs are to be requisitioned from Electoral Area Administration."

CARRIED UNANIMOUSLY

### **Funding Endorsement for a Geohazard Risk Prioritisation Study**

22-579

It was moved and seconded that the Board endorse a grant application to the Community Emergency Preparedness Fund for a Geohazard Risk Prioritization Study for the region.

CARRIED UNANIMOUSLY

### **Bylaw No. 1655.14 - Water Services Fees and Charges - 2022 Amendment**

22-580

It was moved and seconded that "Regional District of Nanaimo Water Services Fees & Charges Amendment Bylaw No. 1655.14, 2022" be introduced and read three times.

CARRIED UNANIMOUSLY

22-581

It was moved and seconded that “Regional District of Nanaimo Water Services Fees & Charges Amendment Bylaw No. 1655.14, 2022” be adopted.

CARRIED UNANIMOUSLY

**2022 Volunteer and Composite Fire Department Grant Application**

22-582

It was moved and seconded that the 2022 regional grant application by the Qualicum Beach, Coombs-Hilliers and Dashwood Fire Departments, to the Community Emergency Preparedness Fund for \$90,000 for the Volunteer and Composite Fire Departments stream, be endorsed.

CARRIED UNANIMOUSLY

22-583

It was moved and seconded that the 2022 application for, receipt of and management of Community Emergency Preparedness Fund: Volunteer and Composite Fire Department grant by the Town of Qualicum Beach Fire Department, on behalf of the Regional District of Nanaimo and Coombs-Hilliers Fire Department, be approved.

CARRIED UNANIMOUSLY

**Chase River Pump Station Upgrade - Isolation Gate Repair**

22-584

It was moved and seconded that the Regional District of Nanaimo Board approve a project budget increase of \$489,000 for additional project scope to repair an unexpected, failed inlet isolation gate and that this increase be funded this from the Southern Communities Wastewater reserve.

CARRIED UNANIMOUSLY

22-585

It was moved and seconded that the 2022-2026 Financial Plan be amended accordingly.

CARRIED UNANIMOUSLY

**Green Municipal Fund - Feasibility Study Board Endorsement - French Creek Pollution Control Centre Side-stream Ammonia Removal**

22-586

It was moved and seconded that the Board endorse a submission to the Green Municipal Fund for a feasibility study for side-stream ammonia removal at the French Creek Pollution Control Centre.

CARRIED UNANIMOUSLY

**Regional District of Nanaimo Household Hazardous Waste Storage Buildings**

22-587

It was moved and seconded that the Solid Waste Management Budget for the Household Hazardous Waste Program be amended by removing \$180,000 from the operating budget and adding \$180,000 to the capital budget and that the 2022-2026 Financial Plan be amended accordingly.

CARRIED UNANIMOUSLY

**BYLAWS - WITH NO ACCOMPANYING REPORT**

**French Creek Sewerage Facilities Local Service Boundary Amendment Bylaw No. 813.57, 2022**

22-588

It was moved and seconded that "French Creek Sewerage Facilities Local Service Boundary Amendment Bylaw No. 813.57, 2022" be adopted.

CARRIED UNANIMOUSLY

**Regional District of Nanaimo Northern Community Sewer Local Service Amendment Bylaw No. 889.78, 2022**

22-589

It was moved and seconded that "Regional District of Nanaimo Northern Community Sewer Local Service Amendment Bylaw No. 889.78, 2022" be adopted.

CARRIED UNANIMOUSLY

**BUSINESS ARISING FROM DELEGATIONS**

22-590

It was moved and seconded that the Board approve the Nanaimo and Area Land Trust Programs request for \$40,000.00.

Opposed (1): Director Mayne

CARRIED

**MOTIONS FOR WHICH NOTICE HAS BEEN GIVEN**

**1236 Island Highway Property and French Creek Pollution Control Centre**

22-591

It was moved and seconded that staff prepare a report on potential future uses of the property at 1236 Island Highway including French Creek Pollution Control Centre expansion after 2040, protection of vital fish-bearing French Creek and to develop a recreational conservation corridor with the adjacent French Creek Community Parks with walking trails.

CARRIED UNANIMOUSLY

22-592

It was moved and seconded that staff prepare a report on the process and costs for the addition of public access trails at 1236 Island Highway for connectivity with French Creek Community Park.

CARRIED UNANIMOUSLY

**French Creek Estuary for Conservancy, Restoration and Stewardship Management and Master Plan**

22-593

It was moved and seconded to allocate up to \$120,000 Area G CWF for a development of a master site plan for the French Creek Estuary for conservancy as a nature reserve, restoration and stewardship management; including monitoring, parking, access and signage in partnership with BC Parks Foundation and community conservation groups.

CARRIED UNANIMOUSLY

22-594

It was moved and seconded to include the flood plain and riparian portion of the RDN property at 1236 island highway and French Creek Community Park in the master plan for the French Creek Estuary.

CARRIED UNANIMOUSLY

**NEW BUSINESS**

Chair Brown gave an update regarding UBCM and the Minister meetings.

**Quennell Lake Floating Dock Project**

22-595

It was moved and seconded that the budget for the Quennell Lake Floating dock project be increased from \$50,000 to \$54,000 and that the Electoral Area A Community Parks 2022 Budget and Financial Plan be amended accordingly.

CARRIED UNANIMOUSLY

**IN CAMERA**

22-596

It was moved and seconded that pursuant to the following sections of the *Community Charter* the Board proceed to an In Camera meeting:

- 90(1)(k) negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public; and
- 90(1)(m) a matter that, under another enactment, is such that the public may be excluded from the meeting.

CARRIED UNANIMOUSLY

TIME: 2:50 P.M.

**ADJOURNMENT**

It was moved and seconded that the meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 3:10 P.M.

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CHAIR

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CORPORATE OFFICER



**REGIONAL DISTRICT OF NANAIMO  
MINUTES OF THE SPECIAL BOARD MEETING**

**Friday, September 23, 2022**

**10:00 A.M.**

**Board Chambers (Webstreamed)**

In Attendance:	Director T. Brown	Chair
	Director V. Craig	Vice Chair (joined electronically)
	Director K. Wilson	Electoral Area A (joined electronically)
	Director C. Pinker	Electoral Area C (joined electronically)
	Director B. Rogers	Electoral Area E
	Director L. Salter	Electoral Area F
	Director L. Wallace	Electoral Area G (joined electronically)
	Director S. McLean	Electoral Area H (joined electronically)
	Director L. Krog	City of Nanaimo (joined electronically)
	Director S. Armstrong	City of Nanaimo
	Director D. Bonner	City of Nanaimo (joined electronically)
	Director B. Geselbracht	City of Nanaimo (joined electronically)
	Director E. Hemmens	City of Nanaimo (joined electronically)
	Director Z. Maartman	City of Nanaimo (joined electronically)
	Director I. W. Thorpe	City of Nanaimo (joined electronically)
	Director E. Mayne	City of Parksville (joined electronically)
	Director W. Geselbracht	District of Lantzville (joined electronically)
	Director B. Wiese	Town of Qualicum Beach (joined electronically)
Regrets:	Director A. Fras	City of Parksville
Also in Attendance:	D. Wells	A/Chief Administrative Officer
	E. Hughes	Mgr. Strategy & Intergovernmental Services
	G. Smith	Deputy Corporate Officer
	S. Commentucci	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**

22-553

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

CARRIED UNANIMOUSLY

**IN CAMERA**

22-554

It was moved and seconded that pursuant to the following sections of the *Community Charter* the Board proceed to an In Camera meeting:

- 90(1)(m) a matter that, under another enactment, is such that the public may be excluded from the meeting
- 90(1)(o) the consideration of whether the authority under section 91 [*other persons attending closed meetings*] should be exercised in relation to a council meeting
- 90(2)(b) the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party.

CARRIED UNANIMOUSLY

TIME: 10:02 A.M.

**ADJOURNMENT**

It was moved and seconded that the meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 11:00 A.M.

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CHAIR

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CORPORATE OFFICER

**REGIONAL DISTRICT OF NANAIMO  
MINUTES OF THE EXECUTIVE COMMITTEE MEETING**

**Tuesday, October 4, 2022  
10:00 A.M.  
Board Chambers (Webstreamed)**

In Attendance:	Director V. Craig	Chair
	Director T. Brown	City of Nanaimo
	Director B. Rogers	Electoral Area E (joined electronically)
	Director K. Wilson	Electoral Area A
	Director L. Wallace	Electoral Area G (joined electronically)
	Director E. Hemmens	City of Nanaimo (joined electronically)
	Director B. Wiese	Town of Qualicum Beach (joined electronically)
Regrets:	Director A. Fras	City of Parksville
Also in Attendance:	E. Tian	Acting Chief Administrative Officer
	J. Hill	Corporate Officer (joined electronically)
	J. Bagnall	Deputy Corporate Officer (joined electronically)
	D. Wells	Gen. Mgr. Corporate Services
	C. Loudon	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 adopted as presented.

**CARRIED UNANIMOUSLY**

**ADOPTION OF MINUTES**

**Executive Committee Meeting - May 24, 2022**

It was moved and seconded that the minutes of the Executive Committee meeting held May 24, 2022, be adopted.

**CARRIED UNANIMOUSLY**

**REPORTS**

**Regional District of Nanaimo Board Procedure Bylaw No. 1862, 2022**

It was moved and seconded that section 17 (2) of Regional District of Nanaimo Board Procedure Bylaw No. 1862, 2022 be amended to replace the words ‘Delegations wishing’ with ‘Delegation requests’; and that section 21 (2) be amended to replace the words ‘notice of motion’ with ‘motion for which notice has been given’.

**CARRIED UNANIMOUSLY**

It was moved and seconded that the Board introduce and read three times “Regional District of Nanaimo Board Procedure Bylaw No. 1862, 2022” as amended.

**CARRIED UNANIMOUSLY**

It was moved and seconded that “Regional District of Nanaimo Board Procedure Bylaw No. 1862, 2022” be adopted.

**CARRIED UNANIMOUSLY**

**ADJOURNMENT**

It was moved and seconded that the meeting be adjourned.

**CARRIED UNANIMOUSLY**

TIME: 10:24 A.M.

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CHAIR

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CORPORATE OFFICER

**REGIONAL DISTRICT OF NANAIMO  
MINUTES OF THE TRANSIT SELECT COMMITTEE MEETING**

**Tuesday, September 20, 2022  
10:00 A.M.  
Board Chambers (Webstreamed)**

In Attendance:	Director S. McLean	Chair (joined electronically)
	Director K. Wilson	Electoral Area A (joined electronically)
	Director C. Pinker	Electoral Area C (joined electronically)
	Director B. Rogers	Electoral Area E
	Director L. Wallace	Electoral Area G (joined electronically)
	Director L. Krog	City of Nanaimo (joined electronically)
	Director S. Armstrong	City of Nanaimo
	Director D. Bonner	City of Nanaimo (joined electronically)
	Director B. Geselbracht	City of Nanaimo (joined electronically)
	Director E. Hemmens	City of Nanaimo (joined electronically) (10:02 A.M.)
	Director Z. Maartman	City of Nanaimo (joined electronically)
	Director W. Geselbracht	District of Lantzville (joined electronically)
	Director B. Wiese	Town of Qualicum Beach (joined electronically)
Regrets:	Director E. Mayne	City of Parksville
Also in Attendance:	E. Tian	A/Chief Administrative Officer (joined electronically)
	D. Marshall	Senior Mgr., Transit Operations
	E. Beauchamp	Superintendent, Transit Planning & Scheduling
	D. Eckel	Superintendent, Fleet & Transit Service Delivery
	B. White	Superintendent, Transit Operations
	G. Smith	Deputy Corporate Officer
	C. Golding	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

## **ADOPTION OF MINUTES**

### **Transit Select Committee Meeting - July 14, 2022**

It was moved and seconded that the minutes of the Transit Select Committee meeting held July 14, 2022, be adopted.

CARRIED UNANIMOUSLY

## **INVITED PRESENTATIONS**

### **Seth Wright, Manager, Government Relations, BC Transit, Introduction and NCX Update**

Chair McLean advised the committee that Myrna Moore, Senior Regional Transit Manager, BC Transit, retired from her position with BC Transit and thanked her for her service. The Chair introduced Seth Wright, Manager, Government Relations, BC Transit, and welcomed him to the meeting.

Seth Wright provided an update on ridership for the Nanaimo - North Cowichan (NCX) route since operation began at the end of March 2022, up to and including August 14, 2022, and stated that BC Transit is working to provide a more complex summary of the route in the coming months.

## **REPORTS**

### **2021-2022 Transit Annual Performance Summary**

It was moved and seconded that the 2021-2022 Transit Annual Performance Summary for the Regional District of Nanaimo Transit System, be received for information.

CARRIED UNANIMOUSLY

### **Electronic Fare Collection System Update**

It was moved and seconded that the Board receive the Electronic Fare Collection System Update report for information.

CARRIED UNANIMOUSLY

### **Free Transit for the General Local Government Elections 2022**

It was moved and seconded that free Regional District of Nanaimo Transit Service for the Local Government General Elections Day on October 15, 2022, excluding interregional transit service, be approved.

CARRIED UNANIMOUSLY

**ADJOURNMENT**

It was moved and seconded that this meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 10:24 A.M.

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CHAIR

**REGIONAL DISTRICT OF NANAIMO**  
**MINUTES OF THE ELECTORAL AREA F GOVERNANCE AND SERVICES STUDY**  
**COMMITTEE MEETING**

**Wednesday, September 21, 2022**  
**6:00 P.M.**  
**Bradley Centre (Webstreamed)**

In Attendance:	D. Karras	Chair
	J. Watt	Vice Chair
	D. Grimmer	Member
	D. LaForest	Member
	C. Peacey	Member
	K. Pickering	Member
	M. Porter	Member
	F. Manson	Member
	A. Rigg	Member
	Director L. Salter	Electoral Area F

Also in Attendance:	G. Mogg	Ministry of Municipal Affairs (joined electronically)
	E. Hughes	Mgr. Strategy & Intergovernmental Services
	S. Hurst	Leftside Partners Inc.
	A. Neilson	Neilson Strategies Inc.
	L. Rowbotham	Strategic Initiatives Coordinator
	G. Smith	Deputy Corporate Officer
	S. Commentucci	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.

### **WELCOME AND INTRODUCTIONS**

The Chair opened the meeting by welcoming the Committee and reviewing the role of the Committee in the study process. Committee members, the study consultants and the Ministry representative introduced themselves.

### **APPROVAL OF THE AGENDA**

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

CARRIED UNANIMOUSLY



## **ADOPTION OF MINUTES**

It was moved and seconded that the minutes of the Electoral Area F Governance and Services Study Committee meeting held July 21, 2022, be adopted.

CARRIED UNANIMOUSLY

## **REVIEW OF GOVERNANCE AND SERVICES STUDY PURPOSE**

A. Neilson reviewed the purpose of the Governance and Services Study and explained that the Governance and Services Study is the first phase of what may be a larger process that considers current local government structure and possible options for changes that may be identified by the community through the study process. Depending on what recommendations are made by the Committee and consultants, further studies may follow.

## **REVIEW OF TABLES FOR INTERIM REPORT**

### **Electoral Area F Service Delivery Table**

S. Hurst reviewed the Electoral Area F Service Delivery Table and answered questions from committee members.

### **Electoral Area F Service Governance Table**

S. Hurst reviewed the Electoral Area F Service Governance Table and answered questions from committee members.

## **REVIEW OF DRAFT COMMUNITY ENGAGEMENT MATERIALS**

### **Electoral Area F Draft Overview**

S. Hurst gave an overview of the draft of the proposal that will be mailed out to the community, available at the open houses and available on the Regional District of Nanaimo website.

### **Electoral Area F Draft Survey**

S. Hurst gave an overview of the draft of the survey that will be available at the open houses and on the Regional District of Nanaimo website and mailed out to the community.

## **PUBLIC QUESTIONS AND COMMENTS**

The Chair opened the meeting to questions and comments from the public.

## **LOOKING AHEAD**

The following dates and locations for future Study Committee meetings and Public Open Houses were provided for reference:

Study Committee meetings:

- Wednesday, February 15, 2023, 6:00 P.M. - 9:00 P.M. – Arrowsmith Hall, Coombs Fairgrounds
- Wednesday, April 26, 2023, 6:00 P.M. - 9:00 P.M. – Meadowood Community Centre

Public Open Houses:

- Wednesday, November 16, 2022, 6:00 P.M. - 8:30 P.M. – Errington War Memorial Hall
- Thursday, November 17, 2022, 6:00 P.M. - 8:30 P.M. – Errington War Memorial Hall
- Saturday, December 3, 2022, 1:00 P.M. - 3:30 P.M. – Arrowsmith Hall, Coombs Fairgrounds
- Wednesday, January 11, 2023, 6:00 P.M. - 8:30 P.M. – The Meadowood Community Centre
- Thursday, January 12, 2023, 6:00 P.M. - 8:30 P.M. – The Meadowood Community Centre

## **ADJOURNMENT**

It was moved and seconded that the meeting be adjourned.

CARRIED UNANIMOUSLY

TIME: 7:37 P.M.

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CHAIR



## FREE TRANSIT FOR THE LOCAL GOVERNMENT GENERAL ELECTION 2022

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### **RECOMMENDATION**

That free Regional District of Nanaimo Transit Service for the Local Government General Elections Day on October 15, 2022, excluding interregional transit service, be approved.

### **BACKGROUND**

BC Transit has requested confirmation if the Regional District of Nanaimo (RDN) plans to offer free Conventional and Custom (handyDART) transit service for the Local Government General Election on Saturday, October 15, 2022, this is not being mandated. Offering free transit makes it easier for voters to get to the polls and cast their ballots. Many voting locations in the RDN are on or near Conventional bus routes or are destinations for Custom transit, door-to-door service clients, making election day an opportunity for riders to try transit for free.

In 2021, the Board approved free conventional and custom transit service to the public on the Canadian Federal Election Day, held on Monday, September 20, 2021.

At the Regular Board meeting, September 7, 2021, the Board passed the following motion:

*'It was moved and seconded that free transit be provided on General Voting Day for the Federal Election on Monday, September 20, 2021.'*

By offering free transit service, residents within the RDN will have an opportunity to reach a voting station without incurring travel expenses. Additionally, this incentive will assist in voter turnout and reduce the number of vehicles on the roadway. In 2021, there were other local governments that participated in offering complimentary transit for the September 20, 2021, Federal Election Day<sup>1</sup> (Attachment 1).

Interregional transit service, the 70 NCX, should be excluded from free fares on this election day. Considering this is an election for local voters, the intent of free transit is to encourage local residents to get to the polls and cast their ballots. Interregional transit is intended to connect travelers to family, work, medical appointments, and travel, outside of their region.

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<sup>1</sup> <https://www.bctransit.com/west-kootenay/news?nid=1529713714955>

## **FINANCIAL IMPLICATIONS**

### **CONVENTIONAL TRANSIT**

Transit revenue is separated into three main categories: cash fares, monthly fares, and ticket fares. Providing free transit on any one day will result in cash and ticket fares being waved, which represents approximately 30% of daily total revenue. Based on this information, the amount of conventional transit revenue lost on September 20, 2021 (Canada Federal Election Day), was approximately \$5,675.

Interregional transit service, the 70 NCX, should be excluded from free fares on Saturday, October 15, 2022, Local Government General Election Day.

### **CUSTOM TRANSIT**

The average number of trips provided by custom transit on a typical Saturday in October 2021, was 25. At \$2.50 per trip, the amount of lost handyDART revenue was approximately \$63.00. Average revenue for Saturday for the same month in 2019 was approximately \$80.00.

Based on the historical ridership averages of 2019 & 2021 (omitting 2020 as the COVID year), it is estimated that there will be an approximate \$72.00 revenue loss for Custom Transit.

## **STRATEGIC PLAN ALIGNMENT**

Giving residents of the RDN free transit on local government general election day, meets our strategic plan priorities by offering an alternative transportation mode rather than encouraging personal vehicle use, therefore reducing greenhouse gasses and congestion in the region. It will also make it easier for voters to get to the polls and cast their ballots.

Transportation and Transit - Provide opportunities for residents to move effectively through and around the Region.

### **REVIEWED BY:**

- T. Moore, Acting Director of Finance
- D. Holmes, Chief Administrative Officer

### **ATTACHMENT:**

1. Free Transit on Election Day in Communities Across BC

# Free transit on election day in communities across B.C.

Transit System: Global

Sep 16, 2021

BC Transit and many local government partners across the province are offering free transit on Monday, September 20, federal election day. Offering free transit helps make it easier for residents to get to the polls and cast their ballots.

Take advantage of free transit in the following communities:

- Boundary (Grand Forks)
- Clearwater & Area
- Columbia Valley
- Comox Valley (includes handyDART)
- Cowichan Valley (includes handyDART but not commuter routes 66 and 99)
- Cranbrook (includes handyDART)
- Creston (includes handyDART)
- Elk Valley
- Fort St. John (includes handyDART for customers voting)
- Kamloops (includes handyDART)
- Kimberley
- Kitimat (includes handyDART)
- Merritt
- Nanaimo Regional (includes handyDART)
- Nelson (includes handyDART)
- Prince George (includes handyDART)
- Prince Rupert (includes handyDART)
- Port Alberni (includes handyDART)
- Port Edward
- Quesnel (includes handyDART)
- Revelstoke (includes handyDART)
- Salt Spring Island (paratransit system)
- South Okanagan – Similkameen\* (includes handyDART)
- Victoria Regional (includes handyDART)
- West Kootenay (includes handyDART)
- Williams Lake
- Whistler

*\*The Town of Princeton is offering on-demand transit service within the town limits from 1:15 p.m. to 7:15 p.m. on Monday, September 20 to help residents cast their ballots as they do not have regular Monday service.*

For more information on routes and schedules, please visit [bctransit.com](https://www.bctransit.com) and select your community. For information on where you can vote, visit the Elections Canada website at [elections.ca](https://elections.ca).

## Media contacts

BC Transit communications  
250-880-1303  
[media@bctransit.com](mailto:media@bctransit.com)

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<sup>1</sup> <https://www.bctransit.com/west-kootenay/news?nid=1529713714955>



## Regional District of Nanaimo Board Procedure Bylaw No. 1862, 2022

**Please note: The recommendations were varied by the Committee as follows:**

- 1. That section 17 (2) of Regional District of Nanaimo Board Procedure Bylaw No. 1862, 2022 be amended to replace the words 'Delegations wishing' with 'Delegation requests'; and that section 21 (2) be amended to replace the words 'notice of motion' with 'motion for which notice has been given'.**
- 2. That the Board introduce and read three times "Regional District of Nanaimo Board Procedure Bylaw No. 1862, 2022" as amended.**
- 3. That "Regional District of Nanaimo Board Procedure Bylaw No. 1862, 2022" be adopted.**

### **RECOMMENDATIONS**

1. That the Board introduce and read three times "Regional District of Nanaimo Board Procedure Bylaw No. 1862, 2022".
2. That "Regional District of Nanaimo Board Procedure Bylaw No. 1862, 2022" be adopted.

### **BACKGROUND**

Regional district boards are legislatively required to have an adopted procedure bylaw that establishes procedures for board meetings. Procedure bylaws are one tool used to set shared expectations for process, procedure and conduct at board meetings. Procedure bylaws include rules for how meetings are conducted, how decisions are made and recorded, how participants (including the public) are involved in meetings, and how other meeting matters, such as meeting schedules and notice requirements are handled. When used effectively, a procedure bylaw provides for efficient meetings and transparent decision-making. Some elements of procedure bylaws are legislatively required, while others are a board choice and based on best or common practice provided in rules of procedure. Procedure bylaws generally apply to meetings of the board and board committees.

In order to be effective as collective decision-makers, each board member must understand and follow a shared set of rules. Robust procedure bylaws may help boards proactively set a positive tone for meetings. Clear procedure bylaws allow boards and staff to encourage a collaborative approach that fosters respectful conduct and open debate at meetings. Understanding meeting processes and procedural rules enables regional district directors to know what is expected and act accordingly.

Boards may review and amend their procedure bylaw on an ongoing basis to ensure it addresses local government and community needs. Since the adoption of *Regional District of Nanaimo Board Procedure Bylaw No. 1754, 2017* (attachment 3), staff have indicated a number of housekeeping and other changes to be addressed in this bylaw. As a result, staff is presenting *Regional District of Nanaimo Board Procedure Bylaw No. 1862, 2022* (attachment

1) for the Board’s consideration. Staff have also provided a *Table of Proposed Procedure Bylaw Changes* (attachment 2) to assist with identifying specific changes proposed to the Board Procedure Bylaw.

**FINANCIAL IMPLICATIONS**

This item has no financial implications.

**STRATEGIC PLAN ALIGNMENT**

People and Partnerships - Improve the governance and awareness of RDN activities for citizens throughout the Region.

**REVIEWED BY:**

- J. Hill, Manager, Legislative Services
- D. Wells, General Manager, Corporate Services
- E. Tian, Acting Chief Administrative Officer

**ATTACHMENTS**

1. Draft Regional District of Nanaimo Board Procedure Bylaw No. 1862, 2022
2. Table of Proposed Board Procedure Bylaw Changes
3. Regional District of Nanaimo Board Procedure Bylaw No. 1754, 2017 - consolidated

BOARD PROCEDURE BYLAW - I N D E X

**BYLAW NO. 1862**

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## REGIONAL DISTRICT OF NANAIMO

### BYLAW NO. 1862

#### A BYLAW TO ESTABLISH PROCEDURES TO GOVERN THE PROCEEDINGS OF THE REGIONAL DISTRICT OF NANAIMO BOARD AND COMMITTEE MEETINGS

WHEREAS under the *Local Government Act* the Board must establish the procedures to be followed for the conduct of its business and, in particular, must, by bylaw,

- (a) establish the general procedures to be followed by the Board and by Board committees in conducting their business, including the manner by which resolutions may be passed and bylaws adopted;
- (b) provide for advance public notice respecting the date, time and place of Board and Board committee meetings and establish the procedures for giving that notice;
- (c) identify places that are to be public notice posting places for the purposes of the application of the *Community Charter* to the Regional District.

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

#### 1. TITLE

This bylaw may be cited for all purposes as the “Regional District of Nanaimo Board Procedure Bylaw No. 1862, 2022”.

#### 2. DEFINITIONS

In this bylaw, unless the context requires otherwise:

“**Advisory Committee**” means an Advisory Committee appointed by the Board, which includes at least one Board member, but does not include a Standing or Select Committee.

“**Chair**” means the Chair of the Board who is elected under the *Local Government Act*, and may include the Vice Chair and an acting chair acting where authorized under the *Local Government Act*.

“**Chief Administrative Officer**” and “**CAO**” means the person assigned chief administrative responsibility for the Regional District under the *Local Government Act*.

“**Committee**” means the Committee of the Whole or a Committee, Commission, Board or Panel of the Regional District, as listed in Schedule A to this bylaw.

“**Commission**” means a commission established by the Board under the *Local Government Act*.

“**Corporate Officer**” means the person responsible for corporate administration under the *Local Government Act*.

“**Director**” means a member of the Board whether a municipal director or an electoral area director.

“**Electronic Meeting**” means a meeting where all Members are able to participate electronically by means of electronic or other communication facilities including but not limited to videoconference, audioconference, or telephone.

**“Electronic Participation”** allows for a hybrid meeting where some Members of a Board or a Board Committee attend in person, and other Members attend by electronic or other communication facilities including but not limited to videoconference, audioconference, or telephone.

**“In Camera Meeting”** means a meeting that is closed to the public in accordance with the provisions of *Community Charter* made applicable to Regional Districts under the *Local Government Act*.

**“Member”** means a Director of the Board or a member of any Board or Committee of the Regional District, and includes their alternate if acting in the place of a Member.

**“Public Notice Posting Place”** means the notice board at the Regional District of Nanaimo Administration office.

**“Quorum”** means the number of Members who must be present to conduct business, being a majority of the Board or Committee.

**“Regional District”** means the Regional District of Nanaimo.

**“Regional District Officer”** means persons holding the offices of the Regional District as designated by bylaw.

**“Select Committee”** means a Select Committee appointed under the *Local Government Act* comprised solely of Directors.

**“Standing Committee”** means a Standing Committee appointed by the Chair under the *Local Government Act* comprised solely of Board members.

**“Vice Chair”** means the Vice Chair of the Board, who is elected under the *Local Government Act*.

### 3. APPLICATION

- (1) The provisions of this bylaw govern the proceedings of the Board, Nanaimo Regional Hospital District Board, and all Committees, except as otherwise provided in this bylaw.
- (2) Any one or more of the rules and orders contained in this bylaw may be temporarily suspended by an affirmative vote of not less than two thirds (2/3) of the members present, except those contained in Section 23 (Bylaws).
- (3) In cases not provided for under this bylaw and where the *Community Charter* and the *Local Government Act* are silent, the current edition of Roberts’ Rules of Order Newly Revised applies to the proceedings of the Board and all Committees.

### 4. RULES OF CONDUCT AND DEBATE

- (1) Every Member must address himself or herself to the Chair before speaking to any question or motion.
- (2) Members will address the Chair as “Chair \_\_\_\_\_” and refer to each other as “Director \_\_\_\_\_”.
- (3) Members speaking at a Board meeting must:
  - (a) use respectful language;
  - (b) not use offensive gestures or signs;
  - (c) speak only in connection with the matter being debated; and

- (d) adhere to the rules of procedure established under this Bylaw and to the decisions of the Chair and the Board regarding the rules and points of order.
- (4) A Member's interaction with staff, the public and other Members must be respectful at all times.
- (5) If the Chair considers that a Member is acting contrary to subsection (3) or (4), or is otherwise acting improperly, the Chair may order the Member to leave the meeting.
- (6) Members who are in the room must promptly take their seats when a vote is called and must not leave until the vote has been taken.

## **5. INAUGURAL MEETING**

- (1) The Board will meet on the second Tuesday in November of each year for its Inaugural meeting.
- (2) The meeting will be chaired by the CAO until such time as the Chair has been elected.
- (3) The CAO will call the meeting to order and advise the Board of the appointment of municipal directors from the member municipalities.

## **6. CHAIR AND VICE CHAIR**

- (1) General Provisions
  - (a) Annually at the Inaugural meeting, the Board must elect a Chair and Vice Chair.
- (2) Election of the Chair
  - (a) The CAO will call for nominations for the position of Chair.
  - (b) Each nomination must be seconded and the nominee must consent to the nomination.
  - (c) If only one candidate is nominated for the position of Chair, that candidate will be declared elected by acclamation.
  - (d) If more than one candidate is nominated for an office, each candidate will be given three minutes to speak.
  - (e) At the conclusion of candidates' speeches, an election will be held and voting will be conducted by secret ballot.
  - (f) The distribution and collection of ballots, the counting of the votes and the subsequent destruction of ballots is the responsibility of the Corporate Officer or such other person as may be designated by the Corporate Officer.
  - (g) Immediately after reviewing the voting results the Corporate Officer will provide the results to the CAO who will announce the name of the candidate who has been elected, as determined under subsection (h). The number of votes received by each candidate will not be disclosed to the Board unless a resolution requiring disclosure is passed.
  - (h) The candidate with the most votes will be declared elected as Chair, provided that the candidate has received a majority of votes of the entire Board. In the event of a tie vote for the highest number of votes, subsection (3)(a) applies. In the case of more than two candidates in the election, the candidate with the lowest number of votes is removed from the election and the vote must be held for the

remaining candidates until a candidate is elected by a majority vote or as determined under subsection (3)(a). In the event of a tie vote for the lowest number of votes, subsection (3)(b) applies.

(3) Tie vote

- (a) In the event of a tie vote for the highest number of votes, those candidates remain in the election. If a definitive election result cannot be declared after an additional three elections have been held, the Board may elect an acting Chair for those portions of the agenda not related to the election of the Chair or Vice Chair, then return the chair to the CAO to recess the meeting to a date and time as determined by the CAO. Should an acting Chair not be elected, the CAO may recess the meeting immediately to a date and time as determined by the CAO.
- (b) In the event of a tie vote for the lowest number of votes, all candidates remain in the election, unless there would be two or more candidates remaining, in which case the lowest tied candidates are removed from the election and the vote is held for the remaining candidates until a candidate is elected by a majority vote or as determined under subsection (a).

(4) Election of Vice Chair

The election for the position of Vice Chair will be conducted by the Chair immediately following the election of the Chair and the same rules as apply to the election of the Chair will apply in the case of the election of the Vice Chair.

(5) Role of the Chair and Vice Chair

- (a) The Chair will act as the Board's official spokesperson and will chair all Board meetings except where the Chair is absent due to illness, disability or other reason, and must maintain order and preserve decorum by enforcing the rules of the Board.
- (b) The Vice Chair has, during the absence, illness or other disability of the Chair, all the power of the Chair and is subject to all rules applicable to the Chair.
- (c) Subject to being overruled by a majority vote of the Members, which vote must be taken without debate, the Chair:
  - i. must decide points of order without debate or comment, other than to state the rule governing;
  - ii. must determine which Member has a right to speak;
  - iii. must ascertain that all Members who wish to speak on a motion have done so, that the Members are ready to vote and then put the question to the vote;
  - iv. must rule when a motion or an amendment is out of order, and cite the rule or authority applicable, subject to an appeal to the Board, and decline to put any motion before the Board which the Chair considers to be clearly out of order or contrary to law;
  - v. may call a Member to order in accordance with Section 4.

- (d) Should the Chair desire to leave the Chair for the purpose of taking part in the debate, or otherwise, the Chair must call on the Vice Chair, or if the Vice Chair is absent, one of the Directors to take the Chair's place until the Chair resumes the Chair.

## **7. LOCATION AND TIME OF REGULAR BOARD MEETINGS**

- (1) Regular meetings of the Board take place at the Regional District Board Chambers unless the location is changed by resolution of the Board.
- (2) Regular meetings of the Board are held on the second and fourth Tuesday of each month commencing at 1:00 p.m. unless decided otherwise by resolution of the Board.
- (3) Board and Committee of the Whole meetings exceeding four hours in length will require a motion to extend the meeting.

## **8. NOTICE OF REGULAR BOARD AND COMMITTEE MEETINGS**

- (1) At least 72 hours before a regular meeting of the Board or a Committee, the Corporate Officer, must give public notice of the time, place and date of the meeting by way of a notice posted at the Public Notice Posting Place.
- (2) At least 24 hours before a regular meeting of Board, the Corporate Officer must give further public notice of the meeting by:
  - (a) posting a copy of the agenda outline at the Public Notice Posting Place; and
  - (b) posting a copy of the agenda on the RDN website, unless prevented due to technical issues.
- (3) At least 24 hours before a regular meeting of the Board, the Corporate Officer must provide a copy of the agenda to each Member in the manner which the Member has directed it be sent.

## **9. SPECIAL MEETINGS**

- (1) A special meeting of the Board may be called in accordance with the *Local Government Act* on the request of the Chair or any two Directors.
- (2) Notice of a special meeting is to be provided in accordance with the *Local Government Act*. The notice of a special meeting may be waived by a unanimous vote of those Members in attendance.
- (3) In the case of an emergency, notice of a special meeting may be given in accordance with the *Local Government Act*.

## **10. ELECTRONIC MEETINGS AND ELECTRONIC PARTICIPATION**

### Electronic Meetings

- (1) Provided the requirements set out in the *Regional District Electronic Meetings Regulation* are met, Regular Board meetings, Special Board meetings, and Board Committee meetings may be conducted as an Electronic Meeting if the Chair, or, in the absence of the Chair, the Vice Chair, determines it is advisable based on an emergency, or health, safety, environmental, or urgent Regional District business, and the number of Members able to attend the meeting in person is insufficient to achieve quorum.
- (2) Advance notice of Electronic Meetings will be provided advising the way in which the meeting is to be conducted by means of electronic or other communication facilities, and the place where the public may attend to hear, or watch and hear, the proceedings that are open to the public, as follows: 39

- (a) Notice of the meeting will be provided, pursuant to the *Local Government Act* and *Community Charter*;
  - (b) The agenda cover sheet will include details on the way in which the meeting is to be conducted by means of electronic or other communication facilities; and
  - (c) Details will be included on the agenda cover sheet and the Regional District's website noting the place where the public may attend to hear, or watch and hear, the meeting.
- (3) For Regular Board meetings and Special Board meetings, the public may attend the meeting at a specified place to hear, or watch and hear, any part of the meeting that is open to the public with a designated Regional District Officer in attendance.

#### Electronic Participation by Members at Hybrid Meetings

- (4) Provided the requirements set out in the *Regional District Electronic Meetings Regulation* are met, a Member who is unable to attend in person at a Regular Board meeting, a Special Board meeting or a Board Committee meeting may participate in the meeting by means of electronic or other communication facilities.

#### Electronic Meeting and Electronic Participation Conduct

- (5) A Member participating by audio means only must indicate their vote verbally.
- (6) A Member who participates in a Regular Board meeting, Special Board meeting, or Board Committee meeting by electronic or other communication facilities must, if applicable, ensure no person other than themselves or a person authorized under section 91 of the *Community Charter* is able to hear, or watch and hear, that part of a meeting that is closed to the public.

### **11. ATTENDANCE OF PUBLIC AT MEETINGS**

- (1) Except where the Board has resolved to close a meeting or a portion of a meeting to the public in accordance with the *Community Charter* or an enactment requires a meeting to be closed to the public, all Board meetings must be open to the public.
- (2) Before closing a Board meeting or part of a Board meeting to the public, the Board must pass a resolution in a public meeting in accordance with the *Community Charter*.
- (3) This section applies to meetings of bodies referred to in section 93 of the *Community Charter*, including, without limitation:
- (a) Advisory Committees
  - (b) Board of Variance
  - (c) Commissions
  - (d) Parcel Tax Review Panel
  - (e) Select Committees
  - (f) Standing Committees
- (4) Despite subsection (1), the Chair may expel a person from a Board meeting or meeting of a body referred to in subsection (3) if the Chair considers that the person at the meeting is acting improperly.

**12. IN CAMERA MEETINGS**

- (1) In Camera subject matters must be restricted to matters set out in the *Community Charter*.
- (2) No items may be added to a closed (in camera) meeting agenda while such a meeting is in progress unless authorized by resolution at an open meeting.
- (3) The Board may, by motion passed by a majority vote of the Members present, bring forward to the open meeting, any of the motions and/or written material received in a closed meeting.
- (4) Board Members or Alternate Directors in a Board Member's absence are the only persons permitted to participate in discussion at an In Camera meeting unless otherwise authorized by the Chair.
- (5) An Alternate Director is permitted to attend an In Camera meeting when the Board member is present but may not participate in discussion unless subsection (4) applies.

**13. AGENDA**

- (1) Prior to each Regular Meeting of the Board, the Corporate Officer must prepare an agenda, approved by the CAO or the CAO's designate, setting out all items for consideration at that meeting.
- (2) The deadline for the public to submit items of correspondence to the Corporate Officer for inclusion on the agenda is 11:00 a.m. on the Monday of the week preceding the meeting.
- (3) Only those matters included on the agenda may be considered or dealt with at a regular meeting of the Board, unless a new matter for consideration is properly introduced as a late item, as outlined in Section 14.
- (4) Whenever practical, the agenda for a meeting of the Board will have attached to it, copies of all communications, reports and resolutions to be considered at that meeting.
- (5) In cases where documents are too unwieldy to be readily reproduced, the Corporate Officer may omit these materials from the agenda and instead refer to those items in short form on the agenda and keep the document on file in the Corporate Officer's office for reference purposes.
- (6) The order of business for Regular Board meetings will ordinarily be as follows, and this order may be modified at any Regular Board meeting by a majority vote:
  - Call to Order
  - Territorial Acknowledgement
  - Approval of the Agenda
  - Adoption of Minutes
  - Invited Presentations
  - Delegations – Items not on the Agenda
  - Correspondence
  - Unfinished Business
  - Committee Minutes
  - Consent Agenda (This heading used for Board agenda only)
  - Items Removed from the Consent Agenda (This heading used for Board agenda only)
  - Committee Recommendations (Items not on the Consent Agenda)

- Reports
- Bylaws – With no Accompanying Report
- Business Arising from Delegations and Correspondence
- Motions for Which Notice Has Been Given
- New Business
- In Camera
- Adjournment

#### **14. LATE ITEMS**

- (1) An item not included on the agenda must not be considered at a meeting unless introduction of the late item is approved at the time allocated on the agenda (Approval of the Agenda), by way of a motion carried by a majority vote of the Members.
- (2) Items that may be considered as late items include:
  - (a) Matters arising after the preparation of the agenda and which, if not acted upon in a timely manner, would prejudice or compromise either the Regional District's position or the position of a constituent or group of constituents.
  - (b) Requests to appear as a delegations on an item already on the Agenda, received at least 24 hours prior to the meeting, or in accordance with Section 17(11).
- (3) Information pertaining to late items for possible consideration at any meetings of the Board will be distributed to the Directors prior to the meeting.

#### **15. OPENING PROCEDURES**

- (1) At the hour set for a meeting to convene, and provided that a quorum is present, the Chair will call the meeting to order.
- (2) If the Chair does not attend at the time appointed for a meeting, the Vice Chair must take the chair.
- (3) In the absence of both the Chair and Vice Chair, the Members present may appoint an acting Chair to preside during the meeting, or until the arrival of the Chair or Vice Chair.
- (4) Such person appointed as acting Chair will have all the powers and be subject to the same rules as the Chair.
- (5) Should there be no quorum present within fifteen (15) minutes after the time appointed for a meeting to convene, the Corporate Officer must record the names of the Members present and the meeting will stand adjourned until the next meeting date or until another meeting has been called in accordance with this bylaw.

#### **16. MINUTES**

- (1) Minutes of the proceedings of the Board must be legibly recorded in the format established by the Corporate Officer, and signed by the Corporate Officer and the Chair or the person presiding at such meeting or at the next meeting at which they are adopted.
- (2) Minutes of proceedings of Committees must be legibly recorded in the format established by the Corporate Officer and signed by the Chair, or Member presiding.
- (3) Subject to subsection (4), and in accordance with the *Community Charter*, minutes of the proceedings of the Board or Committee must be open for public inspection at the Regional District Administration Office during regular office hours.



- (4) Subsection (3) does not apply to minutes of a Board meeting or Committee or that part of the meeting from which persons were excluded under Section 12.

## **17. DELEGATIONS**

- (1) A person or group of persons wishing to appear as a delegation before the Board, on a matter within the jurisdiction of the Board or within the terms of reference of the Committee for which the delegation wishes to appear, must:
  - (a) Submit a request to appear as a delegation to the Corporate Officer or designate, including: the date of the meeting at which the person or persons wish to appear, the subject matter to be discussed, the name of the spokesperson, the telephone number or email where the representative of the delegation can be reached during the day, and the specific action which is being requested of the Board or the Committee.
  - (b) Submit an executive summary, of up to two pages, of the delegation's presentation for inclusion in the applicable Board or Committee agenda package.
  - (c) Provide any audio/visual presentation to the Corporate Officer or designate by 11:00 a.m. on the day of the meeting.
- (2) Delegations wishing to speak to items not on the agenda must be received no later than seven working days prior to the meeting.
- (3) Requests to appear as a delegation on an agenda item must be received no later than 24 hours prior to the scheduled meeting.
- (4) Each delegation will be provided up to five (5) minutes to make a presentation to the Board or a Committee, unless otherwise determined by the Chair.
- (5) Disruptive or disrespectful conduct by a Delegation is prohibited.
- (6) Delegations speaking to items on the agenda will be placed at the item on the agenda. Delegations speaking to items not on the agenda will be placed close to the start of the agenda as per Section 13(6).
- (7) A delegation wishing to speak on a Development Permit with Variance, a Development Variance Permit, or a Temporary Use Permit will be afforded that opportunity at the time the item is being considered on the agenda and will be afforded a maximum of 5 minutes to make their presentation.
- (8) An owner wishing to speak on an Unsightly Premises or a Building Bylaw Contravention will be afforded that opportunity at the time the item is being considered on the agenda.
- (9) No person, persons or organization may appear as a delegation more than once to the same item except to introduce new and material information.
- (10) Notwithstanding subsection (3), the Chair may grant individuals or groups not listed on the agenda, an opportunity to be heard on matters related to agenda items in circumstances where the Chair is satisfied that circumstances prevented the person, persons or organizations from giving earlier notice of their desire to appear before the Board or Committee. Such delegation may be afforded a maximum of five (5) minutes to make their presentation.
- (11) After initial presentation, the Chair may grant other persons or a spokesperson for a group of persons in gallery attendance, permission to address the Board on the subject matter.

- (12) The Board must not permit a delegation to address a meeting of the Board regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw.
- (13) Additional time will be allowed for Members to question the individuals making the presentation in order to seek clarification.

## **18. VOTING**

- (1) Voting rules will be in accordance with the *Local Government Act*.
- (2) All votes pertaining to Board business must be taken by a show of hands of all members, including the Chair, and the Chair must declare the motion carried or defeated as the case may be.
- (3) Subsection (2) does not apply to the election of Chair and Vice Chair, or to a member participating electronically by audio means only.
- (4) Each Director present in the Boardroom, who does not signify his or her vote upon the question openly and individually by raising their hand, will be recorded as voting in the affirmative.
- (5) On any motion where the number of votes, including the vote of the person presiding, are equal, the motion is defeated.
- (6) The names of the members who moved and seconded a motion presented to the Board will not be recorded in the minutes.
- (7) All votes on motions will be recorded as either:
  - (a) Adopted on Consent;
  - (b) Carried Unanimously;
  - (c) Defeated Unanimously; or,
  - (d) In cases where unanimity is not reached, Carried or Defeated, with the names of those who voted against the motion recorded in the minutes.

## **19. MOTIONS GENERALLY**

- (1) The Board may debate and vote on a motion only if it is first made by one Member and then seconded by another.
- (2) Any Member may move a motion unless the Member would not be entitled to vote on the motion. Any Member may second a motion.
- (3) If a motion is not seconded, the motion is "lost for lack of a seconder".
- (4) A motion must be worded in affirmative terms.
- (5) No Member may speak on any motion for longer than three minutes without leave of the Chair.
- (6) Subsection (5) does not apply to Committees.
- (7) No Member may speak a second time to the same motion as long as any Member who desires to speak has not spoken to that motion.
- (8) When any motion is under consideration, no other main motion or input from a delegation may be received.
- (9) After a motion has been made, it is deemed to be in the possession of the Board, but may, with the permission of the Board, be withdrawn at any time by the mover and the seconder, before decision or amendment.

- (10) Any Member, once recognized by the Chair, may move to “Call the question” if they believe that debate on a motion has continued beyond that required. If seconded, the Chair must ask for the vote on closing debate. A motion to “Call the question” requires two-thirds of the votes cast to pass. If carried, the Chair must immediately close debate and call for a vote on the question.
- (11) Any Member may bring before the Board any new matter, other than a point of order or of privilege, by way of a written motion; provided however, that any new matter of major import, which may require further information than could or would normally be available to the Board at such meeting, may be ruled by the Chair as a notice of motion and be dealt with as provided by Section 21.

## **20. AMENDMENTS TO A MOTION**

- (1) Any Member may move to amend a motion that is under debate provided that the amendment is relevant to the main motion and does not materially change its purpose.
- (2) When a Member moves to amend a motion, the Chair will state the original motion, followed by the amendment and then put the question of the amendment to the Board.
- (3) A proposed amendment must be decided or withdrawn before the main motion is put to a vote.
- (4) Only one amendment to an amendment can be considered at any one time.

## **21. NOTICE OF MOTION**

- (1) Any Member may serve a notice of motion on the Board:
  - a) During the new business portion of a meeting, or with the Chair’s consent, at any other time during consideration of a related matter; or
  - b) By providing the Corporate Officer with a written copy of such motion, no later than six (6) working days prior to the scheduled meeting, and the Corporate Officer must add the motion to the agenda for consideration at said meeting and notify the Board or relevant Committee of the Notice of Motion.
  - c) A copy of the motion under subsection (1)(a) must be given to the Corporate Officer for inclusion on the next regular meeting agenda.
- (2) A notice of motion shall be postponed until the next regular meeting if the Member who introduced it is not present at the meeting it is on the agenda, unless that Member has provided consent or if the majority of the Board resolves to proceed.

## **22. RECONSIDERATION**

- (1) After a vote has been taken on any motion, except one of tabling or postponing a subject, a Member who voted with the prevailing side may move a reconsideration of the motion at the same or the next regular or special meeting of the Board.
- (2) Despite subsection (1), a Member who is absent from a meeting at which a vote was taken on a motion, except one of tabling or postponing a matter, may move reconsideration of the motion at either the next regular or special meeting of the Board.
- (3) A motion to reconsider requires two-thirds of the votes cast by the Board to pass. If the motion to reconsider is passed, the matter must be put before those eligible to vote on the original motion for reconsideration and voted upon in accordance with the *Local Government Act*.

- (4) The Board must not reconsider any motion that:
  - (a) has been acted upon by any officer or employee of the Regional District;
  - (b) received the assent or approval of the electors and subsequently adopted by the Board; or
  - (c) has been reconsidered under the *Local Government Act* or subsection (1) of this Bylaw.
- (5) After a motion has been reconsidered, it must not be reintroduced for a period of six months except by unanimous consent of all Members.

## 23. BYLAWS

- (1) A bylaw may be introduced at a meeting only if it is on the agenda and a copy of it has been provided to each Director before the meeting, or if it has been duly added as a late item under Section 14.
- (2) A bylaw is deemed to be read when its title or bylaw number is stated.
- (3) A bylaw other than a bylaw referred to in subsection (4) (Zoning / Official Community Plan (OCP) / Regional Growth Strategy (RGS) Bylaws) may be voted upon by way of a motion to give it first, second and third reading.
- (4) A zoning, OCP or RGS bylaw may be voted upon by way of a motion to give it first and second reading.
- (5) The Corporate Officer is empowered to correct any typographical error that may not have been corrected at the time of submission to the Board and the bylaw will have the same status as if the Board had corrected same.

## 24. COMMITTEES

- (1) Standing Committees

The Committee of the Whole, Electoral Area Services Committee, and Executive Committee are Standing Committees of the Board whose broad terms of reference are as follows:

- (a) Committee of the Whole

To consider any matters of the Board, in an environment that provides for less formal discussion and debate. The Committee of the Whole comprises all members of the Board and its meetings are scheduled at the call of the Chair.

- (b) Electoral Area Services Committee

To consider matters pertaining to:

- Current Planning Approvals and Long Range Planning
- Community Parks
- Emergency Preparedness
- Fire Protection
- Bylaw Enforcement
- Building Inspection
- Electoral Area Services
- Other matters relating to Electoral Areas only

The Electoral Area Services Committee comprises all Electoral Area Directors.

(c) Executive Standing Committee

To consider matters pertaining to employment contracts, Board procedures or other matters as determined by Board resolution. The Executive Committee comprises of eight members and includes the Chair, Vice Chair and the Chair of the Electoral Area Services Committee.

The Executive Committee will review annually the list of Advisory Committees, Commissions and external organizations to which Board members are appointed, as identified in Schedules A and B to this bylaw for the purpose of recommending any appropriate changes.

(2) Select Committees

Select Committees are those established by the Board and made up of Board members to consider or inquire into any matter and report its findings and opinions to the Board.

(3) Advisory Committees and Commissions

Advisory Committees and Commissions are those established and appointed by the Board which include members of the public and at least one Board member to provide advice and recommendations to the Board on specific matters, as determined by the Committee's Terms of Reference.

(4) Appointment to Committees and Commissions

(a) The Board delegates to the Chair the power to appoint Directors to a Select Committee.

(b) The Chair must review and update annually, as soon as possible after the Inaugural meeting, and not later than December 31<sup>st</sup>, the list of Standing Committee members and Chairs and Vice Chairs.

(c) As soon as possible after the inaugural meeting, and not later than December 31<sup>st</sup>, the Board will appoint persons to fill vacancies on Advisory Committees and Commissions.

(d) Unless specifically prohibited by an enactment, members of all Standing Committees, Select Committees, Advisory Committees, Commissions and the Board of Variance may, regardless of the designated termination date of their respective position as a Committee, Commission or Board of Variance member, continue to serve until such time as a replacement has been appointed, or until such time as the said Member's term is officially extended.

(5) Voting at Committees

(a) Notwithstanding the number of votes assigned to Directors of the Board, under the *Local Government Act* any Director appointed to a Committee has only one vote on matters under consideration by the said Committee.

(b) Members of the Board may attend meetings of any Standing, Select or Advisory Committee and may participate in discussions; however, only Directors who have been appointed to a Committee or an Alternate Director attending in the absence of an appointed Director, may introduce a resolution or vote on the proceedings.

(c) The Chair is an ex-officio, a voting member of all Committees and when in attendance, possesses all the rights, privileges, powers and duties of other Committee members.

(d) The Chair, when in attendance in accordance with subsection (c), may be counted as one member for the purpose of constituting a quorum.

(6) Committee Recommendations

All Committee recommendations are subject to the approval of the Board, except where the Committee has, by bylaw, been delegated a power, duty or function of the Board.

**25. EXTERNAL APPOINTMENTS**

- (1) Board members may be appointed annually to represent the Board on external organizations, as listed in Schedule 'B' to this bylaw.
- (2) The Board delegates to the Chair the power to appoint Directors to external organizations.

**26. SEVERABILITY**

If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction the section, subsection or clause may be severed from the bylaw and the decision will not affect the validity of the remaining portions of this bylaw.

**27. REPEAL**

"Regional District of Nanaimo Board Procedure Bylaw No. 1754, 2017" and any amendments thereto are hereby repealed.

Public Notice given this \_\_\_ day of \_\_\_\_\_, \_\_\_\_.

Introduced and read three times this \_\_\_ day of \_\_\_\_\_, \_\_\_\_.

Adopted (by at least 2/3 of the vote) this \_\_\_ day of \_\_\_\_\_, \_\_\_\_.

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CHAIR

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CORPORATE OFFICER

Schedule 'A' to accompany "Regional District of  
Nanaimo Board Procedure Bylaw No. 1862, 2022"

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Chair

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Corporate Officer

## **SCHEDULE A**

### **1. STANDING COMMITTEES**

- Committee of the Whole
- Electoral Area Services Committee
- Executive Committee

### **2. SELECT COMMITTEES**

- Community Grants Committee
- Oceanside Services Committee
- Regional Parks and Trails Select Committee
- Solid Waste Management Select Committee
- Transit Select Committee

### **3. ADVISORY COMMITTEES**

- Agricultural Advisory Committee
- Climate Action Technical Advisory Committee
- Electoral Area F Governance and Services Study Committee
- Fire Services Advisory Committee
- Liquid Waste Management Plan Monitoring Committee
- Oceanside Services Recreation Grants Sub-Committee

- Parks and Open Space:
  - East Wellington/Pleasant Valley Parks and Open Space Advisory Committee
  - Electoral Area B Parks and Open Space Advisory Committee
  - Electoral Area F Parks and Open Space Advisory Committee
  - Electoral Area G Parks and Open Space Advisory Committee
  - Electoral Area H Parks and Open Space Advisory Committee
  - Nanoose Bay Parks and Open Space Advisory Committee
- Regional Parks and Trails Strategic Plan Advisory Sub-Committee
- Solid Waste Management Plan Monitoring Advisory Committee
- Transit Redevelopment Plan Sub-Committee

#### **4. COMMISSIONS**

- Electoral Area A Parks, Recreation and Culture Commission

#### **5. BOARDS**

- Board of Variance
- Nanaimo Regional Hospital District Board

#### **6. PANELS**

- Parcel Tax Review Panel



Schedule 'B' to accompany "Regional District of  
Nanaimo Board Procedure Bylaw No. 1862, 2022"

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Chair

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Corporate Officer

## **SCHEDULE B**

### **1. EXTERNAL APPOINTMENTS**

- Arrowsmith Water Service Management Board
- AVICC Special Committee on Solid Waste
- Ballenas Track Renewal Steering Committee
- BC Social Procurement Initiative (BCSPI)
- City of Nanaimo/RDN District 68 Sports Field and Recreation Committee
- Early Learning & Childcare Council in Oceanside (ELCCO)
- Englishman River Water Service Management Board
- Island Coastal Economic Trust (ICET) – North Island Sunshine Coast Regional Advisory Committee (NISCRAC)
- Island Coastal Economic Trust (ICET) – Central South Island Regional Advisory Committee (CSIRAC)
- Island Corridor Foundation
- Mount Arrowsmith Biosphere Region Roundtable
- Municipal Finance Authority
- Municipal Insurance Association of BC
- North Island 911 Corporation
- Oceanside Homelessness Task Force
- Parksville Qualicum Beach Tourism Association
- Port Liaison (Protocol Agreement)
- Qualicum First Nation Cooperation Protocol Working Group

- Snuneymuxw First Nation/Regional District of Nanaimo Protocol Agreement Working Group
- Te'mexw Treaty Negotiations Committee
- Vancouver Island Agricultural Adaptation Working Group
- Vancouver Island & Coastal Communities Climate Leadership Plan Steering Committee
- Vancouver Island Regional Library Board
- Yellow Point Ecological Society (YES)

**Table of Proposed Procedure Bylaw Changes**

Section	Current Language	Proposed Language	Notes
3. APPLICATION	(1) The provisions of this bylaw govern the proceedings of the Board and all Committees, except as otherwise provided in this bylaw.	(1) The provisions of this bylaw govern the proceedings of the Board, <b>Nanaimo Regional Hospital District Board</b> , and all Committees, except as otherwise provided in this bylaw.	Add in Nanaimo Regional Hospital District Board.
7. LOCATION AND TIME OF REGULAR BOARD MEETINGS	<p>(2) Regular meetings of the Board are held on the fourth Tuesday of each month commencing at 7:00 p.m. unless decided otherwise by resolution of the Board.</p> <p>(3) Regular meetings of the Board must be adjourned before 11:00 p.m. on the day scheduled for the meeting unless the Board resolves by unanimous vote to proceed beyond that time. Items remaining on the agenda will be added to the agenda for the next regular meeting under Unfinished Business.</p>	<p>2) Regular meetings of the Board are held on the <b>second and</b> fourth Tuesday of each month commencing at <b>1:00 p.m.</b> unless decided otherwise by resolution of the Board.</p> <p>(3) <i>Repeal this section</i></p>	<p>Updated as per new meeting times.</p> <p>Meetings do not extend past 11:00 p.m.</p>
8. NOTICE OF REGULAR BOARD AND COMMITTEE MEETINGS	(2)(b) having a copy of the agenda available at the reception counter at the Regional District Administration Office for the purpose of viewing by members of the public.	<i>Repeal this section</i>	Print copy not currently a practice. Request for a printed agenda available to the public by request at reception counter. Agenda cover sheet is printed and posted for public.
8. NOTICE OF REGULAR BOARD	(3) At least 24 hours before a regular meeting of the Board, the	(3) At least 24 hours before a regular meeting of the Board, the	Agendas are provided electronically and in

<p>AND COMMITTEE MEETINGS</p>	<p>Corporate Officer must deliver a copy of the agenda to each Member in the manner which the Member has directed it be sent.</p>	<p>Corporate Officer must <b>provide</b> a copy of the agenda to each Member in the manner which the Member has directed it be sent.</p>	<p>paper format to Directors.</p>
<p>13. AGENDA</p>	<p>(6) The order of business for Regular Board meetings will ordinarily be as follows, and this order may be modified at any Regular Board meeting by a majority vote:</p> <ul style="list-style-type: none"> <li>• Call to Order</li> <li>• Approval of the Agenda</li> <li>• Adoption of Minutes</li> <li>• Invited Presentations</li> <li>• Delegations – Agenda Items (Includes all delegations if not a Board meeting)</li> <li>• Correspondence</li> <li>• Unfinished Business</li> <li>• Committee Minutes and Recommendations</li> <li>• Staff Reports</li> <li>• Bylaws</li> <li>• Delegations - Items not on the Agenda (This heading used for Board agenda only)</li> <li>• Business Arising from Delegations</li> <li>• Motions for Which Notice Has Been Given</li> <li>• New Business</li> </ul>	<p>(6) The order of business for Regular Board meetings will ordinarily be as follows, and this order may be modified at any Regular Board meeting by a majority vote:</p> <ul style="list-style-type: none"> <li>• Call to Order</li> <li>• <b>Territorial Acknowledgement</b></li> <li>• Approval of the Agenda</li> <li>• Adoption of Minutes</li> <li>• Invited Presentations</li> <li>• <b>Delegations – Items not on the Agenda</b></li> <li>• Correspondence</li> <li>• Unfinished Business</li> <li>• Committee Minutes</li> <li>• <b>Consent Agenda (This heading used for Board agenda only)</b></li> <li>• <b>Items Removed from the Consent Agenda (This heading used for Board agenda only)</b></li> <li>• <b>Committee Recommendations (Items not on the Consent Agenda)</b></li> <li>• Reports</li> <li>• Bylaws – <b>With no Accompanying Report</b></li> </ul>	<p>Add formal territorial acknowledgement to reflect current practice.</p> <p>Remove delegations for agenda items as they are presented with the agenda item per Board resolution.</p> <p>Bring forward delegations for non-agenda items so they are no longer waiting until close to the end of the Board meeting to present. This practice was to encourage delegations to go to the Committee of the Whole instead of the Board which is no longer scheduled regularly.</p> <p>Add Consent Agenda items.</p> <p>Bylaws – clarify section to note there is no accompanying report. Bylaws here are typically presented for adoption following a procedural requirement such as ministry approval and/or consent(s).</p>

	<ul style="list-style-type: none"> <li>• In Camera</li> <li>• Adjournment</li> </ul>	<ul style="list-style-type: none"> <li>• Business Arising from Delegations <b>and Correspondence</b></li> <li>• Motions for Which Notice Has Been Given</li> <li>• New Business</li> <li>• In Camera</li> <li>• Adjournment</li> </ul>	Add Correspondence to Business Arising from Delegations as not otherwise noted in the order of business.
15. OPENING PROCEDURES	(3) In the absence of both the Chair and Vice Chair, the Members present may elect an acting Chair to preside during the meeting, or until the arrival of the Chair or Vice Chair.	(3) In the absence of both the Chair and Vice Chair, the Members present may <b>appoint</b> an acting Chair to preside during the meeting, or until the arrival of the Chair or Vice Chair.	Clarify language to change 'elect' to 'appoint'. The following section in the bylaw provides that:  (4) Such person <u>appointed</u> as acting Chair will have all the powers and be subject to the same rules as the Chair.
17. DELEGATIONS	(2) Delegations wishing to speak to items not on the agenda must be received at least seven working days prior to the meeting.	(2) Delegations wishing to speak to items not on the agenda must be received <b>no later than</b> seven working days prior to the meeting.	Change language to be more consistent with bylaw.  Simplifies legalese. "At least" seven working days prior to the agenda means 'clear' days in the Interpretation Act which the average person would not know.
17. DELEGATIONS	(6) Delegations speaking to items on the agenda will be placed at the start of the agenda. Delegations speaking to items not on the agenda will be placed at the end of the agenda as per Section 13(6).	(6) Delegations speaking to items on the agenda will be placed at the <b>item on</b> the agenda. Delegations speaking to items not on the agenda will be placed <b>close to the start</b> of the agenda as per Section 13(6).	Updated to reflect Order of Business presented in table above (13. AGENDA - See notes regarding delegations).

	(7) Subsection (6) does not apply to Committee meetings.	(7) <i>Repeal this section</i>	
17. DELEGATIONS	(8) A delegation wishing to speak on a Development Permit with Variance or a Development Variance Permit will be afforded that opportunity at the time the item is being considered on the agenda and will be afforded a maximum of 5 minutes to make their presentation.	(7) A delegation wishing to speak on a Development Permit with Variance, a Development Variance Permit, or a <b>Temporary Use Permit</b> will be afforded that opportunity at the time the item is being considered on the agenda and will be afforded a maximum of 5 minutes to make their presentation.	Include Temporary Use Permit
18. VOTING	(7) All votes on motions will be recorded as either:  (a) Carried unanimously; (b) Defeated unanimously; or, (c) In cases where unanimity is not reached, carried or defeated, with the names of those who voted against the motion recorded in the minutes.	(7) All votes on motions will be recorded as either:  (a) <b>Adopted on Consent;</b> (b) Carried unanimously; (c) Defeated unanimously; or, (d) In cases where unanimity is not reached, Carried or Defeated, with the names of those who voted against the motion recorded in the minutes.	Include Adopted on Consent per Board practice.
20. AMENDMENTS TO A MOTION	(4) An amendment may only be amended once.	(4) <b>Only one amendment to an amendment can be considered at any one time.</b>	Clarifying language to reflect Roberts Rules of Order.
21. NOTICE OF MOTION	Any Member may serve a notice of motion on the Board:  (1) during the new business portion of a meeting, or with the Chair’s consent, at any other time during	(1) Any Member may serve a notice of motion on the Board:  a) During the new business portion of a meeting, or with the Chair’s consent, at any other time during	Simplify and clarify Notice of Motion process.  Notice of Motion provided at Committee or Board, are for that Committee or Board. All ‘Members’ (which include members of

	<p>consideration of a related matter; or</p> <p>(2) by providing the Corporate Officer with a written copy of such motion, no later than six (6) working days prior to the scheduled meeting, and the Corporate Officer must add the motion to the agenda for consideration at said meeting and notify the Board of the Notice of Motion;</p> <p>(3) A copy of the motion under subsection (1) must be given to the Corporate Officer for inclusion on the meeting agenda specified by the Member, and the Corporate Officer must notify the Board of the Notice of Motion if it was provided at a meeting other than the Committee of the Whole or the Board.</p>	<p>consideration of a related matter; or</p> <p>b) By providing the Corporate Officer with a written copy of such motion, no later than six (6) working days prior to the scheduled meeting, and the Corporate Officer must add the motion to the agenda for consideration at said meeting and notify the Board <b>or relevant Committee</b> of the Notice of Motion.</p> <p>c) A copy of the motion under subsection (1)(a) must be given to the Corporate Officer for inclusion on the <b>next regular meeting agenda</b>. <del>meeting agenda specified by the Member, and the Corporate Officer must notify the Board of the Notice of Motion if it was provided at a meeting other than the Committee of the Whole or the Board.</del></p>	<p>the public on Advisory Committees) cannot provide Notice of Motion to the Board or other Committees.</p>
<p>21. NOTICE OF MOTION</p>	<p>New Section</p>	<p><b>(2) A notice of motion shall be postponed until the next regular meeting if the Member who introduced it is not present at the meeting it is on the agenda, unless that Member has provided consent or if the majority of the Board resolves to proceed.</b></p>	<p>Provides process for postponement of Notice of Motion if the Member who introduced it is not present at the meeting and it is on the agenda.</p> <p>Best Practice in <i>Procedure Bylaw Guide: For B.C.'s Local Governments (2020)</i></p>

<p>22. RECONSIDERATION</p>	<p>(1) After a vote has been taken on any motion, except one of tabling or postponing a subject, a Member who voted in the majority may move a reconsideration of the motion at the same or the next regular or special meeting of the Board.</p>	<p>(1) After a vote has been taken on any motion, except one of tabling or postponing a subject, a Member who voted <b>with the prevailing side</b> may move a reconsideration of the motion at the same or the next regular or special meeting of the Board.</p>	<p>Clarifying language to reflect Roberts Rules of Order.</p> <p>A tie vote is defeated, and the prevailing side need not be a majority.</p>
<p>24. COMMITTEES</p>	<p>(1) Standing Committees</p> <p>The Committee of the Whole, Electoral Area Services Committee, and Executive Committee are Standing Committees of the Board whose broad terms of reference are as follows:</p> <p>(a) Committee of the Whole</p> <p>To consider any matters of the Board, in an environment that provides for less formal discussion and debate. The Committee of the Whole comprises all members of the Board.</p>	<p>(1) Standing Committees</p> <p>The Committee of the Whole, Electoral Area Services Committee, and Executive Committee are Standing Committees of the Board whose broad terms of reference are as follows:</p> <p>(a) Committee of the Whole</p> <p>To consider any matters of the Board, in an environment that provides for less formal discussion and debate. The Committee of the Whole comprises all members of the Board <b>and its meetings are scheduled at the call of the Chair.</b></p>	<p>Updated to reflect Board resolution.</p>
<p>24. COMMITTEES</p>	<p>(1) Standing Committees</p> <p>The Committee of the Whole, Electoral Area Services Committee, and Executive Committee are Standing Committees of the Board whose broad</p>	<p>(1) Standing Committees</p> <p>The Committee of the Whole, Electoral Area Services Committee, and Executive Committee are Standing Committees of the Board whose broad</p>	<p>Updated to reflect Board resolution.</p>



	<p>terms of reference are as follows:</p> <p>(b) Electoral Area Services Committee</p> <p>To consider matters pertaining to:</p> <ul style="list-style-type: none"> <li>• Current Planning Approvals and Long Range Planning</li> <li>• Community Parks</li> <li>• Emergency Preparedness</li> <li>• Fire Protection</li> <li>• Bylaw Enforcement</li> <li>• Building Inspection</li> <li>• Other matters relating to Electoral Areas only</li> </ul> <p>The Electoral Area Services Committee comprises all Electoral Area Directors.</p>	<p>terms of reference are as follows:</p> <p>(b) Electoral Area Services Committee</p> <p>To consider matters pertaining to:</p> <ul style="list-style-type: none"> <li>• Current Planning Approvals and Long Range Planning</li> <li>• Community Parks</li> <li>• Emergency Preparedness</li> <li>• Fire Protection</li> <li>• Bylaw Enforcement</li> <li>• Building Inspection</li> <li>• Electoral Area Services</li> <li>• Other matters relating to Electoral Areas only</li> </ul> <p>The Electoral Area Services Committee comprises all Electoral Area Directors.</p>	
24. COMMITTEES	<p>(4) Appointment to Committees and Commissions</p> <p>(a) The Board delegates to the Chair the power to appoint Directors to a Select Committee.</p> <p>(b) The Chair must review and update annually, as soon as possible after the Inaugural meeting, and not later than December 31st, the list of Standing Committee members and Chairs.</p>	<p>(4) Appointment to Committees and Commissions</p> <p>(a) The Board delegates to the Chair the power to appoint Directors to a Select Committee.</p> <p>(b) The Chair must review and update annually, as soon as possible after the Inaugural meeting, and not later than December 31st, the list of Standing Committee members</p>	<p>Add Vice Chair – currently appointed for Electoral Area Services Committee.</p> <p>Delete reference to recommendations of the In Camera Committee of the Whole to reflect current practice.</p>

	(c) As soon as possible after the inaugural meeting, and not later than December 31st, the Board will consider recommendations of the In Camera Committee of the Whole and appoint persons to fill vacancies on Advisory Committees and Commissions.	and Chairs <b>and Vice Chairs.</b> (c) As soon as possible after the inaugural meeting, and not later than December 31st, the Board will <del>consider</del> <del>recommendations of the In Camera Committee of the Whole</del> and appoint persons to fill vacancies on Advisory Committees and Commissions.	
<b>SCHEDULE A COMMITTEES</b>		<i>Updated Schedule</i>	Updated committees to current committee list.
<b>SCHEDULE B EXTERNAL APPOINTMENTS</b>		<i>Updated Schedule</i>	Updated external appointments to current appointment list.

BOARD PROCEDURE BYLAW - I N D E X

**BYLAW NO. 1754**

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## REGIONAL DISTRICT OF NANAIMO

### BYLAW NO. 1754

*(Consolidated for convenience only up to and including .07)*

#### A BYLAW TO ESTABLISH PROCEDURES TO GOVERN THE PROCEEDINGS OF THE REGIONAL DISTRICT OF NANAIMO BOARD AND COMMITTEE MEETINGS

WHEREAS under the *Local Government Act* the Board must establish the procedures to be followed for the conduct of its business and, in particular, must, by bylaw,

- (a) establish the general procedures to be followed by the Board and by Board committees in conducting their business, including the manner by which resolutions may be passed and bylaws adopted;
- (b) provide for advance public notice respecting the date, time and place of Board and Board committee meetings and establish the procedures for giving that notice;
- (c) identify places that are to be public notice posting places for the purposes of the application of the *Community Charter* to the Regional District.

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

#### 1. TITLE

This bylaw may be cited for all purposes as the “Regional District of Nanaimo Board Procedure Bylaw No. 1754, 2017”.

#### 2. DEFINITIONS

In this bylaw, unless the context requires otherwise:

“**Advisory Committee**” means an Advisory Committee appointed by the Board, which includes at least one Board member, but does not include a Standing or Select Committee.

“**Chair**” means the Chair of the Board who is elected under the *Local Government Act*, and may include the Vice Chair and an acting chair acting where authorized under the *Local Government Act*.

“**Chief Administrative Officer**” and “**CAO**” means the person assigned chief administrative responsibility for the Regional District under the *Local Government Act*.

“**Committee**” means the Committee of the Whole or a Committee, Commission, Board or Panel of the Regional District, as listed in Schedule A to this bylaw.

“**Commission**” means a commission established by the Board under the *Local Government Act*.

“**Corporate Officer**” means the person responsible for corporate administration under the *Local Government Act*.

“**Director**” means a member of the Board whether a municipal director or an electoral area director.

“**Electronic Meeting**” means a meeting where all Members are able to participate electronically by means of electronic or other communication facilities including but not limited to videoconference, audioconference, or telephone.

**“Electronic Participation”** allows for a hybrid meeting where some Members of a Board or a Board Committee attend in person, and other Members attend by electronic or other communication facilities including but not limited to videoconference, audioconference, or telephone.

**“In Camera Meeting”** means a meeting that is closed to the public in accordance with the provisions of *Community Charter* made applicable to Regional Districts under the *Local Government Act*.

**“Member”** means a Director of the Board or a member of any Board or Committee of the Regional District, and includes their alternate if acting in the place of a Member.

**“Public Notice Posting Place”** means the notice board at the Regional District of Nanaimo Administration office.

**“Quorum”** means the number of Members who must be present to conduct business, being a majority of the Board or Committee.

**“Regional District”** means the Regional District of Nanaimo.

**“Regional District Officer”** means persons holding the offices of the Regional District as designated by bylaw.

**“Select Committee”** means a Select Committee appointed under the *Local Government Act* comprised solely of Directors.

**“Standing Committee”** means a Standing Committee appointed by the Chair under the *Local Government Act* comprised solely of Board members.

**“Vice Chair”** means the Vice Chair of the Board, who is elected under the *Local Government Act*.

### 3. APPLICATION

- (1) The provisions of this bylaw govern the proceedings of the Board and all Committees, except as otherwise provided in this bylaw.
- (2) Any one or more of the rules and orders contained in this bylaw may be temporarily suspended by an affirmative vote of not less than two thirds (2/3) of the members present, except those contained in Section 23 (Bylaws).
- (3) In cases not provided for under this bylaw and where the *Community Charter* and the *Local Government Act* are silent, the current edition of Roberts’ Rules of Order Newly Revised applies to the proceedings of the Board and all Committees.

### 4. RULES OF CONDUCT AND DEBATE

- (1) Every Member must address himself or herself to the Chair before speaking to any question or motion.
- (2) Members will address the Chair as “Chair \_\_\_\_\_” and refer to each other as “Director \_\_\_\_\_”.
- (3) Members speaking at a Board meeting must:
  - (a) use respectful language;
  - (b) not use offensive gestures or signs;
  - (c) speak only in connection with the matter being debated; and

- (d) adhere to the rules of procedure established under this Bylaw and to the decisions of the Chair and the Board regarding the rules and points of order.
- (4) A Member's interaction with staff, the public and other Members must be respectful at all times.
- (5) If the Chair considers that a Member is acting contrary to subsection (3) or (4), or is otherwise acting improperly, the Chair may order the Member to leave the meeting.
- (6) Members who are in the room must promptly take their seats when a vote is called and must not leave until the vote has been taken.

## **5. INAUGURAL MEETING**

- (1) The Board will meet on the second Tuesday in November of each year for its Inaugural meeting.
- (2) The meeting will be chaired by the CAO until such time as the Chair has been elected.
- (3) The CAO will call the meeting to order and advise the Board of the appointment of municipal directors from the member municipalities.

## **6. CHAIR AND VICE CHAIR**

- (1) General Provisions
  - (a) Annually at the Inaugural meeting, the Board must elect a Chair and Vice Chair.
- (2) Election of the Chair
  - (a) The CAO will call for nominations for the position of Chair.
  - (b) Each nomination must be seconded and the nominee must consent to the nomination.
  - (c) If only one candidate is nominated for the position of Chair, that candidate will be declared elected by acclamation.
  - (d) If more than one candidate is nominated for an office, each candidate will be given three minutes to speak.
  - (e) At the conclusion of candidates' speeches, an election will be held and voting will be conducted by secret ballot.
  - (f) The distribution and collection of ballots, the counting of the votes and the subsequent destruction of ballots is the responsibility of the Corporate Officer or such other person as may be designated by the Corporate Officer.
  - (g) Immediately after reviewing the voting results the Corporate Officer will provide the results to the CAO who will announce the name of the candidate who has been elected, as determined under subsection (h). The number of votes received by each candidate will not be disclosed to the Board unless a resolution requiring disclosure is passed.
  - (h) The candidate with the most votes will be declared elected as Chair, provided that the candidate has received a majority of votes of the entire Board. In the event of a tie vote for the highest number of votes, subsection (3)(a) applies. In the case of more than two candidates in the election, the candidate with the lowest number of votes is removed from the election and the vote must be held for the

remaining candidates until a candidate is elected by a majority vote or as determined under subsection (3)(a). In the event of a tie vote for the lowest number of votes, subsection (3)(b) applies.

(3) Tie vote

- (a) In the event of a tie vote for the highest number of votes, those candidates remain in the election. If a definitive election result cannot be declared after an additional three elections have been held, the Board may elect an acting Chair for those portions of the agenda not related to the election of the Chair or Vice Chair, then return the chair to the CAO to recess the meeting to a date and time as determined by the CAO. Should an acting Chair not be elected, the CAO may recess the meeting immediately to a date and time as determined by the CAO.
- (b) In the event of a tie vote for the lowest number of votes, all candidates remain in the election, unless there would be two or more candidates remaining, in which case the lowest tied candidates are removed from the election and the vote is held for the remaining candidates until a candidate is elected by a majority vote or as determined under subsection (a).

(4) Election of Vice Chair

The election for the position of Vice Chair will be conducted by the Chair immediately following the election of the Chair and the same rules as apply to the election of the Chair will apply in the case of the election of the Vice Chair.

(5) Role of the Chair and Vice Chair

- (a) The Chair will act as the Board's official spokesperson and will chair all Board meetings except where the Chair is absent due to illness, disability or other reason, and must maintain order and preserve decorum by enforcing the rules of the Board.
- (b) The Vice Chair has, during the absence, illness or other disability of the Chair, all the power of the Chair and is subject to all rules applicable to the Chair.
- (c) Subject to being overruled by a majority vote of the Members, which vote must be taken without debate, the Chair:
  - i. must decide points of order without debate or comment, other than to state the rule governing;
  - ii. must determine which Member has a right to speak;
  - iii. must ascertain that all Members who wish to speak on a motion have done so, that the Members are ready to vote and then put the question to the vote;
  - iv. must rule when a motion or an amendment is out of order, and cite the rule or authority applicable, subject to an appeal to the Board, and decline to put any motion before the Board which the Chair considers to be clearly out of order or contrary to law;
  - v. may call a Member to order in accordance with Section 4.

- (c) Should the Chair desire to leave the Chair for the purpose of taking part in the debate, or otherwise, the Chair must call on the Vice Chair, or if the Vice Chair is absent, one of the Directors to take the Chair's place until the Chair resumes the Chair.

**7. LOCATION AND TIME OF REGULAR BOARD MEETINGS**

- (1) Regular meetings of the Board take place at the Regional District Board Chambers unless the location is changed by resolution of the Board.
- (2) Regular meetings of the Board are held on the fourth Tuesday of each month commencing at 7:00 p.m. unless decided otherwise by resolution of the Board.
- (3) Regular meetings of the Board must be adjourned before 11:00 p.m. on the day scheduled for the meeting unless the Board resolves by unanimous vote to proceed beyond that time. Items remaining on the agenda will be added to the agenda for the next regular meeting under Unfinished Business.
- (4) Board and Committee of the Whole meetings exceeding four hours in length will require a motion to extend the meeting.

**8. NOTICE OF REGULAR BOARD AND COMMITTEE MEETINGS**

- (1) At least 72 hours before a regular meeting of the Board or a Committee, the Corporate Officer, must give public notice of the time, place and date of the meeting by way of a notice posted at the Public Notice Posting Place.
- (2) At least 24 hours before a regular meeting of Board, the Corporate Officer must give further public notice of the meeting by:
  - (a) posting a copy of the agenda outline at the Public Notice Posting Place; and
  - (b) having a copy of the agenda available at the reception counter at the Regional District Administration Office for the purpose of viewing by members of the public.
  - (c) posting a copy of the agenda on the RDN website, unless prevented due to technical issues.
- (3) At least 24 hours before a regular meeting of the Board, the Corporate Officer must deliver a copy of the agenda to each Member in the manner which the Member has directed it be sent.

**9. SPECIAL MEETINGS**

- (1) A special meeting of the Board may be called in accordance with the *Local Government Act* on the request of the Chair or any two Directors.
- (2) Notice of a special meeting is to be provided in accordance with the *Local Government Act*. The notice of a special meeting may be waived by a unanimous vote of those Members in attendance.
- (3) In the case of an emergency, notice of a special meeting may be given in accordance with the *Local Government Act*.



## 10. ELECTRONIC MEETINGS AND ELECTRONIC PARTICIPATION

### Electronic Meetings

- (1) Provided the requirements set out in the *Regional District Electronic Meetings Regulation* are met, Regular Board meetings, Special Board meetings, and Board Committee meetings may be conducted as an Electronic Meeting if the Chair, or, in the absence of the Chair, the Vice Chair, determines it is advisable based on an emergency, or health, safety, environmental, or urgent Regional District business, and the number of Members able to attend the meeting in person is insufficient to achieve quorum.
- (2) Advance notice of Electronic Meetings will be provided advising the way in which the meeting is to be conducted by means of electronic or other communication facilities, and the place where the public may attend to hear, or watch and hear, the proceedings that are open to the public, as follows:
  - (a) Notice of the meeting will be provided, pursuant to the *Local Government Act* and *Community Charter*;
  - (b) The agenda cover sheet will include details on the way in which the meeting is to be conducted by means of electronic or other communication facilities; and
  - (c) Details will be included on the agenda cover sheet and the Regional District's website noting the place where the public may attend to hear, or watch and hear, the meeting.
- (3) For Regular Board meetings and Special Board meetings, the public may attend the meeting at a specified place to hear, or watch and hear, any part of the meeting that is open to the public with a designated Regional District Officer in attendance.

### Electronic Participation by Members at Hybrid Meetings

- (4) Provided the requirements set out in the *Regional District Electronic Meetings Regulation* are met, a Member who is unable to attend in person at a Regular Board meeting, a Special Board meeting or a Board Committee meeting may participate in the meeting by means of electronic or other communication facilities.

### Electronic Meeting and Electronic Participation Conduct

- (5) A Member participating by audio means only must indicate their vote verbally.
- (6) A Member who participates in a Regular Board meeting, Special Board meeting, or Board Committee meeting by electronic or other communication facilities must, if applicable, ensure no person other than themselves or a person authorized under section 91 of the *Community Charter* is able to hear, or watch and hear, that part of a meeting that is closed to the public.

## 11. ATTENDANCE OF PUBLIC AT MEETINGS

- (1) Except where the Board has resolved to close a meeting or a portion of a meeting to the public in accordance with the *Community Charter* or an enactment requires a meeting to be closed to the public, all Board meetings must be open to the public.

- (2) Before closing a Board meeting or part of a Board meeting to the public, the Board must pass a resolution in a public meeting in accordance with the *Community Charter*.
- (3) This section applies to meetings of bodies referred to in section 93 of the *Community Charter*, including, without limitation:
  - (a) Advisory Committees
  - (b) Board of Variance
  - (c) Commissions
  - (d) Parcel Tax Review Panel
  - (e) Select Committees
  - (f) Standing Committees
- (4) Despite subsection (1), the Chair may expel a person from a Board meeting or meeting of a body referred to in subsection (3) if the Chair considers that the person at the meeting is acting improperly.

## **12. IN CAMERA MEETINGS**

- (1) In Camera subject matters must be restricted to matters set out in the *Community Charter*.
- (2) No items may be added to a closed (in camera) meeting agenda while such a meeting is in progress unless authorized by resolution at an open meeting.
- (3) The Board may, by motion passed by a majority vote of the Members present, bring forward to the open meeting, any of the motions and/or written material received in a closed meeting.
- (4) Board Members or Alternate Directors in a Board Member's absence are the only persons permitted to participate in discussion at an In Camera meeting unless otherwise authorized by the Chair.
- (5) An Alternate Director is permitted to attend an In Camera meeting when the Board member is present but may not participate in discussion unless subsection (4) applies.

## **13. AGENDA**

- (1) Prior to each Regular Meeting of the Board, the Corporate Officer must prepare an agenda, approved by the CAO or the CAO's designate, setting out all items for consideration at that meeting.
- (2) The deadline for the public to submit items of correspondence to the Corporate Officer for inclusion on the agenda is 11:00 a.m. on the Monday of the week preceding the meeting.
- (3) Only those matters included on the agenda may be considered or dealt with at a regular meeting of the Board, unless a new matter for consideration is properly introduced as a late item, as outlined in Section 14.
- (4) Whenever practical, the agenda for a meeting of the Board will have attached to it, copies of all communications, reports and resolutions to be considered at that meeting.
- (5) In cases where documents are too unwieldy to be readily reproduced, the Corporate Officer may omit these materials from the agenda and instead refer to those items in short form on the agenda and keep the document on file in the Corporate Officer's office for reference purposes.

- (6) The order of business for Regular Board meetings will ordinarily be as follows, and this order may be modified at any Regular Board meeting by a majority vote:
- Call to Order
  - Approval of the Agenda
  - Adoption of Minutes
  - Invited Presentations
  - Delegations – Agenda Items (Includes all delegations if not a Board meeting)
  - Correspondence
  - Unfinished Business
  - Committee Minutes and Recommendations
  - Staff Reports
  - Bylaws
  - Delegations - Items not on the Agenda (This heading used for Board agenda only)
  - Business Arising from Delegations
  - Motions for Which Notice Has Been Given
  - New Business
  - In Camera
  - Adjournment

#### **14. LATE ITEMS**

- (1) An item not included on the agenda must not be considered at a meeting unless introduction of the late item is approved at the time allocated on the agenda (Approval of the Agenda), by way of a motion carried by a majority vote of the Members.
- (2) Items that may be considered as late items include:
- (a) Matters arising after the preparation of the agenda and which, if not acted upon in a timely manner, would prejudice or compromise either the Regional District's position or the position of a constituent or group of constituents.
  - (b) Requests to appear as a delegations on an item already on the Agenda, received at least 24 hours prior to the meeting, or in accordance with Section 17(11).
- (3) Information pertaining to late items for possible consideration at any meetings of the Board will be distributed to the Directors prior to the meeting.

#### **15. OPENING PROCEDURES**

- (1) At the hour set for a meeting to convene, and provided that a quorum is present, the Chair will call the meeting to order.
- (2) If the Chair does not attend at the time appointed for a meeting, the Vice Chair must take the chair.
- (3) In the absence of both the Chair and Vice Chair, the Members present may elect an acting Chair to preside during the meeting, or until the arrival of the Chair or Vice Chair.
- (4) Such person appointed as acting Chair will have all the powers and be subject to the same rules as the Chair.

- (5) Should there be no quorum present within fifteen (15) minutes after the time appointed for a meeting to convene, the Corporate Officer must record the names of the Members present and the meeting will stand adjourned until the next meeting date or until another meeting has been called in accordance with this bylaw.

## **16. MINUTES**

- (1) Minutes of the proceedings of the Board must be legibly recorded in the format established by the Corporate Officer, and signed by the Corporate Officer and the Chair or the person presiding at such meeting or at the next meeting at which they are adopted.
- (2) Minutes of proceedings of Committees must be legibly recorded in the format established by the Corporate Officer and signed by the Chair, or Member presiding.
- (3) Subject to subsection (4), and in accordance with the *Community Charter*, minutes of the proceedings of the Board or Committee must be open for public inspection at the Regional District Administration Office during regular office hours.
- (4) Subsection (3) does not apply to minutes of a Board meeting or Committee or that part of the meeting from which persons were excluded under Section 12.

## **17. DELEGATIONS**

- (1) A person or group of persons wishing to appear as a delegation before the Board, on a matter within the jurisdiction of the Board or within the terms of reference of the Committee for which the delegation wishes to appear, must:
  - (a) Submit a request to appear as a delegation to the Corporate Officer or designate, including: the date of the meeting at which the person or persons wish to appear, the subject matter to be discussed, the name of the spokesperson, the telephone number or email where the representative of the delegation can be reached during the day, and the specific action which is being requested of the Board or the Committee.
  - (b) Submit an executive summary, of up to two pages, of the delegation's presentation for inclusion in the applicable Board or Committee agenda package.
  - (c) Provide any audio/visual presentation to the Corporate Officer or designate by 11:00 a.m. on the day of the meeting.
- (2) Delegations wishing to speak to items not on the agenda must be received at least seven working days prior to the meeting.
- (3) Requests to appear as a delegation on an agenda item must be received no later than 24 hours prior to the scheduled meeting.
- (4) Each delegation will be provided up to five (5) minutes to make a presentation to the Board or a Committee, unless otherwise determined by the Chair.
- (5) Disruptive or disrespectful conduct by a Delegation is prohibited.
- (6) Delegations speaking to items on the agenda will be placed at the start of the agenda. Delegations speaking to items not on the agenda will be placed at the end of the agenda as per Section 13(6).
- (7) Subsection (6) does not apply to Committee meetings.

- (8) A delegation wishing to speak on a Development Permit with Variance or a Development Variance Permit will be afforded that opportunity at the time the item is being considered on the agenda and will be afforded a maximum of 5 minutes to make their presentation.
- (9) An owner wishing to speak on an Unsightly Premises or a Building Bylaw Contravention will be afforded that opportunity at the time the item is being considered on the agenda.
- (10) No person, persons or organization may appear as a delegation more than once to the same item except to introduce new and material information.
- (11) Notwithstanding subsection (3), the Chair may grant individuals or groups not listed on the agenda, an opportunity to be heard on matters related to agenda items in circumstances where the Chair is satisfied that circumstances prevented the person, persons or organizations from giving earlier notice of their desire to appear before the Board or Committee. Such delegation may be afforded a maximum of five (5) minutes to make their presentation.
- (12) After initial presentation, the Chair may grant other persons or a spokesperson for a group of persons in gallery attendance, permission to address the Board on the subject matter.
- (13) The Board must not permit a delegation to address a meeting of the Board regarding a bylaw in respect of which a public hearing has been held, where the public hearing is required under an enactment as a pre-requisite to the adoption of the bylaw.
- (14) Additional time will be allowed for Members to question the individuals making the presentation in order to seek clarification.

## **18. VOTING**

- (1) Voting rules will be in accordance with the *Local Government Act*.
- (2) All votes pertaining to Board business must be taken by a show of hands of all members, including the Chair, and the Chair must declare the motion carried or defeated as the case may be.
- (3) Subsection (2) does not apply to the election of Chair and Vice Chair, or to a member participating electronically by audio means only.
- (4) Each Director present in the Boardroom, who does not signify his or her vote upon the question openly and individually by raising their hand, will be recorded as voting in the affirmative.
- (5) On any motion where the number of votes, including the vote of the person presiding, are equal, the motion is defeated.
- (6) The names of the members who moved and seconded a motion presented to the Board will not be recorded in the minutes.
- (7) All votes on motions will be recorded as either:
  - (a) Carried unanimously;
  - (b) Defeated unanimously; or,
  - (c) In cases where unanimity is not reached, carried or defeated, with the names of those who voted against the motion recorded in the minutes.

**19. MOTIONS GENERALLY**

- (1) The Board may debate and vote on a motion only if it is first made by one Member and then seconded by another.
- (2) Any Member may move a motion unless the Member would not be entitled to vote on the motion. Any Member may second a motion.
- (3) If a motion is not seconded, the motion is “lost for lack of a seconder”.
- (4) A motion must be worded in affirmative terms.
- (5) No Member may speak on any motion for longer than three minutes without leave of the Chair.
- (6) Subsection (5) does not apply to Committees.
- (7) No Member may speak a second time to the same motion as long as any Member who desires to speak has not spoken to that motion.
- (8) When any motion is under consideration, no other main motion or input from a delegation may be received.
- (9) After a motion has been made, it is deemed to be in the possession of the Board, but may, with the permission of the Board, be withdrawn at any time by the mover and the seconder, before decision or amendment.
- (10) Any Member, once recognized by the Chair, may move to “Call the question” if they believe that debate on a motion has continued beyond that required. If seconded, the Chair must ask for the vote on closing debate. A motion to “Call the question” requires two-thirds of the votes cast to pass. If carried, the Chair must immediately close debate and call for a vote on the question.
- (11) Any Member may bring before the Board any new matter, other than a point of order or of privilege, by way of a written motion; provided however, that any new matter of major import, which may require further information than could or would normally be available to the Board at such meeting, may be ruled by the Chair as a notice of motion and be dealt with as provided by Section 21.

**20. AMENDMENTS TO A MOTION**

- (1) Any Member may move to amend a motion that is under debate provided that the amendment is relevant to the main motion and does not materially change its purpose.
- (2) When a Member moves to amend a motion, the Chair will state the original motion, followed by the amendment and then put the question of the amendment to the Board.
- (3) A proposed amendment must be decided or withdrawn before the main motion is put to a vote.
- (4) An amendment may only be amended once.

**21. NOTICE OF MOTION**

Any Member may serve a notice of motion on the Board:

- (1) during the new business portion of a meeting, or with the Chair’s consent, at any other time during consideration of a related matter; or

- (2) by providing the Corporate Officer with a written copy of such motion, no later than six (6) working days prior to the scheduled meeting, and the Corporate Officer must add the motion to the agenda for consideration at said meeting and notify the Board of the Notice of Motion;
- (3) A copy of the motion under subsection (1) must be given to the Corporate Officer for inclusion on the meeting agenda specified by the Member, and the Corporate Officer must notify the Board of the Notice of Motion if it was provided at a meeting other than the Committee of the Whole or the Board.

## **22. RECONSIDERATION**

- (1) After a vote has been taken on any motion, except one of tabling or postponing a subject, a Member who voted in the majority may move a reconsideration of the motion at the same or the next regular or special meeting of the Board.
- (2) Despite subsection (1), a Member who is absent from a meeting at which a vote was taken on a motion, except one of tabling or postponing a matter, may move reconsideration of the motion at either the next regular or special meeting of the Board.
- (3) A motion to reconsider requires two-thirds of the votes cast by the Board to pass. If the motion to reconsider is passed, the matter must be put before those eligible to vote on the original motion for reconsideration and voted upon in accordance with the *Local Government Act*.
- (4) The Board must not reconsider any motion that:
  - (a) has been acted upon by any officer or employee of the Regional District;
  - (b) received the assent or approval of the electors and subsequently adopted by the Board; or
  - (c) has been reconsidered under the *Local Government Act* or subsection (1) of this Bylaw.
- (5) After a motion has been reconsidered, it must not be reintroduced for a period of six months except by unanimous consent of all Members.

## **23. BYLAWS**

- (1) A bylaw may be introduced at a meeting only if it is on the agenda and a copy of it has been provided to each Director before the meeting, or if it has been duly added as a late item under Section 14.
- (2) A bylaw is deemed to be read when its title or bylaw number is stated.
- (3) A bylaw other than a bylaw referred to in subsection (4) (Zoning / Official Community Plan (OCP) / Regional Growth Strategy (RGS) Bylaws) may be voted upon by way of a motion to give it first, second and third reading.
- (4) A zoning, OCP or RGS bylaw may be voted upon by way of a motion to give it first and second reading.
- (5) The Corporate Officer is empowered to correct any typographical error that may not have been corrected at the time of submission to the Board and the bylaw will have the same status as if the Board had corrected same.

## 24. COMMITTEES

### (1) Standing Committees

The Committee of the Whole, Electoral Area Services Committee, and Executive Committee are Standing Committees of the Board whose broad terms of reference are as follows:

#### (a) Committee of the Whole

To consider any matters of the Board, in an environment that provides for less formal discussion and debate. The Committee of the Whole comprises all members of the Board.

#### (b) Electoral Area Services Committee

To consider matters pertaining to:

- Current Planning Approvals and Long Range Planning
- Community Parks
- Emergency Preparedness
- Fire Protection
- Bylaw Enforcement
- Building Inspection
- Other matters relating to Electoral Areas only

The Electoral Area Services Committee comprises all Electoral Area Directors.

#### (c) Executive Standing Committee

To consider matters pertaining to employment contracts, Board procedures or other matters as determined by Board resolution. The Executive Committee comprises of eight members and includes the Chair, Vice Chair and the Chair of the Electoral Area Services Committee.

The Executive Committee will review annually the list of Advisory Committees, Commissions and external organizations to which Board members are appointed, as identified in Schedules A and B to this bylaw for the purpose of recommending any appropriate changes.

### (2) Select Committees

Select Committees are those established by the Board and made up of Board members to consider or inquire into any matter and report its findings and opinions to the Board.

### (3) Advisory Committees and Commissions

Advisory Committees and Commissions are those established and appointed by the Board which include members of the public and at least one Board member to provide advice and recommendations to the Board on specific matters, as determined by the Committee's Terms of Reference.

### (4) Appointment to Committees and Commissions

(a) The Board delegates to the Chair the power to appoint Directors to a Select Committee.

(b) The Chair must review and update annually, as soon as possible after the Inaugural meeting, and not later than December 31<sup>st</sup>, the list of Standing Committee members and Chairs.



- (c) As soon as possible after the inaugural meeting, and not later than December 31<sup>st</sup>, the Board will consider recommendations of the In Camera Committee of the Whole and appoint persons to fill vacancies on Advisory Committees and Commissions.
  - (d) Unless specifically prohibited by an enactment, members of all Standing Committees, Select Committees, Advisory Committees, Commissions and the Board of Variance may, regardless of the designated termination date of their respective position as a Committee, Commission or Board of Variance member, continue to serve until such time as a replacement has been appointed, or until such time as the said Member's term is officially extended.
- (5) Voting at Committees
- (a) Notwithstanding the number of votes assigned to Directors of the Board, under the *Local Government Act* any Director appointed to a Committee has only one vote on matters under consideration by the said Committee.
  - (b) Members of the Board may attend meetings of any Standing, Select or Advisory Committee and may participate in discussions; however, only Directors who have been appointed to a Committee or an Alternate Director attending in the absence of an appointed Director, may introduce a resolution or vote on the proceedings.
  - (c) The Chair is an ex-officio, a voting member of all Committees and when in attendance, possesses all the rights, privileges, powers and duties of other Committee members.
  - (d) The Chair, when in attendance in accordance with subsection (c), may be counted as one member for the purpose of constituting a quorum.
- (6) Committee Recommendations
- All Committee recommendations are subject to the approval of the Board, except where the Committee has, by bylaw, been delegated a power, duty or function of the Board.

## **25. EXTERNAL APPOINTMENTS**

- (1) Board members may be appointed annually to represent the Board on external organizations, as listed in Schedule 'B' to this bylaw.
- (2) The Board delegates to the Chair the power to appoint Directors to external organizations.

## **26. SEVERABILITY**

If any section, subsection or clause of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction the section, subsection or clause may be severed from the bylaw and the decision will not affect the validity of the remaining portions of this bylaw.

## **27. REPEAL**

"Regional District of Nanaimo Board Procedure Bylaw No. 1512, 2006" and any amendments thereto are hereby repealed.

Introduced and read three times this 28th day of February, 2017.

Adopted (by at least 2/3 of the vote) this 28th day of March, 2017.

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CHAIR

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CORPORATE OFFICER

Schedule 'A' to accompany "Regional District of  
Nanaimo Board Procedure Bylaw No. 1754, 2017"

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Chair

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Corporate Officer

## SCHEDULE A

### 1. STANDING COMMITTEES

Committee of the Whole

Electoral Area Services Committee

Executive Committee

### 2. SELECT COMMITTEES

Community Grants Committee

Oceanside Services Committee

Regional Parks and Trails Select Committee

Solid Waste Management Select Committee

Transit Select Committee

### 3. ADVISORY COMMITTEES

Agricultural Advisory Committee

Fire Services Advisory Committee

Parks and Open Space:

- East Wellington/Pleasant Valley Parks and Open Space Advisory Committee
- Electoral Area 'B' Parks and Open Space Advisory Committee
- Electoral Area 'F' Parks and Open Space Advisory Committee
- Electoral Area 'G' Parks and Open Space Advisory Committee
- Electoral Area 'H' Parks and Open Space Advisory Committee
- Nanoose Bay Parks and Open Space Advisory Committee

Liquid Waste Management Plan Monitoring Committee

Regional Solid Waste Advisory Committee

4. COMMISSIONS

Electoral Area 'A' Parks, Recreation and Culture Commission

5. BOARDS

Board of Variance

6. PANELS

Parcel Tax Review Panel

Schedule `B' to accompany "Regional District of  
Nanaimo Board Procedure Bylaw No. 1754, 2017"

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Chair

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Corporate Officer

## SCHEDULE B

### 1. EXTERNAL APPOINTMENTS

Arrowsmith Water Service Management Committee

AVICC Special Committee on Solid Waste

Central South RAC for Island Coastal Economic Trust

Englishman River Water Service Management Board

Island Corridor Foundation

Mount Arrowsmith Biosphere Region Roundtable

Municipal Finance Authority

Municipal Insurance Association

Nanaimo Parks, Recreation and Wellness Committee

North Island 911 Corporation

Oceanside Homelessness Task Force

Parksville Qualicum Beach Tourism Association

Snuneymuxw First Nations/ Regional District of Nanaimo Protocol Agreement Working Group

Te'Mexw Treaty Negotiations Committee

Vancouver Island Regional Library Board



REGIONAL  
DISTRICT  
OF NANAIMO

## Development Approval Process Review - Update Report

### **RECOMMENDATIONS**

1. That the Development Approval Process Review final report, dated September 2022, be received for information.
2. That staff be directed to proceed with Phases 3 and 4 of the Development Approvals Program project in accordance with the recommendations in the Development Approval Process Review final report, as attached.

### **BACKGROUND**

The RDN received a grant from the Union of BC Municipalities (UBCM) under the Local Government Development Approvals Program to conduct an assessment of its development approvals processes. The grant will fund a project that will review the Regional District of Nanaimo's (RDN) current development application approval processes, including the use of digital management platforms. The project consists of four phases:

1. A comprehensive review of the existing processes for application approvals for Building and Planning applications. Includes an internal SWOT analysis of the current development review and approvals systems and processes, to identify opportunities for greater efficiency and reduced development application processing timelines.
2. An assessment of digital development application management platforms to support future implementation to determine best fit and value.
3. The purchase and implementation of a new or upgraded digital development application processing platform or software.
4. Comprehensive training of staff on the new or upgraded digital development application processing platform on process changes that are required to effectively adopt the new digital property management platform, including change management.

The first and second phases ran concurrently and are now complete. The attached final report is for Phases 1 and 2 of the project and includes a number of recommendations with respect to improving efficiency and identifying opportunities to improve processes and procedures. The assessment included interviews with RDN staff, elected officials, members of the development industry and property owners who have been involved in the permitting process. The review has also considered best practices of other local government jurisdictions, including the use of digital platforms.

The recommendations are divided into five general categories:

1. Documenting procedures and processes

2. Communication with applicants and the community
3. Decision making and resourcing
4. Monitoring and reporting
5. Updates to the digital development application processing platform

The recommendations provide specific actions that if implemented should improve efficiency and reduce processing times for development application approval processes. The recommendations are in line with the next phases of the project which are to acquire new software and to take actions that will improve the efficiency of development approval processes.

While the grant funding does cover much of the implementation costs, additional staff time is required to fully implement the recommendations. Successful implementation of these recommendations will require dedicated project leadership and senior-level support, and appropriate resource allocations and commitment from staff to afford time to support the changes. It will require cooperation and collaboration with applicants, the community, and internal and external stakeholders, including interdepartmental teams. The time frame identified for implementation is only possible if adequate resources are allocated to completion of the project.

### **FINANCIAL IMPLICATIONS**

The RDN received a grant from UBCM that covers 100% of the project's direct costs of \$457,000. A consultant was hired to conduct Phases 1 and 2 of the project. Staff time, primarily from Current Planning, has been provided to manage the project and associated grant activities. Additional staff time has been provided for engagement and consultation with various RDN departments including Strategic Initiatives and Information Technology.

The grant includes funds for much of the costs for Phases 3 and 4. This includes purchase of the software upgrade; wages for an additional staff person needed for implementation of the recommendations in the final report related to the upgrade of the digital development application processing platform; and staff training on the software upgrade. The grant funds do not cover those aspects of the recommendations related to documentation of procedures and processes and information materials for the applicants and the community.

The proposed budget for Electoral Area Planning includes two new staff that are required for both Planning applications and to proceed with the implementation of the DAPR report in the timeframe outlined in the Development Approvals Process Review Final report. The two new Planning staff must be approved through the 2023 budget adoption process. The grant funding must be utilised before August 15, 2023. Only the costs incurred up to that date will be covered by the grant funding. Costs incurred after that date will be the responsibility of the RDN.

### **STRATEGIC PLAN ALIGNMENT**

People and Partnerships - Improve the governance and awareness of RDN activities for citizens throughout the Region.

### **REVIEWED BY:**

- L. Grant, General Manager, Planning and Development
- E. Tian, Acting Chief Administrative Officer

### **ATTACHMENT**

1. Development Approval Process Review Final Report

# Development Approval Process Review

Regional District of Nanaimo

KPMG LLP

September 2022





# Disclaimer

This report has been prepared by KPMG LLP (“KPMG”) for the Regional District of Nanaimo (the “Client,” “District,” or “RDN”) pursuant to the terms of our engagement agreement with the Client dated 14 February 2022 (the “Engagement Agreement”). Analysis is primarily based on information and data provided by the Client and/or its stakeholders to KPMG. KPMG neither warrants nor represents that the information contained in this report is accurate, complete, sufficient or appropriate for use by any person or entity other than Client or for any purpose other than set out in the Engagement Agreement. This report may not be relied upon by any person or entity other than Client, and KPMG hereby expressly disclaims any and all responsibility or liability to any person or entity other than the Client in connection with their use of this report.

This report is based on information and documentation that was made available to KPMG at the date of this report. KPMG has not audited nor otherwise attempted to independently verify the information provided unless otherwise indicated. Should additional information be provided to KPMG after the issuance of this report, KPMG reserves the right (but will be under no obligation) to review this information and adjust its comments accordingly. Pursuant to the terms of our engagement, it is understood and agreed that all decisions in connection with the implementation of advice and recommendations as provided by KPMG during the course of this engagement shall be the responsibility of, and made by, the Regional District of Nanaimo. KPMG has not and will not perform management functions or make management decisions for the Regional District of Nanaimo.

The procedures we performed were limited in nature and extent, and those procedures will not necessarily disclose all matters about the Regional District of Nanaimo’s functions, policies, and operations, or reveal errors in the underlying information. Our procedures consisted of inquiry, observation, comparison and analysis of client-provided data and information. In addition, comparisons to select municipalities and leading practices were considered. Comments in this report are not intended, nor should they be interpreted, to be legal advice or opinion.

The procedures we performed do not constitute an audit, examination, or review in accordance with standards established by the Chartered Professional Accountants of Canada, and we have not otherwise verified the information we obtained or presented in this Report. We express no opinion or any form of assurance on the information presented in the Report, and make no representations concerning its accuracy or completeness. We express no opinion or any form of assurance on potential improvements that the Regional District of Nanaimo may realize should it decide to implement the opportunities, recommendations or options contained within the Report. Actual results achieved as a result of implementing opportunities are dependent upon Client decisions and actions, and variations may be material. The RDN is responsible for its decisions to implement any opportunities, recommendations, and options, and for considering their impacts. Implementation will require the RDN to plan and test any changes to ensure that the RDN will realize satisfactory results.

# Defined List of Terms

<b>ALC</b>	Agricultural Land Commission
<b>DAP</b>	Development Approval Process
<b>DAPR</b>	Development Approval Process Review
<b>KPI</b>	Key Performance Indicator
<b>LGA</b>	Local Government Act
<b>MLRS</b>	Ministry of Land, Resources, and Stewardship
<b>MOTI</b>	Ministry of Transportation and Infrastructure
<b>OCP</b>	Official Community Plan
<b>POSAC</b>	Parks and Open Space Advisory Committee
<b>TOM</b>	Target Operating Model
<b>TOR</b>	Terms of Reference
<b>UBCM</b>	Union of BC Municipalities



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**01**

# **Executive Summary**

# 1 Executive Summary

The Regional District of Nanaimo (RDN), like many of its peers across British Columbia, is facing increasing population growth, affordability, and ultimately current-process sustainability pressures. Between 2016 and 2021, the RDN population grew from 155,698 to 170,367, a 9.4% increase<sup>1</sup> and one of the fastest growing regions in the province. In recent decades, regions across BC have continued to attract a growing, vibrant, and varied demographic of residents, businesses, and investors. In turn, development pressure has increased dramatically, and local governments are working to ensure its internal processes, technology solutions, and organization are ready and able to keep pace with these changes.

To address these challenges and maintain the quality of life and infrastructure for the RDN's residents, businesses, visitors, and future generations, it is important that development approvals processes at the RDN are designed and implemented with efficiency and effectiveness as top-of-mind. These processes are critical, as they facilitate developments that seek to upgrade / create infrastructure, housing, and public spaces that contribute to the RDN's continual evolution. The development approval process (DAP) is a complex, inter-departmental service that often includes a range of stakeholders with competing views and objectives. Few, if any, local government services engage such a broad range of internal and external stakeholders.

The RDN is focused and invested on processing the rapidly growing volume and complexity of applications received. Staff have been resilient despite ongoing technology and capacity challenges, but there is a need to improve the efficiency and effectiveness of internal processes to sustain ongoing growing demand on these services.

In August 2021, the RDN received funding from the Union of British Columbian Municipalities (UBCM) to support improvements to its DAP. The RDN subsequently engaged KPMG LLP (KPMG) in February 2022 to conduct a review of its end-to-end development approval processes. This report represents the completion of a current state assessment and summarizes key recommendations for consideration.

## 1.1 Project Overview

The Regional District of Nanaimo engaged KPMG to undertake a review of its DAP which incorporates both planning and building processes. The full development cycle has been characterized by the RDN as any development processes from the first expression of interest in a project, application reviews, and the approval process, through to the issuance of building permits, and concludes with the construction phase and wrap up of the project including on and off-site servicing. The process involves representatives from many departments including Planning, Building, Bylaw, Finance, Engineering, Information Technology, etc.

<sup>1</sup> Regional District of Nanaimo Population Statistics [www.rdn.bc.ca/population-statistics](http://www.rdn.bc.ca/population-statistics)

The key objectives of this review were identified by the RDN from the outset as follows:

- An internal review of the current development approvals processes, to identify opportunities for greater efficiency and effectiveness.
- An assessment of digital development application management platforms to support future implementation to determine appropriate fit and value.

This report and recommendations are based on a broad evidence base that was gathered from a variety of sources to provide a full and holistic understanding of the DAP. This evidence base comprised:

- Data and document review (a review of available documentation and an analysis of over 50 statutory and non-statutory policy documents, and procedures documents, bylaws, supplementary policies, process information, organization charts, application forms, application packages and checklists);
- Engagement with the Board of Directors;
- Internal and external stakeholder surveys which were conducted early in the project and subsequently used to develop interview guides and focus discussions at interviews;
- Interviews and group discussions with 22 members of staff from across multiple departments;
- 6 interviews with representatives from industry, including consultants and developers;
- Jurisdictional scan comprising 8 interviews with comparable jurisdictions to understand lessons learned and potential opportunities;
- Visioning workshop with RDN leadership;
- Multiple workshops with an RDN staff working group to discuss opportunities, timelines, priorities, technology solutions and recommendations; and
- Leading practices gathered from KPMG's experience working with other jurisdictions.

## 1.2 Summary of Key Findings

Since 2009, the RDN has been continuously improving the processes and systems for development and building permit approvals. However, in recent years, the increased levels of development activity and complexity across the region and evolving expectations, both internally and externally, are straining staff capacity and the ability to review and process applications in a consistent and timely manner. These challenges that the RDN is facing are reflective of broader trends across local governments in BC and Canada. It should also be recognized that the regional district local government model is unique in its construct and has different jurisdictional authorities and service mandates in comparison to municipal governments – in many ways adding further complexity to approval processes.



In the face of these challenges, a dedicated staff group have kept the development approval processes functioning and have exhibited strengths in different areas:

- Strong understanding of the development approval processes.
- A willingness and commitment to offer a positive customer experience.
- Retention of staff within the organization and roles within the DAP, among challenges of recruitment and retention across the region.
- Applicants indicate that staff are willing to accommodate changes and requests and are generally helpful when contacted.
- Actively making investments to improve the development approval process.

At the same time, our findings identified some key issues and challenges impacting the RDN's DAP, and its ability to be consistent, efficient and predictable. These are summarized under six broad categories that formed the structure of KPMG's assessment framework:

- **Services & Processes:** Procedures and guidelines for reviews are not all formally documented, standardized, or applied uniformly which can lead to inconsistencies across applications. Over time, processes have evolved to include many steps and tasks which are not always necessary or efficient. Furthermore, the quality and completeness of applicant submissions is a contributing factor to delays, often resulting in re-submissions or requests for further information.
- **Organization, People & Culture:** The roles and responsibilities, jurisdictions, and authorities of the RDN in the development approval process are not well documented. Specifically, as a regional district, the RDN is dependent on timeline and application requirements from provincial Ministries, such as MOTI, FLNRO, and the ALC. There is also little in the way of training resources and guidance documents for new staff which can result in steep learning curves for new hires and can result in inconsistent practices throughout the development approval process.
- **Performance Management & KPIs:** There are no established service levels nor tracking of time and quality on application files.
- **Technology & Information:** The digital application platform CityView which was rolled out in 2009 as an on-premise solution to support the processing of applications has become outdated, unintuitive and cumbersome.
- **Legislation & Policy:** Policies and bylaws are beginning to become outdated or have significant gaps. Multiple zoning bylaws and OCPs for different Electoral Areas also create additional work to reconcile.
- **Applicant & Public Experience:** It can be difficult for applicants to find information regarding their application status leading to disruption in staff workflows. Some applicants also indicated frustration regarding inconsistent information and lack of expectations for additional information requests.

### 1.3 Recommendations

This report includes 8 recommendations to help ensure that the RDN’s development approval process is efficient, effective, and impactful. The recommendations build on what the RDN’s leadership deems to be their desired future state, based on the following six guiding principles:

- **Efficient:** A streamlined process that optimizes resources and drives more efficient and timely reviews.
- **Expedient:** A process that facilitates applications in a timely and acceptable manner.
- **Clear:** Application requirements and expectations are clearly laid out, communicated, and understood by all parties.
- **Predictable:** Consistency across applications with standardized processes leading to predictable outcomes.
- **Service-Oriented:** Provide a positive, easy to navigate, accessible, and timely service.
- **Aligned:** Facilitates development in an orderly and safe manner, protecting investments, and complying with bylaws and provincial codes.

Below is a table summarizing the 8 recommendations. Further details are provided in section 6 of this report.

Summary of Recommendations	
Create and execute consistent processes	1. Develop procedures manuals
	2. Develop process maps
Establish clear submission requirements and enhance predictability of application reviews	3. Better communicate submission requirements
	4. Update RDN website and education materials
Establish clear governance and resource levels	5. Review internal governance structures and decision-making
	6. Review staff resourcing levels
Drive continual improvement	7. Start tracking application time and quality
Implement CityView upgrades	8. Design, test, and implement upgrades to the CityView platform.

## 1.4 Implementation Plan and Next Steps

Section 7 presents an implementation roadmap for each of the 8 recommendations, including a step-by-step implementation plan for CityView upgrades. The successful implementation of all the recommendations will require sustained senior-level support, project leadership and effective governance.

The proposed recommendations will require an additional investment in time from staff and with ongoing support from senior leadership. Given the availability of grant funding the RDN should consider procuring temporary resources or external support to support implementation. To maximise success, the RDN should also consider the importance of communication and change management as part of any implementation work.

## 1.5 Use of this Report

This report has seven sections including this Executive Summary. This report is intended to provide the RDN with a set of key recommendations alongside a high-level implementation plan for the RDN's consideration. It builds on the Interim Findings Report from June 2022, in which KPMG provided a view of key findings and corresponding opportunities.

This report should be considered in its entirety. Selection of, or reliance on, specific portions of the report could result in the misinterpretation of our comments and analysis. KPMG will not assume liability in connection with the reliance by any third-party on this Report.

KPMG reserves the right, but will be under no obligation, to revise the findings, conclusions, and calculations in light of any information that becomes known to KPMG after the date of the report.

## 1.6 Limitations

The following findings reflect information limited to what was collected in stakeholder conversations between April and August 2022, as well as review of relevant documentation and a sample of development applications provided in part by the Regional District of Nanaimo and other parties as engaged in stakeholder discussions. KPMG did not independently verify the accuracy and completeness of information received. Stakeholder feedback was collected via in-person and virtual engagement sessions conducted using KPMG's Microsoft Teams and online survey tools. Stakeholder engagement was conducted to accommodate multiple perspectives; however, was not intended to be comprehensive. This analysis reflects a point in time view and does not take into account ongoing organizational change and evolution.

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This report has been prepared for the sole purpose of assisting the Regional District of Nanaimo in reviewing their development approval process, to develop recommendations for the RDN's consideration to improve effectiveness and efficiency throughout their development approval process. The RDN is responsible for decision making and implementation. KPMG will not assume any responsibility or liability for losses incurred by the Regional District of Nanaimo or other parties as a result of the circulation, publication, reproduction or use of this report contrary to the provisions of this paragraph.

**02**

# **Background**

## 2 Background

### 2.1 Context

Located on the eastern coast of Vancouver Island, the Regional District of Nanaimo (“RDN” or the “District”) is situated within the traditional territory of several First Nations, including three that have reserves within the region: Snuneymuxw, Snaw-Naw-As, and Qualicum. The RDN is a regional federation of four municipalities and seven electoral areas and is home to approximately 170,000 inhabitants. The regional district covers a wide geographic region in a coastal region of BC. As such, the RDN’s scope of review for development and building permits span a vast range of considerations which reflect nuances and realities of rural, urban, climate change-affected, and environmentally sensitive areas.

The RDN’s mission is to provide effective governance and delivery of services to residents in communities throughout the region, based on mutual respect and common understanding of local needs and priorities. The RDN’s most recent Strategic Plan identified priorities such as: climate change, environmental stewardship, housing, growth management, transportation and transit, economic coordination, people and partnerships, and social well-being. These priorities often rely on or are intertwined with land use amendments and development approvals, which in turn shape the future of local and regional communities. The development and building permit approvals process for the RDN is dynamic, complex, and critical to unlocking the envisioned future communities in the region.

In recent decades, regions across the Province of BC have continued to attract a growing, vibrant, and varied demographic of residents, businesses, and investors. In turn, development pressures have increased dramatically, and local governments are working to ensure its internal processes, technology solutions, and organization are ready and able to keep pace with these changes. Development and building permits have also become increasingly complex, often requiring a seasoned, multi-disciplinary team of professionals to ensure submissions meet requirements laid out in policies, bylaws, and standards of respective local governments.

A growing interest in BC communities also means an increase in housing costs, which has increased to a level where housing affordability has reached a crisis point. Housing affordability challenges is putting upwards pressure on the DAP to be faster and more efficient to increase housing supply.

BC also recently updated the Building Act creating a new set of standards for buildings. The RDN acts as the building inspector for all new or renovated buildings to ensure construction meets code. To respond to the construction pressures, the RDN needs qualified staff. However, the recent changes resulted in a significant province-wide turnover of inspectors with many reaching retirement ages. New and younger inspectors are being trained; however, training is ongoing with the new legislation.

### 2.2 Legislative context of Regional Districts

The regional district local government model is unique in its construct and has different jurisdictional authorities and service mandates in comparison to municipal governments. In the Province of BC, regional districts are governed by a board of directors comprising of: (1) one director from each electoral area; and (2) one or more directors appointed from the elected councils of member municipalities, based on the population of jurisdiction represented<sup>1</sup>.

Legislatively, a regional district's authorities are defined in the Local Government Act (LGA) and Community Charter within the Province of BC. At its core, a regional district is obligated to provide services within its geographic boundaries such as emergency management, solid waste management planning, and governance for electoral areas. However, a regional district's service offering may also expand at the request and demand of its constituent municipalities and electoral areas – as such, each regional district in BC provides a tailored portfolio of services to meet local needs.

Specifically, in the context of land use and planning, regional districts have access to planning and land use management processes and tools through avenues like those utilized by municipalities – zoning and official community plans. However, regional districts do not make decisions on subdivisions as that is a responsibility of the provincial authorities, but can influence subdivision applications through zoning and provide input into the process. Regional districts often act as facilitators or coordinators between other authorities adding to the complexity for many applications. For example, input and approvals from the provincial government, as well as coordination and communication with other municipal governments, utility providers and stakeholders is required and necessary for maintaining strategic alignment across the region.

### **2.3 Grant funding to address development challenges across British Columbia**

The scale of the challenges many municipalities are facing is reflected BC-wide, and in 2019, the BC Ministry of Municipal Affairs and Housing conducted a Development Approvals Process Review (DAPR) to examine current challenges and potential opportunities for the effectiveness and efficiency of local government DAPs. The DAP refers to all operational steps and decision making in relation to a local government's consideration of approving development, from the pre-application phase to the issuance of the building permit.

More recently, the Union of British Columbian Municipalities (UBCM) has provided funding for initiatives related to Local Government Development Approvals to address challenges and to help municipalities seize opportunities for improvement. As such, the BC Provincial Government's Ministry of Municipal Affairs has endowed a funding program, managed by the UBCM, to assist the implementation of recognized best practices and to experiment with groundbreaking procedures to improve DAPs while adhering to local government planning and policy endeavors.

From 2009, The RDN has been continuously improving the processes and systems for development approvals. Most recently, new modules were implemented to streamline building permit processes online. With internal resources, additional functionalities and opportunities for improvement were planned to be reviewed and assessed in 2021 prior to an investment in a new or updated platform.

In August 2021, the Regional District received UBCM funding of \$457,000 to support improvements to its DAP. With UBCM grant funding, the RDN will continue making progress with its development approvals systems and processes that result in measurable customer service improvements on a broader scale spanning the Building, Bylaw, and Planning divisions. The scope for the RDN grant application is broken into the following phases, for which KPMG was engaged to conduct phases 1 and 2:

1. An internal review of the current development approvals processes, to identify opportunities for greater efficiency and effectiveness.
2. An assessment of digital development application management platforms to support future implementation to determine best fit and value.
3. The purchase and implementation of a new or upgraded digital development application processing platform or software.

4. Comprehensive training of staff on the new or upgraded digital development application processing platform or software and on process changes that are required to effectively adopt the new digital land management platform, including change management.

## 2.4 The development approvals process

The Regional District of Nanaimo gets its authority to regulate the use of land and buildings from three main pieces of legislation: the Local Government Act, the Community Charter, and the Building Act. Within the authorities and requirements set out in these Acts, the RDN has established a variety of plans, bylaws, and procedures that inform both planning and building applications, including, but not limited to:

- A Regional Growth Strategy
- Official Community Plans for each Electoral Area
- Two Zoning and Subdivision Bylaws, Bylaw 500 and Bylaw 1285
- A Floodplain Bylaw
- A Planning Application, Notice, Procedures and Fees Bylaw
- A Building Regulations Fees and Charges Bylaw
- A Building Regulations Bylaw

Applicants engage with these requirements through different applications, often engaging with more than one for a given project depending on scale and location. These processes primarily include the following, but can also trigger additional sub-processes:

- Building permit applications and inspections
- Development Permit applications
- Development Variance Permit applications
- Bylaw amendment applications including zoning bylaws, Official Community Plans and Temporary Use Permits
- Subdivision and Strata Conversion applications

While the RDN is responsible for administering and facilitating projects through these processes, many have sub-processes and requirements from outside organizations, such as provincial ministries, that impact timelines outside of the RDNs control. In these instances, the RDN requires that approvals be granted by other agencies before a development or subdivision can proceed.

Within the RDN, these application processes are either the responsibility of the Building & Bylaw Services and Current Planning sections of the Planning and Development Department. Most processes also depend on many other departments, which adds complexity, issues with information flow, and inefficiencies. However, the RDN as a whole is responsible for managing all building and development approval processes.



**03**

# **Approach**

# 3 Approach







## 3.1 Approach

KPMG adopted a structured four phase approach for this review. This report represents the completion of phases 1 through 4.

1. **Plan** – Get to know each other and align on the project’s key tasks, schedule, and objectives as well as our shared project management routines.
2. **Discover & Describe** – Build a substantive evidence base to understand current state strengths, challenges, and improvement opportunities.
3. **Ideate & Innovate** – Co-develop detailed improvement opportunities to improve the efficiency and effectiveness of the development approvals system.
4. **Report & Implementation** – Develop a final report and implementation with clearly detailed recommendations to facilitate implementation.

## 3.2 Target Operating Model

For this review, KPMG leveraged its Target Operating Model (“TOM”) methodology – a proprietary six-layer assessment framework (shown below) that builds upon key principles and leading practices established from reviewing development approval processes for over 30+ municipalities in Canada. Our robust, tried and tested framework ensures that a holistic view with broad improvement opportunities are considered. The framework is also the basis for our maturity model assessment, to help identify the RDN’s current and future desired state. The TOM is a comprehensive model that covers the below 6 dimensions that describe how the RDN’s development approval process works.

 <b>Services &amp; Processes</b>	The internal and external services delivered by the RDN, along with the processes, practices, and procedures used to deliver those services.
 <b>Organization, People &amp; Culture</b>	The roles and responsibilities of staff, the RDN's organizational structure and the governance structures used to manage work and coordination.
 <b>Technology &amp; Information</b>	The use of data, information, analytics, and technology that support the policy formulation and development approval processes.
 <b>Applicant &amp; Public Experience</b>	The experience of applicants and the public related to the policy formulation and development approval processes.
 <b>Performance Management &amp; KPIs</b>	The performance management structures used to measure, monitor, and evaluate the policy formulation and development approval processes.
 <b>Legislation &amp; Policy</b>	The policy and legislative framework that structures the policy formulation and development approval processes, from formulation to implementation and evaluation.

The Target Operating Model brings a lens and a methodology to the assessment process that allows KPMG and the Regional District of Nanaimo to extract full value from the efforts of this review.

### 3.3 Building a robust evidence base

A robust evidence base was developed to identify strengths, weaknesses, opportunities, and threats to the development approval process. To achieve this, KPMG reviewed key policy and procedure documents, engaged nearly 40 stakeholders in approximately 50 hours of conversations, and spoke with seven peer local governments, including three regional districts across British Columbia to build the foundations of a robust evidence base to understand the current state and to help identify key improvement opportunities. These discovery methods are summarized below.

<p>We completed approximately <b>25 hours of stakeholder consultation</b> with <b>stakeholders</b> across the development review process, including:</p> <ul style="list-style-type: none"> <li>• <b>22</b> members of staff from across Planning &amp; Development, GIS and Information Services, Finance, Water Service, Wastewater Services, Engineering Services, Transportation and Emergency Services</li> <li>• <b>7</b> representatives from industry, including consultants and contractors.</li> <li>• <b>2</b> BC Provincial Ministries – Ministry of Transportation and Infrastructure (MOTI); Ministry of Land, Resources and Stewardship (MLRS)</li> <li>• <b>8</b> Board Directors</li> </ul>	<p>We have completed a review of key documents related to the process:</p> <ul style="list-style-type: none"> <li>• ~25+ policy and procedure documents, bylaws, organization charts, application forms, checklists and process workflows.</li> </ul>
<p>Completed a review of different software to identify if CityView is still the correct system.</p> <ul style="list-style-type: none"> <li>• <b>6</b> different technology solutions compared.</li> </ul>	<p>Consulted with CityView to identify different upgrade options (cloud, on-premise, web-based)</p>
<p>Anonymized survey results from <b>15+ internal stakeholders</b> and <b>12+ external stakeholders</b></p>	<p>Jurisdictional scan and meetings with <b>8 other local government organizations</b>, including regional districts, municipalities employing the CityView system, and others exhibiting leading practices.</p>



# 04

## Analysis and Findings

# 4 Analysis and Findings

## 4.1 Current State Assessment

To develop meaningful recommendations, it was important for KPMG to build a solid understanding of the current state. A substantive evidence base was compiled, drawing upon a range of sources to understand current state strengths, challenges and improvement opportunities, and to develop a holistic 360° view of the current state DAP. This evidence base comprised:

- Data and document review
- Engagement with Board of Directors
- Internal staff survey
- Internal staff engagement
- External stakeholder survey
- External stakeholder engagement
- Jurisdictional scan
- Website assessment
- Leading practices review

Sections 4.1.1 through 4.1.10 document the discovery work conducted by KPMG and highlights findings from each of the sources of information. Key findings from these data sources are synthesized and summarized in Section 4.2 (What is Working Well) and Section 4.3 (Key Pain Points). This report identifies recommendations that build on what is working well today while seeking to address challenges that will have the greatest impact for the RDN's stakeholders, both internal and external. A summary of current state findings and preliminary opportunity areas can be found in Appendix A - Current state findings and preliminary opportunity areas.

### 4.1.1 Data and document review

KPMG reviewed available documentation which included over 50 statutory and non-statutory policy documents, procedures, bylaws, supplementary policies, process information, organization charts, forms, application packages and checklists. While the RDN does not have full process maps, exports of

step-by-step processes from the CityView platform were provided. These exports were reasonably detailed and suggested that process workflows could potentially be streamlined.

The RDN has the required legislative statutory and regulatory documents supported by additional policies and procedures to guide staff with potentially confusing components of development, such as retaining walls, groundwater requirements in un-serviced areas, telecommunication towers and strata conversion. However, while multiple OCPs and Zoning Bylaws can reflect the uniqueness or differences between Electoral Areas, the varying policy and regulatory environments are challenging for staff to apply consistently. It is common for Regional Districts to have multiple OCPs and Zoning Bylaws resulting from the nature of a regional district being a collection of communities. However, leading practices from communities across Canada where multiple policy and regulatory documents exist is to consolidate these documents to increase clarity and consistency for both staff and applicants, and to consider how the uniqueness of each community is reflected in those documents in new ways.

The RDN has application packages and information for each type of planning and building application that includes the mandatory or required information. These are written in a formal and technical manner reflecting the needs of the RDN but could be updated from a usability lens or the perspective of the applicant to re-frame technical requirements into laypersons terms. It was also noted that there was a lack of standard operating procedures and/or procedure manuals to help drive consistency across processes, and to serve as a point of reference for new staff.

#### **4.1.2 Engagement with Board of Directors**

A one-hour meeting with the Board of Directors took place in April 2022, providing an opportunity to hear the views, level of understanding and priorities of the Directors. Due to several absentees, separate one-on-one meetings were arranged to ensure all Directors were consulted. Directors are in a unique vantage point as they have relatively limited touchpoints with the DAP, yet often hear the perspectives of more vocal applicants who generally air their grievances with the approvals process. This is consistent across other regional districts and local governments. It is also important to recognize that being a regional district covering a significant land area, the different needs and priorities of Directors (and their respective electoral areas) can vary substantially and is far more pronounced than in other forms of local government.

KPMG noted that the depth of understanding of the DAP varies across Directors, but several consistent themes emerged. These centered around customer levels of service, long timelines, shifting goalposts and unclear expectations, and inconsistencies across applications. These themes are largely in line with feedback received directly from applicants and consultants through external engagement. The priorities and desired outcomes of Directors from the DAP were fully noted to help further prioritize the development of recommendations.

#### **4.1.3 Internal Staff Survey**

An internal survey was shared with staff across relevant departments and elicited 15 responses (out of 30 invited to take part in the survey). The survey comprised a set of closed and open-ended questions, as well as questions that provided ratings on a spectrum, helping to gather quantitative data. The survey was conducted early in the project and subsequently used to develop interview guides and focus discussions at staff interviews (see section 4.1.4).

Themes that emerged from the internal survey was that staff capacity is limited, the end-to-end process and associated roles and responsibilities are unclear, and that technology solutions were not being effectively employed. This anonymized yet quantifiable data was important to support and reinforce findings gathered anecdotally through interviews.

Some comments received on the DAP included:

- Challenges working with external agencies and organizations
- Being reactive instead of proactive and a desire to get involved sooner in the process
- Lack of definition of the process
- Not using all of the information that is available or not being aware that information is available
- Not consistently using the digital system, or not leveraging the capabilities of the digital system
- An overall complex system with many steps, programs, and tools increasing time to research and find relevant information
- Desire for more inter-departmental collaboration with clear roles and expectations for everyone
- Additional communication tools and responses for common questions or issues
- Option to prioritize applications with different suggestions on how prioritization should occur or what types of applications would get priority
- Specific need for maintaining trained building officials

#### **4.1.4 Internal Staff Engagement**

Staff engagement served as a basis of the level of understanding of the RDN's DAP, the pain points, challenges, and opportunities across departments. 22 members of staff from across Planning & Development, GIS and Information Services, Finance, Water Services, Wastewater Services, Engineering Services, Transportation, and Emergency Services were engaged. Staff were selected based on their involvement in the DAP to gain a full understanding of all touchpoints and potential cross-departmental governance challenges. The large cross-section of staff interviewed enabled KPMG to build a balanced view of strengths and challenges.

A key observation was that staff had clarity and understanding over their specific involvement in the review and approval of applications but had limited visibility across all of each application process, a significant challenge as this lack of holistic line of sight requires applicants to work with several departments or staff members for a single project often with competing advice or priorities. While each area effectively reflects their known expertise, resolving or integrating all of the varied requirements across departments increases processing time, contributes to inefficiencies and frustrations for both staff and applicants.

Additional common themes that emerged across individual interviews included staff capacity challenges, poor quality and incomplete submissions leading to multiple re-submissions and re-working applications early on in the process, and an onerous technology platform (CityView) that is driving the process instead of enabling it.

#### **4.1.5 External Stakeholder Survey**

An external survey was shared with consultants, contractors and applicants to gather an anonymized external viewpoint. 12 completed responses were received from a total of 15 invited participants. The survey captured qualitative and quantitative responses that further supported the objectives of the external stakeholder engagement. Timeliness, transparency and predictability were key themes that emerged from the survey results. The results largely supported and reinforced findings gathered through the external stakeholder interviews, as well as commentary provided by the Board of Directors.

#### **4.1.6 External Stakeholder Engagement**

KPMG also conducted external stakeholder engagement through 7 one-on-one interviews with representatives from consultants and contractors who had prior experience with the RDN's DAP. The intent of the external stakeholder engagement was to get an external perspective around the level of understanding of the RDN's processes, the pain points, challenges, and opportunities. Key themes cited the generally positive experience applicants had with staff but equally commented on the lack of predictability around timelines and unclear expectations regarding submission requirements. External perspectives proved valuable in highlighting the customers' experience in contrast to the staff experience of the process. In developing recommendations, it was important to ensure that improvements would benefit both internal and external parties.

Some comments received on the DAP included:

- Process is too complicated for most applicants to undertake without professional support
- Desire for more detailed application checklist and should include a completeness check before accepting an application
- Can receive inconsistent interpretations of the bylaws
- Reviews are overly detailed and do not reflect how projects can change over time
- Process is clear, but slow
- Lack of prioritization
- Applicants are asking industry for answers that RDN cannot provide
- Pre-application meetings are important, but need as much information early on as possible



#### 4.1.7 Engagement with the Province of B.C

Unlike municipalities who have a greater span of control over development related approvals, regional districts often act as facilitators or coordinators between other authorities adding to the complexity for certain application types. Input and approvals from the provincial government adds further steps in the approvals process, with external decision-making and consideration outside the control of the RDN. It is important to note that this was not well understood by the public as evidenced during our external stakeholder engagement.

KPMG had separate meetings with the Ministry of Transportation and Infrastructure (MOTI) and Ministry of Land, Resources, and Stewardship (MLRS) to understand the role these Ministries have in the DAP as well as challenges and opportunities for coordination between the RDN and the Province. At these interviews, Ministry staff indicated some applicants are often unaware of submission requirements, or that a Ministry within the provincial government is responsible for portions of the review and approval process. The RDN includes these requirements in their own statutory and regulatory documents and has clear standards (e.g., defined setbacks from watercourses) that make the review easier, but the lack of applicant awareness often results in contraventions that take time to resolve.

At the time of conducting these interviews, Ministry staff acknowledged some staff capacity and turnover challenges, particularly with staff previously tasked with review of submissions in the RDN. While additional staff were planned or recently hired to fill the positions, the Ministries have had to make time for new staff to familiarize with local conditions and considerations. Further, these staff challenges and changes at the Ministries have somewhat impacted the ability for RDN staff to directly connect with and seek status on applications.

The Ministries are working on upgrades to the online system to allow local governments to access the status of the applications, but it is not operational yet. The Ministries are also experiencing high volumes and recognize the specific challenges for regional districts as they have limited enforcement capabilities. The Ministries also note that collaboration between themselves and the RDN is a two-way system with both groups playing their part. Timing and / or resourcing challenges for one, impacts the other, and vice versa.

#### 4.1.8 Jurisdictional Scan

The purpose of the jurisdictional scan was to understand challenges and good practices used by other jurisdictions to help inform the assessment and opportunity identification for the RDN. Comparator jurisdictions were selected based on similarities to the RDN (e.g., being a regional district, facing similar local challenges, or employing the CityView software platform). 60-minute interviews were conducted with the following:

- Cowichan Valley Regional District (CVRD), BC
- Regional District of Fraser Fort George (RDFFG), BC
- Islands Trust, BC
- District of Saanich, BC
- City of Canmore, AB

- City of Spruce Grove, AB
- Strathcona County, AB
- City of Oshawa, ON

The feedback from other jurisdictions commented on similar challenges to the RDN. Recurring themes included staff capacity challenges, the poor quality of submissions, and increasing application volumes. Regional districts, in particular, commented on the added complexity of having to involve provincial organizations into certain planning processes, as well as having to constantly adapt to changes from the LGA and Agricultural Land Commission Act (ALCA). Key lessons learned are highlighted below. These insights were used to support the development of opportunities and recommendations for the RDN

- The RDFFG took an innovative approach with MOTI by developing a jointly branded brochure (with both logos) aimed at educating applicants on the subdivision process. Not only did this help strengthen relations with MOTI but it helped communicate the inter-relationship and respective roles between the RDFFG and MOTI to the public, and ensured consistent language was used by all parties.
- RDFFG previously had rural land use bylaws divided by electoral areas but has moved to a single zoning bylaw in recent years. This has streamlined applications and added clarity for both applicants and staff, while still accommodating the unique characteristics of different electoral areas. For example, a consistent approach to calculating height or determining variances is applied, is known, and is therefore also predictable across the whole of the regional district.
- While the RDN and other local governments are struggling to get the best out of off-the-shelf permitting systems (like CityView, Tempest etc.), the RDFFG has taken the unique approach of building its own application workflow software in-house. Upon completion the software is planned to be available to other regional districts as a Software-as-a-Service. Developing the capability from the ground up will ensure it is tailored to reflect specific needs, however it may lack a lot of the integrations with other technology tools that RDN.
- Like many regional districts and local governments, Strathcona County had persistent issues with the quality of submissions. To address this, they invested a lot of effort up front in the process by improving the clarity of submission requirements, training front counter staff to improve triaging, encouraging pre-application meetings where appropriate. In addition, Strathcona County has invested in improving perception through positive public relations (improved communication and education around the process with the community).
- The City of Spruce Grove has been using the desktop-based version of CityView since 2009 (the same as RDN) and has recently upgraded to the web-based version of CityView. Key lessons learned from their implementation project includes: the importance of re-designing and streamlining processes and workflows before implementing CityView; employing an implementation manager to serve as the critical link between the CityView implementation team and the business functions to translate requirements; and the benefits of phasing the roll-out rather than going-live all at once. The City of Canmore implemented a phased roll-out as part of their CityView implementation.

- The City of Oshawa is also currently undergoing a permitting software implementation - moving from a legacy system to the new web-based version of CityView. An active working group and super-users have been assigned in each business unit to ensure business needs are fully understood and met. Super-users (or champions) are also responsible for training and continual improvement efforts.

The importance of change management was highlighted as a key challenge by the City of Canmore following their CityView implementation. IT staff were heavily involved in the transition but there was insufficient engagement with the planning department and other stakeholders. Better engagement and communication could have resulted in improved process workflows and training.

#### 4.1.9 Website Assessment

The RDNs website is an important source of information for applicants. In our experience, we have found that most regional district and local government websites generally provide access to most key documents required as part of planning and building approvals processes, however they often can be improved in terms of accessibility, intuitiveness, education, and language - all key contributors to the overall applicant experience. Improving upon these areas are often relatively quick and simple low hanging fruit activities.

Separate to the scope of the project, KPMG undertook a high-level assessment of local government and regional district websites across Canada to benchmark and identify key trends, for which the RDN was also assessed. Over 20 organizational websites were included in the assessment. Under this assessment framework, there are four key areas of focus with sub-elements each with different weightings. The table below summarizes our assessment for the RDN’s website and contrasts with various comparators.

<b>Assessment Criteria</b>	<b>RDN Score</b> (out of 100)	<b>Regional District average</b> (3 reviewed)	<b>Local Government average</b> (17 reviewed)
Navigating to the main application pages for Planning and Building applications ( <i>how many clicks required? Is it easy to navigate?</i> )	67	54	62
Communication options ( <i>is relevant contact information available? Is there a quick chat function?</i> )	67	58	60
Submitting an application ( <i>are steps clear, are submission requirements clear and intuitive?</i> )	83	52	75
Post-submission features ( <i>can you access/revise a submission? Are status updates available?</i> )	67	67	67
<b>Total Average Score</b>	<b>75</b>	<b>58</b>	<b>65</b>

The results of KPMG's assessment suggest that the RDN website is currently better than peer regional districts and local governments. That said, the following areas of improvement were identified:

- There were limited details provided in documented checklists
- There were no examples of what a model application looks like
- There is no portal for planning applications, making it difficult to track the status of a review
- Permits cannot be revised or accessed online after submission

#### **4.1.10 Leading Practices**

To support opportunity development, KPMG also leveraged its experience supporting a wide variety of local governments across Canada, bringing to the table leading practices. While there is no one size fits all solution, these common best practices helped support opportunity development and served as a basis for idea generation. It has been a common experience across many municipalities of all shapes and sizes, both large and small, rural and urban, that application volumes and complexity are increasing. With more challenges, such as affordable housing and climate change, this trend is likely to continue. Similarly, most municipalities have identified a lack of awareness across the whole planning and development cycle, with specialized knowledge into each aspect, but not a combined knowledge of the whole system. This is true for all stakeholders from staff to Council to applicants to members of the public. Having specialized knowledge has increased silos between departments and/or processes. As a single application typically requires multiple processes and information from multiple departments, this has led to increasing challenges with customer service and proactive awareness to plan and execute projects.

As a result, the most common improvement has been to document and communicate the whole planning and development process. The task of documenting even the current state increases awareness, provides a clear baseline for communicating steps and tasks, enables more effective training opportunities for all stakeholders, and increases transparency and predictability. There are further opportunities created to align the process with digitization and technology that can increase transparency and communication as well as tracking both qualitative and quantitative measures to drive further enhancements and improvements.

## 4.2 What Is Working Well

KPMG synthesized information from across all the data points and summarized what is currently working well at the Regional District in relation to its DAP in the following table. Unless otherwise specified these findings apply to both the Planning and Building Departments.

Design Layer	What we heard is working well
Services & Processes	<ul style="list-style-type: none"> <li>✓ Internally, staff have a shared understanding of DAPs.</li> <li>✓ Externally, interviewees generally demonstrated an understanding of the DAP across the range of development and building permits issued by the RDN.</li> </ul>
Organization, People & Culture	<ul style="list-style-type: none"> <li>✓ The RDN is seen as a facilitator of the development and building permit review process.</li> <li>✓ RDN staff indicated a willingness and commitment to offer a positive customer experience.</li> <li>✓ Staff also liaise with provincial authorities for specific reviews and approvals.</li> </ul>
Performance Management & KPIs	<ul style="list-style-type: none"> <li>✓ Performance data is available in CityView but needs to be manually accessed and extracted.</li> <li>✓ Informally defined performance management framework that departments adhere to.</li> </ul>
Technology & Information	<ul style="list-style-type: none"> <li>✓ The Building and Bylaw Departments have fully integrated CityView into their review and workflow management practices.</li> <li>✓ More details on the RDN's technology are provided in the next section.</li> </ul>
Legislation & Policy	<ul style="list-style-type: none"> <li>✓ Both the Planning and Building Departments are in the process of simplifying and rewriting their respective bylaws.</li> <li>✓ Recognize applicant challenges and are actively making investments to improve the DAP.</li> </ul>
Applicant & Public Experience	<ul style="list-style-type: none"> <li>✓ Staff are generally helpful when contacted by applicants.</li> <li>✓ Staff are willing to accommodate changes and requests by applicants.</li> </ul>

### 4.3 Key Pain Points

The following table summarizes the key pain points as ascertained through KPMG’s current state assessment. Unless otherwise specified these findings apply to both the Planning and Building Departments.

Design Layer	What we heard about challenges
<b>Services &amp; Processes</b>	<ul style="list-style-type: none"> <li>— Procedures and guidelines for reviews are not formally documented or standardized.</li> <li>— Applications of all complexities appear to be reviewed with the same standards, resulting in “over-review” of less complex applications leading to lengthier processing times overall.</li> <li>— Application quality and completeness is a major challenge resulting in delays in application review timelines. The same applies to professional reports which are inconsistent in quality.</li> <li>— Some applicants state that additional information requests from the RDN appear ad hoc and may feel that submission requirements and clarifications are “moving goal posts.”</li> </ul>
<b>Organization, People &amp; Culture</b>	<ul style="list-style-type: none"> <li>— Approving processes with a variety of Committees are lengthy and may not be adding value.</li> <li>— There are limited-to-no resources or documents that explain the roles, jurisdictions, and authorities of the RDN in the development and building permit review and approvals process.</li> <li>— There are limited documented and formal training resources and guidance documents for new staff, which can result in steep learning curves for new hires and inconsistent practices for applicant journey through the application process.</li> <li>— Almost all stakeholders indicated or assumed resource capacity challenges at the RDN related to processing development and building permit applications.</li> </ul>
<b>Performance Management &amp; KPIs</b>	<ul style="list-style-type: none"> <li>— There are no established service levels nor a performance management framework for the DAP.</li> <li>— Data quality and completeness needs improving to support application tracking.</li> <li>— No formal process for capturing and escalating concerns. Channeling queries and managing issues are ad-hoc.</li> </ul>
<b>Technology &amp; Information</b>	<ul style="list-style-type: none"> <li>— CityView was initially set up and rolled-out across the RDN over 10 years ago as a desktop license; the interface is outdated and unintuitive to use.</li> <li>— The building department solely uses an online portal for submissions. Staff have found that the lack of quality control and checks that would normally be carried out at the front desk are resulting in many substandard / incomplete applications.</li> <li>— More details on the RDN’s technology challenges are provided in section 5 of this report.</li> </ul>

<b>Legislation &amp; Policy</b>	<ul style="list-style-type: none"> <li>— Certain planning bylaws have clauses that are unclear and can lead to misinterpretation by the public</li> <li>— Some policies and bylaws are outdated or have gaps. Multiple zoning bylaws and OCPs also create additional work.</li> <li>— There is formal, but lengthy approach to the policy formulation process.</li> </ul>
<b>Applicant &amp; Public Experience</b>	<ul style="list-style-type: none"> <li>— Once an application is submitted, there is little communication and information provided to the applicant, leading to frustration and disruption to workflows.</li> <li>— Staff provide inconsistent information to applicants and do not set out formal milestones and expectations of additional information requests.</li> <li>— Potential applicants can often take up a lot of staff time, yet are unable or unwilling to make an application and go through the process.</li> <li>— Applicants do not always provide the information needed to effectively review and application in a timely manner, resulting in unanticipated delays.</li> </ul>

## 4.4 Opportunity Development

### 4.4.1 SWOT Analysis

Based on the current state findings, KPMG drew upon leading practices and knowledge of trends, to conduct a SWOT (Strength-Weaknesses-Opportunities-Threats) analysis. This analysis helped provide a more strategic view of how to best move forward. The following sections summarize key strengths and weaknesses of the RDN's DAP, as well as opportunities and threats the RDN could leverage or may wish to strategically address in anticipation of evolving market practices and public sentiments.

#### 4.4.1.1 Strengths

- Staff are recognized as being knowledgeable and often helpful.
- High retention rate of planning staff (higher than peer jurisdictions), enabling relationship building and continuity.
- Parts of the organization are successfully benefitting from the CityView platform.
- Relatively well managed process and processing time with internal referral groups who are generally responsive.
- Good overall stakeholder relations (BC Ministries the public, and industry).

#### 4.4.1.2 Weaknesses

- Informal / lack of documented processes can lead to inconsistent service and customer experience across applications.

- Unclear / loosely defined roles and responsibilities – applicant experience can vary depending on staff and functions.
- Staff capacity challenges are struggling to keep up with increasing application volume and complexity.
- The CityView platform is underutilized by certain departments and may not fully meet business needs.
- Inconsistencies and lack of guidance on interpretation and enforcement of bylaws, regulations, and policies.
- Staff shortages at BC Ministries mean that external provincial referrals delay the processing of applications.

#### **4.4.1.3 Opportunities**

- Region possesses geographic attributes to attract climate adaptation design and construction innovation.
- Integrate more government services into digital solution.
- Create a “clean slate” with the public and industry – increase transparency, engagement, and education on development and building permit processes.

#### **4.4.1.4 Threats**

- Lack of resiliency in the face of change (e.g., climate change requirements, increasing submission volumes).
- Limited succession planning and formalized training.
- Governance and jurisdictional authorities with external stakeholders are complex and not likely to change.
- Further erosion of public understanding and support for development if changes are not made.
- Acceleration of different construction and design methods and innovations are not easily accepted by current code and policies.
- Cannot keep up with accelerated development in the region due to challenges surrounding lack of water utilities, challenges with surrounding infrastructure, and large geographic spread of the RDN.

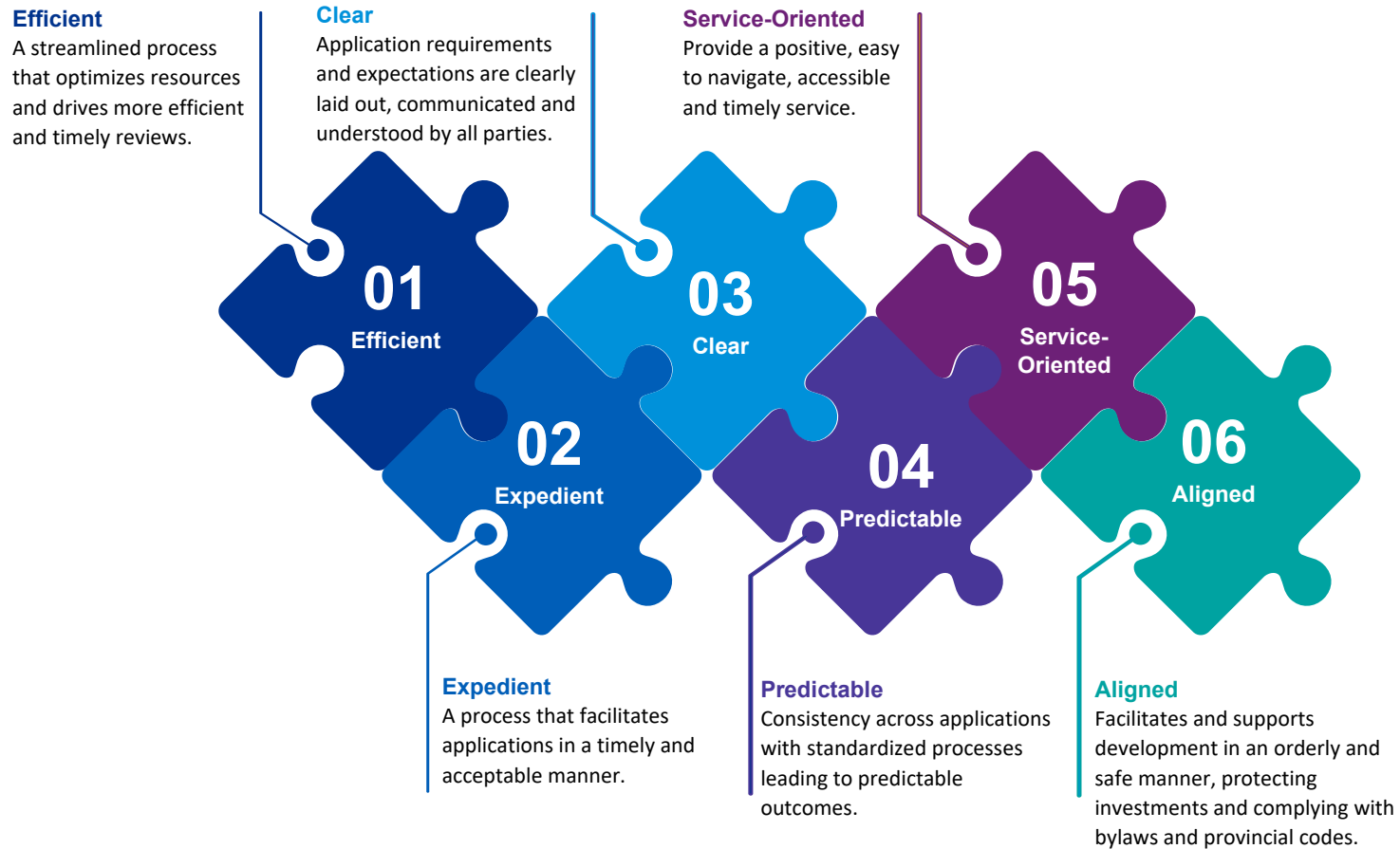
### **4.4.2 Development of preliminary opportunities**

Based on the current state findings, KPMG compiled a preliminary list of 42 opportunities for consideration by the RDN, structured by the six layers of the assessment framework. These opportunities (see Appendix A) were individually developed to help address specific challenges and themes identified in the current state assessment. They were developed based on leading practices and KPMG’s experience supporting peer jurisdictions. The jurisdictional benchmarking exercise provided further idea generation. It is important to note that at this preliminary stage the preliminary opportunity list was not validated or verified with staff.



### 4.4.3 RDN Visioning Workshop

KPMG facilitated a visioning workshop with the RDN’s leadership to identify their desired future state of their DAP and the guiding principles to align recommendations with. The guiding principles were used to help refine, develop, and prioritize opportunities into recommendations. The figure below illustrates the core guiding principles that were agreed upon in June 2022. These principles would subsequently be used to help shortlist and prioritize the preliminary opportunities, to help land on a more manageable set of final recommendations.



#### 4.4.4 Opportunity Workshops and Development of Recommendations

Collectively, there were 42 preliminary opportunities identified (documented in Appendix A). In an effort to narrow down the list to a more manageable and practical number for the RDN to implement, KPMG developed an evaluation framework as illustrated below, to help turn opportunities into recommendations. Considerations included the level of effort, the benefit or perceived value, and the time horizon considerations for implementing the recommendation. Two 90-minute workshops were held with the staff working group to go through the following steps:

- 1 **Validation:** To test and check whether suggested opportunities were valid based on KPMG's analysis and understanding, and to assess whether the opportunity would add value and benefit to the RDN and its customer base
- 2 **Consolidation:** Several of the opportunities touched upon common themes and therefore partially overlapped. During the workshops there was discussions around how they could be grouped and consolidated into more meaningful and substantive recommendations. This exercise helped to reduce the overall number of recommendations and provide greater focus.
- 3 **Prioritization:** Through discussion and feedback at the workshops, there was greater clarity over which opportunities would deliver the greatest benefit and should be prioritized. KPMG proposed a suggested prioritization, with a mixture of 'quick wins' up front to help build momentum, combined with longer term initiatives.
- 4 **Shortlisting:** Opportunities were shortlisted into a set of focused prioritized recommendations and a further set of deferred recommendations. KPMG is cognisant of existing resourcing and capacity challenges faced by the RDN and therefore developed a shortlist of prioritized recommendations that are both realistic and achievable in the near term. This will ensure that existing levels of service are maintained and not compromised.

Following the workshops, KPMG further took an objective view taking into consideration lessons learned from implementation initiatives in other jurisdictions to land on a final set of recommendations. These recommendations are detailed in Section 6 of this report.

# 05

# Technology Options

# 5 Technology Options

## 5.1 Context

In addition to a current state assessment of the RDN's current DAP (see Section 4 for summary of findings), KPMG assessed various digital application management platforms to support future implementation to determine best fit and value. This analysis entailed an assessment of the RDN's technology and software capabilities and included a technology scan of other external technology and software solutions that may be suggested as an alternative to the current CityView platform (CityView).

In 2009, the RDN procured and implemented CityView as the primary software solution to support planning and development needs. CityView offers a full suite of software solutions for development, code enforcement, licensing, and other regulatory services. CityView is among a select group of leading software providers in the planning and development space and is currently widely used across BC and North America.

The current version of the CityView software and configuration remains largely the same as introduced and implemented in 2009. Over the years many further software solutions including E-scribe, MS Sharepoint and GIS have been integrated with CityView to unlock further functionality. Additionally, different business units have adjusted workflows to better meet business requirements or applied workarounds to address functional limitations. There are currently two newer versions of CityView available on the market which provide improved functionality and a revamped interface.

## 5.2 Current RDN challenges with CityView

Stakeholder interviews were conducted with RDN staff from across the different business units who interface with CityView to understand the strengths, weaknesses, and opportunities for improvement. Overall, there was mixed feedback around both the user experience as well as the level of uptake within different departments. A demonstration was provided to RDN staff by CityView in 2021 to display the capabilities and functionality of the new web-based version of CityView. This was positively received by staff and it was perceived that the new features would alleviate several current pain points.

### 5.2.1 Key pain points:

Through our stakeholder consultation a list of challenges was provided to the RDN. These have been summarised into key pain point areas below:

- **The CityView system is slow to upload/download files and execute basic tasks:** From all our internal stakeholder interviews it was surfaced that the system can be extremely slow to upload/download files between CityView and Sharepoint. In some cases, waiting times can be several minutes which greatly disrupts productivity and the ability to efficiently undertake basic tasks. It is understood but not validated that the speed issues have increased over the years and is proportional to the number of documents attached to each application file.
- **Current CityView workflows are too onerous and overcomplicated:** When initially implemented in 2009 the guidance and direction given to all staff was for CityView to drive all processes and for all documents and communications to be stored centrally. This resulted in workflows with a large number of

activities and sub-steps with many business rules, that when followed in practice have become overly onerous. This leads to staff not properly updating CityView as they process applications. Oftentimes, staff will check off all workflows at once at the end of the application when everything is completed rather than checking off at milestones. While adjustments have been made by different teams over the years to alter workflows, they remain excessive and in need of streamlining.

- **The current user interface and functionality is not intuitive:** The current version of CityView was developed in 2009 and has since become outdated with newer versions of CityView available to organizations who upgrade. It is understood that the new version has an overhauled user interface more in align with modern software applications and the underlying coding has been revamped to provide enhanced performance. Additionally, the current software interface makes it difficult to view multiple files at the same time.
- **Automation functions are ineffective and require workarounds:** CityView comes pre-loaded with several features to help automate tasks such as populating letters and reports. However, the RDN's current CityView license does not include the additional modules providing seamless integration with MS Office applications. As a result, these functions are rendered ineffective and unused.
- **Inconsistent document and file management:** Currently, there are multiple file management applications (Sharepoint, E-scribe, and others) with no standardized methodology on where certain files should be saved and uploaded. Some staff upload all application files to CityView, while others only upload certain files. It was also noted that CityView has limited functionality for filtering and viewing or previewing files, making it difficult to navigate and prioritize applications. Additionally, files cannot be previewed, making it even more difficult to find specific applications.
- **Data integrity can be questionable:** Due to slow upload/download of times from CityView to Sharepoint, some RDN staff bypass the software and use workarounds (e.g., do not store all information pertaining to an individual application in CityView). This presents data integrity issues within CityView as the actual status of an application may not be accurately reflected until all workflows are checked off, often at the end of the application cycle.
- **The portal module (bylaw/building) is receiving low-quality submissions:** The customer facing portal module within CityView provides a direct channel for applicants to submit applications online, which is inputted directly into the CityView platform. However, staff have found that the lack of quality control and checks that would normally be carried out at the front desk are resulting in many substandard / incomplete applications.

### 5.3 Technology Scan

Following the current assessment, a deeper understanding of the RDN's pain points around CityView was gathered. When determining the best path forward it is important to weigh up all options – this includes assessing the pros and cons of switching to other potential technology solutions and determining what best meets the needs of the RDN. There are currently a multitude of planning and development software platforms on the market. For this study, KPMG identified six different technology solutions commonly used by peer local government to support development and building permit application submission, review, and approvals which could also meet the needs of the RDN. These are listed below for comparative purposes.



Amanda



Tempest

Cloudpermit 



### 5.3.1 Comparative assessment of alternative technology solutions

KPMG undertook a qualitative comparative assessment of the capabilities, and relative pros and cons of the selected technology solutions. Information was sourced through desktop research as well as a one-hour demo and phone call with each of the vendors. Six assessment categories were selected to compare pricing, migration, implementation, portal and reporting customizations, workflow customizations and integration. The following criteria were used for assessment purposes.

	High	Medium	Low
<b>Pricing</b>	Switching to this software will be cheap or have minimal incremental costs.	Mid-priced option: considerable investment required to purchase software in this category.	Very expensive option: lots of investment required to purchase software in this category.
<b>Migration</b>	Low level of effort needed to migrate existing data into software in this category.	Medium level of effort needed to migrate existing data into software in this category. Requires migrating all legacy data into new system.	Huge level of effort needed to migrate existing data into software in this category. Requires migrating all legacy data into new system and must potentially switch data formats.
<b>Implementation</b>	Lower levels of training, testing, and change management will be required.	Material investments in training and change management will be required.	Lots of training and change management will be required. Long implementation may also potentially increase cost.
<b>Portal &amp; Reporting Customizations</b>	Portal can be customized to show any relevant data - no coding necessary. Service provider able to code specific function if needed.	Portal can be customized to show any relevant data but may require coding.	Portal offers limited to no ability for customization.
<b>Workflow Customization &amp; Future Adjustments</b>	Workflows are highly configurable and easy to adjust.	Workflows are customizable but requires higher level of effort.	Limited to no ability for customization.
<b>Integration</b>	Can integrate with a wide range of external software.	Able to integrate with some external software.	Very limited ability to integrate with external software.

### 5.3.2 Comparative assessment results

The results of the assessment are summarized in the table below. As can be seen, CityView scored the highest, which is largely because it requires the least incremental costs for associated migrations and implementations.

	CityView	CityWorks	Clariti	Tempest	Amanda	Cloudpermit
<b>Pricing:</b> The extent to which initial cost to acquire software are minimized.						
	High	Medium	Medium	Medium	Low	High
<b>Migration:</b> The extent to which costs associated with transferring data and workflows to new software are minimized.						
	High	Low	Low	Low	Low	Low
<b>Implementation:</b> The extent to which costs associated with setting up and implementing new system are minimized.						
	High	Medium	Medium	Low	Low	Medium
<b>Portal &amp; Reporting Customizations:</b> How user-friendly is the online portal? Is it easily customizable to show relevant information?						
	Medium	High	Medium	Medium	High	Low
<b>Workflow Customization &amp; Future Adjustments:</b> How customizable is the software? Is it easy to change workflows?						
	Medium	High	High	Medium	High	Low
<b>Integration:</b> What external applications can the software support?						
	High	High	Medium	High	High	Low

## 5.4 Preferred Technology Solution

Based on a preliminary assessment of technology platforms and taking into consideration the investments the RDN has made to date on the current system, CityView appears to demonstrate the best value and fit to meet the needs of the RDN. Below is a summary of advantages and disadvantages of CityView in comparison with other platforms assessed.

Pros of CityView	Cons of CityView
<ul style="list-style-type: none"> <li>✓ RDN already uses a version of CityView, so it will likely be <b>lower (or relatively lowest) cost and quicker</b> to migrate and implement a more updated version of the software compared to a brand-new system.</li> <li>✓ CityView is well adopted in certain departments and there is <b>an existing level of understanding and training for the platform</b>. Switching to a different platform would require significant upskilling and training.</li> <li>✓ Has many capabilities out-of-the-box and the software can be further <b>customized</b> to modify what information is shown through the online portal (applicant facing). Workflows (staff facing) can also be configured to increase efficiency throughout the entire DPR process.</li> <li>✓ CityView can report milestone dates, submission requirements, and other information specific to the application. <b>These reporting features can also be configured</b>.</li> <li>✓ Able to <b>integrate</b> commonly used applications such as Bluebeam, ESRI, Outlook, Invoice Cloud, Laserfiche, and more to improve workflow efficiencies.</li> <li>✓ Each registered applicant gets access to <b>personalized dashboards</b> that becomes a one-stop-shop to initiate various requests, check application statuses, and pay fees.</li> </ul>	<ul style="list-style-type: none"> <li>— Requires a resource with a <b>background in IT</b> to customize both the online portal and workflows (initially and particularly on an ongoing basis). Some features can be easily configured by staff (drag and drop features). In the long-term, <b>a dedicated and skilled resource</b> is needed to make changes to CityView should processes evolve (e.g., change in policy, governance, regulations...etc.).</li> <li>— If too many changes are made to the default configurations, CityView may <b>stop supporting the product</b>.</li> <li>— Other jurisdictions have noted that <b>certain workflows and forms can't be customized</b> which impacts usability</li> <li>— The online portal may not fully meet requirements as it is meant to be used as-is, out-of-the-box. <b>Configurations may be required</b> to improve the user-friendliness of the software.</li> <li>— <b>Performance management framework</b> will need to be developed to accommodate metrics extracted from CityView – there is no native function within the system to support performance reporting.</li> </ul>



Following discussions with the RDN working group in June 2022 **it was agreed that remaining with the CityView platform and exploring enhancements was the preferred and most viable way forward.** Following this decision KPMG sought to identify improvement and enhancement opportunities within CityView.

## 5.5 CityView Improvements - Design Principles

With the decision to remain on the CityView platform, the next phase of work focused on identifying potential upgrades, improvements, and enhancements. A common set of design principles were derived to help focus and prioritize enhancements. These are summarized below.

01

### Improving speed is a key priority

- Speed of uploading / downloading of files needs to improve for both staff/customer satisfaction

04

### Better automation and integration with other systems (Sharepoint, GIS, MS Office, MS Outlook)

- Seamless integrations that avoid the need for 'workarounds'
- Automations need to save time and effort

02

### Technology should support not drive the process

- Workflows should be refreshed and streamlined
- Technology should be accompanied by a procedures manual and not serve as the procedure

05

### CityView Champions and training

- Having champions in business units will help with uptake, training, and future improvements

03

### Software should be easy to navigate and use

- Interface and workflows need to be more intuitive
- Ability to open multiple files at once

06

### Add-ons / new modules should be properly evaluated

- The benefits associated with 'adds-on' and additional modules should be fully considered before implementation

## 5.6 CityView Upgrade Options

Currently, the RDN has the desktop (on-premise) configuration of CityView which was implemented in 2009. This version of the software platform is outdated and no longer supported by CityView. With the availability of UBCM grant funding there is an opportunity to upgrade to either a web-based version or a fully cloud-based version, both have their relative pros and cons as highlighted below. Following discussions with the working group and the RDN's IT department it was agreed that the web-based version presented the most straight-forward and beneficial option. A move to a fully cloud-based version would require extensive re-integrations with other software applications.

On-Premise	Web-Based	Cloud
Pros		
<ul style="list-style-type: none"> <li>✓ Current familiarity</li> <li>✓ No additional cost</li> <li>✓ Small enhancements can be made with minimal impact and resources</li> </ul>	<ul style="list-style-type: none"> <li>✓ <u>Significantly</u> more user-friendly and intuitive than on-prem version</li> <li>✓ Able to open multiple files and tabs at once</li> <li>✓ No need to migrate data → backend is the same as current system</li> <li>✓ Can integrate technology to allow digital signatures</li> </ul>	<ul style="list-style-type: none"> <li>✓ <u>Significantly</u> more user-friendly and intuitive than on-prem version</li> <li>✓ Server is managed by CityView</li> <li>✓ Data can be accessed anywhere (with an internet connection)</li> <li>✓ Improved integration with MS Sharepoint (if RDN moves to cloud-version)</li> </ul>
Cons		
<ul style="list-style-type: none"> <li>— Desktop version is outdated</li> <li>— User interface is outdated and not intuitive</li> <li>— Can't open multiple files at once</li> </ul>	<ul style="list-style-type: none"> <li>— Must completely redesign the front-end of the system.</li> <li>— Unlikely to fix the speed issue.</li> </ul>	<ul style="list-style-type: none"> <li>— Additional service fees</li> <li>— Must migrate data onto the cloud</li> <li>— Unlikely to fix the speed issue, and may even exacerbate the problem due to the nature of cloud services</li> </ul>

## 5.7 CityView Opportunities

The following table describes opportunities that the Regional District of Nanaimo may pursue to in order to address some of the pain points described in the section prior.

### General upgrades:

1. Run a diagnostic test of the CityView platform to identify root cause of speed issues
2. Upgrade to web-based version of CityView for improved performance and experience
3. Re-examine process workflows to better reflect business needs (to support the process rather than drive the process)

### Potential CityView enhancements:

4. Consider the implementation of *'online portal'* for current planning
5. Consider *'MS word add-on'* to provide better automation of letters/reports. This would require reasonable effort to re-configure existing templates
6. Consider *'outlook add-on'* to provide better activity lists and notifications integrated with Outlook
7. Consider *'digital signatures'* to be stored in CityView and integrated with approval processes to support automation of letters
8. Consider *'MS Exchange integration'* to allow inspection scheduling to work with Outlook schedules

## 5.8 Business Requirements

To support the CityView upgrade and enhancements, the following business requirements have been captured to ensure the future implementation meets business needs and requirements. Core requirements represent 'must haves' while enhanced requirements represent 'should haves'.

### Core Requirements

- ✓ Public portal to facilitate acceptance of electronic submissions
- ✓ Data privacy provisions aligned to RD requirements must be met
- ✓ Ability for manual input of paper-based submissions
- ✓ Ability for public to create and recover accounts
- ✓ RDN can adjust level of information disclosed to applications and public at large

- ✓ The system must be able to transfer information received from the public submission portal for RDN processing
- ✓ Ability to extract information from electronic attachments from submissions into an editable format
- ✓ Integration with other cloud-based document storage solutions (including Sharepoint)
- ✓ System accommodates at least 50 simultaneous users
- ✓ Generates standard workflows based on application type
- ✓ Automated reminders for overdue or near-due workflow items assigned
- ✓ Automated auto-fill capabilities for linked or verbatim fields (e.g., status of application is consistently updated across all tabs when one tab is updated)
- ✓ Ability to assign a lead to files overall; the lead then can assign and reassign tasks as needed
- ✓ Ability to upload, process, and allow users to view directly in the browser a range of files – including PDF
- ✓ Ability to include electronic signatures, meeting professional practice and standards requirements in accordance to regulations
- ✓ Ability to accept electronic payment for applications
- ✓ Ability to present external applicants with application forms targeting their submission type
- ✓ Ability to require mandatory fields and attachments to be included before submissions can be complete
- ✓ Generates reports on workflow and application status
- ✓ Ability to update and edit letters or templates destined for external applicants
- ✓ Ability to pull all active, outstanding, and canceled permits based on property parcel IDs

#### Enhanced Requirements

- ✓ Ability to upload, process, and allow users to view directly in the browser a range of files – including PDF,
- ✓ Ability to include electronic signatures, meeting professional practice and standards requirements in accordance to regulations
- ✓ Ability to accept electronic payment for applications
- ✓ Ability to present external applicants with application forms targeting their submission type
- ✓ Ability to require mandatory fields and attachments to be included before submissions can be complete
- ✓ Generates reports on workflow and application status
- ✓ Ability to update and edit letters or templates destined for external applicants
- ✓ Ability to pull all active, outstanding, and canceled permits based on property parcel IDs
- ✓ Ability for the public / applicants to gain real-time access on the current status of their development application through a portal

#### Package Selection Principles

- ✓ Requires minimal data migration from current CityView to future CityView platform
- ✓ Requires minimal incremental effort from RDN to cross-connection future CityView with existing RDN data systems
- ✓ The package of options immediately required can be feasibly implemented in 12 months
- ✓ May rely on up to one FTE from RDN, and one half-time contractor to support transition

## 5.9 CityView Implementation plan

A step-by-step implementation plan can be found in Section 6.2 of this report, setting out individual activities, key stakeholders involved, and specific considerations. An overall implementation roadmap with suggested timelines is set out in Section 7.2 of this report. It should be noted that the implementation will require ongoing support from the business units, the IT Department and CityView consultants to capture detailed business requirements, streamline workflows, and pilot and test change and enhancements.

# 06

# Recommendations

# 6 Recommendations

In this section, we present 8 prioritized recommendations for the RDN’s consideration. These suggested recommendations have been developed by KPMG based on the analysis, evidence base and development steps summarized in Section 4 of this report. Recommendations have been tested and validated by staff and are tailored to the local context, needs and priorities of the RDN. For each recommendation KPMG has summarized observations, high-level steps, considerations, and proposed timelines. Implementation of these recommendations is meant to help augment the consistency, clarity, and predictability of the DAP. It is the role of the Board and Administration to make these decisions on how best to move forward with the recommendations.

Successful implementation of these recommendations will require sustained senior-level support and dedicated project leadership, as well as appropriate resource allocations and commitment from staff to afford time to support changes. It will require cooperation and collaboration with applicants, the community, and internal and external stakeholders, including interdepartmental teams.

Recommendations have been structured and grouped into the following themes to provide clarity and focus, and to align with the guiding design principles established previously.

- |   |
|---|
| <b>1. Create and execute consistent processes</b>   |
| <b>2. Establish clear submission requirements and enhance predictability of application reviews</b> |
| <b>3. Establish clear governance and resource levels</b>  |
| <b>4. Drive continual improvement</b>   |
| <b>5. Implement CityView upgrades</b>   |

## 6.1 List of recommendations

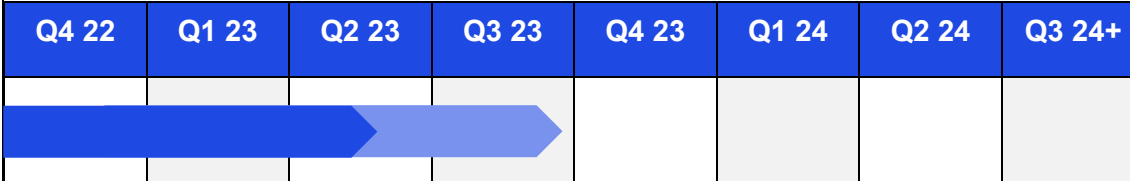
The following table lists the top recommendations and are colour coordinated to reflect their respective thematic area.

Summary of Recommendations	
<b>Create and execute consistent processes</b>	1. Develop procedures manuals
	2. Develop process maps
<b>Establish clear submission requirements and enhance predictability of application reviews</b>	3. Better communicate submission requirements
	4. Update RDN website and education materials
<b>Establish clear governance and resource levels</b>	5. Review internal governance structures and decision-making
	6. Review staff resourcing levels
<b>Drive continual improvement</b>	7. Start tracking application time and quality
<b>Implement CityView upgrades</b>	8. Design, test, and implement upgrades to the CityView platform.

Each recommendation listed in the table above is outlined in further detail on the following pages. In the following tables, the combined processes are referred to as the Development Approvals Processes, or DAP.



## 1. Develop procedures manuals

Observations	Recommendations							
<ul style="list-style-type: none"> <li>✓ Leading practices show that documenting processes helps to drive more consistent practices (across all staff) and better supports the training of staff.</li> <li>✓ RDN staff across different Departments have a shared understanding and institutional knowledge of the DAP process, however formal procedures and guidelines are not well documented – which could result in inconsistencies across different applications depending on the reviewer.</li> <li>✓ The RDN does not have a formal “how to” guide, manual or checklists that outlines how the process works or what is required of staff. At present CityView technology drives the steps in the process.</li> <li>✓ From the jurisdictional scan, other regional districts and local governments have begun / continue to improve the documentation of processes.</li> <li>✓ There are limited training resources (e.g., user manuals, templates, process diagrams). Training typically takes place via knowledge transfer from staff to staff, which could be a risk if there is staff turnover.</li> </ul> <p>There is no consistent determination on where documents are stored (Sharepoint / CityView/ Other network server). This results in disparately stored information.</p>	<p>The following recommendations apply to both the Planning and Building Departments.</p> <ol style="list-style-type: none"> <li>1. Develop internal procedure manuals to document standard operating processes for each application type to increase the consistency, predictability, and transparency of the process.               <ol style="list-style-type: none"> <li>a. Procedure manuals should serve as the primary guide to the process, and a core reference manual and training tool for staff (both for onboarding new staff and for training existing staff). Manuals should also reflect new and updated workflows developed within CityView (see Recommendation #8).</li> <li>b. Manuals should clearly and thoroughly document processes with detailed process maps (see Recommendation #2), clear roles and responsibilities with responsibility assignment matrix (i.e., RACI charts for four key responsibilities: responsible, accountable, consulted, and informed) (see Recommendation #2), decision-making points, FAQs, and internal checklists.</li> <li>c. Agree upon standardized data governance rules (for document storage) and file naming conventions across the whole organization.</li> </ol> </li> </ol> <p><b>Outcomes:</b> <i>Standardized procedure manuals will ensure a more consistent and predictable process, that is clear and understood by all.</i></p>							
Key Stakeholder(s) involved	Timing							
<ul style="list-style-type: none"> <li>◆ Internal teams (e.g., Current Planning, Building, Bylaw enforcement, etc.).</li> <li>◆ Third-party advisors may be required to assist and accelerate development</li> </ul>	Q4 22	Q1 23	Q2 23	Q3 23	Q4 23	Q1 24	Q2 24	Q3 24+
								

## 2. Develop process maps


Observations	Recommendation
<ul style="list-style-type: none"> <li>✓ Staff understand their individual roles within application review processes, but do not always have a full understanding of the end-to-end process, the interfaces, and the role of other stakeholders in the process.</li> <li>✓ The internal staff survey found that the overall level of understanding of internal processes, and respective roles and responsibilities were in need of improvement.</li> <li>✓ The jurisdictional scan found that most other jurisdictions have or are in the process of developing internal process maps. This was particularly the case for local governments outside of BC who are subject to provincially mandated review timelines.</li> <li>✓ Externally, there is not a strong understanding of planning and building processes. For example, several of the external stakeholders interviewed were not aware of the involvement of MOTI or MLRS in certain application type processes. Feedback around the building permit processes highlighted that applicants do not always know where in the inspection process they are, as the stage gates and key steps are not clear.</li> </ul> <p>Leading practices show that expectations could be better managed if applicants have a better understanding and appreciation of the key steps in each application process. This could also lead to improved submission quality.</p>	<p>The following recommendations apply to both the Planning and Building Departments.</p> <ol style="list-style-type: none"> <li>1. Develop internal detailed process maps for each process type, capturing departmental interfaces and hand-offs.               <ol style="list-style-type: none"> <li>a. Educate staff on the entire end-to-end process of the DAP and give them greater insight on what steps need to be crossed to advance an application.</li> <li>b. Identify opportunities to streamline the process in conjunction with review of CityView workflow processes.</li> </ol> </li> <li>2. Establish RACI matrices to define roles and responsibilities of different departments within the development approval process.</li> <li>3. Identify touchpoints / involvement with other departments and confirm roles and accountability across departmental boundaries. Share process maps and RACI with other departments to increase transparency and accountability to efficiently advance the DAP.</li> <li>4. Develop simplified external facing process maps to support an understanding of the end-to-end process across different application types. Establish clearer communication guidelines with applicants based on the progress of an application within the process maps.</li> <li>5. Identify and highlight steps in the process that are contingent on levels of government outside of the RDNs jurisdiction. Identify typical timelines and sub-processes related to these steps that may impact application timing or decisions. Clearly communicate these steps and expectations to applicants early on to help manage expectations.</li> </ol> <p><b>Outcomes:</b> Detailed internal process maps and RACIs will provide a documented and unified understanding of the end-to-end process. This will ensure a more <b>predictable</b> process, that is <b>clear</b> and understood by all.</p>

## 2. Develop process maps

Key Stakeholder(s) involved	Timing							
	Q4 22	Q1 23	Q2 23	Q3 23	Q4 23	Q1 24	Q2 24	Q3 24+
◆ Internal teams (e.g., Planning, Building, Bylaw enforcement, etc.).								
◆ Third-party advisors may be required to assist and accelerate development.								

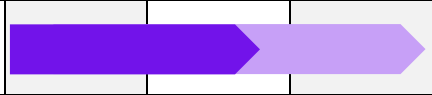
### 3a. Better communicate submission requirements (Planning Department)

Observations	Recommendation
<ul style="list-style-type: none"> <li>✓ Application quality and completeness is a core challenge for Planning Department staff resulting in resubmissions, inefficiencies, and extended overall application timelines. This applies to both the applications themselves as well as professional consultant reports / studies.</li> <li>✓ Planning processes are typically longer and more complex than respective building processes and comprise more decision points.</li> <li>✓ Both the jurisdictional scan and internal staff surveys both highlight application quality as the biggest pain point. This is not unique to the RDN.</li> <li>✓ Applicants may have a high-level understanding of planning application requirements but can often omit critical information (e.g., an applicant may include an arborist's report, however, fail to include all required items within).</li> <li>✓ Applicants would appreciate a better understanding of the RDN's expectation of professional surveys and studies to be submitted, and the standard of submissions expected.</li> <li>✓ Submission requirements may not be intuitive and can be overly onerous (e.g., requesting data/information already at the RDN's disposal).</li> </ul>	<ol style="list-style-type: none"> <li>1. The Planning Department should better define and communicate submission quality standards and expectations with applicants.               <ol style="list-style-type: none"> <li>a. Review/refresh external documents such as checklists, application templates, and FAQs from a usability/layman's lens. It is important for tools to remain flexible to the unique needs of each application.</li> <li>b. Create and publish examples of good applications with "mockup" examples for applications types of highest volume or most common deficiencies with supporting FAQs and reminders for the most common inquiries.</li> <li>c. Consider providing specific guidance or standards for professional reports to ensure they met the basic minimum requirements.</li> <li>d. Emphasize the importance of submitting complete applications (and the impacts on timelines if key information items / studies are missing) at all communication touchpoints with applicants – website, online portals, front desk etc.</li> </ol> </li> <li>2. The Planning Department should consider triaging applications to prioritize complete and higher quality applications. A prioritization approach could drive behaviours and lead to more complete applications if it is clearly communicated and re-iterated to applicants, setting expectations and subsequent actions.</li> <li>3. The Planning Department may wish to consider re-submission fees as a penalty to help drive higher quality submissions.</li> <li>4. Standardize application intake processes for front line staff to:               <ol style="list-style-type: none"> <li>a. Provide consistent messaging for front line staff to communicate planning application requirements and checklists.</li> <li>b. Provide training for front line staff on non-standard application requirements and / or flags. Allow front line staff to take an informed first pass of an application before it arrives on a planner's desk.</li> </ol> </li> </ol>

	<b>Outcomes:</b> <i>Setting clearer requirements and expectations will enhance predictability, expedience and efficiency of the overall review and approvals process.</i>							
<b>Key Stakeholder(s) involved</b>	<b>Timing</b>							
◆ Planning Department	<b>Q4 22</b>	<b>Q1 23</b>	<b>Q2 23</b>	<b>Q3 23</b>	<b>Q4 23</b>	<b>Q1 24</b>	<b>Q2 24</b>	<b>Q3 24+</b>
◆ Third-party advisors may be required to assist and accelerate development.								

### 3b. Better communicate submission requirements (Building Department)

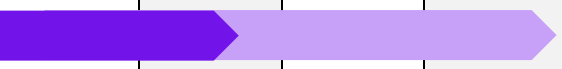
Observations	Recommendation
<ul style="list-style-type: none"> <li>✓ The Building Department currently uses the CityView Portal for submissions (submissions are not done over the front counter). While this frees up front counter staff it has consequently resulted in poorer quality submissions as these are not checked by staff at intake.</li> <li>✓ Applicants may not fully appreciate the submission requirements requested, or may submit incomplete applications to “hold their place in line”. This has increased the number of revisions and clarifications necessary to move an application through the review and approval cycle, further straining the building department staff.</li> <li>✓ External stakeholders have expressed challenges with the portal, for example submissions can be timed out if not completed within a defined timeframe.</li> <li>✓ There is an external perception that the RDN does not easily accept applications or moves the goalposts, such as requiring additional studies or construction requirements after a review stage was understood to be complete.</li> <li>✓ Other jurisdictions stated that they are introducing more pre-application meetings for building permits in order to create a better understanding of requirements and expectations.</li> <li>✓ Some jurisdictions have also tested the opportunity to cross-train plan checking and inspection staff. In their experience, the cross-training opportunity facilitates a better understanding of priority among submission components, and brings consistency between plan checking and inspection processes.</li> </ul>	<ol style="list-style-type: none"> <li>1. The Building Department should assess and review portal challenges in coordination with the CityView upgrade (see recommendation #8).               <ol style="list-style-type: none"> <li>a. There may be an opportunity to introduce additional business rules around Portal inputs to eliminate incomplete applications.</li> <li>b. Instructions and improved communication of requirements on the portal intake page could improve submission quality and completeness.</li> </ol> </li> <li>2. The Building Department should better define and communicate submission quality standards and expectations with applicants.               <ol style="list-style-type: none"> <li>a. Review/refresh external documents such as checklists, application templates, and FAQs from a usability/layman’s lens. It is important for tools to remain flexible to the unique needs of each application.</li> <li>b. Emphasize the importance of submitting complete applications (and the impacts on timelines if key information items / studies are missing) at all communication touchpoints with applicants – website, online portals, front desk etc.</li> </ol> </li> <li>3. The Building Department may wish to cross-train building inspectors and building permit plan checkers. This can help inspectors and plan checkers understand and appreciate relative priority of review requirements, and bring consistency to plan checking and inspection approaches.</li> <li>4. The Building Department may wish to consider re-submission fees as a penalty to help drive higher quality submissions.</li> <li>5. Formalize requirements and deliverables for pre-application meetings to discuss and negotiate alternate and acceptable solutions.               <ol style="list-style-type: none"> <li>a. Enhance certainty for staff and applicants by clearly outlining the processes and expectations early on.</li> </ol> </li> </ol>

<ul style="list-style-type: none"> <li>✓ Applicants would appreciate a better understanding of the RDN's expectation of professional surveys and studies to be submitted, and the standard of submissions expected.</li> <li>✓ Submission requirements may not be intuitive and can be overly onerous (e.g., requesting data/information already at the RDN's disposal).</li> </ul>	<ul style="list-style-type: none"> <li>b. Improve customer service and applicant experience through greater transparency and information sharing.</li> <li>c. Identify potential and / or significant challenges early in the process.</li> </ul> <p><b>Outcomes:</b> <i>Setting clearer requirements and expectations will enhance predictability, expedience and efficiency of the overall review and approvals process.</i></p>							
<b>Key Stakeholder(s) involved</b>	<b>Timing</b>							
◆ Building Department	Q4 22	Q1 23	Q2 23	Q3 23	Q4 23	Q1 24	Q2 24	Q3 24+
◆ Third-party advisors may be required to assist and accelerate development.								

#### 4. Update RDN website and education materials


Observations	Recommendation
<ul style="list-style-type: none"> <li>✓ External stakeholders commented that it can be difficult to navigate and find relevant information on the RDN website. It should also be noted that the RDN has more first-time applicants as opposed to seasoned developers. The typical applicant therefore requires more guidance.</li> <li>✓ While many interviewees indicated the RDN's process is comparable to that of other local governments (in terms of processing time, complexity, and initial submission requirements), interviewees also noted benefits to having a published, public-facing illustration of the process (i.e. process maps) for clarity.</li> <li>✓ KPMG's website benchmarking assessment found the RDN website to be above average, but highlighted areas of potential improvement (e.g. improved checklists, examples of model applications, and the addition of a portal for submitting planning applications).</li> <li>✓ The submission portal for Building permits is functioning but could be improved to yield better quality submissions. There is currently no portal for Planning permits.</li> <li>✓ The jurisdictional scan found other regional districts such as the RDEFG were developing jointly branded brochures with MOTI aimed at educating applicants on the subdivision process.</li> <li>✓ Other jurisdictions have begun developing instructional videos to better educate applicants. The City of Surrey for example, has multiple videos walking applicants through each application types. Others are also beginning to use social media platforms to update, educate and communicate with the public and development community.</li> </ul>	<p>The following recommendations apply to both the Planning and Building Departments.</p> <ol style="list-style-type: none"> <li>1. Refresh RDN website materials to be more user-friendly/intuitive so submission requirements are explicitly stated and emphasize the importance of submitting complete applications to reduce timelines.               <ol style="list-style-type: none"> <li>a. Add links to websites or documents where applicants need to find information.</li> <li>b. Consider an interactive user interface allowing applicants to click-through responses for additional information or provide suggestions on how to answer questions.</li> <li>c. Consolidate and create searchable directories to assist applicants in reviewing the RDN's most recent policy, bylaws and bulletin updates are reflected in their submissions. For example, highlighting a rolling list of most recent updates or those related to common deficiencies in submissions reviewed.</li> <li>d. Consider opportunities to leverage natural text processing capabilities (e.g., "chatbots") to field common inquiries and alleviate staff pressures to respond on an ad-hoc basis.</li> </ol> </li> <li>2. Refresh Planning and Development 101 materials for communication and education purposes:               <ol style="list-style-type: none"> <li>a. Create intuitive and easy to digest education materials will provide a powerful communication tool to help educate and align staff / board / applicants / public around the process and to better manage expectations.</li> <li>b. Consider the development of instructional and educational videos, similar to those produced by other jurisdictions.</li> <li>c. The RDN should develop an engagement strategy to communicate efforts being undertaken and continue education and updating applicants / public on an on-going basis. Consider alternative communication channels such as becoming more active on social media.</li> <li>d. Plan for Board training/refresher sessions following elections.</li> </ol> </li> </ol>



	<b>Outcomes:</b> Increase <b>accountability</b> for staff and applicants and the ability to find and access correct and relevant information. Broad education opportunities on the big picture increases <b>transparency</b> and <b>clarity</b> .							
<b>Key Stakeholder(s) involved</b>	<b>Timing</b>							
◆ Planning and Building Departments	<b>Q4 22</b>	<b>Q1 23</b>	<b>Q2 23</b>	<b>Q3 23</b>	<b>Q4 23</b>	<b>Q1 24</b>	<b>Q2 24</b>	<b>Q3 24+</b>
◆ IT Department								

## 5. Review internal governance structure and decision-making

Observations	Recommendation
<ul style="list-style-type: none"> <li>✓ In comparison with other regional districts, the RDN has more layers of governance and internal committees. KPMG observes that there are internal committees (such as the Electoral Area Services Committees, and Parks and Open Space Advisory Committees (POSAC)) which could be overlapping in function and role, resulting in prolonged timelines to reach decisions.</li> <li>✓ Definition of roles, function, and jurisdictions of governing bodies in the development approval process are not well articulated or understood. Through the staff interview process there was a lack of clarity over the purpose of certain committees.</li> <li>✓ Internal staff interviews and the staff survey identified that internal approvals processes could be adding layers of complexity and increasing timelines.</li> <li>✓ It is unclear what the Board of Directors approves directly, and which decision-making advisory committees must be consulted before proceeding to the Board.</li> </ul>	<p>The following recommendations only apply to the Planning Department.</p> <ol style="list-style-type: none"> <li>1. Review and map internal governance structures (committees, agencies, volunteer groups) and their role in the development approval process.               <ol style="list-style-type: none"> <li>a. Evaluate the value, benefits and challenges that each committee (e.g., Electoral Area Services Committees, POSAC) has in relationship to the DAP to identify where committees can be consolidated or eliminated to streamline the process and reduce timelines as appropriate to the level or type of oversight required.</li> <li>b. Develop / review and update Terms of References (ToRs) for all committees to clearly define the purpose, membership and decision-making roles of all committees</li> </ol> </li> <li>2. Review and map internal approval processes (RDN signatory) to identify potential bottle necks and/or duplication of effort, to look for efficiencies to streamline approvals.</li> <li>3. Public Hearings - assess the process of public hearings and identify opportunities for streamlining the public hearing process.               <ol style="list-style-type: none"> <li>a. Consider timing of the three readings in relationship to public notification requirements and scheduling public hearings to identify opportunities for streamlining.</li> <li>b. Identify opportunities for where some application decisions could be downloaded or shifted to another governance body in line with LGA requirements.</li> </ol> </li> <li>4. Consider increased board delegation and delegation for minor variances, to accelerate the process and reduce timelines.</li> </ol> <p><b>Outcomes:</b> Increase <b>accountability</b> for staff and applicants and the ability to find and access correct and relevant information. Broad education opportunities on the big picture increases <b>transparency</b> and <b>clarity</b>.</p>


Key Stakeholder(s) involved	Timing							
◆ Internal teams (e.g., Planning, Building, Bylaw enforcement, etc.).	Q4 22	Q1 23	Q2 23	Q3 23	Q4 23	Q1 24	Q2 24	Q3 24+
◆ Third-party advisors could assist a governance review								

## 6. Review staff resourcing levels

Observations	Recommendation
<ul style="list-style-type: none"> <li>✓ External stakeholder interviews commented on positive staff interactions early on in an application process but observed that staff appear overstretched and become less responsive later in the process.</li> <li>✓ Staff from both Planning and Building have indicated the volume and complexity of applications has increased over time, growing disproportionately to staffing levels. KPMG has observed this trend across other regional districts and local governments.</li> <li>✓ The grandfathering period for building inspector qualifications has run out and as a result some of the most experienced building inspectors have chosen to retire early. This in combination with the enhanced qualification requirements has made the recruitment process more challenging. This is a trend that has been noted across BC and appears to be more challenging in smaller more rural regions and local governments.</li> <li>✓ Staff appear to be stretched and doing their best to maintain services, but resourcing levels appear to be contributing to processing timelines. There is also a risk of overworking staff which could potentially lead to increased staff turnover.</li> <li>✓ Some RDN staff have progressed from coordinator roles to more core facilitator roles within the application review and approval process. Interview findings indicate these staff progressions have helped immensely as there is a reduced requirement for onboarding and familiarizing with systems and processes.</li> <li>✓ Comparator benchmarking with other jurisdictions indicates that the Building Department may currently be under-resourced (based on current staffing levels and the number of applications) and may not be able to accommodate further increases in application volumes. This is particularly challenging for the RDN given that it is required to cover and physically inspect an extremely large geographical area, versus a</li> </ul>	<ol style="list-style-type: none"> <li>1. The Building Department should continue to try hiring additional inspectors to provide extra support and to relieve the current burden on existing staff.               <ol style="list-style-type: none"> <li>a. As described in recommendation #3b, the Building Department may wish to cross-train building inspectors and building permit plan checkers. This could provide some bench strength and alleviate the shortage of inspectors (but only if there are plan-checkers to help backfill).</li> </ol> </li> <li>2. The Planning Department should consider hiring an additional junior planner to free up senior planner time for more complex submissions.</li> <li>3. Following the implementation of recommendations 1-8, the RDN should consider conducting a detailed staff resourcing assessment to better understand areas of the organization where staff may be over-stretched and understaffed. This assessment should review current staff and current job duties to understand the allocation of tasks, technical expertise requirements and bottlenecks.</li> <li>4. Consider reviewing training and formalizing potential progression opportunities for front counter or staff playing coordinating roles to support more directly through application reviews and approvals. This may entail developing staff training plans, or identifying opportunities for succession planning in the long run.</li> </ol> <p><b>Outcomes:</b> <i>Increasing staffing levels will enable the RDN to prove a positive service-oriented experience and will likely help expedite the processing of applications.</i></p>

✓ municipality which is much more localized. Similarly, the Planning Department appears to be under-resourced and is struggling to meet stated turnaround times for the procedures bylaw.								
<b>Key Stakeholder(s) involved</b>	<b>Timing</b>							
♦ Planning and Building Department	<b>Q4 22</b>	<b>Q1 23</b>	<b>Q2 23</b>	<b>Q3 23</b>	<b>Q4 23</b>	<b>Q1 24</b>	<b>Q2 24</b>	<b>Q3 24+</b>

## 7. Start tracking application time and quality

Observations	Recommendation							
<ul style="list-style-type: none"> <li>✓ Individual application file data can be manually accessed within the CityView Platform to track key milestones, however there can be large gaps between key milestones.</li> <li>✓ The RDN does not however track a set of common key performance indicators (KPIs) across the portfolio of applications, or across the organization.</li> <li>✓ Poor quality of submissions and resubmissions are a key contributor of extended timelines. At present, the impact of these delays are not measured. Similarly certain planning applications need to be reviewed by provincial agencies and multiple other RDN departments which adds complexity and potential delays. In KPMG’s experience, greater quantitative data could be used to demonstrate the importance of higher quality submissions with the public.</li> <li>✓ External stakeholder surveys and interviews unanimously stated that clear expectations and greater predictability in timelines is a top priority. There are currently no established service levels defined by the RDN. As a result, staff, applicants, and other development stakeholders lack a clear understanding of the RDN’s overall and/or application-specific targets and performance, reducing transparency and predictability while creating barriers to effective management, accountability, and oversight.</li> </ul>	<ol style="list-style-type: none"> <li>1. Establish a consistent set of KPIs related to both Planning and Building approvals processes. Basic data tracking can help support communications to the Board of Directors and to applicants.               <ol style="list-style-type: none"> <li>a. These should cover timeliness and completeness (for example cover overall timelines, timelines external to the RDN, no. of resubmissions etc.). CityView comes pre-configured with a range of available KPIs from which to choose from.</li> <li>b. These KPIs should be captured and summarized within the CityView Platform and the capability should be explored as part of the CityView upgrade.</li> </ol> </li> <li>2. Consider establishing baseline processing timelines in the future. Processing timelines should not serve as staff performance tracking but rather to help identify pain points and efficiencies, and to drive continuous improvement.</li> <li>3. Establish a service level framework to understand what desired and appropriate service (timelines, legal requirements, quality, customer service) look like.               <ol style="list-style-type: none"> <li>a. Gain consensus on overall strategic priorities and whether they will contribute to application priority as part of the permit and DAP.</li> <li>b. Expand the service level framework to understand expectations and timelines for sub-phases of the process for individual teams and referral departments. Develop a list of key milestones for each sub-phase.</li> </ol> </li> </ol> <p><b>Outcomes:</b> Qualitative and quantitative data creates <b>consistent</b> conditions for processing applications and service delivery. Increases <b>transparency</b> on how the DAP is working.</p>							
Key Stakeholder(s) involved	Timing							
<ul style="list-style-type: none"> <li>◆ Planning and Building Department</li> <li>◆ Third-party advisors to assist and accelerate</li> </ul>	Q4 22	Q1 23	Q2 23	Q3 23	Q4 23	Q1 24	Q2 24	Q3 24+
								

## 6.2 Recommendation #8 – Implement CityView Upgrades

The following table outlines steps for considering, reviewing, testing, and implementing upgrades to the current CityView platform. Tasks have been structured into thematic groups; project management; resolve performance issues; develop detailed requirements and configuration; confirm CityView upgrade; workflow improvements; CityView implementation; and post-implementation. Lead resources have been identified to further guide the implementation process.

#	Activity	Resources	Steps
<b>1.0 Project Management</b>			
1.1	Establish CityView Working Group (WG)	WG	<ul style="list-style-type: none"> <li>– Establish a CityView Working Group to oversee the implementation of CityView upgrades.</li> <li>– Identify and seek a volunteer from each department to serve as a dedicated CityView Department Champion, representing the needs and interests of each department. Department Champions should ideally be super-users of the platform with some knowledge / awareness of the planning and / or building processes.</li> <li>– Establish regular meetings for the Working Group to meet and discuss progress and make key decisions.</li> </ul>
1.2	Appoint Project Manager (PM) to oversee the CityView implementation	WG	<ul style="list-style-type: none"> <li>– Recruit and appoint a dedicated Project Manager to coordinate and project manage the CityView Implementation. The identified resource should have an understanding of technology / software implementations and should be a net-new resource, to alleviate adding additional workload to existing staff who should remain focused on processing applications.</li> <li>– In addition to the CityView implementation, the PM could coordinate the implementation of the other recommendations set out in this report.</li> </ul>
1.3	Develop Project Charter	PM	<ul style="list-style-type: none"> <li>– Develop a project charter for the CityView implementation project to document a shared understanding of the projects' goals, objectives, stakeholders and resource requirements.</li> <li>– Develop a stakeholder engagement and communication plan to identify all stakeholders and to ensure they are appropriately consulted and informed.</li> <li>– Develop a change management strategy for the overall transition to the upgraded CityView solution, identifying challenges, communication and engagement requirements, training needs, ongoing maintenance and operation of the system (post implementation).</li> </ul>

<b>2.0 Resolve Performance Issues</b>			
2.1	CityView to run speed diagnostic tests	CityView Technology / IT	<ul style="list-style-type: none"> <li>– The Information Technology Department (IT) to coordinate with CityView Technology to conduct a free diagnostic test to determine the root cause of the speed performance issues. This can be done remotely but it would be beneficial for CityView to access RDN premises to undertake more extensive diagnostic tests.</li> </ul>
2.2	IT to identify and resolve speed issues	IT	<ul style="list-style-type: none"> <li>– IT to conduct further diagnostic tests to identify speed performance issues.</li> <li>– IT to assess options to resolve speed issues.</li> </ul>
2.4	Review / update document management policy	IT / WG	<ul style="list-style-type: none"> <li>– Discuss and agree upon a consistent approach to document management (storage locations, naming conventions and protocols) as it pertains to the DAP.</li> <li>– Update the document management policy to document changes.</li> </ul>
<b>3.0 Develop detailed requirements and configuration</b>			
3.1	Review preliminary business requirements	PM / WG	<ul style="list-style-type: none"> <li>– RDN to review and amend preliminary business requirements as gathered by KPMG. Preliminary business requirements should be validated prior to meeting with CityView Technology (#3.2 below).</li> </ul>
3.2	CityView Demo and Q&A	CityView Technology	<ul style="list-style-type: none"> <li>– PM to organize a session with the Working Group and CityView Technology to demo the new web-based ‘workspace’ of the CityView platform.</li> <li>– CityView to also demo the new and improved CityView platform with RDN staff more broadly to provide an opportunity for staff to raise questions around functional requirements. RDN staff should come prepared with specific examples of challenges, and desired features for discussion.</li> </ul>
3.3	Discuss and assess key enhancement features	WG	<ul style="list-style-type: none"> <li>– Working Group to discuss key enhancement features with CityView staff following Q&amp;A session. Key enhancements identified at the time of KPMG’s review are set out in Section 5.7 of this Report.</li> <li>– Planning should assess whether to introduce the portal module for planning applications. Caution should be taken to assess potential risks, with careful consideration for information shared, availability of data, business rules, and how this may change workflow procedures.</li> <li>– Building should identify how to improve the effectiveness of the existing portal (to improve the quality of submissions).</li> <li>– Working Group to discuss automation features for letters and reports, considering integrations with MS Office.</li> </ul>



3.4	Build detailed business requirements	PM	<ul style="list-style-type: none"> <li>– PM to define and detail full business requirements and enhancements based on outcomes of #3.3 above.</li> <li>– Identify full suite of enhancements based on business requirements and discussions with CityView Technology around features/functionality. Potential CityView platform enhancements may include additional modules for seamless integration with MS Word, MS Outlook, MS Exchange Integration, Digital Signatures etc.</li> <li>– Requirements should be prioritized, categorizing and weighting each requirement with business units (e.g., must-have / preferred / optional / not needed).</li> </ul>
3.5	Conduct existing solution inventory and gap analysis	PM / IT	<ul style="list-style-type: none"> <li>– Map existing solutions to requirements to identify functional gaps. Functional requirements should be mapped against existing IT services and solutions (CityView and other) to determine if an existing solution may be reused, partially or completely.</li> <li>– Identify functional gaps and develop strategies in consultation with CityView Technology to address gaps in functionality between the requirements and the existing solution. These strategies may include 3rd party “bolt-ons” or additional CityView modules or custom development and interface development.</li> </ul>
<b>4.0</b>	<b>Confirm CityView Upgrade</b>		
4.1	Confirm configuration with CityView	PM / IT	<ul style="list-style-type: none"> <li>– Work with CityView Technology to confirm business requirements and conduct a gap analysis to determine final configuration. Confirm all required modules.</li> <li>– Obtain final approval from Working Group.</li> </ul>
4.2	Obtain final quote from CityView	PM / IT	<ul style="list-style-type: none"> <li>– RDN to obtain final quote from CityView Technology based on final configuration, selection of modules and implementation support.</li> <li>– RDN should discuss potential timelines with CityView Technology for actual software migration and implementation, taking into consideration potential high demand for their services due to UBCM funding.</li> </ul>
4.3	Sign contract with CityView	IT	<ul style="list-style-type: none"> <li>– Sign contract with CityView Technology for the upgrade.</li> <li>– Confirm timings for system build and implementation of CityView upgrades.</li> </ul>
<b>5.0</b>	<b>Workflow Improvements</b>		

5.1	Review existing workflows	Dept Champions	<ul style="list-style-type: none"> <li>– Planning and Building departments should re-examine current CityView workflows to understand how the processes can better translate to business needs.</li> <li>– Work with other Department Champions to confirm additional implications or considerations for the processes.</li> </ul>
5.2	Re-map / refine workflows - align with procedures manuals	Dept Champions	<ul style="list-style-type: none"> <li>– Process workflows should be reviewed and streamlined to improve efficiency. Individual steps should be assessed for redundancies and whether they align with the actual review and approval processes and / or desired customer service goals.</li> <li>– Consider reducing the number of steps in CityView to focus on key milestones in the process. (reducing the number of steps in workflows will reduce the number of requests being executed in the background of CityView which may improve loading times).</li> <li>– CityView workflows should be supported by the development of procedural manuals and process maps (see Recommendations 1 and 2 of this Report).</li> <li>– Review inter-dependencies across different stakeholders involved in the process, and across different permit types.</li> </ul>
5.3	Configuration of workflows in CityView	PM / IT	<ul style="list-style-type: none"> <li>– Assess whether out-of-the-box graphical workflows can be used to simplify configuration, or whether workflows need to be developed using business rules.</li> </ul>
<b>6.0</b>	<b>CityView Implementation</b>		
6.1	System design	CityView Technology	<ul style="list-style-type: none"> <li>– CityView Technology to undertake system design based on agreed upon system requirements. This may be an iterative process requiring discussions with the PM and IT department to ensure the build fully meets requirements.</li> </ul>
6.2	System build	CityView Technology	<ul style="list-style-type: none"> <li>– CityView Technology to undertake system build and full implementation of system upgrade.</li> <li>– New workflows to be configured within CityView as per #5.3 above.</li> </ul>
6.3	Testing and refinement	CityView Technology / Dept Champions	<ul style="list-style-type: none"> <li>– Build a strategy for piloting, testing, and validating the upgraded beta version of CityView along with updated processes. Assess the merits of having a phased rollout versus a single ‘go-live’ transition. Experience from other jurisdictions suggest a phased approach will be easier to manage while minimizing the impacts to users.</li> <li>– Ensure that all testing involves all stakeholders / departments involved in an individual process. It should be noted that changes to certain workflows are likely to impact other teams.</li> </ul>

6.4	Go-live	RDN	<ul style="list-style-type: none"> <li>– Following adequate testing and validation, officially go-live with system upgrade complete.</li> </ul>
6.5	Training	Dept Champions	<ul style="list-style-type: none"> <li>– Support the transition with specialized training for all Department Champions. Champions should adopt a ‘train the trainer’ approach to support wider and ongoing training needs.</li> <li>– Consider ongoing and future training needs for when new staff are onboarded (new to RDN, or new to a role), helping to support and smoother transition into the new role and build upon existing team culture.</li> <li>– Champions should conduct regular and routine training sessions to ensure that all staff are well versed and efficient on how to use CityView and have a clear understanding of the expectations for its use.</li> </ul>
<b>7.0</b>	<b>Post Implementation</b>		–
7.1	Continuous Improvement	Champions	<ul style="list-style-type: none"> <li>– Solicit feedback from users at least once per year on the usability of CityView and identification of opportunities for improvements.</li> <li>– Working Group to review comments and develop a plan of action for upgrades or further improvements aligned with customer service goals.</li> </ul>
7.2	Maintenance	WG / IT	<ul style="list-style-type: none"> <li>– IT to conduct a systems review a minimum of once per year to identify potential backlogs, delays, or system performance issues.</li> <li>– Working Group to review assessment and develop a plan of action for addressing challenges.</li> </ul>

### 6.3 Additional recommendations for future consideration

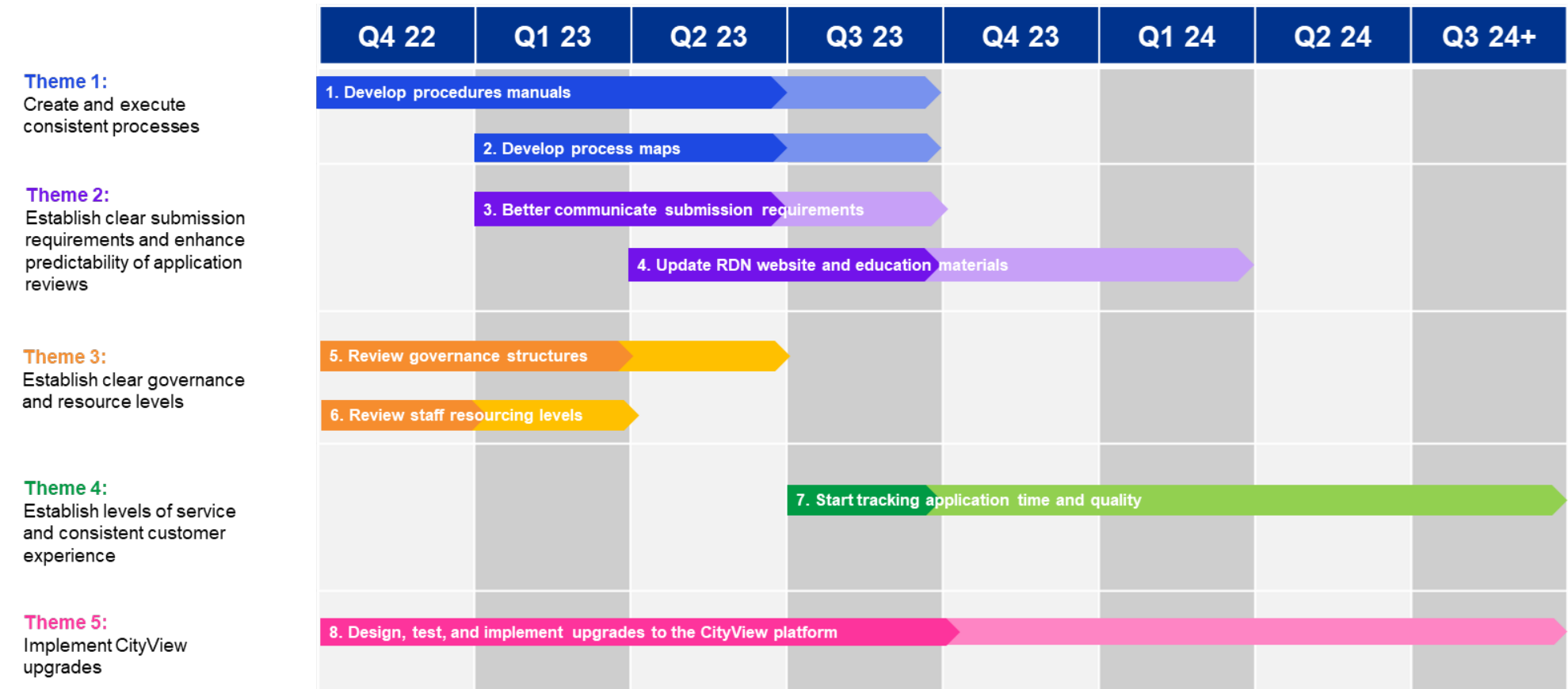
The recommendations established in Section 6.1 are intended to address key challenges and build a strong foundation from which the RDN can drive continual improvement. In addition to these recommendations, further recommendations are listed below for future consideration.

<p><b>A. Introduce project management tools to help manage complex applications</b></p>	<ul style="list-style-type: none"> <li>– Identify potential project management tools (either within CityView or external proprietary software tools) to help staff better manage stakeholders, coordinate, and track progress, and prioritize overdue files. Establish or provide core project management training to new and existing staff working on longer/complex applications</li> <li>– Consider establishing formal and recurring cadence of cross-discipline collaboration meetings to address delayed or urgent applications, and to share recent challenges and improvements to submissions received.</li> </ul>
<p><b>B. Digitization of entire process</b></p>	<ul style="list-style-type: none"> <li>– Once CityView upgrades and enhancements go-live and new portals allow for more applications to be submitted online, the RDN may wish to consider fully digitizing the DAP. Much of the current DAP is already digitized, enabled through CityView and other technology solutions. By becoming fully digitized, the RDN would benefit from greater standardization and consistency, and a single source of truth for all application related information if a fully digitized option was adopted.</li> </ul>
<p><b>C. Establish formal levels of service</b></p>	<ul style="list-style-type: none"> <li>– Formalize a service charter for the DAP to provide applicants and members of the public a better understanding of the process and services provided, including what updates they can expect at each stage of the process. This must be aligned with the roles, responsibilities, priorities, and services principles as defined in the RDN’s vision for the DAP (see section 4.4.3).</li> </ul>
<p><b>D. Conduct detailed technology SWOT analysis</b></p>	<ul style="list-style-type: none"> <li>– Assess the internal technology software involved throughout the approval process and across both the Planning and Building Departments to identify what is used well, what is underused, and what opportunities are there for greater efficiency. This should be a deep dive to derive opportunities for quick wins to tactical day-to-day challenges.</li> </ul>

# 7 Implementation

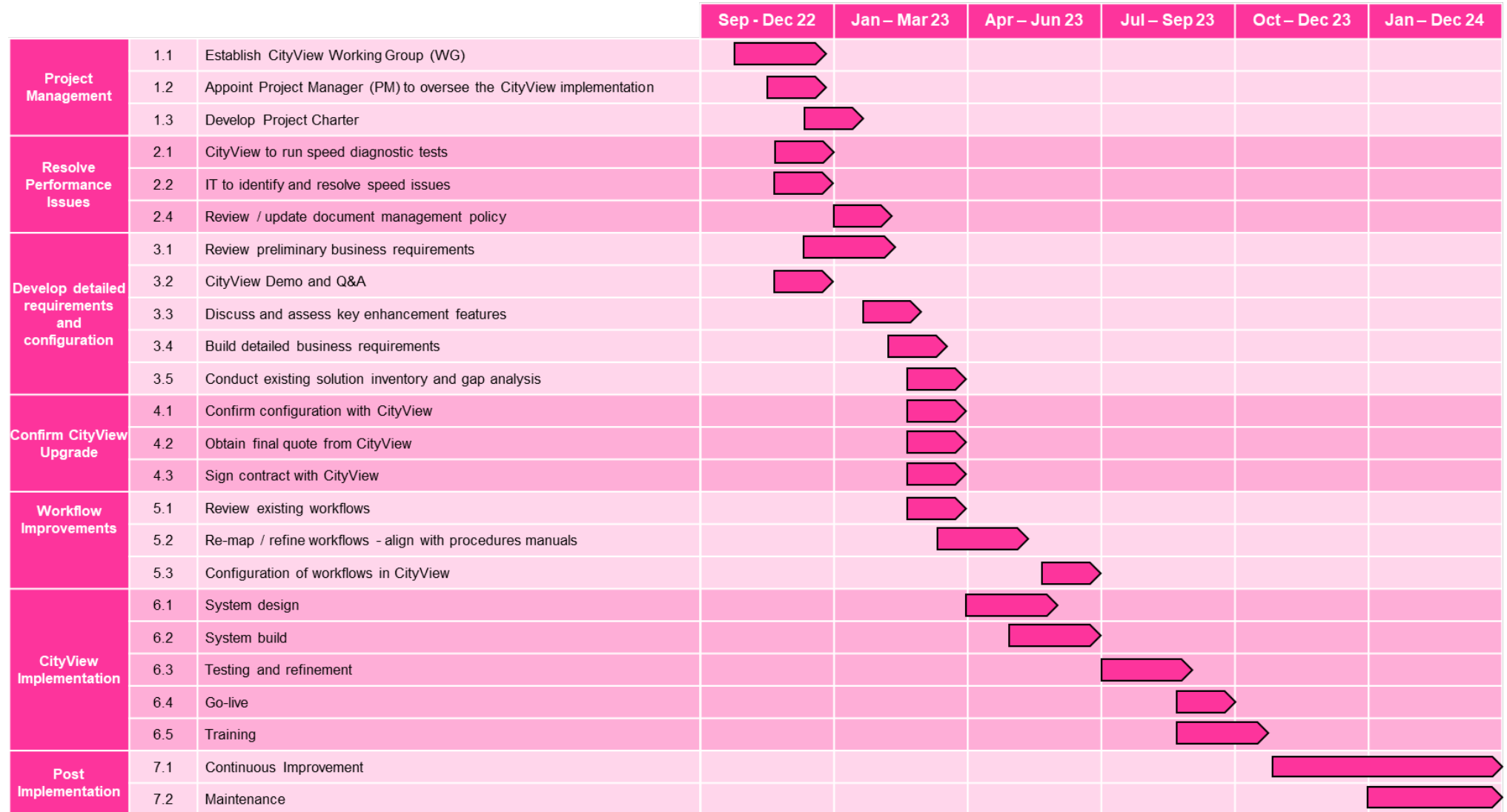
## 7.1 High-level Implementation Roadmap

The proposed implementation timelines found in this report and illustrated below are based on assumptions that resources are adequately dedicated to this work. These anticipated timelines are indicative of the sequencing and relative level of effort required to implement the recommendations. This roadmap covers a 24-month timeline with many of the recommendations timed to complete within the first 12 months to closely align with the August 2023 UBCM grant funding deadline. A CityView implementation roadmap is illustrated in section 7.2.



## 7.2 CityView Implementation Roadmap

The figure below illustrates a suggested implementation roadmap for the CityView upgrade. It is designed to be largely complete by August 2023 to closely align with the UBCM grant funding deadline.



### 7.3 Implementation Resourcing

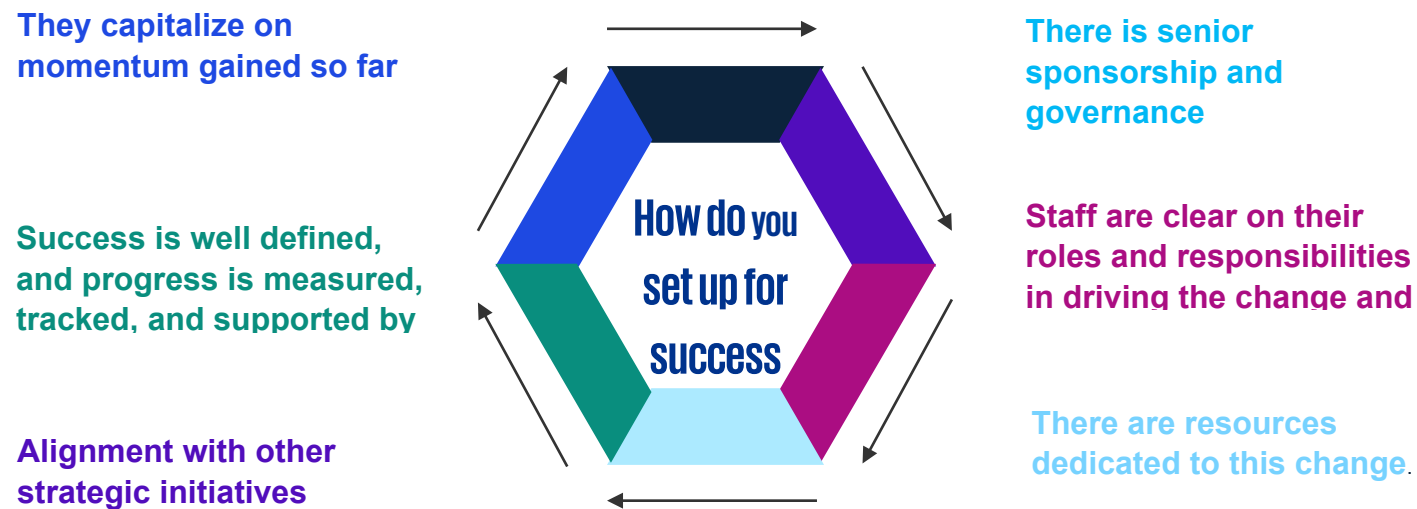
The successful implementation of all the recommendations set out in Section 6 will require sustained senior-level support, project leadership and effective governance. The RDN should consider maintaining the current DAPR working group to oversee implementation.

Through our current state assessment it is evident that staff are already over-stretched. The proposed recommendations will require an additional investment in time from staff with ongoing support from senior leadership. Given the availability of grant funding the RDN should consider procuring temporary resources or external support to support implementation.

A dedicated Project Manager should be assigned to coordinate the implementation of recommendations set out in this report as well as the wider CityView upgrade. Having an additional full-time resource dedicated to driving the program of improvements forward will help sustain momentum and ensure that RDN staff can remain focused on approving applications.

### 7.4 Successful Change Management

To maximise success, the RDN should consider the importance of communication and change management. The graphic below highlights a set of success factors based on the lessons learned from peer municipalities.

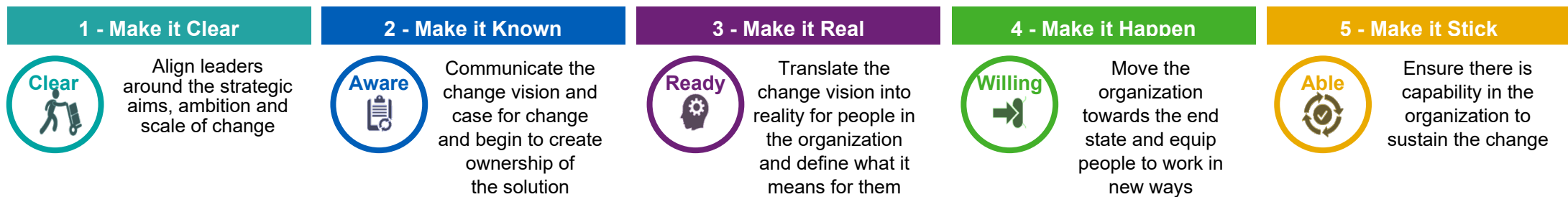


## 7.5 Planning for Change

Many transformation efforts often fail to deliver on their planned outcomes in the absence of a thoughtful, coordinated change management plan. A change management plan that is effectively carried out will:

- Obtain buy-in from all impacted stakeholders
- Facilitate and encourage standardization of processes and templates
- Drive adoption and routinization of new ways of working

As a frame of reference and example, KPMG's Change Management methodology lays out a cadence of five steps across four dimensions to assist organizations in planning and setting up for cross-functional transformation which the Regional District of Nanaimo could adapt as part of planning for implementation of opportunities identified from this study:



**Change Leadership – equipping and preparing leaders for change, mobilizing a network of change champions, and building change capability on the team.**

**Communication and Engagement – developing personalized and open dialogue to listen, discuss, and monitor buy-in and build confidence on the team for change.**

**Impact and Measurements of Change – creating and managing a data-driven strategy and plan to identify, monitor, and mitigate change risks, and progress reporting.**

**Workforce Development and Transition – aligning the team with the future state vision among planned changes, disruptive technologies, and increasing customer demands.**

Four dimensions



# **Appendix: A**

## **Current state findings and preliminary opportunity areas**

# 8 Appendix A: Current State Findings and Preliminary Opportunity Areas

The following current state assessment and associated potential opportunities represent early findings following our initial current state assessment. This extended list of potential opportunities was discussed with staff at a series of workshop to validate and prioritize opportunities, culminating in the development of a more consolidated set of recommendations as set out in Section 6 of this report.

Services & Processes	
<b>Process definition, collaboration, and coordination</b>	
<p><b>Current state:</b></p> <p>The RDN’s DPR process is not formally documented for internal and external audiences. The review process has been refined over time, and workflow management relies on institutional knowledge held by individuals of the Current Planning team and referral groups. This knowledge is generally passed on between staff.</p> <p>The lack of a formally documented process and reliance on legacy knowledge management has led to some missed- or late-referrals, and RDN staff participating in the process may lack an end-to-end understanding of their inputs and contributions to the overall workflow.</p>	<p><b>Potential opportunities:</b></p> <ol style="list-style-type: none"> <li>1. Create and document processes for each type of development application. Outline project milestones required to finalize application including required and optional reviews from internal and external sources.               <ul style="list-style-type: none"> <li>— Process map to be reviewed by team and simplified to meet existing bylaw and development requirements.</li> <li>— Identify and document opportunities to simplify development approval processes through process and/or procedure changes.</li> <li>— Conduct formal process improvement analysis on existing development and building permit application review and approvals process, and update CityView workflow to reflect better optimized process.</li> </ul> </li> <li>2. Enhance project management capabilities and introduce project management tools to help advance complex projects for Planners.</li> </ol>

	<ul style="list-style-type: none"> <li>— Establish or provide core project management training to new and existing Current Planning staff.</li> <li>— Establish formal and recurring cadence of cross-discipline collaboration meetings to address delayed or urgent applications, and to share recent challenges and improvements to submissions received.</li> </ul> <p>3. Define, communicate, and regularly update submission quality standards.</p> <ul style="list-style-type: none"> <li>— Create and publish examples of good application “mock up” for applications types of highest volume or most common deficiencies.</li> <li>— Leverage online submission portal with CityView to limit missing information on applications.</li> </ul>
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**Services & Processes**

**Triaging and streaming application reviews**

<p><b>Current state:</b></p> <p>Applications are generally assigned and processed sequentially in the order of receipt by the RDN. While more complex applications are assigned to more experienced planning staff, there is an opportunity for specialization and career development by formalizing a triage approach to application review assignments.</p>	<p><b>Potential opportunities:</b></p> <p>4. Establish and formalize application assignment approach based on application complexity and type.</p> <ul style="list-style-type: none"> <li>— Continue to maintain the same point of contact from Current Planning for applicants which engage in pre-application meetings, particularly for complex applications.</li> <li>— Establish assignment attributes for applications received to match and develop Current Planning staff capacity to progress from less to more complex, or a specialization in particular application types.</li> </ul> <p>5. Establish triage for applications received based on complexity and risk.</p> <ul style="list-style-type: none"> <li>— Define attributes which indicate generally low-risk development and building permit applications, which could be processed more expeditiously.</li> <li>— Integrate the triage approach to application review assignments (opportunity above).</li> </ul>
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	<p>6. Define common and application type-specific review standards and procedures.</p> <ul style="list-style-type: none"> <li>— Establish a standard checklist from intake to application distribution for review to ensure core information requirements are met.</li> <li>— Establish checklist(s) by application type to create consistency among high-risk items for particular review and attention.</li> <li>— Conversely, identify low-risk review items or attributes which may result in a low-risk application (e.g. involvement of certain professional types).</li> </ul>
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**Services & Processes**

**Quality of submissions**

<p><b>Current state:</b></p> <p>Applicants are not always aware or clear about submission requirements and submit incomplete applications with missing information and required studies. Experienced applicants may understand how to navigate submission requirements better; other applicants may submit incomplete applications to “hold their place” in the processing queue. Incomplete submissions then require additional staff time to outline missing components and follow up on resubmissions, and re-referrals which delay the process.</p>	<p><b>Potential opportunities:</b></p> <p>7. Refresh online portal to be more user-friendly/intuitive while implementing stricter submission requirements.</p> <ul style="list-style-type: none"> <li>— Clearly outline application requirements: provide checklists, FAQs, and sample documents.</li> <li>— Consider an interactive user interface allowing applicants to click-through responses for additional information</li> <li>— Some of the decision pathways may point applicants to seeking professional assistance (specifically, for highly complex application types) to help improve quality of submissions received</li> </ul> <p>8. Develop/refresh external documents such as checklists, application templates, and FAQs (including tracking the most common issues and inquiries). Note that it will be important for tools to remain flexible to the unique needs of each application.</p>
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	<p>9. Formalize requirements and deliverables for pre-application meeting before submission to improve application quality and completeness. Create an application intake checklist.</p> <ul style="list-style-type: none"> <li>— Reduce application review processing times and limit number of staff review iterations.</li> <li>— Enhance certainty for staff and applicants by clearly outlining the processes and expectations.</li> <li>— Improve customer service and applicant experience through greater transparency and information sharing.</li> <li>— Identify significant challenges early in the process.</li> </ul>
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**Services & Processes**

**Quality of submissions**

<p><b>Current state:</b></p> <p>There are some established and formalized communication points with applicants, specifically to notify of application assignment to planning staff. Once applications have been assigned, planning staff utilize bespoke approaches to communicating with applicants for additional information. As no formal interim checkpoints during application review have been established, applicants wishing for more frequent updates may also escalate their inquiries to senior management or Board of Director members.</p>	<p><b>Potential opportunities:</b></p> <p>10. Consider coordinating reviews and establish interim communication checkpoints with applicants</p> <ul style="list-style-type: none"> <li>— Incorporate these interim checkpoints into future process maps intended for external audiences to help level-set when and where within the process applicants should expected to hear back on the status of review for components or overall application status. This service may vary (or be available) depending on application type.</li> <li>— Establish standard communication templates and standard lists for interim checkpoints requesting additional information so applicants can expect certain types of requests at the defined checkpoints, or work in anticipation of responding to upcoming checkpoints.</li> </ul> <p>Note: opportunities to leverage CityView to automate or manage this service will be explored at a later stage of this analysis.</p>
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## Organization, People & Culture

### Role and function of the RDN in the DPR process

#### Current state:

Based on feedback gathered from interviews, internal and external stakeholders may have different expectations and understanding of the core role, function and priorities of the RDN in the context of the development and building permit review and approvals process.

#### Potential opportunities:

11. While neither perspectives of internal or external stakeholder should singularly dictate the role and function of the RDN in the context of development and building permit review and approvals, there is an opportunity to clarify and better articulate this for all stakeholders of the process. This will help to set expectations for applicants, public, elected officials, and guide priorities for future investment and development by the RDN to continue improving the process.
  - Conduct a visioning exercise with senior management and planning staff to define the role, responsibilities, priorities, and service principles of the RDN in the context of development and building permit application review and approvals.
  - Gather perspectives from elected officials on perceived priorities, and share results of the visioning exercise on responsibilities and priorities of the RDN.
  - Create and implement a plan to address gaps or differences in the scope and mandate of services to meet the defined priorities, responsibilities, and service principles.
  - Communicate priorities, roles, and responsibilities of the RDN in the DPR process context to the public. This may be phased initially with practicing professionals in the region, before further disseminating publically.

## Organization, People & Culture

### Governance and decision-making process

#### Current state:

#### Potential opportunities:



<p>Current decision-making structures and processes for some components of development permit applications have been developed over time, and may no longer be fit-for-purpose in today’s economic and public expectation context. The public may also not have a full understanding and awareness of the authorities and jurisdictions of the RDN, and may have expectations for RDN to comment or action on decisions where they do not have authority to do so.</p>	<p>12. Review and update governance structures currently involved in the DPR process.</p> <ul style="list-style-type: none"> <li>— Map all existing governance structures (committees and other decision-making individuals, agencies, or bodies) for their purpose, and authorities within the DPR process.</li> <li>— Update terms of reference for any committees involving the public to articulate roles, responsibilities, and authorities. For example, clarifying whether a committee has authority to decision, or is consulted for input and consideration within a process.</li> <li>— Review and update membership of decision-making committees, and ensure members are clear on attendance and meeting cadence expectations. This will provide greater clarity to applicants with submissions requiring access to such committees.</li> <li>— Summarize and communicate updated public-facing or public-engaging governance approaches for the DPR process.</li> </ul> <p>Note: challenges stemming from the authorities of a regional district and opportunities to clarify and better integrate local considerations and nuances with decisions by the Province of BC are discussed further in the “Legislation &amp; Policy” section of this report.</p>
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**Organization, People & Culture**

**Training and staff development**

<p><b>Current state:</b></p> <p>Training and onboarding for staff involved with the development and building permit review and approvals process appear to be conducted ad hoc, and rely heavily on staff passing on legacy knowledge accumulated over time and with experience. No formal</p>	<p><b>Potential opportunities:</b></p> <p>13. Create and document standard operating procedures to increase the consistency, predictability, and transparency of the process.</p>
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<p>development pathway for staff in this context were noted to have been defined or formalized.</p>	<ul style="list-style-type: none"> <li>— Develop process maps for the whole permit and development approval process, capturing departmental interfaces and hand-offs.</li> <li>— Develop user manuals, transferring knowledge from “people’s minds” to formal documents. This will codify guidelines and be a useful reference document for onboarding new staff.</li> </ul> <p>14. Establish a formal onboarding and training program, to increase formality and structure of training to educate existing and new employees. Assign accountability for keeping this up-to-date.</p> <ul style="list-style-type: none"> <li>— Provide sample projects and deliverables and sample of typical email correspondence.</li> <li>— Define regular refresh periods for application assignments to match with staff development plans so that staff may rotate to reviewing different application types.</li> <li>— Consider and identify opportunities to cross-train staff where practical to provide some surge capacity for reviews, as well as offering alternate career development pathways within the RDN.</li> </ul> <p>15. Create and integrate industry relationship building as part of communication and customer experience strategy to enhance and improve the DPR process at the RDN.</p> <ul style="list-style-type: none"> <li>— Incorporate industry relationship building as part of career development options for planning staff, particularly for more complex and high-profile application types.</li> <li>— Plan and put on periodic industry events to discuss challenges and highlight examples of quality submissions.</li> </ul>
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**Organization, People & Culture**

**Resource capacity pressures**

<b>Current state:</b>	<b>Potential opportunities:</b>
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<p>Generally, all interviewees alluded to or pointed to resource capacity challenges at the RDN. While no interviewee specifically pointed to a target staff complement in order to address and review applications expeditiously and thoroughly, many inferred the resource capacity challenges at the RDN for application review and approvals through their own lived experiences. For example, staff may cite feelings of “not enough time to get through all tasks in a day”, while external stakeholders cite observations and experiences of not being able to connect with staff in a timely manner for inquiries or assistance.</p>	<p>16. Undertake staff resourcing assessment to better understand specific pain points in staff workloads and develop a forward plan to address them.</p> <ul style="list-style-type: none"> <li>— Conduct a detailed review of current staff and current job duties to understand allocation of tasks, technical expertise requirements and bottlenecks.</li> <li>— Consider seasonal resources to support full-time staff in duties that do not require technical expertise. Where applicable and budget dependent, also consider hiring assistance in specific areas (e.g. retired planner to support bylaw enforcement).</li> </ul> <p>17. Conduct a cost of services review to assess whether current fees recovered from the application process are reflective of the level of effort by RDN to review applications.</p> <ul style="list-style-type: none"> <li>— This study can be complemented with opportunities identified under “Performance Management and KPIs” to better understand the staff complement (senior and specialized talent) and resource capacity required to efficiently and effectively address the current and future backlog of development and building permit applications in the region.</li> </ul>
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## Technology & Information

### Utilizing and modernizing CityView

#### Current state:

The use of CityView is mixed across departments. The technology processes of some departments are not aligned or optimized with the business processes and result in a cumbersome use of technology that depresses staff engagement. The current version of CityView is outdated with a new cloud-based version available.

#### Potential opportunities:

18. Review current application workflows using an establish process improvement framework or professional to identify and implement improvement opportunities.
  - Update CityView with streamlined application process workflows as part as move to cloud-based version.
  - Solicit team input during trial and implementation to ensure new procedures closely match real world workflow.
  - Review processes semi-annually to accommodate new changes in workflow or changes in review staffing.
  - Establish regular (annual or twice-annually) discussions with CityView to review new or modified capabilities, functions, and modules to continue enhancing RDN’s review process.

Note: identification and prioritizing potential additional functions, capabilities and modules with CityView is analyzed at the next stage of this study.
19. Develop a change management strategy for transition to a future (or updated) CityView solution.
  - Identify and seek a volunteer from each department to act as a Process Improvement Champion to lead the implementation of technology.
  - Establish regular meetings between IT and Process Improvement Champion(s) to discuss current state and future opportunities.
  - In conjunction with documentation mapping and formalizing the end-to-end process for reviews,
  - Integrate and embed change management practices when new staff are onboarded (new to RDN, or new to a role) to support transition into the new role, and build upon existing team culture.

## Technology & Information

### Digital platform to interact with the public

#### Current state:

Development and some building permit applications require paper-based submissions. This may pose some challenges in the future as applicants move toward more digital solutions and expect to interact virtually local governments including the RDN. While some fields and information can be filled in via RDN's currently online portal, the quality of submissions appear to vary greatly, with many ultimately still requiring paper-based submissions to complete their application filings.

#### Potential opportunities:

20. Refresh and roll out online portal to more application types, ensuring the interface and platform is user-friendly/intuitive and helps to increase the quality and completeness of applications received. Transition intake practice to encourage the majority of submissions to be made online.
  - Clearly outline application requirements: provide checklists, FAQs, and sample documents.
  - Impose compulsory data fields with predictive text to ensure accurate information and reduction in staff time.
  - Explore e-payment capabilities to facilitate larger transactions, while maintaining alignment with planned pilot project(s) within the RDN's finance department
  - Explore benefits of mobile inspection module.
21. Create user-friendly information portals to guide potential or current applicants on all aspects of the development and building permit application processes.
  - Consider an interactive user interface allowing applicants to click-through responses for additional information.
  - Consolidate and create searchable directories to assist applicants in reviewing and ensuring all of the RDN's most recent policy, bylaw and bulletin updates are reflected in their submissions. For example, highlighting a rolling list of most recent updates or those related to common deficiencies in submissions reviewed.
  - Consider opportunities to leverage natural text processing capabilities (e.g. "chatbots") to field common inquiries and alleviate staff pressures to respond on an ad-hoc basis.

	<p>Note: user-friendly interfaces focus on public interaction and experiences with a platform and does not directly correlate or translate to “plain language” bylaws and policies.</p>
<p><b>Technology &amp; Information</b></p>	
<p><b>Information management and availability</b></p>	
<p><b>Current state:</b>          Improvements have been made in the availability and accessibility of information, both pre-application and during the process, however there is still significant challenge in this area. Data collection and quality is inconsistent, and the use and analysis of data is highly manual. Data is not used to manage the development application portfolio and evaluate performance. There is no data governance or master data management in place.</p>	<p><b>Potential opportunities:</b></p> <p>22. Improve the availability of development review-related information and data to enhance application quality:</p> <ul style="list-style-type: none"> <li>— Establish an inventory of existing data and information that is: a) available but not currently online; b) under development; and c) not currently under development.</li> <li>— Engage industry in the development of the District’s inventory in order to identify current and future industry need.</li> <li>— Create roadmap for implementation of information needs, with tracking against implementation. E.g. create a dashboard of application status available internally and externally to increase transparency in the process.</li> </ul> <p>23. Digitize all documents related to the permits and DAP in order to centralize information management and enhance version control.</p> <ul style="list-style-type: none"> <li>— Update business process and technology (e.g. monitors, laptops, etc.) to support change.</li> <li>— Update working procedures to include data archival and version review using a share information management platform. Explore options where CityView may overlay / connect with an existing data management system already utilized by the RDN.</li> <li>— Review options to accommodate and include less tech-savvy staff.</li> </ul>

	<p>24. Provide information and data governance standards and training, to ensure consistency across the process.</p> <ul style="list-style-type: none"><li>— Enforce standard naming convention</li><li>— Store and update all documents within CityView</li><li>— Review documents digitally and return comments via software</li></ul>
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## Application Experience & Public Engagement

### Overall applicant experience

#### Current state:

External stakeholders generally indicated positive experiences with RDN staff on development and building permits review and approval processes, and understood the RDN had an internally defined process which may not be easily understood by the public at large. External stakeholders who have interacted with RDN staff generally noted they are helpful and willing to discuss and action on solutions collaboratively. However, as there appears to be resource constraint challenges, many interviewees also indicated challenges in connecting with staff to initiate these discussions.

#### Potential opportunities:

25. Formalize a service charter for the development review process to provide applicants and members of the public a better understanding of the process and services provided, including what updates they can expect at each stage of the process. This must be aligned with the defined roles, responsibilities, priorities, and service principles defined as part of the RDN's visioning exercise.
26. Establish a 'point of contact' for all applications – through various means and methods, such as setting expectations that the assigned planner is to field all inquiries; creating and operating a dedicated service desk for inquiries; or a service provided entirely virtually through an online portal.
  - If available through CityView and when functionality is available, applicants could access updates and pose inquiries through a web-based dashboard developed for application status updates.
27. Develop a user-friendly "Planning and Development 101" guide for staff, applicants, and members of the public to enhance understanding of the development review process.

## Application Experience & Public Engagement

### Application predictability

#### Current state:

Applicant respondents of the interview process noted challenges and sometimes inconsistencies in additional information requested

#### Potential opportunities:

28. Establish a standard checklist for studies and information (sources) deemed acceptable to facilitate review of permit



<p>by the RDN for their applications in the past. Applicants felt a more collaborative approach whereby the RDN meets with to explain, or provides a long-list of additional information and studies request in one-go, could allow applicants to also plan ahead to secure consultants or articulate specific analysis and survey requirements to satisfy the RDN's review requirements.</p>	<p>applications. The checklist should be shared and used by all planners, but tailored by application type.</p> <ul style="list-style-type: none"> <li>— Communicate and share this checklist with external stakeholders (prospective and current applicants) as a shared baseline of information expected for submissions received and processed by the RDN.</li> <li>— For some items of the checklist, critical attributes which allow for studies and surveys to be accepted to be specified (e.g. sign-off by a specific professional designation, recentness of study's completion date relative to submission date...etc.)</li> <li>— Establish a process to update and refine the checklist as policies and bylaws are updated.</li> <li>— Where possible, integrate a digital version (or gatekeeping function) of this checklist with an online submission portal to enforce compulsory information fields and enhance quality and completeness of submissions received.</li> <li>— When following up with applicants on missing or additional information, refer and leverage the standard checklist to establish common vocabulary with applicants. This will bring greater perceived transparency in additional information requested, and may help to manage perceptions of inconsistent review standards.</li> </ul>
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## Application Experience & Public Engagement

### Providing information and clarifications

#### Current state:

The experiences and information provided by RDN's front desk is sometimes inconsistent across applications which could erode credibility. Information for prospective and current applicants exists on the RDN website, though navigability and ease of consumption could be improved for less experienced users.

#### Potential opportunities:

29. Standardize training for front desk and new staff; identify network within RDN to refer additional questions or queries; create cheat-sheet / internal reference guide of where to find information or who else to speak with; publish and share some of cheat-sheet contents with public as a quick "pocket reference"
30. Update the website to increase accessibility, intuitiveness, and better ability to find information. Build on and integrate existing



	<p>information currently available that is in plain language or is meant to be intuitive. Work with applicants and members of the public to refine information and accessibility even more.</p>
<p><b>Application Experience &amp; Public Engagement</b></p>	
<p><b>Relationship with practicing professionals in the region</b></p>	
<p><b>Current state:</b>  Development and building permit applications have become increasingly complex to navigate. While professionals more familiar with these requirements and bound by their respective professional practice standards can be engaged by owners and developers, both internal and external stakeholders cited varied experiences; that is, in some instances, the RDN has received and reviewed high quality, completed applications from professionals practicing in the region, though such could not be said of all practice professionals submitting applications either. Conversely, owners and developers engaging the services of professionals may be left unclear as to why their applications appear to take just as long to review and process as those completed without the help of professionals.</p>	<p><b>Potential opportunities:</b></p> <p>31. Improve relationships and build trust with industry by creating a common understanding of requirements and study expectations.</p> <ul style="list-style-type: none"> <li>— Establish clear expectations of what should go in a report by being more explicit around study expectations, layout and format etc</li> <li>— Incentivize good performance and high quality submissions by communicating “standards of good” (see recommendation from Services &amp; Processes)</li> <li>— Consider introducing peer reviews , to free up staff time to focus on compliance, completeness and less on technical aspects</li> </ul>

## Performance Management & KPIs

### Service level agreements

#### Current state:

There are no established service levels for the overall development and building permit review process internally or externally. Performance management and measurement is informal and sometimes relies on anecdotal data. In general, there appeared to be a sense of “as soon as” for completion deadlines, which may add to existing pressures experienced by staff already managing high work volumes, responding to ad hoc inquiries, and working with frustrated applicants.

#### Potential opportunities:

32. Conduct an assessment of average effort for different application types to establish a baseline. This will complement and support the opportunity identified under “Organization, People & Culture” to undertake a cost of service review, but will also help to establish service level baselines and identify potential improvement opportunities.
  - Working with a sample of staff with a range of experience, track and estimate approximate time spent each day on various activities directly and indirectly related to an application under review.
  - Findings of this exercise should be aligned with the broader process improvement exercise for the overall development and building permit application review process.
33. Establish a service level framework to understand what desired and appropriate service (timelines, legal requirements, quality, customer service) look like.
  - Gain consensus on overall strategic priorities and whether they will contribute to application priority as part of the permit and DAP.
  - Expand the service level framework to understand expectations and timelines for sub-phases of the process for individual teams and referral departments. Develop a list of key milestones for each sub-phase.
34. Establish an interdepartmental performance measurement framework.
  - Develop a comprehensive set of KPIs to support the performance measurement framework, to help further identify pain points and drive continuous improvement.

	<ul style="list-style-type: none"> <li>— Generate monthly reports on performance and progress of KPIs.</li> <li>— Undertake performance reviews with low performers; to provide training and guidance required to succeed.</li> </ul>
<b>Performance Management &amp; KPIs</b>	
<b>Issues management and escalation process</b>	
<p><b>Current state:</b></p> <p>Issues and applicant / public concerns related to specific applications are currently captured and processed ad hoc. Without a formal escalation process, applicant/public issues and complaints are communicated through different channel's include through elected officials.</p>	<p><b>Potential opportunities:</b></p> <p>35. Create a platform for staff and applicants to submit issues and concerns.</p> <ul style="list-style-type: none"> <li>— Anonymize submissions and report on results regularly.</li> <li>— Assign 'Process Improvement Champions' to brainstorm solutions for systemic problems.</li> <li>— Follow-up with an update on progress addressing concerns and issues.</li> </ul> <p>36. Establish a formal issues and public complaints escalation process and procedure</p> <ul style="list-style-type: none"> <li>— Communicate and implement process with public</li> <li>— Establish point of contact for these issues, outside of planning team</li> </ul> <p>37. Adopt continuous improvement cycles – close the feedback loop on issues raise, lessons learned and tracking results of improvements made</p> <ul style="list-style-type: none"> <li>— Communicate improvements to the public as achievements</li> <li>— Share some lessons learned with public to demonstrate transparency of the process and collaborative nature of RDN</li> </ul>

## Legislation & Policy

### Regulatory framework

**Current state:**

The development, evaluation and updating of regulations is ad hoc and managed by individual departments often working in isolation. The application of regulations is inconsistent.

**Potential opportunities:**

38. Consider adding a short-term position (12-24) months for an additional planner dedicated to updating policies and bylaws. This will free up the current staff complement to focus on reviewing applications.
39. Consider consolidating the two zoning bylaws into one bylaw to streamline and simplify the process, while creating greater consistency.
40. Develop a plan to prioritize / update key policies / bylaws to reflect the evolution of planning practices and priorities, and to resolve any conflicting policies.
  - Review current policy with inter-departmental leadership to identify conflicts and prioritize which policies need updating.
  - Schedule periodic reviews by departments to assess if the process needs to be amended due to policy change. Encourage early-stage communication with applicants.

## Legislation & Policy

### Applicant understanding of policies and bylaws

**Current state:**

RDN's bylaws are easier to understand than those of other municipalities, however it is not always clear how decisions are made and what requirements to consider. Additionally, new and updated policies are not communicated clearly to applicants.

**Potential opportunities:**

41. Communicate proactively with applicants impacted by policy change, and collaboratively identify solutions (grandfather previous policies or adjust application). Where late-stage changes are unavoidable, ensure a mutually agreed upon path forward is established with applicants.

	<ul style="list-style-type: none"> <li>— Create a regular forum to share interpretations and definitions of bylaws (e.g. clarify cash or payment in kind options). Newly archived and changes to current bylaws are also discussed.</li> </ul>
<b>Legislation &amp; Policy</b>	
<b>Decision-making and delegation</b>	
<p><b>Current state:</b></p> <p>Policies relating to governance, decision making and delegated authorities have not been updated to enable RDN staff to meet the changing volumes of applications, and Council is heavily involved across all application types.</p>	<p><b>Potential opportunities:</b></p> <p>42. Review and update governance and committee structures to set clear roles and functions throughout the entire DAP.</p> <ul style="list-style-type: none"> <li>— Clearly define roles of the Board of Directors and public committees.</li> <li>— Identify opportunities to consolidate committees as well as the lead-in processes to get to committees.</li> <li>— Identify which decision-making group impacts timelines and political influence (e.g. How involved are volunteer groups like POSAC). Review and update ToR.</li> </ul>

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REGIONAL  
DISTRICT  
OF NANAIMO

**ZONING AMENDMENT APPLICATION NO. PL2018-213**  
**3452 JINGLE POT ROAD, ELECTORAL AREA C**  
**SECOND REQUEST TO AMEND COVENANT**

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**RECOMMENDATION**

That the request to amend Section 219 Covenant No. CA9920305 registered on title as a condition of Zoning Amendment Application PL2018-213 and the adoption of Amendment Bylaw No. 500.432, 2021; and, as amended by the RDN Board on July 12, 2022, to remove the requirement for the applicant to obtain a water license, rather than require the applicant to obtain a water license prior to final inspection of the proposed school, be denied.

**BACKGROUND**

The Regional District of Nanaimo (RDN) received a request from the Discover Montessori Society on behalf of T. & R. Ventures Ltd., Inc. No. BC1112945 to modify a Section 219 Covenant (CA9920305) registered as a condition of Zoning Amendment Application PL2018-213 and adoption of Amendment Bylaw No. 500.432, 2021 (Bylaw 500.432) and subsequent modification to this covenant CB123783. Bylaw 500.432 was adopted by the Regional Board on June 14, 2022, to rezone a 0.55-hectare portion of the subject property, legally described as The Easterly 60 Acres of Section 16, Range 3, Mountain District Except that Part in Plan 29404, VIP68415, VIP68636, and VIP72060, to permit the development of a Montessori Farm School (See Attachment 1 – Subject Property Map).

The applicant previously submitted a request to modify Covenant CA9920305 to postpone the requirement for the school to obtain a non-domestic water licence until final inspection of the building rather than prior to issuance of the building permit (See Attachment 2 – Covenant No. CA9920305). This modification was to allow the building permit to be issued and construction of the school to be completed to accommodate approximately 100 children currently attending the school as the lease for their current location will expire at the end of this year. In response to the applicant's request, the Board passed the following resolution on July 12, 2022:

22-466 It was moved and seconded that the Regional District of Nanaimo and Discover Montessori School enter into an agreement prior to the issuance of a building permit requiring security in an amount equal to the cost of removal of the building and remediation of the land, and that security funds would be returned upon the issuance of a water licence; and that staff be directed to amend Section 219 Covenant No. CA9920305, Section 2.11 to replace the following "... prior to issuance of a building permit ..." with "...prior to final inspection of the building ..." to permit the issuance of a building permit prior to the issuance of a water licence from Ministry of Environment and Climate Change Strategy.

To reflect the Board resolution, Covenant CA9920305 (the Old Covenant) was subsequently modified by CB123783 (See Attachment 3 – Covenant Modification No. CB123783) to amend section 2.11 of the Old Covenant to require the following:

The Owner must obtain as part of the Development a secured water source approval from the Vancouver Island Health Authority, Public Health Engineering, Third Floor – 6475 Metral Drive, Nanaimo, British Columbia, V9T 2L9, together with a Non-domestic Water License from the Ministry of Environment and Climate Change Strategy prior to any use or occupation of the building.

In addition to the covenant modification, the applicant entered into a security agreement with the RDN on July 21, 2022, which requires the applicant to remove any buildings and improvements in conjunction with the building permit and restore the land to its prior condition if the Water Licence is not obtained by July 12, 2023; or alternatively, that another source of water acceptable to the RDN is approved by the RDN Board by way of written resolution by July 12, 2023 (See Attachment 4 – Security Agreement). The agreement also prohibits construction beyond the completion of the foundation and framing, and the installation of the perimeter drain, until a Water License is obtained, or another source of water has been accepted by the RDN Board. As part of the covenant modification, the applicant was also required to submit a security deposit in the amount of \$17,500, prior to commencing construction of the building, to cover the cost of demolition and remediation if the conditions of the agreement have not been satisfied. Under this agreement, the security deposit can only be released once the water license has been obtained or an alternate source of water has been approved by the RDN or, if necessary, when demolition and restoration work is complete.

Building Permits PL2021-769 and PR2021-770 were issued on July 26 and August 9, 2022, for the proposed new school building and to retrofit the existing farm market building for school use and construction is proceeding.

### ***Requested Covenant Amendment***

As the capacity of the new on-site well cannot support the potable water needs of the school and the applicant has not been able to obtain a Water License at this time, the applicant proposes to service the development with a combination of hauled water and rainwater harvesting as an alternative. Therefore, they have requested a second modification to covenants CA9920305 and CB123783 to remove the requirement to obtain a non-domestic water licence for the proposed school prior to any use or occupation of the building. In addition, in the event the Board accepts an alternative source of water supply, the applicants have also requested that the security deposit be released, which is consistent with the current agreement.

The applicant has confirmed that their application for a groundwater license is still under review. However, if they do obtain a Water License for the existing well it would likely provide limited, and potentially temporary, water supply to the school; therefore, they would still rely primarily on hauled water and harvested rainwater to meet their potable water needs.

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

In support of their request to modify the covenant to remove the requirement for a Water License, the applicant provided a Master Water Safety Plan prepared by Integral, dated July 2022. This plan outlines the proposal to supply potable water for the school with a combination of hauled water and harvested rainwater and includes a Water Balance Analysis, Equipment Specification, Chlorination Assessment, Monitoring Plan, Emergency Response Plan, Log Sheet Schedules, Site Plan indicating the proposed location of water storage tanks, and a copy of their Application for a Drinking Water System to Island Health.



The Water Balance Analysis (Analysis) includes modelling to assess rainwater and bulk water delivery as the primary water sources and addresses anticipated daily and weekly water demand over one year, rainwater collection, system storage, water balance, and bulk water supply. The average daily demand for the school is expected to be approximately 7,705 litres per day during the regular school year and around 3,560 litres per day during the summer session. The Analysis also considered a number of criteria including daily source/demand data, weekly demand, bulk water supply as the secondary source water, weekly precipitation, volume of rooftop rainwater collection/storage, treated storage, and scheduled deliveries of bulk water storage. Based on these criteria, hauled/bulk water is proposed to provide 26,702 L/week, or approximately 50 percent of the schools year-round potable water supply. This equates to 85 deliveries of hauled water per year, each at 13,650 L with the rainwater harvesting system providing the balance of the water supply of 26,930 L/week. The applicant provided additional supplemental information with their Source Approval application which indicates that, based on historical weather data, the water balance model shows that to meet water demands in the driest years, a total of 111 bulk/hauled water deliveries would be required. Based on this information, they estimate the current annual cost of bulk water deliveries to be between \$20,000 and \$25,000.

The applicant has provided a revised Source Approval letter from Island Health which confirms that Island Health has no objections to the use of rainwater and potable hauled water for domestic supply subject to a number of conditions including disinfection of harvested rainwater, approval of the source of potable hauled water, adherence to a monitoring program, and the issuance of a construction permit. However, Island Health has also expressed concern with creating a water supply system that may have challenges providing adequate volumes of water to operate in a fiscally responsible manner or dependent on outside funding to operate. In addition, Island Health has requested additional information from the applicant including an assessment of rainfall data, reliability analysis, and feasibility assessment and proposed design criteria as part of their review and the applicant must also obtain a Construction Permit and Operating Permit in accordance with the *Drinking Water Protection Act* (DWPA).

While the Source Approval outlines the approved source(s) of water, it does not include a requirement for a specified volume of water. Therefore, the absence of the requirement for a water license essentially removes Provincial oversight with respect to the volume of water provided to the development.

The intent of RDN Board Policy B1.21 - Groundwater Application Requirements for Rezoning of Un-serviced Lands (Policy B1.21) is to ensure that, at the time of re-zoning, the potable water needs of future development can be provided on-site where a connection to a community water system is not available (See Attachment 4 – Policy B1.21). While Policy B1.21 includes recommendations to consider rainwater harvesting to reduce impacts to groundwater resources, it does not contemplate a scenario where new development would rely entirely on an alternative source of water such as hauled water or rainwater harvesting for potable use. As such, RDN guidelines and policies related to the provision of sufficient potable water for applications to facilitate future development do not provide minimum standards or guidelines for alternative sources of water.

In addition, “Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Bylaw No. 1055, 1997” (OCP) contains policy that the RDN ensure that applications for development of land proceed only where evidence of the appropriate water supply is provided, and necessary approvals are attained. Standard practice for zoning amendment applications has been to require on-site servicing, including the provision of water where future development is not connected to a community water system. In the absence of policies and guidelines to support off-site servicing and given the significant volume of hauled water required, concerns related to the costs and long-term feasibility of hauling water, potential impacts of climate change on rainfall, as well as concerns identified by Island Health, staff do not recommend supporting the request to amend the covenant to

remove the requirement for the applicant to obtain a non-domestic water licence prior to any use or occupation of the building.

Should the Board approve the request to modify the covenant (different from the staff recommendation), staff recommend that the covenant be modified so that the owner must obtain both the required water Source Approval from Island Health, that may include a Water License, to provide the volume of water consistent with the Water Balance Analysis provided as well as an Operating Permit prior to any use of the building. If the Board approves the covenant modification and accepts the proposed alternate water source by way of written resolution, the applicant has satisfied the conditions of the security agreement and the security deposit in the amount of \$17,500 would be returned to the applicant.

### **FINANCIAL IMPLICATIONS**

There are no Financial Implications related to the Board 2022-2026 Financial Plan.

### **STRATEGIC PLAN ALIGNMENT**

The proposed request to modify the covenant to remove the requirement for the applicant to obtain a water license has been reviewed in relation to the key strategic areas outlined in the 2019-2022 Board Strategic Plan. While the proposed development would support the creation of additional childcare spaces and alternative educational opportunities for children, the request to amend the covenant conflicts with the growth management goal to provide effective regional land use planning and responsible asset management as it would allow development to proceed that will rely on hauled water to meet a significant volume of their potable water needs. In addition, the applicant's proposal to provide a portion of the potable water demand for the school via hauled water conflicts with the plans key strategic areas related to climate change adaptation and mitigation and environmental stewardship.

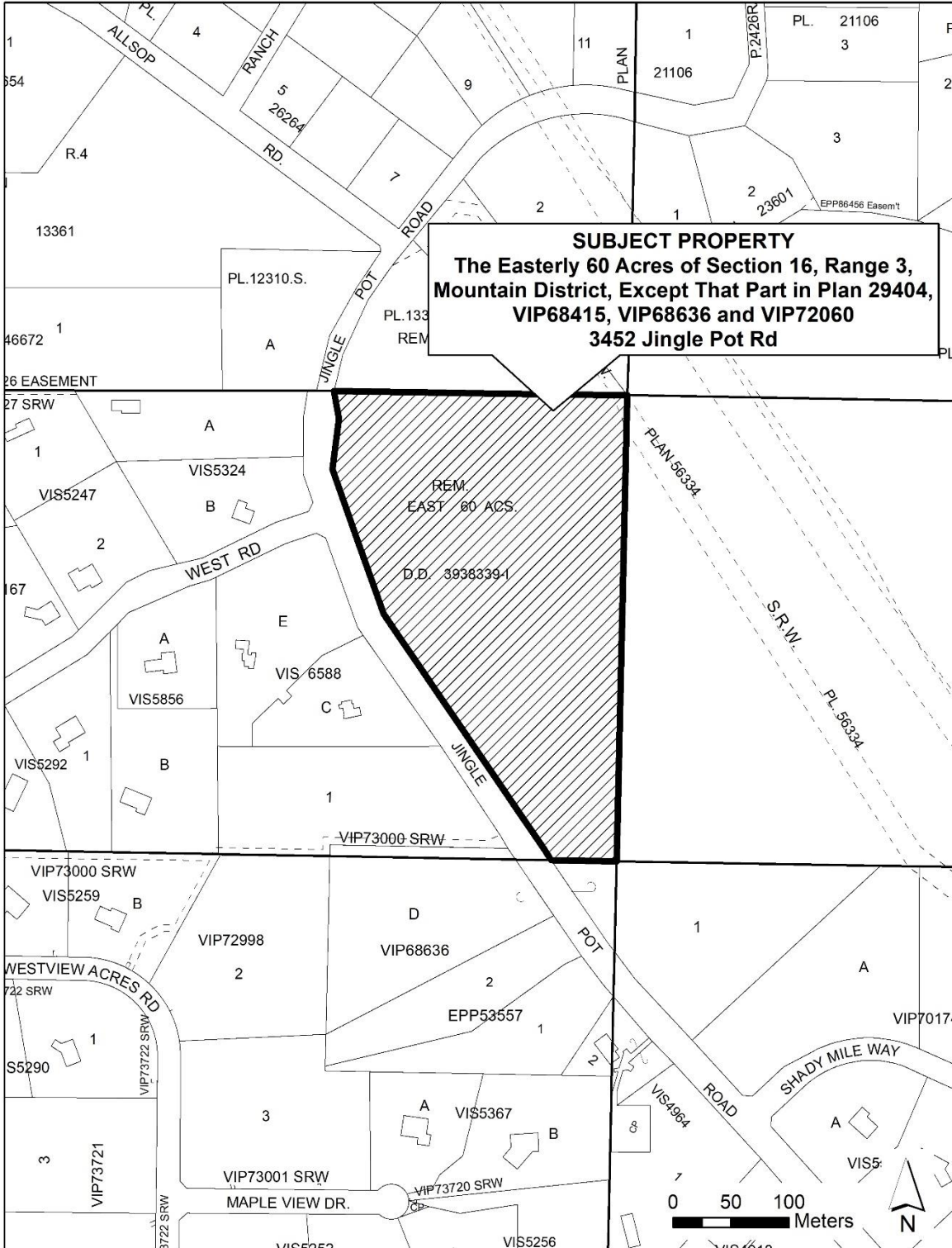
### **REVIEWED BY:**

L. Grant, General Manager, Planning and Development  
E. Tian, Acting Chief Administrative Officer

### **ATTACHMENTS**

1. Subject Property Map
2. Covenant No. CA9920305
3. Covenant Modification No. CB123783
4. Security Agreement
5. Policy B1.21

**Attachment 1  
Subject Property Map**



**Attachment 2**  
**Covenant No. CA9920305**  
**(Page 1 of 51)**

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1. Application

**Michele Buick, Legal Assistant**  
**HEATH LAW LLP**  
**200-1808 Bowen Road**  
**Nanaimo BC V9S 5W4**  
**250-824-2080**

File: 54562-3  
 Tel: (250) 824-2080  
 Type: Covenant Rezoning Amendment

2. Description of Land

PID/Plan Number	Legal Description
<b>009-456-295</b>	<b>THE EASTERLY 60 ACRES OF SECTION 16, RANGE 3, MOUNTAIN DISTRICT EXCEPT THAT PART IN PLAN 29404, VIP68415, VIP68636 AND VIP72060</b>

3. Nature of Interest

Type	Number	Additional Information
<b>COVENANT</b>		<b>Section 219 Land Title Act</b>

4. Terms

Part 2 of this instrument consists of:  
**(b) Express Charge Terms Annexed as Part 2**

5. Transferor(s)

**T. & R. VENTURES LTD., NO.BC1112945**

6. Transferee(s)

**REGIONAL DISTRICT OF NANAIMO**  
 6300 HAMMOND BAY ROAD  
 NANAIMO BC V9T 6N2

7. Additional or Modified Terms



8. Execution(s)

This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Witnessing Officer Signature

\_\_\_\_\_

**BRIAN J. SENINI**  
**Barrister & Solicitor**  
 200 - 1808 BOWEN ROAD  
 NANAIMO BC V9S 5W4

Execution Date

YYYY-MM-DD

**2022-05-09**

Transferor Signature(s)

**T. & R. VENTURES LTD.**  
 By their Authorized Signatory

\_\_\_\_\_

**TANNIS MILNER**

**Officer Certification**

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Witnessing Officer Signature

\_\_\_\_\_

**CAROL LOUDON**  
**Commissioner for Taking Affidavits**  
**for British Columbia**  
 6300 HAMMOND BAY ROAD  
 NANAIMO BC V9T 6N2

Execution Date

YYYY-MM-DD

**2022-05-04**

Transferor Signature(s)

**REGIONAL DISTRICT OF NANAIMO**  
 By their Authorized Signatory

\_\_\_\_\_

**Delcy Wells, Acting CAO**

\_\_\_\_\_

**Jessica Bagnall, Deputy Corporate Officer**

**Officer Certification**

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

**Electronic Signature**

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

**Brian James Senini IAT7J9**

Digitally signed by  
 Brian James Senini IAT7J9  
 Date: 2022-05-11  
 12:01:24 -07:00

**TERMS OF INSTRUMENT - PART 2.**  
**REZONING COVENANT**  
 (Section 219 *Land Title Act*)

THIS AGREEMENT dated for reference the 4<sup>th</sup> day of May, 2022.

BETWEEN:

**T. & R. VENTURES LTD.** (Inc. No. BC1112945)  
 2240 Jeffs Road, Nanaimo, BC V9S 5P7

(hereinafter called the “**Owner**”)

AND:

**REGIONAL DISTRICT OF NANAIMO**  
 6300 Hammond Bay Road, Nanaimo, BC V9T 6N2

(hereinafter called the “**RDN**”)

**WHEREAS:**

- A. The Owner is the registered owner in fee simple of the lands and premises located at 3452 Jingle Pot Road in Electoral Area C of the Regional District of Nanaimo, in the Province of British Columbia and having a parcel identifier number 009-456-295 and legally described as The Easterly 60 acres of Section 16, Range 3, Mountain District, Except that part in Plan 29404, VIP68415, VIP68636 and VIP72060 (hereinafter called the “**Parent Parcel**”).
- B. The Owner has applied to the RDN under Application No. PL2018-213 to rezone a portion of the Parent Parcel from Agriculture 1 (AG1) Zone to a new Comprehensive Development Zone 56 (CD56), under the “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 (Bylaw No. 500.432)” (hereinafter called “**Bylaw No. 500.432**”), which new zoning would allow for the development of a Montessori Farm School (hereinafter called the “**School**”) in accordance with Agricultural Land Commission Resolutions #174/2017 and #3/2020.
- C. On January 25, 2021 the Board of the RDN granted Third Reading of Bylaw No. 500.432.
- D. That part of the Parent Parcel zoned to new Comprehensive Development Zone 56 (CD56) is hereinafter called the “**Lands**”.
- E. The RDN requires the Owner to register this covenant against the title of the Parent Parcel as one of the conditions required for final adoption of Bylaw No. 500.432.
- F. Section 219 of the *Land Title Act* provides that a covenant, whether of a negative or of a positive nature, may be granted by an owner of land in favour of a Regional District to be registered as a charge against the title of the land and which may include provisions respecting the use of land or any building on the land and other specified matters.

- G. The Owner has agreed to enter into this Covenant in favour of the RDN and to register this Covenant against the title of the Parent Parcel as a Covenant pursuant to S.219 of the *Land Title Act*.
- H. The Owner has agreed not to build on or develop the Lands, except in accordance with the terms and conditions of this Covenant.

**WITNESS THAT** pursuant to Section 219 of the *Land Title Act*, and in consideration of the premises and the mutual covenants and agreements contained herein and for other good and valuable consideration (the receipt and sufficiency of which is hereby acknowledged by the Owner and the RDN), the Owner and the RDN covenant and agree with each other as follows:

## **1. DEFINITIONS AND SCHEDULES**

### **1.1 Definitions**

In this Covenant, the Definitions in the RDN Zoning Bylaw No. 500, as amended from time to time, (the "Zoning Bylaw") shall apply to the interpretation of the terms of this Covenant, unless otherwise defined herein.

### **1.2 Schedules**

The following Schedules are attached hereto and form part of this Covenant:

- (a) Schedule A – Hydrogeological Assessment Report prepared by GW Solutions dated June 10, 2020
- (b) Schedule B – Transportation Impact Assessment prepared by Bunt & Associates dated April 29, 2021

## **2. SECTION 219 LAND TITLE ACT COVENANT**

### **2.1 Grant of Covenant**

The Owner hereby covenants and agrees with the RDN, as a covenant in favour of the RDN pursuant to Section 219 of the *Land Title Act*, it being the intention and agreement of the Owner that the provisions in this Covenant be annexed to and run with and be a charge upon the Lands and that the Lands will be used and built on only in strict compliance with the terms and conditions of this Covenant.

### **2.2 No Build**

Save and except as otherwise provided for herein, and notwithstanding that the Owner may be entitled:

- (a) the Lands will not be built on, constructed or developed in any manner;
- (b) the Owner will not apply for any Building Permit in connection with any development on the Lands; and



- (c) the RDN will have no obligation to review any Building Permit applications, carry out any inspections, or issue any Permit,

until the conditions applicable to the Lands as provided for herein have been complied with to the satisfaction of the RDN.

### **2.3 Required Works**

The restrictions contained in Section 2.2 herein do not apply to any of the works, development or permits contemplated in connection with any of the matters required to be completed by the Owner in satisfaction of the covenants contained in Sections 2.5 to 2.11 herein, which works, development or permits in connection therewith are hereinafter collectively called the "Works".

### **2.4 No Occupancy**

Notwithstanding that the Owner may be entitled:

- (a) the Lands will not be occupied in any manner, including in connection with the development provided for herein (the "Development");
- (b) the Owner will not apply for a final inspection permitting occupancy or for any permit or authorization permitting occupancy on the Lands, including the Development; and
- (c) the RDN will have no obligation to review any applications, carry out any inspections, or issue any occupancy permit or authorization,

until the conditions applicable to occupancy of the Lands as provided for herein have been complied with to the satisfaction of the RDN.

### **2.5 Hydrogeological Assessment**

The Development of the Lands must occur in a manner consistent with the Hydrogeological Assessment of the Lands prepared by GW Solutions dated June 10, 2020, a copy of which is attached hereto and marked as "Schedule A" and, without in any way restricting the recommendations contained in the Hydrogeological Assessment, the following requirements must be completed prior to final building inspection:

- (a) the installation of a rainwater harvesting system for non-potable, irrigation use designed by a Qualified Professional and adequate volume to accommodate planted and landscaped areas adjacent to the School to the satisfaction of the Regional District of Nanaimo;
- (b) the installation of low flush toilets; and
- (c) the installation of a drip irrigation system for landscaped areas adjacent to the School.

### **2.6 Stormwater Management**

The Owner must provide the RDN with a stormwater management plan prepared by a professional

engineer for the proposed Development to the satisfaction of the RDN prior to the issuance of a building permit.

## **2.7 Traffic Impact Assessment**

The Development of the Lands must occur in a manner consistent with the Transportation Impact Assessment prepared by Bunt & Associates dated April 29, 2021, a copy of which is attached hereto and marked as "Schedule B" including completion of the following requirements prior to final building inspection:

- (a) clearly marked parking spaces with signage identifying short-term and long-term spaces for student drop-off and pick-up, including limiting long-term parking to a maximum of 10 minutes;
- (b) concrete or similar curb-stops to delineate each parking space; and
- (c) ensure pick-up and drop-off spaces in the centre drive aisle are drive-through so vehicles are not required to reverse into the main circulation aisle to exit.

## **2.8 Road Improvements**

The Owner must obtain a new access permit or other approval in principle from the Ministry of Transportation & Infrastructure concerning vehicle access to the Lands, including confirmation of a right-turn lane from Jingle Pot Road and reduced speed limit and no parking signage within the road right-of-way and must construct and/or install all required road related improvements as approved by the Ministry of Transportation & Infrastructure, prior to final building inspection.

## **2.9 Fire Protection Equipment**

The Owner must install as part of the Development a water storage tank or tanks having a minimum capacity of 66,000 gallons, together with a fire hydrant or other appropriate connection for fire protection purposes to the satisfaction of the RDN prior to final building inspection.

## **2.10 Site Improvements**

The Owner must complete the following improvements as part of the Development to the satisfaction of the RDN prior to final building permit:

- (a) all exterior site lighting shall be dark sky compliant;
- (b) the parking lot is required to be a durable gravel or similar permeable surface that does not produce dust; and
- (c) the entrance aisle within the property is to include traffic calming textured roadway.

## **2.11 Potable Water Improvements**

The Owner must obtain as part of the Development a secured water source approval from the Vancouver Island Health Authority, Public Health Engineering, Third Floor – 6475 Metral Drive, Nanaimo, British Columbia, V9T 2L9, together with a Non-domestic Water License from the Ministry of Environment and Climate Change Strategy prior to the issuance of a building permit save and except where these required approvals are obtained prior to the adoption of Bylaw No. 500.432.

### 3. GENERAL

- 3.1 The Owner agrees to do everything reasonably necessary, at the Owner's expense, to ensure that this Agreement is registered against title to the Parent Parcel with priority over all financial charges registered, or the registration of which is pending, at the time of application for registration of this Agreement.
- 3.2 The Owner covenants and agrees to execute all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
- 3.3 The Owner shall reimburse the RDN for any expense that may be incurred by the RDN as a result of a breach of a covenant under this Agreement.
- 3.4 The Owner hereby releases and forever discharges the RDN of and from any claim, cause of action, suit, demand, expenses, costs and legal fees whatsoever which the Owner can or may have against the RDN for any loss, damage, deprivation or injury, including economic loss, that the Owner may sustain or suffer arising out of the restrictions or requirements in this Agreement, or connected with the breach of any covenant in this Agreement.
- 3.5 The Owner covenants and agrees to indemnify and save harmless the RDN from any and all claims, causes of action, suits, demands, expenses, costs and legal fees whatsoever that anyone might have as owner, occupier or user of the Lands, or by a person who has an interest in or comes onto the Lands, or by anyone who suffers loss of life or injury to his person or property, or whatsoever which anyone has or may have against the RDN or which the RDN incurs as a result of any loss, damage, deprivation or injury, including economic loss, arising out of the restrictions or requirements in this Agreement, or connected with the breach of any covenant in this Agreement.
- 3.6 The Owner and the RDN agree that every obligation and covenant of the Owner in this Agreement constitutes both a contractual obligation and a covenant granted under s. 219 of the *Land Title Act* in respect of the Parent Parcel and this Agreement burdens the Parent Parcel and runs with it and binds the successors in title to the Parent Parcel. This Agreement burdens and charges the Parent Parcel and any parcel into which they may be subdivided by any means and any parcel into which any of the Parent Parcel is consolidated. The Owner is only liable for breaches of this Agreement that occur while the Owner is the registered owner of the Parent Parcel.
- 3.7 The Owner and the RDN agree that the enforcement of this Covenant shall be entirely within the discretion of the RDN and that the execution and registration of this covenant against the title to the Parent Parcel shall not be interpreted as creating any duty on the part of the RDN to the Owner or to any other person to enforce any provision or the breach of any provision of this Covenant and Agreement or to perform any act or to incur any expense in respect of this Agreement.
- 3.8 The Owner and the RDN agree that nothing contained or implied herein shall prejudice or affect the rights and powers of the RDN in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Parent Parcel as if this Agreement had not been executed and delivered by the parties hereto.

- 3.9 The Owner covenants and agrees that the RDN may withhold development permits, building permits and occupancy certificates as necessary to ensure compliance with these covenants, and that the issuance of a development permit, building permit or occupancy certificate does not act as a representation or warranty by the RDN that these covenants have been satisfied.
- 3.10 The Owner and the RDN acknowledge and agree that the RDN has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Owner other than those contained in this Agreement.
- 3.11 The Owner covenants and agrees that, where the RDN is required or permitted by this Agreement to form an opinion, exercise a discretion, express satisfaction, make a determination or give its consent, that the RDN is under no public law duty of fairness or natural justice in that regard and agrees that the RDN may do any of those things in the same manner as if it were a private party and not a public body.
- 3.12 The Owner and the RDN agree that any opinion, decision, act or expression of satisfaction provided for in this Agreement is to be taken or made by the Chief Administrative Officer for the RDN or his or her delegate authorized as such in writing.
- 3.13 The Owner and the RDN acknowledge and agree that an alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.
- 3.14 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 is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.
- 3.15. Where there is a reference in this Agreement to an enactment, the enactment referred to is an enactment of the Province of British Columbia unless otherwise so stated and any reference to an enactment shall include any amendments thereto or replacements thereof.
- 3.16 This Agreement shall be interpreted according to the laws of the Province of British Columbia.
- 3.17 This Agreement is the entire agreement between the parties regarding its subject.
- 3.18 This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors and assigns, as the case may be, and wherever the singular or masculine is used, it shall be construed as if the plural or the feminine or body corporate, as the case may be, had been used, where the parties or the context hereto so require the rest of the sentence shall be construed as if the grammatical and terminological changes thereby rendered necessary had been made.

3.19 This Agreement may be executed in any number of counterparts, each of which will be deemed to be an original, but which taken together shall constitute one and the same instrument. Counterparts may be delivered by facsimile or other electronic means and any counterpart so delivered shall be deemed to have been duly and validly delivered and be valid and effective for all purposes.

**IN WITNESS OF THIS AGREEMENT** the RDN and the Owner have executed this Agreement by signing the "Form C - General Instrument - Part 1" attached hereto.



(Via email)

Attention: Ms. Cynthia Dyer, Executive Director of Discover Montessori Society

**Re: Preliminary Hydrogeological Assessment for the Proposed Rezoning of  
3452 Jingle Pot Road, Regional District of Nanaimo, BC - Revised version**

GW Solutions Inc. (GW Solutions) is pleased to present the following letter-report summarizing our assessment of the hydrogeological conditions at and in the vicinity of the above-noted property (the Property) for a rezoning application within the Regional District of Nanaimo (RDN).

## 1 BACKGROUND

We understand that Discover Montessori Society has plans to build a school on the Property (delineation on Figure 1). The population of the school would be approximately 200 people, most of which would be children accompanied by 25 adult staff.

The Regional District of Nanaimo (RDN) requires, at the rezoning stage, confirmation that the potable water needs of the proposed lot can be met (Policy B1.21):

1. a minimum year-round potable water supply to support the proposed use can be provided on the parcel, and that,
2. the proposed well(s) are not anticipated to have adverse impacts on groundwater resources, existing groundwater users, and hydraulically-connected streams.

The objectives of GW Solutions' work have been to:

- Review available information to assess the hydrogeological conditions of the area and water usage; and
- Provide a professional opinion on the suitability of the existing water source for the proposed use and/or the potential to access a reliable new water source on the Property.

## 2 SCOPE

As part of GW Solutions' assessment, the following tasks have been completed:

- Review of background information on soils, aquifers, surface water features, and water levels;
- Review of existing infrastructure within the Property and estimation of water demand;
- Site visit;
- Interpretation of a 6-hour pumping test performed by BC Aquifer; and
- Report (this report) describing the local hydrogeological conditions and an opinion on the likelihood of obtaining an adequate potable water source on the proposed property and its potential impacts on neighbouring wells and the environment.

### 3 INFORMATION SOURCES

During the course of the study, and along with information provided by the owners, GW Solutions accessed the following sources of data (BC Provincial database):

- bedrock and quaternary geology;
- BC Soil Information Finder Tool;
- wells and water levels;
- aquifer mapping; and
- surface water features.

A summary of the information and our assessment are presented in the remainder of this letter-report.

### 4 SITE LOCATION AND GEOMORPHOLOGY

The Property is located within Area C of the Regional District of Nanaimo (RDN) half-way between Brannen Lake and Westwood Lake. It has an area of approximately 8.8 ha (21.8 acres) (Figure 1). It ranges from elevation 125 to 116 m above sea level sloping towards the north-east. The proposed school area is 0.55 ha (blue polygon in Figure 1).

McClure Creek, that originates from Mount Benson, crosses the Property near the north-west corner and flows year-round, according to the owner; McClure Creek is currently fully recorded. According to the owner, there is another creek crossing the Property that flows seasonally.





Figure 1. Location of the Property. Numbers show Well Tag Number.

## 5 PROPOSED USE AND EXISTING INFRASTRUCTURE

The new school will be built around the old market building that will be kept on the Property (see plan in Appendix 1). About 200 children and 25 adult staff members are expected during the day, Monday to Friday. There won't be any boarding students. Use of the facility will be minimal in July and August. Water demand for students and staff was estimated based on the BC Sewerage System Standard Practice manual (version 3 – Sept 2014) at between 4,250 L/d to 7,875 L/d. The estimated water demand for school operation is summarized in Table 1.

There will be small greenspaces around the classrooms dedicated for small crops (vegetables). They will be manually watered, possibly using water from a rainwater collection system. This water demand will be minimal, estimated at 0.124 USgpm based on the BC Agriculture Water Demand calculator for an irrigated area of 100 m<sup>2</sup> (see in Appendix 2).

If possible, about 4,500 m<sup>2</sup> of land is planned to be used to grow vegetables and will be irrigated using a drip system. This zone is already partially irrigated with the current well; it is located outside of the proposed area to be re-zoned on the Property (see location in Figure 1). The water demand for irrigation was estimated using the BC Agriculture Water Demand calculator (see in Appendix 2) at a peak flow of 5.6 US gpm.

**Table 1. Estimated Water Demand for School Operation**

	Students	Staff	Total (L/d)	Total (US gpm)
Count	200	25		
Min water use L/day/pers	15	50		
Max water use L/day/pers	30	75		
Total min water use	3,000	1,250	<b>4,250</b>	<b>0.78</b>
Total max water use	6,000	1,875	<b>7,875</b>	<b>1.44</b>

There is a drilled well located in a pumphouse (Figure 1 and Photo 1). It is a 6-inch diameter well and has an ID plate number of 13315; however, it is not registered in the BC Database and no well log could be found after inquiries with local drillers. The previous owner mentioned it was drilled to a depth of approximately 122 m (400 ft). With such a depth, the well is assumed to be completed in the bedrock aquifer.

According to the BC Database, a well was dug on the Property in 1963. Lithology information is described as blue clay; therefore, the well was likely completed in low permeability till material and would not be suitable for a water supply source (well construction report is in Appendix 1). According to the well owner, the dug well is located near the drilled well, but we could not find it during our site visit.

It is understood that the drilled well currently services domestic use for two persons living in the rental unit, a small irrigation field (vegetables), some livestock (cows and horses) and toilets in the existing market building. The water fills a 3000 US gallon water tank before distribution. The current landowner mentioned the water source for the existing dwellers will be switched to the dug well once the school opens, but the feasibility of that has to be verified.

The Property holds two current surface water licences on McClure Creek:

- Licence No. C130855 for 6,170 m<sup>3</sup>/yr, which is equivalent to 3.1 US gpm. The licence is registered under the name T&R Ventures for the purpose of Stream storage - Non-power.
- Licence No. C130847 for 1.36 m<sup>3</sup>/d, which is equivalent to 0.25 US gpm. The licence is registered under the name T&R Ventures for the purpose of livestock and animal.



Photo 1. Drilled Well ID#13315 on the Property

## 6 SURFICIAL GEOLOGY

Surficial geology around the Property is divided between deep moraine sediments in the southern portion of the Property and marine sediments in the northern portion of the Property including the proposed school area. The moraine deposits are described as clay, hardpan or till on well logs directly surrounding the Property. The thickness of unconsolidated sediments averages 14.6 m (47.8 ft) within a 500-meter radius around the Property.



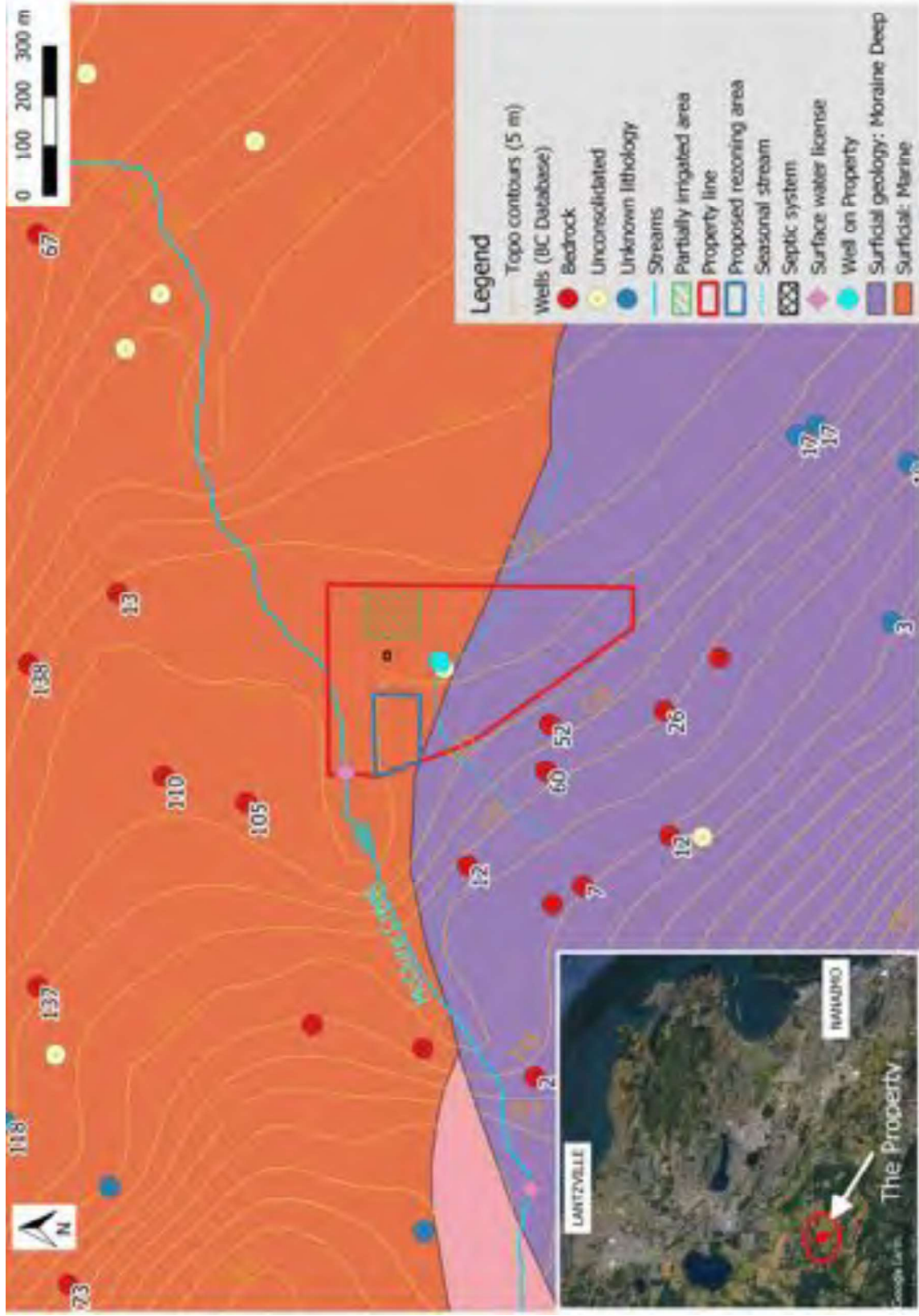


Figure 2. Surficial geology near the Property. Numbers show thickness of overburden (in feet)

## 7 BEDROCK GEOLOGY

Bedrock underlying the Property consists of sedimentary rocks of the Nanaimo Group (BC Geological Survey); reported on well logs as sandstone and layers of shale (Figure 3). Basaltic volcanic rock belonging to the Vancouver Group is also occasionally reported on well logs, usually underlying the sandstone. No major fault line is reported near the Property.



Figure 3. Bedrock geology near the Property. Numbers show depth of wells (in feet)

## 8 GROUNDWATER RESOURCES AND GROUNDWATER SUPPLY POTENTIAL

According to aquifer mapping by the BC Ministry of Environment, the Property lies over Aquifer 211 (Nanaimo Aquifer), which consists of fractured bedrock and Aquifer 167 consisting of sand and gravel. The mapping of aquifers is based partly on available well logs at the time the mapping was carried out. Well logs suggest that Aquifer 167 is not present under the Property, because the lithological descriptions indicate clay, hardpan or till (as explained in Section 6). In addition, wells are mostly completed in bedrock (thus in Aquifer 211) around the Property. Aquifer 211 is described as having a low productivity and a moderate demand and vulnerability; it is mostly used for domestic purposes.

Figure 4 includes estimated well yields and well depths. Driller's estimates of well yields in Aquifer 211 range from 0.02 US gpm to 15 US gpm within a 500 m radius around the Property. Average yield is 3.3 US gpm, which is considered as low productivity.

Water bearing fractures have been reported at depths ranging between 34 m (112 ft) and 151 m (495 ft) near the Property.

Depth to water (observed at the time of drilling) averages 14 m (46 ft) within a 500 m radius around the Property. It ranges between 0.6 m (2 ft) and 6 m (20 ft) in the immediate vicinity of the Property (Figure 4).

On September 9, 2019, BC Aquifer performed a 6-hour pumping test on the drilled well on the Property. Water level in the well during the test is shown in Figure 5 as well as flow rate measurements. We considered that the well was tested in driest conditions (see section 9.3). Based on this limited duration pumping test, the existing drilled well likely produces between 1 and 1.5 US gpm. However, we cannot properly rate the well according to standard BC practices because the test was not long enough, and the location of the water-bearing fractures is unknown.

The water demand for the school operation alone was estimated between 0.8 and 1.4 US gpm (Section 5). GW Solutions recommends that a new well be drilled and tested on the Property. GW Solutions considers it likely that a new well drilled on the Property could meet the maximum demand for the school operation, the irrigation demand for the small crops (0.124 USgpm), and possibly part of the irrigation demand (5.6 US gpm). The following options could also be considered for the irrigation demand:

- Use a rainwater collection system;
- Use the surface water licence on McClure Creek that allows for 0.25 US gpm;





Figure 4. Groundwater resources near the Property – Aquifer location. Numbers represent estimated yields (in US gpm) followed in brackets by depth to water (in feet).

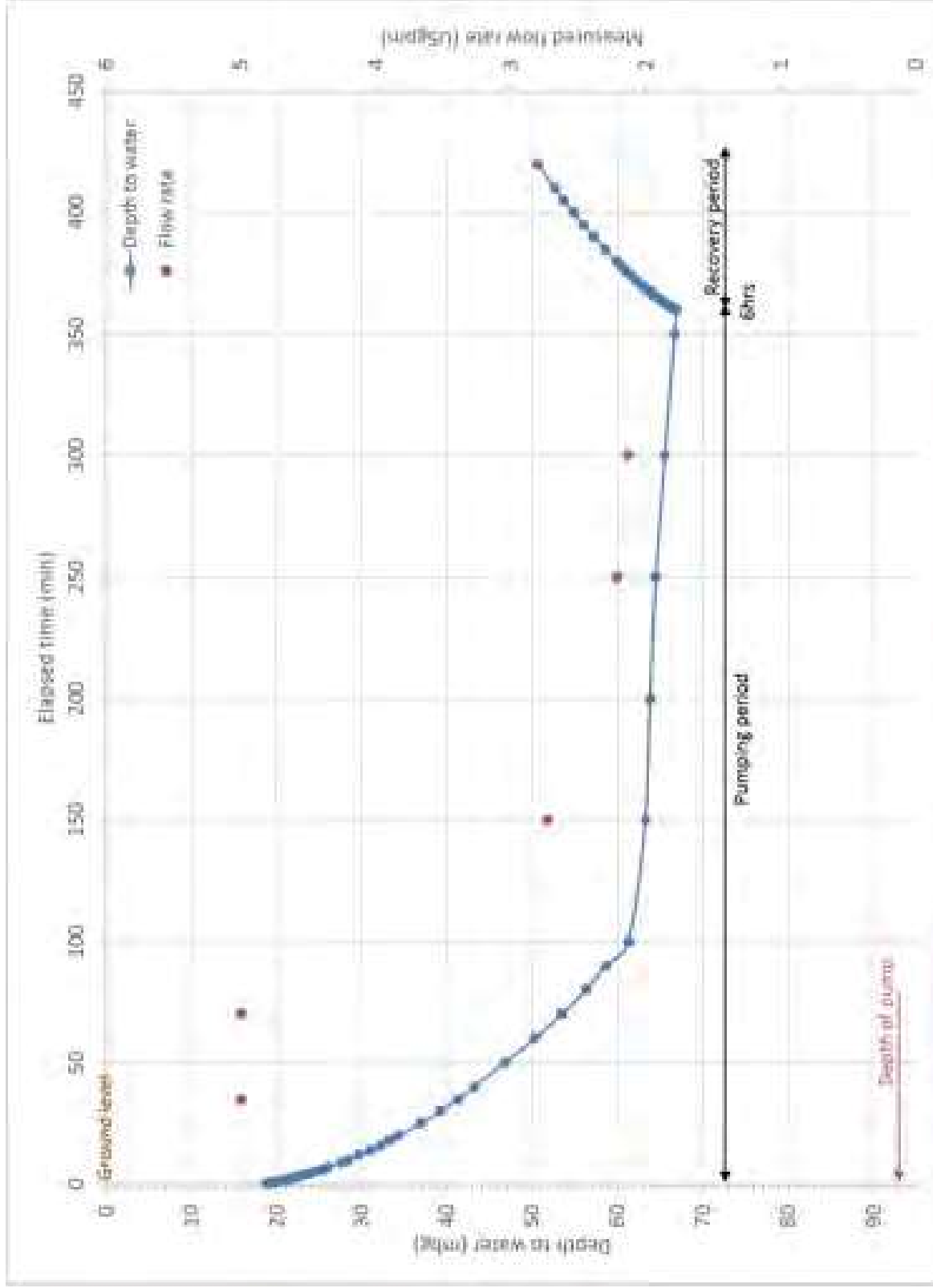


Figure 5. Pumping test performed on Well ID#13315



## 9 GROUNDWATER QUALITY

A water sample was collected at the end of the pumping test by BC Aquifer and sent to the accredited laboratory MB Labs Ltd. for potability analysis. The original laboratory report is found in Appendix 4.

Table 2 shows a summary of some parameters and how their concentrations compare to the Canadian Drinking Water Quality Guideline (CDWQG). The following observations were made:

- Total coliforms exceed the Maximum Acceptable Concentration (MAC) for drinking water.
- Total Iron and colour exceed the Aesthetic Objective (AO) for drinking water.
- Turbidity exceeds the operational guideline.
- Total plate count bacteria, an indicator tool for potential bacterial development, exceeds 500 CFU/mL, thus treatment is recommended.

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**Table 2. Summary of water quality exceedances**

Well ID	Sampling Date	Parameter	Reported Concentration	Unit	Limit Concentration	Exceedance Category
13315	Sept 10, 2019	Total Iron (Fe)	1.52	mg/L	0.3	Exceeds AO
		Total coliforms	4	CFU/100 mL	0	Exceeds MAC
		Total Plate Count Bacteria	7616	CFU/mL	500	Indicator tool
		Turbidity	30.1	NTU	1	Exceed OG
		Colour	19.1	TCU	15	Exceeds AO

## 10 POTENTIAL IMPACTS ON SURROUNDING WELLS, GROUNDWATER RESOURCES, AND RECEIVING WATERS

### 10.1 Well Interference

Drawdowns in bedrock can spread several hundred meters, but the groundwater usage and well yield in the area are small; therefore, pumping from the future production well(s) should have a minimal impact on other well users given the distance that separates them (>200m). The future well will have to be sited far enough away from the existing well on the property to not negatively interfere with each other resulting in loss of capacity.

### 10.2 Groundwater Quality

Siting of a new well on the proposed lot should be given careful consideration to ensure compliance with the BC Groundwater Regulation, the BC Sewerage System Regulation and the BC Health Hazards Regulation, which specify a minimum setback of 30 m between a drinking water well and a sewerage system or any other probable source of contamination (compost pile, animal pens/runs, areas of fertilizers/herbicides use or storage, etc.). The wellhead design will have to comply with the BC Groundwater Protection Regulation (surface seal, stick-up, well cap, etc.). The well will not have a negative impact on groundwater quality if it is built, operated and maintained in compliance with these regulations.

### 10.3 Groundwater Quantity

Every aquifer is susceptible to depletion when abstraction rates exceed recharge rates for extended periods of time, and particularly during summer and droughts. A bedrock aquifer is particularly at risk of depletion by over pumping. While Aquifer 211 has served as a reliable source of potable water for several decades, signs of aquifer stress have been reported in the RDN State of Our Aquifers (GW Solutions, 2017). Indeed, groundwater level decline has been observed in the Provincial Observation Well 388, located 1.2 km south of the Property. Over seven years, winter water levels have dropped from 5 to 10 m below ground and summer water levels from 14 to more than 25 m below ground (Figure 6). The aquifer represents a shared resource, which is capable of sustaining moderate flows in perpetuity; however, its use has to be managed to avoid depletion. To help protect the aquifer from further depletion, the Discover Montessori Society proposes to use a rainwater collection system and a drip irrigation system that minimize water usage. Also, low-flush toilets are considered to minimize water usage for the school operation.

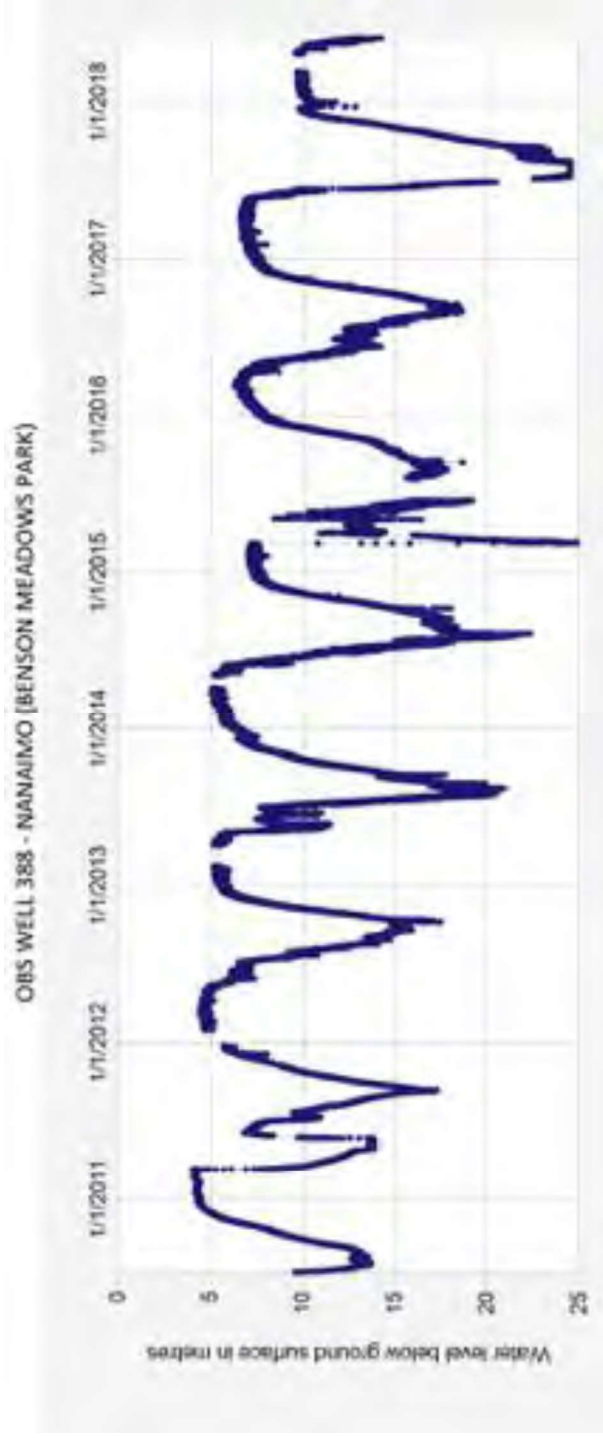


Figure 6. Water levels recorded at Provincial Observation Well 388 completed to 165 ft deep in volcanic formation

#### 10.4 Connection with Surface Water

Given the thickness of the low permeable sediment layer above the bedrock, hydraulic connection between groundwater and McClure Creek or the unnamed seasonal creek is unlikely near the Property. Therefore, withdrawal from Aquifer 211 should not have an impact on surface water flows in McClure Creek and the unnamed seasonal creek.

#### 10.5 Receiving Waters

The use of groundwater will not have an impact on the receiving environment if an adequate sewage system is designed and built.

## 11 CONCLUSIONS AND RECOMMENDATIONS

Based on the completed work and the available information reviewed, we draw the following conclusions:

1. Water demand for students and staff was estimated at between 4,250 L/d to 7,875 L/d (0.8 to 1.4 US gpm). The water demand for irrigating small crops near the classrooms is 0.124 USgpm. The water demand for the larger irrigation area outside of the proposed rezoning area was estimated at a peak flow of 5.6 US gpm.
2. There are a lot of unknowns regarding the existing drilled well (ID#13315) on the Property. The location of the water-bearing fractures and construction details are unknown. It is also unclear whether the rental unit will still continue using this well as a source of water after the school opens. Based on the short pumping test performed on September 9, 2019, the well may produce between 1 and 1.5 US gpm.
3. GW Solutions recommends that a new well be drilled and tested on the Property. GW Solutions considers it likely that a new well drilled on the Property could meet the maximum demand for the school operation, the irrigation demand for the small crops (0.124 USgpm), and possibly part of the irrigation demand (5.6 US gpm) (RDN requirement No. 1). The following options could also be considered for the irrigation demand:
  - Use a rainwater collection system;
  - Use the surface water licence on McClure Creek that allows for 0.25 US gpm.
4. Water from a newly built well will likely have similar water quality as existing well ID#13315. Water quality in well ID#13315 exceeds the Maximum Admissible Concentration for total coliforms, the Aesthetic Objectives for iron and colour, and the Operational Guideline for turbidity. Therefore, water from the new well will likely have to be treated.
5. It is unlikely that the new well will have adverse impacts on existing groundwater users given the distance from other wells and the relatively low water demand (RDN requirement No. 2).
6. It is unlikely that the new well will have adverse impacts on groundwater resources if water conservation measures are undertaken (e.g., rainwater collection, drip watering system, low-flush toilets) (RDN requirement No. 2).
7. Withdrawal from Aquifer 211 should not have an impact on surface water flows in McClure Creek and the unnamed seasonal creek given the thickness of the low permeable sediment layer above the bedrock (RDN requirement No. 2).

Considering the available options, GW Solutions considers that the RDN Policy B1.21 requirements will likely be met.

The RDN Policy B1.21 states that “Prior to bylaw adoption the applicant must receive and demonstrate to the RDN: - an approved groundwater license from the Province [...] – a source approval from the Vancouver Island Health Authority”. Therefore, we recommend discussing the options proposed in this report with representatives from Island Health and the Province before drilling and testing the new well.

## 12 REFERENCES

GW Solutions Inc, 2017. State of our aquifers, Aquifer 211, Regional District of Nanaimo.

## 13 STUDY LIMITATIONS

This document was prepared for the exclusive use of the Discover Montessori Society. The inferences concerning the data, site and receiving environment conditions contained in this document are based on information obtained during investigations conducted at the site by GW Solutions and others and are based solely on the condition of the site at the time of the site studies. Soil, surface water and groundwater conditions may vary with location, depth, time, sampling methodology, analytical techniques and other factors.

In evaluating the subject study area and water quality data, GW Solutions has relied in good faith on information provided. The factual data, interpretations and recommendations pertain to a specific project as described in this document, based on the information obtained during the assessment by GW Solutions on the dates cited in the document, and are not applicable to any other project or site location. GW Solutions accepts no responsibility for any deficiency or inaccuracy contained in this document as a result of reliance on the aforementioned information.

The findings and conclusions documented in this document have been prepared for the specific application to this project and have been developed in a manner consistent with that level of care normally exercised by hydrogeologists currently practicing under similar conditions in the jurisdiction.

GW Solutions makes no other warranty, expressed or implied and assumes no liability with respect to the use of the information contained in this document at the subject site, or any other site, for other than its intended purpose. Any use which a third party makes of this document, or any reliance on or decisions to be made based on it, are the responsibility of such third parties. GW Solutions accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or action based on this document. All third parties relying on this document do so at their own risk. Electronic media is susceptible to unauthorized modification, deterioration and incompatibility and therefore no party can rely



upon the electronic media versions of GW Solutions' document or other work product. GW Solutions is not responsible for any unauthorized use or modifications of this document.

GW Solutions makes no other representation whatsoever, including those concerning the legal significance of its findings, or as to other legal matters touched on in this document, including, but not limited to, ownership of any property, or the application of any law to the facts set forth herein.

If new information is discovered during future work, including excavations, sampling, soil boring, predictive geochemistry or other investigations, GW Solutions should be requested to re-evaluate the conclusions of this document and to provide amendments, as required, prior to any reliance upon the information presented herein. The validity of this document is affected by any change of site conditions, purpose, development plans or significant delay from the date of this document in initiating or completing the project.

The produced graphs, images, and maps have been generated to visualize results and assist in presenting information in a spatial and temporal context. The conclusions and recommendations presented in this document are based on the review of information available at the time the work was completed, and within the time and budget limitations of the scope of work.

The Discover Montessori Society may rely on the information contained in this memorandum subject to the above limitations.

## 14 CLOSURE

Conclusions and recommendations presented herein are based on available information at the time of the study. The work has been carried out in accordance with generally accepted engineering practice. No other warranty is made, either expressed or implied. Engineering judgement has been applied in producing this letter-report.

This letter report was prepared by personnel with professional experience in the fields covered. Reference should be made to the General Conditions and Limitations attached in Appendix 5.

GW Solutions was pleased to produce this document. If you have any questions, please contact me.

Yours truly,

**GW Solutions Inc.**



Dr. Sandra Richard,  
Ph.D. in hydrogeology

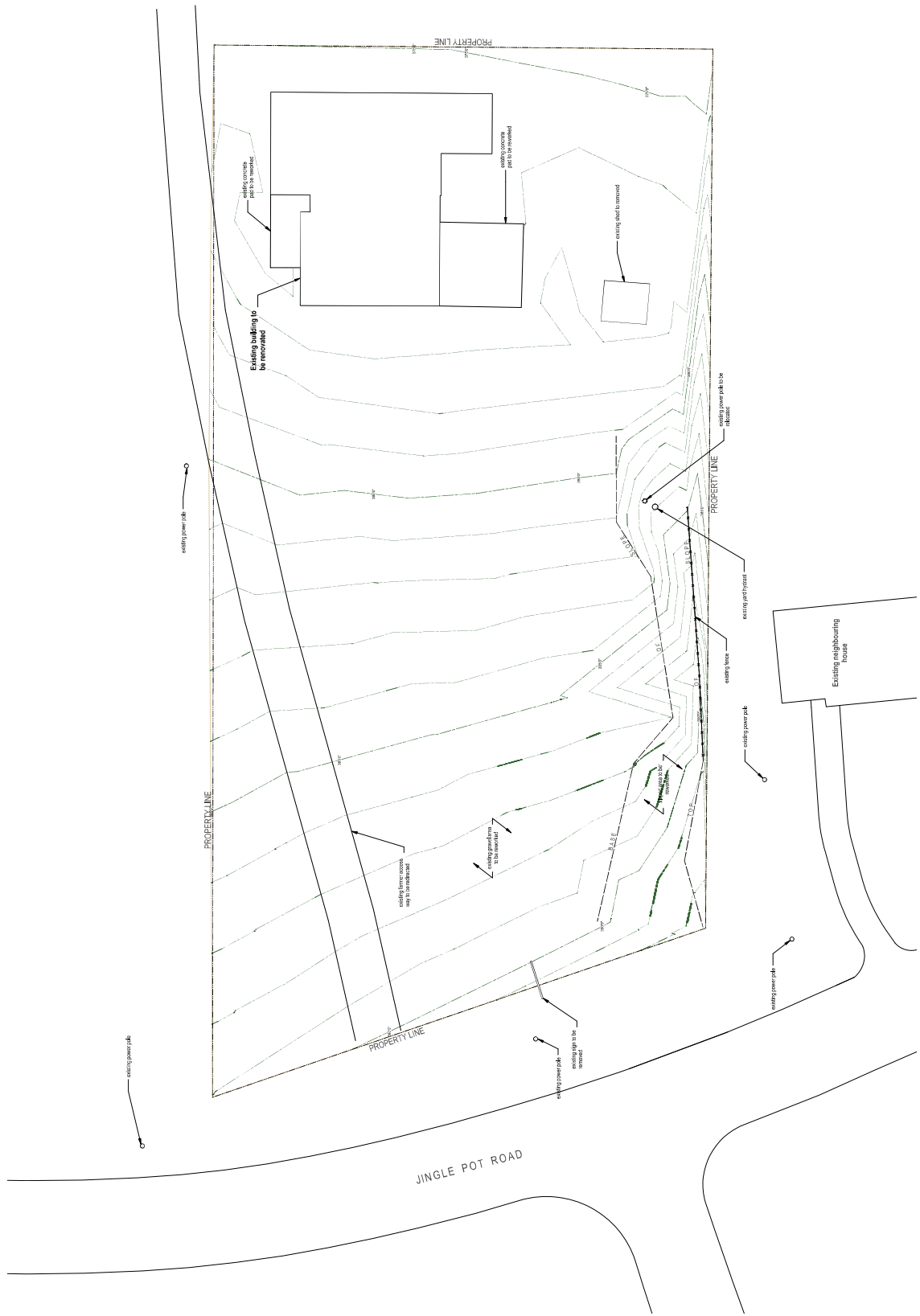

Gilles Wendling, Ph.D., P.Eng.  
President

## **APPENDIX 1**

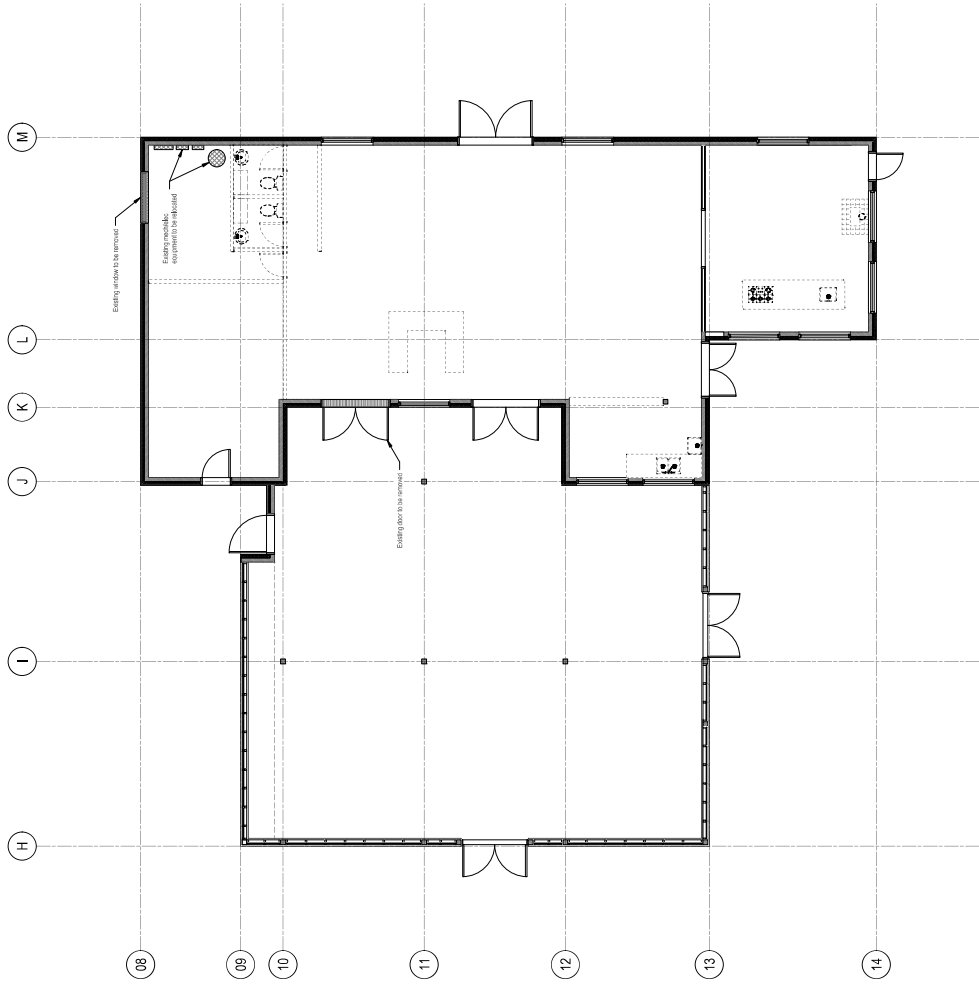
### **PROPOSED SCHOOL PLAN**











- Existing to be removed
- Existing to be relocated
- Existing opening to be filled

NOT FOR CONSTRUCTION - FOR REVIEW ONLY

Project Name: Discover Montessori  
 Project Number: 1214  
 Date: 2020/04/21

Drawn By: JC  
 Checked By: BC  
 Reviewed By: Review

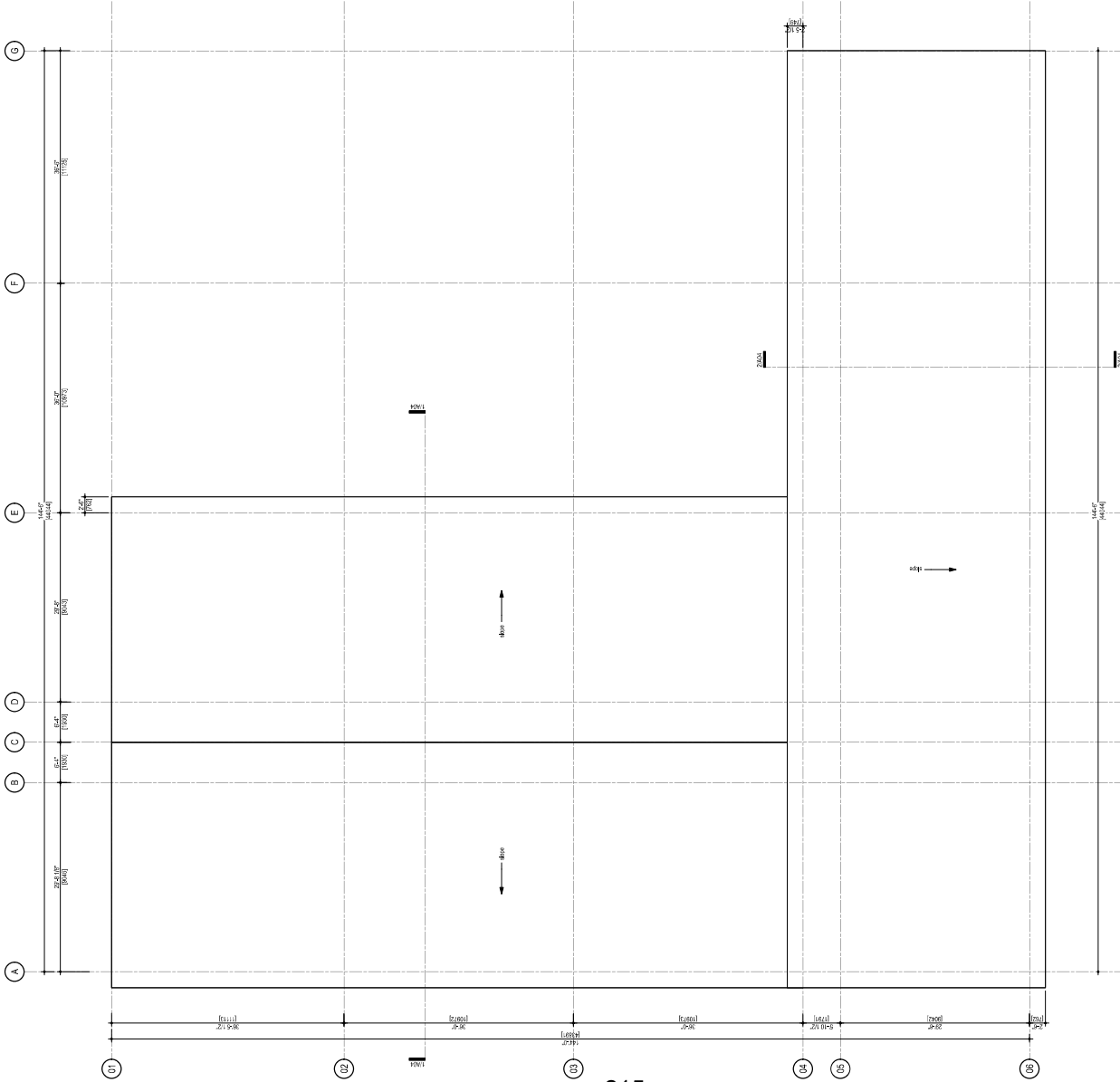
Sheet Number: A02.1  
 Total Sheets: 15

**Discover Montessori**  
 3452 Jingle Pot Road, Nanaimo, BC

**CHECKSWITCH ARCHITECTS**  
 INC.

2527 1/2 St. George  
 Nanaimo, BC V9S 4G9  
 Tel: 250.754.9699  
 www.checkswitch.ca

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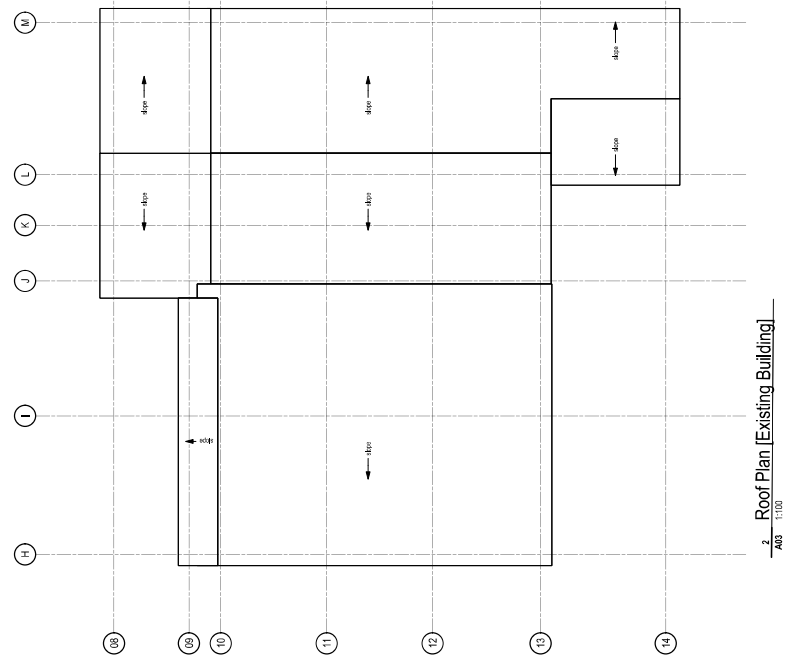
1 - Roof Plan [New Building]  
A03 1:100

**CHECKSWITCH ARCHITECTS**  
www.checkswitch.com  
3452 Jingle Pot Road, Nanaimo, BC V9T 1K9  
Tel: 250.743.9889  
Fax: 250.743.9888  
info@checkswitch.com



**Discover Montessori**  
3452 Jingle Pot Road, Nanaimo, BC

Checkswitch Project Architects Inc.  
1001 Commercial Street, Nanaimo, BC V9T 1K9  
Tel: 250.743.9889  
Fax: 250.743.9888  
info@checkswitch.com



2 - Roof Plan [Existing Building]  
A03 1:100

NOT FOR CONSTRUCTION - FOR REVIEW ONLY

Project Name	Discover Montessori	Project No.	BC
Client	Discover Montessori	Drawn By	JC
Project Address	1234	Scale	1:15
Project No.	2020A021	Date	2020/02/15
Project Name	Discover Montessori	Project No.	A03
Client	Discover Montessori	Project No.	BC
Project Address	1234	Scale	1:15
Project No.	2020A021	Date	2020/02/15



## **APPENDIX 2**

### **BC AGRICULTURE WATER DEMAND CALCULATOR**

# Agriculture Water Demand Report

Generated by: [www.bcagriculturewatercalculator.ca](http://www.bcagriculturewatercalculator.ca) (v2.0.1)

Date: Feb. 21, 2020

## Property

**Property ID (PID):** 009456295

**Total Area:** 72,650 m<sup>2</sup>

## Irrigation

**Irrigated Area:** 100 m<sup>2</sup>

**Crop:** Vegetable

**Soil:** Clay

**Irrigation Type:** Handline

**Climate ID:** 25661797

**Peak Evapotranspiration (ET):** 5 mm/day

**Peak Flow Rate:** 0.124 gpm

**Irrigation season:** May 1 - Sep 15 (138 days)

### Irrigation water demand by month:

January	-
February	-
March	-
April	-
May	1.4 m <sup>3</sup>
June	4.5 m <sup>3</sup>
July	6 m <sup>3</sup>
August	4.6 m <sup>3</sup>
September	1.1 m <sup>3</sup>
October	-
November	-
December	-

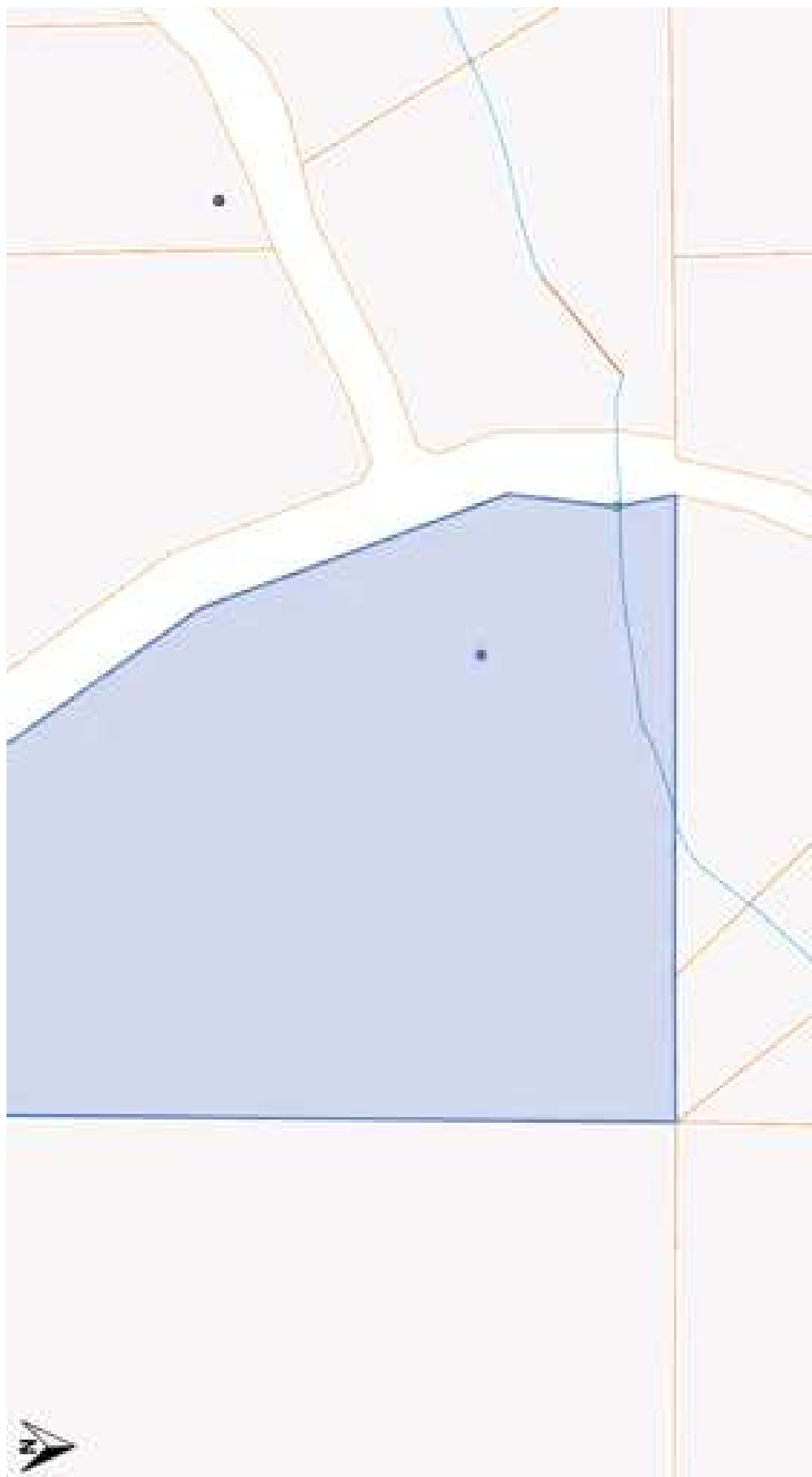
**Annual irrigation water demand:** 18 m<sup>3</sup>

## Livestock

No Livestock

**Total annual water demand:** 18 m<sup>3</sup>





# Agriculture Water Demand Report

Generated by: [www.bcagriculturewatercalculator.ca](http://www.bcagriculturewatercalculator.ca) (v1.4.0)

Date: Sep. 19, 2019

## Property

**Property ID (PID):** 009456295

**Total Area:** 72,650 m<sup>2</sup>

## Irrigation

**Irrigated Area:** 4,500 m<sup>2</sup>

**Crop:** Vegetable

**Soil:** Clay

**Irrigation Type:** Drip

**Climate ID:** 25661797

**Peak Evapotranspiration (ET):** 5 mm/day

**Peak Flow Rate:** 5.6 gpm

**Irrigation season:** May 1 - Sep 15 (138 days)

### Irrigation water demand by month:

January	-
February	-
March	-
April	-
May	49.1 m <sup>3</sup>
June	160 m <sup>3</sup>
July	210 m <sup>3</sup>
August	160 m <sup>3</sup>
September	39 m <sup>3</sup>
October	-
November	-
December	-

**Annual irrigation water demand:** 618 m<sup>3</sup>

## Livestock

No Livestock

**Total annual water demand:** 620 m<sup>3</sup>



## Water sources on the selected property

### ● Wells

- Location (WGS84): 49.18773601,-124.04357758  
Tag: 13048  
Depth (ft): 27

### ● Points of Diversion

- Location (WGS84): 49.1882296,-124.0444017  
License #: C130855  
Source: McClure Creek
- Location (WGS84): 49.1882296,-124.0444017  
License #: C130847  
Source: McClure Creek

**APPENDIX 3**  
EXISTING WELL CONSTRUCTION REPORT (WTN 13048)

092F-020.4.4.3

R 6 3 SEC 16

1-3

WATER BORDS BRANCH, DEPT. OF LANDS AND FORESTS, VICTORIA, B.C.

LOCATION 1/1 COMPLETE (SEE REVERSE) Sec 16 P 3, Township District  
OWNER'S NAME Holtz ADDRESS Knappton Rd

DRIER'S NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_ DATE OF COMPLETION \_\_\_\_\_

DEPTH 27' ELEVATION OF COLLAR 390' CASING DIAM \_\_\_\_\_ LENGTH \_\_\_\_\_ TYPE \_\_\_\_\_

METHOD OF DRIVING \_\_\_\_\_ SCREEN  SIZE \_\_\_\_\_ LENGTH \_\_\_\_\_ TYPE \_\_\_\_\_

PERFORATED CASING  LENGTH \_\_\_\_\_ SIZE \_\_\_\_\_ SPACINGS \_\_\_\_\_ REVOLVED  DESCRIBE \_\_\_\_\_

DRIVEL PACE  LENGTH \_\_\_\_\_ DIAM \_\_\_\_\_ SEE DRIVEL, ETC. \_\_\_\_\_

PUMP  TYPE \_\_\_\_\_ POWER \_\_\_\_\_

CAPACITY \_\_\_\_\_ OTHER DATA \_\_\_\_\_

WELL'S WELL \_\_\_\_\_ PUMP \_\_\_\_\_ PUMP HOUSE, ETC. \_\_\_\_\_

MAINTENANCE \_\_\_\_\_

DISTANCE TO WATER FROM TOP OF CASING 0 ESTIMATED ELEVATION 390' FLUCTUATION \_\_\_\_\_

WIND WATER \_\_\_\_\_ MONTH \_\_\_\_\_ LOW WATER \_\_\_\_\_ MONTH \_\_\_\_\_ OBSERVATION DATA  FILE NO \_\_\_\_\_

WATER USE \_\_\_\_\_

WAS RATE WITHDRAWAL  ESTIMATED  MEASURED \_\_\_\_\_

TEMPERATURE \_\_\_\_\_ PUMPS SAND  \_\_\_\_\_

CLOG SCREEN  TYPE DEPOSIT \_\_\_\_\_ ADJUSTED DATA \_\_\_\_\_

LEASE No \_\_\_\_\_ DATE LEASE \_\_\_\_\_ AMOUNT \_\_\_\_\_

DATE APPLICATION \_\_\_\_\_ USE \_\_\_\_\_



Air supply  
Well located in creek bed

WATER BORDS BRANCH, DEPT. OF LANDS AND FORESTS, VICTORIA, B.C.

WATER QUALITY

WATER QUALITY

WATER QUALITY

WATER QUALITY

WATER QUALITY	WATER QUALITY	WATER QUALITY	WATER QUALITY	WATER QUALITY	WATER QUALITY	WATER QUALITY	WATER QUALITY	WATER QUALITY	WATER QUALITY
1	2	3	4	5	6	7	8	9	10

WATER QUALITY	WATER QUALITY	WATER QUALITY	WATER QUALITY	WATER QUALITY	WATER QUALITY	WATER QUALITY	WATER QUALITY	WATER QUALITY	WATER QUALITY
1	2	3	4	5	6	7	8	9	10

WATER QUALITY	WATER QUALITY	WATER QUALITY	WATER QUALITY	WATER QUALITY	WATER QUALITY	WATER QUALITY	WATER QUALITY	WATER QUALITY	WATER QUALITY
1	2	3	4	5	6	7	8	9	10

WATER QUALITY	WATER QUALITY	WATER QUALITY	WATER QUALITY	WATER QUALITY	WATER QUALITY	WATER QUALITY	WATER QUALITY	WATER QUALITY	WATER QUALITY
1	2	3	4	5	6	7	8	9	10





## **APPENDIX 4**

### **WATER QUALITY REPORT**



**Client/Code:**

A.C. Aquifer - Duncan  
 1295 Trans Canada Hwy  
 Duncan, BC  
 V9L 5Z9

HE - F201

Date: 10/26/10 12:33p  
 Source: well  
 Type of Sample: water  
 No. of Samples: 1

No. 414-9785

TEL: (750) 748-4041  
 email: info@caquifer.ca

Comments: arrived 10/26/10  
 Sample: CURT

Sample: DISCOVERY MONTGOMERY, 3451 JINGLE POT ROAD

Site Code	Date	Time	CFU/100 ml		CFU/100 ml		CFU/100 ml	
			T	F-ME	T	F-ME	T	F-ME
See cell	10/26/10	6:10p	0	0	0	0	0	0

**WATER DISTRICT SCREEN**

Sample	Date	Time	Lactose Fermenters		Coliforms		Total Aerobics	Coliform Bacteriology		TMA
			Total	F-ME	Total	F-ME		Total	Iron Bacteria	
See cell	10/26/10	6:10p	0.00	0.00	00	00	00	ND / ND	ND / ND	ND

\* All counts are colony forming units per millilitre

TC = total coliform bacteria    FC = total coliform bacteria (aka Thermotolerant Coliforms)

MC = non-coliform bacteria    W = none detected

TMA = total plate count- spread plate method - 25C/48hr TSA Plate/MAN plate per 1995 + Revision 4, 1998, Rev 2009

CFU = colony forming units

Results may be adversely affected if samples are submitted to the laboratory more than 24 to 36 hours after collection.

E. coli - Escherichia coli, PHA/MAN 5th ed, 1995 + Revision 4, 1998  
 Bergy's Manual of Systematic Bacteriology Vol 1, 6th ed 1994; J.Clin.Micro.,  
 32(10):19-24, 1995.

**Summary**

For Interpretation of Results:

Total, Faecal Coliforms or E.coli present greater than 6 CFU/100ml (6 CFU/ml).

If Coliform numbers exceed safe limits for drinking water, water is not suitable for drinking without treatment.

Total heterotrophic bacteria (Lactose Fermenters) equal to or greater than 200 CFU/100ml (2.0 CFU/ml).

If the number organisms present exceed recommended guidelines for drinking water, treatment is strongly recommended.

If Total Plate Count Bacteria are -

A) greater than 100 CFU/ml:

High numbers of microbial organisms indicate that this water supply should be evaluated as a potential health risk.

B) greater than 500 CFU/ml:

The number of organisms present exceed recommended guidelines for drinking water/ treatment is strongly recommended.

- see following page for chemistry results -

\_\_\_\_\_  
 E. Fournier-Martinet  
 Microbiologist

\_\_\_\_\_  
 M. Figg  
 Sr. Microbiologist



Client/Code

B.C. Aquifer - Duncan  
5295 Frayne Canada Way  
Duncan, BC  
V9L 5J2

SR - P/W

Date 10Sep17 13:32p  
Source Well  
Type of Sample water  
No. of Samples 1

Ref: W44795-032

TEL: (250) 736-3331  
www: info@bc-aquifer.ca

Comments: arrival temp: 9.0C  
Sampler: Cert

Sample: Discovery Substation, 5611 Wright Rd head - Box Well, 03Sep17 04:50p

ELEMENTS		SAMPLE	UNITS	Maximum Limits Permissible	
In Drinking Water*				In Drinking Water*	
1) Aluminum	Al	8.82	mg/L	no limit listed	
2) Antimony	Sb	10.500	ug/L	6.00 ug/L	
3) Arsenic	As	10.500	ug/L	10.0 ug/L	
4) Barium	Ba	0.000	ug/L	1.00 ug/L	
5) Beryllium	Be	10.000	ug/L	no limit listed	
6) Boron	B	1.82	ug/L	5.00 ug/L	
7) Cadmium	Cd	10.000	ug/L	1.00 ug/L	
8) Calcium	Ca	4.01	ug/L	700 ug/L	
9) Chlorine	Cl	10.000	ug/L	0.050 ug/L	
10) Cobalt	Co	10.520	ug/L	no limit listed	
11) Copper	Cu	10.000	ug/L	1.00 ug/L	
12) Gold	Au	10.040	ug/L	no limit listed	
13) Iron	Fe	1.11	ug/L	0.300 ug/L	
14) Lead	Pb	10.000	ug/L	1.00 ug/L	
15) Magnesium	Mg	0.500	ug/L	50.0 ug/L	
16) Manganese	Mn	0.500	ug/L	0.170 MNC 0.020 AD	
17) Mercury	Hg	10.000	ug/L	1.00 ug/L	
18) Molybdenum	Mo	10.000	ug/L	no limit listed	
19) Nickel	Ni	10.000	ug/L	no limit listed	
20) Nitrogen	N	0.000	ug/L	no limit listed	
21) Nitrate	N	0.686	ug/L	no limit listed	
22) Potassium	K	10.000	ug/L	no limit listed	
23) Selenium	Se	10.000	ug/L	1.0 ug/L	
24) Silicon	Si	3.71	ug/L	no limit listed	
25) Silver	Ag	10.000	ug/L	no limit listed	
26) Sodium	Na	178	ug/L	700 ug/L	
27) Strontium	Sr	0.000	ug/L	no limit listed	
28) Tin	Sn	10.000	ug/L	no limit listed	
29) Titanium	Ti	0.000	ug/L	no limit listed	
30) Vanadium	V	10.000	ug/L	no limit listed	
31) Zinc	Zn	0.000	ug/L	5.00 ug/L	
Hardness (mg/L CaCO <sub>3</sub> )		11.2	ug/L	0-70 ug/L = soft	
pH		8.75	units	7.0 to 8.5	

\* As per Canadian or B.C. Health Act Safe Drinking Water Regulation BC Reg 250/92, s 250 Sch 1, 2001. Task Force of the Canadian Council of Ministers and Environment Ministers - Guidelines for Canadian Drinking Water Quality, 2015.

Comments:

Iron: high amounts of iron can cause staining of laundry, porcelain and plumbing fixtures; has a bad taste; undesirable taste. Essential for health.  
pH: extreme low pH can lead to corrosion (too low is 5) or incrustation (too high is 8.5) of pipes & plumbing fixtures. Water with low pH allows metals to dissolve into water; water with high pH reduces disinfection efficacy, increases DMG & scale formation.



## Client/Code

H.C. Qualifer - Duncan  
 5293 Trane Canada Hwy  
 Duncan, BC  
 V9L 5J2

Date: 12/12/11  
 Source: Well  
 Type of Sample: water  
 No. of Samples: 1

NO. W49715-031

TEL: (250) 746-4644  
 email: info@hcaqualifer.ca

Comments: Analytical Report: H.C.  
 Sampler: Surf

Sample Discovery process: L\_5031\_single\_dot.doc

SAMPLE	DATE	TIME	QUALITY	NO. 1	NO. 2	CO.	COLOUR	T.C.
Raw Well	97Dec11	04:50	(mg/L)	(mg/L)	(mg/L)	(mg/L)	(mg/L)	(mg/L)
Lab Blank			ND	ND	ND	ND	ND	ND
$S_x$			0.001	0.001	0.010	0.000	0.100	0.100
REF. VALUE			ND	10.0	100	5.00	100	100
STO $\pm$ SD			199 $\pm$ 11.0	26.7 $\pm$ 1.41	106 $\pm$ 8.92	4.93 $\pm$ 0.148	145 $\pm$ 8.99	
SAMPLE	DATE	TIME	QUALITY	NO. 1	NO. 2	CO.	COLOUR	T.C.
Raw Well	97Dec11	04:50	(2x, 8, 200)	(mg/L)	(mg/L)	(mg/L)	(mg/L)	(mg/L)
Lab Blank			0.251	0.100	ND	0.991	ND	21.4
Lab Blank			ND	ND	ND	ND	ND	ND
$S_x$				0.101 mg/L	0.001	0.012	0.100	0.100
REF. VALUE				1.00	50.0	1.000	100	100
STO $\pm$ SD				1.17 $\pm$ 0.080	39.0 $\pm$ 6.49	1.194 $\pm$ 0.081	117 $\pm$ 12.47	
SAMPLE	DATE	TIME	QUALITY	NO. 1	NO. 2	F.D.C.	CO.	CO.
Raw Well	97Dec11	04:50	(mg/L)	(mg/L)	(mg/L)	(mg/L)	(mg/L)	(mg/L)
Lab Blank			ND	4.76	ND	0.499	1.499	22.1
Lab Blank			ND	ND	ND	ND	ND	ND
$S_x$			0.200	0.075	0.200	0.075	0.075	0.100
REF. VALUE			10.0	10.0	10.0	1.00	100	100
STO $\pm$ SD			3.94 $\pm$ 0.183	10.4 $\pm$ 0.708	3.79 $\pm$ 0.119	0.93 $\pm$ 0.080	109 $\pm$ 18.4	
SAMPLE	DATE	TIME	QUALITY	NO. 1	NO. 2	CO.	CO.	CO.
Raw Well	97Dec11	04:50	(mg/L)	(mg/L)	(mg/L)	(mg/L)	(mg/L)	(mg/L)
Lab Blank			ND	39.1	67.1	ND	ND	ND
Lab Blank			ND	ND	ND	ND	ND	ND
$S_x$			0.015	0.001				
REF. VALUE			40.0	60.0				
STO $\pm$ SD			48.8 $\pm$ 1.88	60.2 $\pm$ 4.02				

SD = standard deviation

STO = secondary standard calibrated to primary standard reference material

$S_x$  = standard deviation at zero analyte concentration: asked deviation limit

is generally considered to be  $S_x$   $S_x$  value

ND = non detected n/a = not applicable



R. Widdow  
 Analytical Chemist

R. Widdow  
 Analytical Chemist

## APPENDIX 5

### GW SOLUTIONS INC. GENERAL CONDITIONS AND LIMITATIONS

This report incorporates and is subject to these “General Conditions and Limitations”.

### 1.0 USE OF REPORT

This report pertains to a specific area, a specific site, a specific development, and a specific scope of work. It is not applicable to any other sites, nor should it be relied upon for types of development other than those to which it refers. Any variation from the site or proposed development would necessitate a supplementary investigation and assessment. This report and the assessments and recommendations contained in it are intended for the sole use of GW SOLUTIONS's client. GW SOLUTIONS does not accept any responsibility for the accuracy of any of the data, the analysis or the recommendations contained or referenced in the report when the report is used or relied upon by any party other than GW SOLUTIONS's client unless otherwise authorized in writing by GW SOLUTIONS. Any unauthorized use of the report is at the sole risk of the user. This report is subject to copyright and shall not be reproduced either wholly or in part without the prior, written permission of GW SOLUTIONS. Additional copies of the report, if required, may be obtained upon request.

### 2.0 LIMITATIONS OF REPORT

This report is based solely on the conditions which existed within the study area or on site at the time of GW SOLUTIONS's investigation. The client, and any other parties using this report with the express written consent of the client and GW SOLUTIONS, acknowledge that conditions affecting the environmental assessment of the site can vary with time and that the conclusions and recommendations set out in this report are time sensitive. The client, and any other party using this report with the express written consent of the client and GW SOLUTIONS, also acknowledge that the conclusions and recommendations set out in this report are based on limited observations and testing on the area or subject site and that conditions may vary across the site which, in turn, could affect the conclusions and recommendations made. The client acknowledges that GW SOLUTIONS is neither qualified to, nor is it making, any recommendations with respect to the purchase, sale, investment or development of the property, the decisions on which are the sole responsibility of the client.

### 2.1 INFORMATION PROVIDED TO GW SOLUTIONS BY OTHERS

During the performance of the work and the preparation of this report, GW SOLUTIONS may have relied on information provided by persons other than the client. While GW SOLUTIONS endeavours to verify the accuracy of such information when instructed to do so by the client, GW SOLUTIONS accepts no responsibility for the accuracy or the reliability of such information which may affect the report.

### 3.0 LIMITATION OF LIABILITY

The client recognizes that property containing contaminants and hazardous wastes creates a high risk of claims brought by third parties arising out of the presence of those materials. In consideration of these risks, and in consideration of GW SOLUTIONS providing the services requested, the client agrees that GW SOLUTIONS's liability to the client, with respect to any issues relating to contaminants or other hazardous wastes located on the subject site shall be limited as follows:

- (1) With respect to any claims brought against GW SOLUTIONS by the client arising out of the provision or failure to provide services hereunder shall be limited to the amount of fees paid by the client to GW SOLUTIONS under this Agreement, whether the action is based on breach of contract or tort;
- (2) With respect to claims brought by third parties arising out of the presence of contaminants or hazardous wastes on the subject site, the client agrees to indemnify, defend and hold harmless GW SOLUTIONS from and against any and all claim or claims, action or actions, demands, damages, penalties, fines, losses, costs and expenses of every nature and kind whatsoever, including solicitor-client costs, arising or alleged to arise either in whole or part out of services provided by GW SOLUTIONS, whether the claim be brought against GW SOLUTIONS for breach of contract or tort.

### 4.0 JOB SITE SAFETY

GW SOLUTIONS is only responsible for the activities of its employees on the job site and is not responsible for the supervision of any other persons whatsoever. The presence of GW SOLUTIONS personnel on site shall not be construed in any way to relieve the



client or any other persons on site from their responsibility for job site safety.

#### **5.0 DISCLOSURE OF INFORMATION BY CLIENT**

The client agrees to fully cooperate with GW SOLUTIONS with respect to the provision of all available information on the past, present, and proposed conditions on the site, including historical information respecting the use of the site. The client acknowledges that in order for GW SOLUTIONS to properly provide the service, GW SOLUTIONS is relying upon the full disclosure and accuracy of any such information.

#### **6.0 STANDARD OF CARE**

Services performed by GW SOLUTIONS for this report have been conducted in a manner consistent with the level of skill ordinarily exercised by members of the profession currently practicing under similar conditions in the jurisdiction in which the services are provided. Engineering judgement has been applied in developing the conclusions and/or recommendations provided in this report. No warranty or guarantee, express or implied, is made concerning the test results, comments, recommendations, or any other portion of this report.

#### **7.0 EMERGENCY PROCEDURES**

The client undertakes to inform GW SOLUTIONS of all hazardous conditions, or possible hazardous conditions which are known to it. The client recognizes that the activities of GW SOLUTIONS may uncover previously unknown hazardous materials or conditions and that such discovery may result in the necessity to undertake emergency procedures to protect GW SOLUTIONS employees, other persons and the environment. These procedures may involve additional costs outside of any budgets previously agreed upon. The client agrees to pay GW SOLUTIONS for any expenses incurred as a result of such discoveries and to compensate GW SOLUTIONS through payment of additional fees and expenses for time spent by GW SOLUTIONS to deal with the consequences of such discoveries.

#### **8.0 NOTIFICATION OF AUTHORITIES**

The client acknowledges that in certain instances the discovery of hazardous substances or conditions and materials may require that

regulatory agencies and other persons be informed, and the client agrees that notification to such bodies or persons as required may be done by GW SOLUTIONS in its reasonably exercised discretion.

#### **9.0 OWNERSHIP OF INSTRUMENTS OF SERVICE**

The client acknowledges that all reports, plans, and data generated by GW SOLUTIONS during the performance of the work and other documents prepared by GW SOLUTIONS are considered its professional work product and shall remain the copyright property of GW SOLUTIONS.

#### **10.0 ALTERNATE REPORT FORMAT**

Where GW SOLUTIONS submits both electronic file and hard copy versions of reports, drawings and other project-related documents and deliverables (collectively termed GW SOLUTIONS's instruments of professional service), the Client agrees that only the signed and sealed hard copy versions shall be considered final and legally binding. The hard copy versions submitted by GW SOLUTIONS shall be the original documents for record and working purposes, and, in the event of a dispute or discrepancies, the hard copy versions shall govern over the electronic versions. Furthermore, the Client agrees and waives all future right of dispute that the original hard copy signed version archived by GW SOLUTIONS shall be deemed to be the overall original for the Project. The Client agrees that both electronic file and hard copy versions of GW SOLUTIONS's instruments of professional service shall not, under any circumstances, no matter who owns or uses them, be altered by any party except GW SOLUTIONS. The Client warrants that GW SOLUTIONS's instruments of professional service will be used only and exactly as submitted by GW SOLUTIONS. The Client recognizes and agrees that electronic files submitted by GW SOLUTIONS have been prepared and submitted using specific software and hardware systems. GW SOLUTIONS makes no representation about the compatibility of these files with the Client's current or future software and hardware systems.

**Attachment 3**  
**Covenant Modification No. CB123783**  
**(Page 1 of 6)**

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1. Application

Document Fees: \$76.32

**RAMSAY LAMPMAN RHODES  
 111 WALLACE STREET  
 PO BOX 667  
 NANAIMO BC V9R 5B2  
 250-754-3321**

2. Description of Land

PID/Plan Number	Legal Description
<b>009-456-295</b>	<b>THE EASTERLY 60 ACRES OF SECTION 16, RANGE 3, MOUNTAIN DISTRICT EXCEPT THAT PART IN PLAN 29404, VIP68415, VIP68636 AND VIP72060</b>

3. Nature of Interest

Type	Number	Additional Information
<b>MODIFICATION</b>	<b>CA9920305</b>	

4. Terms

Part 2 of this instrument consists of:  
**(b) Express Charge Terms Annexed as Part 2**

5. Transferor(s)

**REGIONAL DISTRICT OF NANAIMO**

6. Transferee(s)

<b>T. &amp; R. VENTURES LTD.</b> 2240 JEFFS ROAD NANAIMO BC V9S 5P7	BC1112945
---	-----------

7. Additional or Modified Terms





8. Execution(s)

This instrument creates, assigns, modifies, enlarges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Witnessing Officer Signature

\_\_\_\_\_

**Gail Smith**  
**Commissioner for Taking Affidavits**  
**for British Columbia**  
 6300 Hammond Bay Road  
 Nanaimo BC V9T 6N2

Execution Date

YYYY-MM-DD

**2022-07-26**

Transferor / Transferee / Party Signature(s)

**REGIONAL DISTRICT OF NANAIMO**  
 By their Authorized Signatory

\_\_\_\_\_

**Tom Osborne, acting C.A.O**

\_\_\_\_\_

**Jessica Bagnall, Deputy Corporate Officer**

**Officer Certification**

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Witnessing Officer Signature

\_\_\_\_\_

**Charles Blanaru**  
**Barrister & Solicitor**  
 #200 - 1808 Bowen Road  
 Nanaimo BC V9S 5W4

Execution Date

YYYY-MM-DD

**2022-07-22**

Transferor / Transferee / Party Signature(s)

**T. & R. VENTURES LTD.**  
 By their Authorized Signatory

\_\_\_\_\_

**Tanis Milner**

Ph (250) 753-2202 fax: (250) 753-3949

**Officer Certification**

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

**Electronic Signature**

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

**James Alexander Rhodes 9NYHGP**

Digitally signed by  
**James Alexander Rhodes**  
**9NYHGP**  
**Date: 2022-08-02**  
**10:28:45 -07:00**

**TERMS OF INSTRUMENT – PART 2**

**THIS COVENANT** is made pursuant to Section 219 of the *Land Title Act*, R.S.B.C. 1996, c. 250

**BETWEEN:**

**T. & R. VENTURES LTD.**

(hereinafter referred to as the “Grantor”)

**AND:**

**REGIONAL DISTRICT OF NANAIMO**

(hereinafter referred to as the “Grantee”)

**WHEREAS:**

- A. The Grantor is the registered owner of the lands and premises more particularly described as:
- THE EASTERLY 60 ACRES OF SECTION 16, RANGE 3, MOUNTAIN DISTRICT EXCEPT THAT PART IN PLAN 29404, VIP68415, VIP68636 AND VIP72060
- PID: 009-456-295
- (the “Lands”);
- B. Discover Montessori Society (the “Lessee”) leases the Lands from the Grantor, and the Grantor and Lessee intend to construct a new school on the Lands (the “Building”);
- C. Pursuant to section 219 of the *Land Title Act*, R.S.B.C. 1996, c. 250, a section 219 covenant was registered in favour of the Grantee against title to the Lands with a registration number of CA9920305 (the “Old Covenant”), which provides that the Grantor must, *inter alia*, obtain a Non-domestic Water Licence in respect of the Lands from the Ministry of Forests, Lands, Natural Resource Operations & Rural Development (the “Water Licence”) prior to the issuance of a building permit (the “Building Permit”);
- D. The Grantor and Lessee have agreed to modify the Old Covenant to modify the requirement for the Water Licence so that no use or occupation of the Building may occur until the Water Licence is obtained (the “New Covenant”);
- E. By provision of Section 219 of the *Land Title Act*, RSBC 1996, c. 250 and amendments thereto, a covenant, whether of a negative or positive nature in respect of the use of land, or, that land is or is not to be built on, in favour of the Grantee, may be registered as a charge against the title to that land and is enforceable against the Grantor and its successors in title, even if the covenant is not annexed to land owned by the Grantee.

**NOW THEREFORE THIS INDENTURE WITNESSES** that in consideration of the sum of One (\$1.00) Dollar of lawful money of Canada, now paid by the Grantee to the Grantor and the Lessee (the receipt and sufficiency of which is hereby acknowledged by the Grantor and Lessee), and in consideration of the covenants and conditions hereinafter contained to be observed and performed by the Grantee and for other valuable consideration, THE PARTIES AGREE AS FOLLOWS:

1. The Old Covenant is amended as follows:
  - (a) In section 2.11, the words “prior to the issuance of a building permit save and except where these required approvals are obtained prior to the adoption of Bylaw No. 500.432.” are deleted and replaced with “prior to any use or occupation of the Building.”
2. IT IS MUTUALLY UNDERSTOOD, agreed and declared by and between the parties that:
  - (a) the Grantee has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Grantor other than those contained in this Agreement;
  - (b) nothing contained or implied herein shall prejudice or affect the rights and powers of the Grantee in the exercise of its functions under any public and private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by the Grantor;
  - (c) this Agreement does not:
    - (i) affect or limit any enactment applying to the Lands; or
    - (ii) relieve the Grantor from complying with any enactment;
  - a. where the Grantee is required or permitted by this Agreement to form an opinion, exercise its discretion, express satisfaction, make a determination or give its consent, the Grantee is under no public law duty of fairness or natural justice in that regard and the Grantee may do any of those things in the same manner as if it were a private party and not a public body;
  - b. the covenants set forth herein shall charge the Lands pursuant to Section 219 of the *Land Title Act* and shall be covenants the burden of which shall run with the Lands;
  - c. the benefit of all covenants made by the Grantor herein shall accrue solely to the Grantee and that this Agreement may be modified by agreement of the Grantee with the Grantor, or discharged by the Grantee, pursuant to the provisions of Section 219 of the *Land Title Act*;
  - d. wherever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or the body corporate or politic where the context or the parties so require;

- e. the covenants, promises and agreements herein contained have been made as contractual obligations as well as being made pursuant to Section 219 of the *Land Title Act* and as such this Agreement shall be binding upon the Grantor and their respective heirs, executors, administrators, successors and assigns;
- f. the parties hereto shall do and cause to be done all things and execute and cause to be executed all documents which may be necessary to give proper effect to the intention of this Agreement;
- g. this Agreement shall be governed and construed in accordance with the laws of the Province of British Columbia;
- h. if any section, subsection, sentence, clause or phrase in this Agreement is for any reason held to be invalid by decision of a court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder of this Agreement; and
- i. time is of the essence of this Agreement.


The Parties acknowledge that this Agreement has been duly executed and delivered by executing the Forms C and D attached hereto


**Grantor:**

**Grantee:**

**T. & R. VENTURES  
LTD.**  
By its authorized  
signatory:

**REGIONAL DISTRICT  
OF NANAIMO**  
By its authorized signatory:

  
TANNIS MILNER

  
Acting CAO  
Tom Osborne

[End of Instrument]

**Attachment 4  
Security Agreement  
(Page 1 of 6)**

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**THIS AGREEMENT** dated for reference this 21<sup>st</sup> day of July, 2022.

**BETWEEN:**

**T. & R. VENTURES LTD.**

(hereinafter referred to as the "Grantor")

**AND:**

**REGIONAL DISTRICT OF NANAIMO**

(hereinafter referred to as the "Grantee")

**AND:**

**DISCOVER MONTESSORI SOCIETY**

(hereinafter referred to as the "Lessee")

**WHEREAS:**

- A. The Grantor is the registered owner of the lands and premises more particularly described as:

THE EASTERLY 60 ACRES OF SECTION 16, RANGE 3, MOUNTAIN DISTRICT EXCEPT THAT PART IN PLAN 29404, VIP68415, VIP68636 AND VIP72060

PID: 009-456-295

(the "Lands");

- B. The Lessee leases the Lands from the Grantor, and the Grantor and Lessee intend to construct a new school on the Lands (the "Building");
- C. The Grantee is the registered owner of a section 219 covenant registered against title to the Lands, with a registration number of CA9920305 (the "Old Covenant"), which Old Covenant provides that the Grantor must, *inter alia*, obtain a Non-domestic Water Licence in respect of the Lands from the Ministry of Forests, Lands, Natural Resource Operations & Rural Development (the "Water Licence") prior to the issuance of a building permit (the "Building Permit");



- D. The Grantor and Lessee are desirous of obtaining an amendment to the Old Covenant, which amendment would postpone the requirement for the Water Licence until final inspection by the Grantee (the "New Covenant"); and
- E. The Grantee has agreed to this amendment of the Old Covenant provided the Grantor and Lessee post security with the Grantee and further agrees to take certain steps to remove any buildings and improvements constructed pursuant to the Building Permit, and restore the land to its prior condition if the Water Licence is not obtained by July 12, 2023.

**NOW THEREFORE THIS INDENTURE WITNESSES** that in consideration of the sum of One (\$1.00) Dollar of lawful money of Canada, now paid by the Grantee to the Grantor and the Lessee (the receipt and sufficiency of which is hereby acknowledged by the Grantor and Lessee), and in consideration of the covenants and conditions hereinafter contained to be observed and performed by the Grantee and for other valuable consideration.

**Restrictions on Construction**

- 1. The Grantor and Lessee covenant and agree with the Grantee that, notwithstanding any terms that may be contained in the Building Permit, neither the Grantor or the Lessee will perform, nor will either have performed on their behalf:
  - a. any work whatsoever in constructing the Building until such time as:
    - i. either of the Grantor or Lessee have paid to the Grantee \$17,500 to hold as security on the terms contained in this Agreement (the "Security"); or
    - ii. the Grantor or Lessee has obtained the Water Licence;
  - b. any work in constructing the Building beyond the completion of the foundation and framing, and the installation of the perimeter drain, until the Water Licence or alternate approved water source as contemplated in section 2 is obtained by the Grantor or Lessee, irrespective of the payment of the Security; or
  - c. any work whatsoever in constructing the Building if, as of July 12, 2023, the Grantor or Lessee has not obtained a Water Licence.

**Demolition and Remediation**

- 2. If the Grantor or Lessee has not by July 12, 2023 obtained a Water Licence or other water source for the Lands acceptable to the Grantee in its absolute discretion and approved by way of a written resolution passed by the Grantee's Board of Directors (the "Acceptable Source"), the Grantor and Lessee shall be jointly and severally responsible for:
  - a. demolishing and removing from the Lands all buildings, structures, and improvements made in constructing the Building; and

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- b. restoring the Lands as nearly as may be reasonably possible to the same condition as it was prior to such construction, PROVIDED HOWEVER that nothing herein contained shall require the Grantor or Lessee to restore any trees or other surface growth but the Grantor and Lessee shall leave such Lands in a condition which will not inhibit natural regeneration of such growth,

(collectively, the "Demolition and Restoration Work").

- 3. If the Grantor and Lessee fail complete the Demolition and Restoration Work by December 31, 2023, the Grantee, along with its elected and appointed officials, employees and agents, contractors, and invitees, shall have the right to enter upon the Lands and take all steps reasonably necessary to perform the Demolition and Restoration Work, and none of such parties shall be liable to either the Grantor or Lessee for any damages or losses resulting therefrom except any such losses or damages resulting from gross negligence or from any intentional damage beyond that which may be reasonably necessary in performing the Demolition and Restoration Work.
- 4. If the Grantee elects to perform the Demolition and Restoration Work pursuant to section 3, it:
  - a. shall be entitled to use so much of the Security as may be reasonably necessary to perform the Demolition and Restoration Work; and
  - b. shall be entitled to recover from the Grantor and the Lessee, on a joint and several basis, any expenses incurred in to performing the Demolition and Restoration Work in excess of the Security.

**Release of Security**

- 5. The Grantee shall promptly return the Security to that one of the Grantor or Lessee who paid the Security upon:
  - a. the Water Licence being issued or the Acceptable Source being approved by the Grantee, provided it is issued or approved on or before July 12, 2023; or
  - b. the Demolition and Restoration Work being fully performed.
- 6. Notwithstanding section 5.b, if:
  - a. the Demolition and Restoration Work is not fully performed prior to December 31, 2023; and
  - b. the Grantee uses all or a portion of the Security to complete the Demolition and Restoration Work pursuant to section 4.a;

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AC



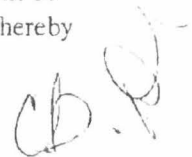
then the Grantee shall only be required to return that portion of the Security as was not used in completing the Demolition and Restoration Work.

#### **Liability as Between Grantor and Lessee**

7. The Lessee covenants and agrees to indemnify and hold harmless the Grantor from and against all losses, damages, actions, claims, and expenses it may suffer or incur as a result of this Agreement, including any losses or expenses suffered or incurred by the Grantor in relation to section 4.b.

#### **Miscellaneous**

8. Nothing contained or implied herein shall prejudice or affect the rights and powers of the Grantee in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Lands as if the Agreement had not been executed and delivered by the Grantor and Lessee.
9. It is mutually understood, acknowledged and agreed by the parties hereto that the Grantee has made no representations, covenants, warranties, guarantees, promises or agreements (oral or otherwise) with the Grantor other than those contained or contemplated in this Agreement.
10. The Grantor and Lessee each agree to execute and deliver all other documents and provide all other assurances necessary to give effect to the covenants contained in this Agreement.
11. The Grantor and Lessee hereby release, indemnify and save harmless the Grantee, its elected and appointed officials, employees and agents from and against any and all liability, actions, causes of actions, claims, damages, expenses, costs, debts, demands or losses suffered or incurred by the Grantee arising from the granting or existence of this Agreement, from the performance by the Grantor or Lessee of their obligations under this Agreement or any default of the Grantor or Lessee under or in respect of this Agreement.
12. This Agreement shall enure to the benefit of the Grantee and shall be binding upon the parties hereto and their respective heirs, executors, successors and assigns.
13. Time is of the essence of this Agreement.
14. If any part of this Agreement is found to be illegal or unenforceable, that part will be considered separate and severable and the remaining parts will not be affected thereby and will be enforceable to the fullest extent permitted by law.

A handwritten signature in black ink, appearing to be 'C.B. J.', is located in the lower right quadrant of the page.

15. Where the expressions "Grantor", "Lessee", and "Grantee" are used herein, they shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.
16. This Agreement may be executed in counterparts and when the counterparts have been executed by the parties, each originally executed counterpart, whether a facsimile, photocopy or original, will be effective as if one original copy had been executed by the parties to this Agreement.

As evidence of their agreement to be bound by this Agreement, as a contract and as a deed executed and delivered under seal, the parties have executed this Agreement below.

CD  
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**Grantor:**

**Lessee:**

**Grantee:**

**T. & R. VENTURES  
LTD.**


By its authorized  
signatory:

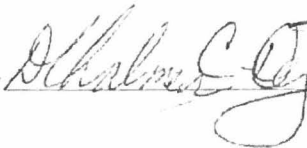
**DISCOVER  
MONTESSORI  
SOCIETY**


By its authorized signatory:

**REGIONAL DISTRICT OF  
NANAIMO**

By its authorized signatory:

  
TANNIS Milner



  
ALCAO  
Tom Osborne

**Attachment 5  
Policy B1.21  
(Page 1 of 9)**

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# REGIONAL DISTRICT OF NANAIMO

## P O L I C Y

SUBJECT:	<b><i>Hydrogeological (groundwater) assessment requirements for rezoning un-serviced lands and for development permits</i></b> (Current Planning)	POLICY NO: B 1.21 CROSS REF.:
EFFECTIVE DATE:	February 22, 2011	APPROVED BY: Board
REVISION DATE:	<b>April 23, 2019</b>	PAGE: 1 of 8

### PURPOSE

To identify and standardize the technical information required for rezoning applications to confirm that the potable water needs of a proposed parcel, parcels or use can be met, assess potential impacts on groundwater resources, existing groundwater users, and hydraulically-connected streams., and provide consistency in the review of development proposals.

To identify and standardize the technical information required through development permit area guidelines for hydrogeological assessments and provide consistency in the review of development approvals.

To uphold the policies and objectives in the Official Community Plans (OCP) with regards to water supply in rural areas, and to identify and minimize potential impacts of the proposed development on existing groundwater or surface water users and sensitive ecosystems.

### POLICY

This policy outlines the approaches that will be taken when considering rezoning lands that are un-serviced (by community water), and when considering issuance of a development permit where a hydrogeological assessment is required, and outlines details the requirements for the following application types:

- A. Rezoning to facilitate subdivision.
- B. Rezoning to permit multi-family, commercial, institutional or industrial use.
- C. Development permit application where a hydrogeological assessment is required through the development permit area guidelines.

For both types of rezoning and for development permit applications, a preliminary hydrogeological assessment is required. In cases where a desktop review of available data and site visit provide a sufficient

level of confidence that the required water needs can be met without adverse impact, in the opinion of the qualified professional registered with Engineers and Geoscientists of BC (EGBC) with competency in hydrogeology, then a pumping test is not required. If the qualified professional deems it necessary to perform a pumping test to confirm water supply, a well must be drilled (if not already present) on the parcel and tested through the completion of a pumping test to proceed with the assessment.

This assessment is not intended to provide a guarantee that future property owners will have an adequate supply of potable water, but rather to provide a qualified opinion of the likelihood of obtaining an adequate supply of potable water without compromising water resource sustainability, existing water users and hydraulically-connected streams.

#### **A. Rezoning to facilitate subdivision**

Where a parcel is the subject of a rezoning application to reduce the minimum lot size in order to facilitate a subdivision, a **preliminary hydrogeological assessment** completed by a qualified professional (P. Eng or P. Geo. registered with Engineers and Geoscientists of BC (EGBC) with competency in hydrogeology) must be submitted as part of the rezoning application and must be received and reviewed by staff prior to proceeding to the Board for introduction of the associated amendment bylaw.

See flow chart for *rezoning to facilitate subdivision* below in **Figure 1**.

*NOTE: If the application involves the rezoning of lands to permit subdivision of lands that are currently occupied by dwellings, each with their own well, and the rezoning will not result in additional dwelling unit or a change in water use, a preliminary hydrogeological assessment is not required provided the applicant proceeds with the well testing and associated final well report (outlined below) to the satisfaction of the Regional District.*

#### **Preliminary Hydrogeological Assessment Report Requirements**

The preliminary hydrogeological assessment must confirm that in the opinion of the qualified professional:

- i. a minimum year-round potable water supply of
  - a. 3.5 m<sup>3</sup> (3,500 litres) per day can be provided for each new residential parcel being proposed
  - b. Or, for non-residential uses, sufficient supply to support the proposed use can be provided on each new parcel being proposed
- ii. the proposed well(s) are not anticipated to have adverse impacts on groundwater resources, existing groundwater users, and hydraulically-connected streams.

Requirements for the preliminary hydrogeological assessment are outlined in full within a detailed checklist (**Appendix I: RDN Checklist for Hydrogeological Assessment Reports**). The report should address all the items listed in the checklist.

Prior to bylaw adoption, a covenant must be registered on title which will require that the new wells be constructed, tested, and a **final well report (Appendix II: Final Well Report Requirements)** submitted to the RDN prior to final approval of subdivision.

## **B. Rezoning to permit multi-family, commercial, institutional or industrial use**

Where a lot is the subject of a rezoning application to permit multiple residential units, commercial, institutional or industrial use, a **preliminary hydrogeological assessment** completed by a qualified professional (P. Eng or P. Geo registered with Engineers and Geoscientists of BC (EGBC) with competency in hydrogeology) must be submitted as part of the rezoning application. The preliminary assessment report must be received and reviewed by staff prior to proceeding to the Board for introduction of the associated amendment bylaw.

See flow chart for *rezoning to allow a change in use* below in **Figure 2**.

### **Preliminary Hydrogeological Assessment Requirements**

The preliminary assessment report must contain estimated flow requirements for the proposed use and confirm that in the opinion of the qualified professional:

- i. a minimum year-round potable water supply to support the proposed use can be provided on the parcel, and that,
- ii. the proposed well(s) are not anticipated to have adverse impacts on groundwater resources, existing groundwater users, and hydraulically-connected streams.

Requirements for the preliminary hydrogeological assessment are outlined in full within a detailed checklist (**Appendix I: RDN Checklist for Hydrogeological Assessment Reports**). The report should address all the items listed in the checklist.

Prior to bylaw adoption the applicant must receive and demonstrate to the RDN:

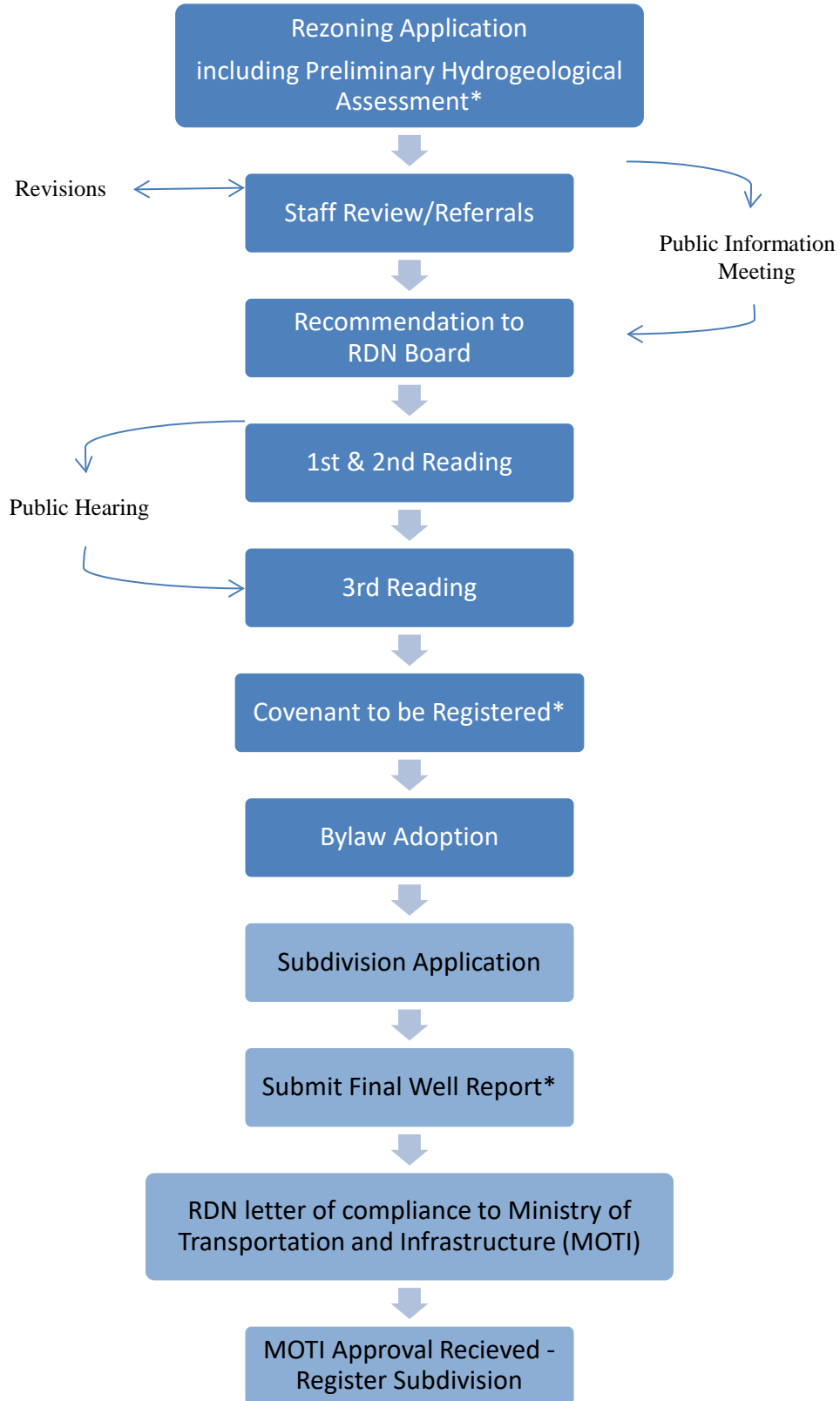
- An approved groundwater license from the Province. This is a requirement of all non-domestic groundwater uses.
- Source approval from the Vancouver Island Health Authority (Island Health), if required. This is required for all drinking water systems other than a single-family home.

These documents fulfill much of what is required for a final well report (Appendix II). The applicant may be asked to provide supplementary information to the groundwater license and source approval as per **Appendix II: Final Well Report Requirements**, if necessary.

## **C. Development permit application where a hydrogeological assessment is required through the development permit area guidelines**

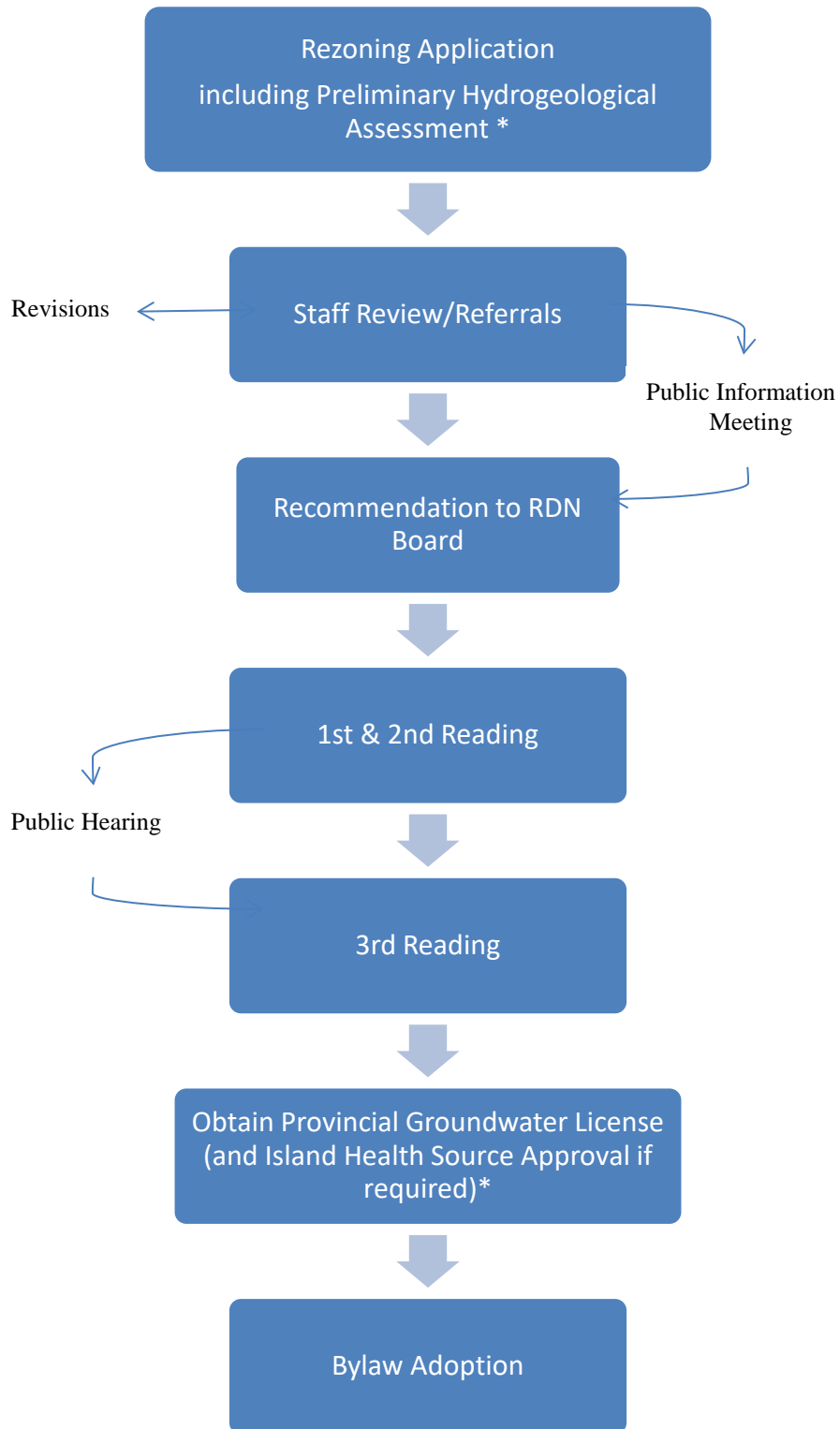
Where a hydrogeological assessment is required for a development permit application, the assessment must address the items listed in **Appendix I: RDN Checklist for Hydrogeological Assessment Reports** in addition to the relevant development permit guidelines.

Figure 1 – Flow Chart for A. Rezoning to Allow Subdivision



\* Denotes key requirement of Board Policy B1.21

Figure 2- Flow Chart for B. Rezoning to Allow a Change in Use



\* Denotes key requirement of Board Policy B1.21



## Appendix I: RDN Checklist for Hydrogeological Assessment Reports

This checklist outlines the elements to be addressed in the preliminary professional hydrogeological assessment reports required for rezoning applications OR for professional hydrogeological assessment reports for development permit applications:

Component	Details / Sources
Site Description	<input type="checkbox"/> Description of the project, site and study area including a description of proposed land use and water use for the site. <input type="checkbox"/> Location map including: <ul style="list-style-type: none"> <li>○ topography</li> <li>○ aquifer boundaries where mapped</li> <li>○ locations of current and proposed wells (production and monitoring) on the site and adjacent properties</li> <li>○ location of existing licensed water users (groundwater and surface water) within at least 300 m radius of the property.</li> <li>○ locations of watercourses and sensitive environmental features</li> <li>○ surrounding land uses</li> </ul>
Local Hydrogeology	<input type="checkbox"/> Description of local geology – bedrock and/or surficial (GSC /NRCAN). <input type="checkbox"/> Summary of data on neighbouring wells diverting groundwater (GWELLS or iMapBC). <input type="checkbox"/> Description of the aquifer including storativity, transmissivity, hydraulic conductivity (Provincial aquifer classification database, well records, ECOCAT, RDN Water Budget Study, other local reports). <input type="checkbox"/> Description of local groundwater regime and its seasonal variations (e.g. measured water level fluctuations from existing observation wells or other monitored wells nearby, if applicable.) <input type="checkbox"/> Hydrogeological maps and cross sections illustrating groundwater flow and surface water interaction, if available.
Hydrologic Setting	<input type="checkbox"/> Description of the local area’s climate and a summary of relevant available climate data. <input type="checkbox"/> Description of nearby lakes, streams, springs, wetlands in the area. <input type="checkbox"/> Description of surface water flux (i.e. streamflow data, lake level data) in correlation to precipitation data and groundwater level fluctuations.
Hydraulic Connectivity	<input type="checkbox"/> Description of known or potential hydraulic connections to surface water bodies and under what conditions might pumping be likely to impact the quantity of water in those surface water bodies.
Assessment of Adequacy of Supply	<input type="checkbox"/> For multi-family, commercial, institutional or industrial: provide demand estimates (flow requirements) for the proposed use. <input type="checkbox"/> Confirmation that a minimum year-round potable water supply of 3.5 m <sup>3</sup> (3,500 litres) per day can be provided for each new parcel (A) or the proposed use (B). <input type="checkbox"/> Use publicly available data and/or referenced literature values to support estimates. <input type="checkbox"/> <i>If deemed necessary by Professional, considering aquifer stress level and characteristics, provide pumping test results and interpretation. Must follow BC Pumping Test Guidelines and BC Water Sustainability Act and Regulations for time of year, duration, methodology etc.</i>
	<p><b>[Only applies to Rezoning]</b></p> <p><b>Discretionary:</b></p>
Assessment of Quality of Supply	<input type="checkbox"/> Describe known water quality concerns in the regional and local area. <input type="checkbox"/> Include well water test results if applicable; confirm the water quality meets the Canadian Drinking Water Guidelines. <input type="checkbox"/> Recommendations for water treatment if applicable.
Assessment of Potential Impacts	<input type="checkbox"/> Confirm that the proposed well(s) and associated pumping will not adversely impact groundwater resources, existing groundwater users and hydraulically connected streams. <input type="checkbox"/> Use aquifer parameters obtained from pumping tests conducted on site or in the immediate area or from other referenced information, if available. <input type="checkbox"/> Address the risk of sea water intrusion, if applicable.
Conclusions and Recommendations	<input type="checkbox"/> Provide recommendations; monitoring and/or management approaches to mitigate aquifer impacts. <input type="checkbox"/> Consider innovative options– i.e. rainwater harvesting, stormwater infiltration, efficient landscaping etc.

## APPENDIX II: Final Well Report Requirements

The intent of the final well report for **A. Rezoning to facilitate subdivision** is to confirm, once the well(s) is/are installed, that there is a well for each proposed parcel that can provide adequate water and meets current Groundwater Protection regulations. The report must be completed, dated, signed and sealed by a qualified professional and include/confirm the following:

- the date when the well was drilled along with a copy of the driller's log (if available);
- the well identification number as indicated on the plate secured to the well;
- photographs of the well identity tag, 'stick up', and general location of the well;
- that a pumping test has been completed by a registered well driller, registered pump installer or person working under the direct supervision of the well driller, pump installer or professional with competency in hydrogeology, in accordance with the protocols outlined in the [BC Guide to Conducting Well Pumping Tests](#).
- the pumping test is required to have been run for the greater of 12 hours or until the water level stabilizes at the pumping rate of at least 2.5 litres/minute with a well recovery period monitored for the greater of 6 hours or until the water level recovers to a minimum of 90% of its pre-pumping water level. This pumping test must be conducted only during the months of July through October (lowest water table). [Note: if a pumping test was completed on a new well that will service the re-zoned parcel as part of the Preliminary Hydrogeological Assessment it is considered valid for the final well report within 3 years.]
- test results (i.e. chemical analyses from a certified laboratory) of the well water quality as analyzed against the Guidelines for Canadian Drinking Water Quality. The analysis should have been completed within 6 months of the date of the report. The report must also identify where parameters do not meet the Guidelines for Canadian Drinking Water Quality and the qualified professional shall provide recommendations for appropriate mitigation / treatment to achieve a potable quality;
- confirmation that the well meets the current minimum well standards as outlined in the Groundwater Protection Regulation under the *BC Water Sustainability Act*, in particular:
  - is at minimum 30m from potential sources of contamination, including but not limited to: agricultural buildings, septic fields, animal pens/runs, refuse and compost piles, areas of fertilizer/herbicide use or storage, above or below ground storage tanks, and parking areas;
  - is outside of a floodplain, or if within a floodplain measures taken/required to protect the well;
  - is accessible for maintenance;
  - has a secure and watertight cap;
  - the well head is at minimum 300mm above the adjacent finished grade, above the 200 year flood level and the ground around the well head is sloped away from the well casing.
  - a surface seal is installed to prevent surface contaminants from entering the well from outside the casing.

## **Provincial Resources**

### [Links Page – Groundwater Science and Data](#)

[GWELLS - Groundwater Wells Search](#)

[BC Water Resources Atlas](#)

[ECO CAT - Ecological Reports Catalogue](#)

[Guide To Using BC Aquifer Classification Maps](#)

[Guide To Conducting Well Pumping Tests](#)

[Determining Likelihood Of Hydraulic Connection](#)

[Modelling Tools For Estimating Effects Of Groundwater Pumping On Surface Waters](#)

[BC Observation Well Network Interactive Map](#)

[Environmental Reporting - Trends in Groundwater Levels in BC](#)

### [Real-time Water Data Reporting](#)

## **Regional Resources**

[RDN Phase 1 Water Budget Study](#)

[RDN GIS ... Select: Water Map](#)

[DWWP Reports Inventory](#) ...includes State of our Aquifers Reports

[RDN Well Protection Upgrade Rebate](#)



REGIONAL  
DISTRICT  
OF NANAIMO

## REPORT ON OPTIONS FOR DARK SKY PROTECTION IN ELECTORAL AREA F

### RECOMMENDATIONS

1. That the Board provide initial support to including a Dark Sky policy in the Electoral Area F draft Official Community Plan.
2. That the Board consider Dark Sky policy and regulation in the 2023-2027 strategic plan.

At the regularly scheduled Regional District of Nanaimo (RDN) Board Meeting on February 8, 2022, the Board passed the following resolution:

No. 22-100      *It was moved and seconded that staff be directed to provide information on how to create a dark skies bylaw for Electoral Area F.*

In response, this report provides options for the protection of dark skies in Electoral Area F.

Natural cycles of day light and darkness are important for human health, the natural environment, astrophysical endeavours, and the conservation of energy. Many studies note natural light-dark cycles are important in maintaining good health at all life stages. Local governments can support the protection of dark skies in one or more ways including: the adoption of a dark sky bylaw, the adoption of a dark sky policy, the creation of a Form and Character Development Permit Area (DPA), and through public education. Examples of each are provided below.

#### **Dark Sky Bylaw**

Bowen Island Municipality has adopted a Night Sky Bylaw with the general purpose to protect and promote public health, safety, welfare, quality of life, and the ability to view the night sky. The bylaw sets exterior lighting regulations located on municipal and Institutional Use properties, and has specific regulations pertaining to the type of lighting permitted, the maximum luminance and lighting hours, with penalties outlined for any violations.

Bylaws are not a common approach to dark sky protection, as they are typically very specific and cannot be easily amended or adapted to address unique issues or site considerations in the community (or region).

#### **Dark Sky Policy**

The District of Tofino has a Dark Sky Policy. The District's Dark Sky Policy is considered when reviewing: subdivisions, development permits, rezoning applications, building permits and sign permit applications. The Comox Valley Regional District has a similar Dark Sky Policy applied to any Form and Character DPA for

commercial, industrial or multifamily residential development. Both policies contain criteria and provide applicants with a basic standard for the lighting of proposed developments to protect the night sky.

The benefit of adopting a policy rather than a bylaw is a policy allows flexibility for staff to review applications on a case-by-case basis to ensure the intent of the policy has been addressed.

### **Form and Character Development Permit Area in the Official Community Plan**

The District of Ucluelet and the Cowichan Valley Regional District are examples of local governments that have implemented a Form and Character DPA in their Official Community Plan (OCP), which includes guidelines for lighting to preserve and protect the night sky. All Development Permit applications are reviewed to ensure the proposed lighting aligns with the lighting standards outlined in the guidelines.

A Form and Character DPA is not proposed for the Electoral Area F OCP; however, the current draft OCP will contain policies to support protection of dark skies, including advocacy to collaborate with member municipalities, First Nations, residents, businesses and other stakeholders. This will build awareness and understanding of the benefits of protecting dark skies.

Should a Form and Character DPA be included in the Electoral Area F OCP, it can only apply to commercial, industrial and multifamily developments and can include dark sky lighting guidelines. Similar to adopting a policy, the DPA guidelines provide flexibility for staff to review applications on a case-by-case basis to ensure the intent of the DPA guidelines have been met.

### **Public Education**

Public education builds awareness and understanding of the environmental impacts caused by light pollution and the benefits of protecting dark skies. Outreach material could be created and posted on the RDN website or printed in pamphlets to be made available at community centres and public events. This would allow residents and business owners to make independent decisions on private properties to protect night skies.

### **Discussion**

Outreach to the community and establishing policy in the EA F OCP are recommended for the first stage of Dark Skies protection. A Dark Skies Bylaw would only apply to new development, not existing. Outreach and policy would provide information and options for existing property owners to consider protecting night skies. A second stage could consider a Board policy or a Form and Character DPA that would provide further direction and regulate new land development.

### **FINANCIAL IMPLICATIONS**

Board approval to proceed with further action to establish Dark Skies Regulations in Electoral Area F will have financial implications for the 2022-2026 Financial Plan depending on the option chosen and needs to be approved as a work program priority in 2023.

## **STRATEGIC PLAN ALIGNMENT**

Potential actions the Board may consider for dark sky protection align with the 2019-2022 Board Strategic Plan key strategic area to protect and enhance the natural environment, including land, water, and air quality for future generations.

### **REVIEWED BY:**

- K. Fowler, Manager, Long Range Planning Energy and Sustainability
- L. Grant, General Manager, Planning and Development
- E. Tian, Acting Chief Administrative Officer



REGIONAL  
DISTRICT  
OF NANAIMO

## General Local Election - Acclamation Results

### **RECOMMENDATION**

That the Board receive the report 'General Local Election - Acclamation Results' dated October 11, 2022 for information.

### **BACKGROUND**

The report of election results for those elected by acclamation for the 2022 general local election is provided as required under section 158 of the *Local Government Act*.

The Electoral Area Directors elected by acclamation to the Board of the Regional District of Nanaimo for the 2022 – 2026 term are as follows:

- Vanessa Craig, Director, Electoral Area B
- Bob Rogers, Director, Electoral Area E
- Stuart McLean, Director, Electoral Area H

An election is scheduled for Saturday, October 15, 2022 to fill the vacancies for the remaining director offices.

### **STRATEGIC PLAN ALIGNMENT**

People and Partnerships - Improve the governance and awareness of RDN activities for citizens throughout the Region.

### **REVIEWED BY:**

- D. Wells, General Manager, Corporate Services
- E. Tian, Acting Chief Administrative Officer

### **ATTACHMENT**

1. Declaration of Election by Acclamation

**DECLARATION OF ELECTION BY ACCLAMATION**

I, Jacquie Hill, Chief Election Officer for the Regional District of Nanaimo, do hereby declare, pursuant to section 98 of the *Local Government Act*, the following candidates elected by acclamation:

**Office of Director of Electoral Area B:**

CRAIG, Vanessa, 406 Hemlock Ave, Gabriola Island

**Office of Director of Electoral Area E:**

ROGERS, Bob, 1578 Arbutus Lane, Nanoose Bay

**Office of Director of Electoral Area H:**

MCLEAN, Stuart, 5049 Thompson Clarke Drive West, Bowser

Given under my hand at Nanaimo, British Columbia, this 20th day of September, 2022 at 4:00 p.m.



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Jacquie Hill  
Chief Election Officer



**Meadowood Community Park and Little Qualicum River Regional Park Land Exchange Agreement and Alternative Approval Process (AAP) - Update**

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**RECOMMENDATION(S)**

1. That approval of the electors for "Regional District of Nanaimo Little Qualicum River Regional Park Exchange Bylaw No. 1859, 2022" be obtained by an Alternative Approval Process.
2. That the Board approve the Elector Response Form as provided in Attachment 2; establish 4:00 p.m. on November 28, 2022, as the deadline for receiving elector responses for the alternative approval process, and determine the total number of electors of the area to which the approval process applies to be 136,802.

**BACKGROUND**

At the June 28, 2022, Regional District of Nanaimo (RDN) Board meeting, the Board was presented with a report regarding the Meadowood Community Park and Little Qualicum River Regional Park Land Exchange Agreement and Alternative Approval Process (Attachment 1). At that time, the following resolutions were adopted by the Board:

*That the Meadowood Community Park and Little Qualicum River Regional Park Conditional Land Exchange Agreement be approved.*

*That "Regional District of Nanaimo Little Qualicum River Regional Park Exchange Bylaw No. 1859, 2022" be introduced and read three times.*

*That the approval of the electors be obtained by an Alternative Approval Process.*

*That the Board approve the Elector Response Form as provided in Attachment 6; establish 4:00 p.m. on August 15, 2022 as the deadline for receiving elector responses for the alternative approval process, and determine the total number of electors of the area to which the approval process applies to be 123,062.*

As a result, staff proceeded to conduct an Alternative Approval Process (AAP) for *Regional District of Nanaimo Little Qualicum River Regional Park Exchange Bylaw No. 1859, 2022* (Bylaw 1859). Notice of this AAP was provided to the electors on July 6, 2022, as per the provisions of the *Regional District of Nanaimo Public Notice Bylaw No. 1851, 2022*. Since the time of the June 28 report and completion of the AAP on August 15, 2022, staff have obtained legal advice on the application s. 267(3) of *the Local Government Act* to notice requirements of the AAP, specifically in regard to advertising a provision that the *Meadowood Community Park and Little Qualicum River Regional Park Conditional Land Exchange Agreement*, and the records relating to it, were also available for public inspection. As a result, it is recommended that the AAP for Bylaw 1859 be repeated and readvertised with a correction to the omission in the notice to ensure its legal sufficiency.

## **FINANCIAL IMPLICATIONS**

As per sections 2.6 and 2.7 of the Conditional Land Exchange Agreement, the developer is responsible for all costs including the RDN's legal and consulting fees, expenses and costs associated with the land exchange and subdivision.

There are no anticipated development or maintenance costs for the community park addition.

The estimated costs for developing the new regional park addition and the Little Qualicum regional trail connection are \$5,000 and includes minor trail surfacing upgrades and signage. Ongoing annual maintenance costs will be approximately \$500. These costs will be included in the preliminary 2023 budget.

## **STRATEGIC PLAN ALIGNMENT**

Environmental Stewardship - Protect and enhance the natural environment, including land, water, and air quality for future generations.

Social Wellbeing - Make the Region a safe and vibrant place for all, with a focus on children and families in programs and planning.

## **REVIEWED BY:**

D. Wells, General Manager, Corporate Services

E. Tian, Acting Chief Administrative Officer

## **ATTACHMENTS**

1. Staff Report – June 28, 2022
2. Revised Elector Response Form



REGIONAL  
DISTRICT  
OF NANAIMO

**MEADOWOOD COMMUNITY PARK AND LITTLE QUALICUM RIVER REGIONAL PARK LAND  
EXCHANGE AGREEMENT AND ALTERNATIVE APPROVAL PROCESS**

**RECOMMENDATIONS**

1. That the Meadowood Community Park and Little Qualicum River Regional Park Conditional Land Exchange Agreement be approved.
2. That “Regional District of Nanaimo Little Qualicum River Regional Park Exchange Bylaw No. 1859, 2022” be introduced and read three times.
3. That the approval of the electors be obtained by an Alternative Approval Process.
4. That the Board approve the Elector Response Form as provided in Attachment 6; establish 4:00 p.m. on August 15, 2022 as the deadline for receiving elector responses for the alternative approval process, and determine the total number of electors of the area to which the approval process applies to be 123,062.

**BACKGROUND**

On May 22, 2018, the Board approved the “pursuit of a joint subdivision application by the Regional District of Nanaimo and Wicklow West Holdings at Qualicum River Estates that proposes to exchange and expand community and regional parkland in the area.” See Attachment 1: Existing Meadowood CP and Little Qualicum River RP Plan.

Staff have negotiated a conditional land exchange agreement with Wicklow West Holdings (the developer) which reflects the intent of the initial proposal. See Attachment 2: Conditional Land Exchange Agreement.

There are five mutual Conditions which must be satisfied before the land exchange can be effected:

- Elector approval of the Regional Park Exchange Bylaw (by way of an Alternative Approval Process (“AAP”))
- Adoption of the Regional Park Exchange Bylaw
- Adoption of the Zoning Amendment Bylaw and the OCP Amendment Bylaw relating to the land exchange. (See Official Community Plan and Zoning Amendment Application No. PL2021-048)
- Approval of the subdivision plan by the Approving Officer
- Approval of the subdivision Plan by the Agricultural Land Commission

The purpose of the report is to approve the Conditional Land Exchange Agreement, give three readings to the Regional Park Exchange Bylaw, and to initiate the Alternate Approval Process for the regional parkland exchange.

The Conditional Land Exchange Agreement involves the following three elements: Meadowood Community Park land exchange, Little Qualicum Regional Park land exchange, and the acquisition of a statutory right-of-way for a new portion of Little Qualicum River Regional Trail.

1. Meadowood Community Park.

The RDN will acquire 1.06 ha of Wicklow West Holdings' land in exchange for 1.02 ha of existing community park. See Attachment 3: Meadowood CP Land Exchange Plan.

The RDN will acquire a forested piece of land that is adjacent to the main community park. In exchange, a section of the existing Community Park located adjacent to the Meadowood Fire Hall (#2 Station) will be transferred to Wicklow West Holdings and a section will be dedicated as road.

This transaction will secure additional forested land, create a contiguous Community Park property, and provide improved access to both the community park and the regional park. All Ministry of Transportation and Infrastructure (MOTI) approvals for the design and construction of the road is the responsibility of Wicklow West Holdings. The road will be in MOTI's portfolio following its construction and the registration of the subdivision plan.

The Meadowood Community Park property is not reserved or dedicated as parkland. Prior to effecting the exchange, the RDN must publish notice of the intended disposition in accordance with Section 286 of the *Local Government Act*.

The firehall site will be formally subdivided from the existing Community Park property into a separately titled 1-hectare parcel."

2. Little Qualicum River Regional Park.

The RDN will acquire 0.27 hectares of Wicklow West Holdings' land in exchange for 0.265 hectares of regional park land. See Attachment 4: Little Qualicum River RP Land Exchange Plan

The land being acquired by the RDN and the subsequent dedication of Ashling Road as highway will provide reconfigured, improved access to the regional park trail system. The two existing remnant pieces of Regional Park in this area are currently not connected to each other or to the greater LQRRP. The land exchange allows for a pedestrian Regional Trail connection, increases usability, and provides a more coherent layout for LQRRP and its future planning and management.

The Little Qualicum River Regional Park was dedicated as park by Regional Park Dedication Bylaw 1726, 2015. Pursuant to Section 280 (1) (b) of the *Local Government Act*, "A regional district may, by bylaw adopted with the approval of the electors, exchange a regional park or regional trail for other land to be used for park purposes."

Consequently, the attached Bylaw No. 1859 must be adopted to authorize the removal of the park dedication before the affected land can be exchanged with the developer or dedicated as road right of way. See Attachment 5: Regional District of Nanaimo Little Qualicum River Regional Park Exchange Bylaw No. 1859, 2022.

Pursuant to section 86(1) of the *Community Charter*, approval of the electors has been obtained if, at the end of the time period for receiving elector responses, the number of elector response forms received is less than 10% of the number of electors of the area to which the approval process applies.

This AAP process applies to the entire Regional District of Nanaimo, and the total number of electors of the RDN is determined to be 123,062. Therefore, if less than 12,306 elector response forms are received by August 15, 2022, elector approval is deemed to have been obtained and the Board can proceed to adopt Bylaw No. 1859. See Attachment 6: Elector Response Form.

The 0.27 hectares acquired as part of this land exchange, along with the additional 1.32 hectares of parkland donated to the RDN by the developer in 2021, will be dedicated as part of the Little Qualicum River Regional Park by an updated Park Dedication bylaw. This update will be brought forward separately upon completion of the land transfers under the Conditional Land Exchange Agreement.

3. Little Qualicum River Regional Trail. See Attachment 7: Proposed Meadowood CP and Little Qualicum River RP and Trail Plan.

Through the Conditional Land Exchange Agreement, the RDN is acquiring a new statutory right-of-way over an existing trail on the developer's property that connects to an existing RDN statutory right of way that was granted in the earlier phase of the development in 2021. These rights-of-way formalize a public trail network that provides improved public access to the Little Qualicum River Regional Park.

### **FINANCIAL IMPLICATIONS**

As per sections 2.6 and 2.7 of the Conditional Land Exchange Agreement, the developer is responsible for all costs including the RDN's legal and consulting fees, expenses and costs associated with the land exchange and subdivision.

There are no anticipated development or maintenance costs for the community park addition.

The estimated costs for developing the new regional park addition and the Little Qualicum regional trail connection are \$5,000 and includes minor trail surfacing upgrades and signage. Ongoing annual maintenance costs will be approximately \$500. These costs will be included in the preliminary 2023 budget.

### **STRATEGIC PLAN ALIGNMENT**

Environmental Stewardship - Protect and enhance the natural environment, including land, water, and air quality for future generations.

Social Wellbeing - Make the Region a safe and vibrant place for all, with a focus on children and families in programs and planning.

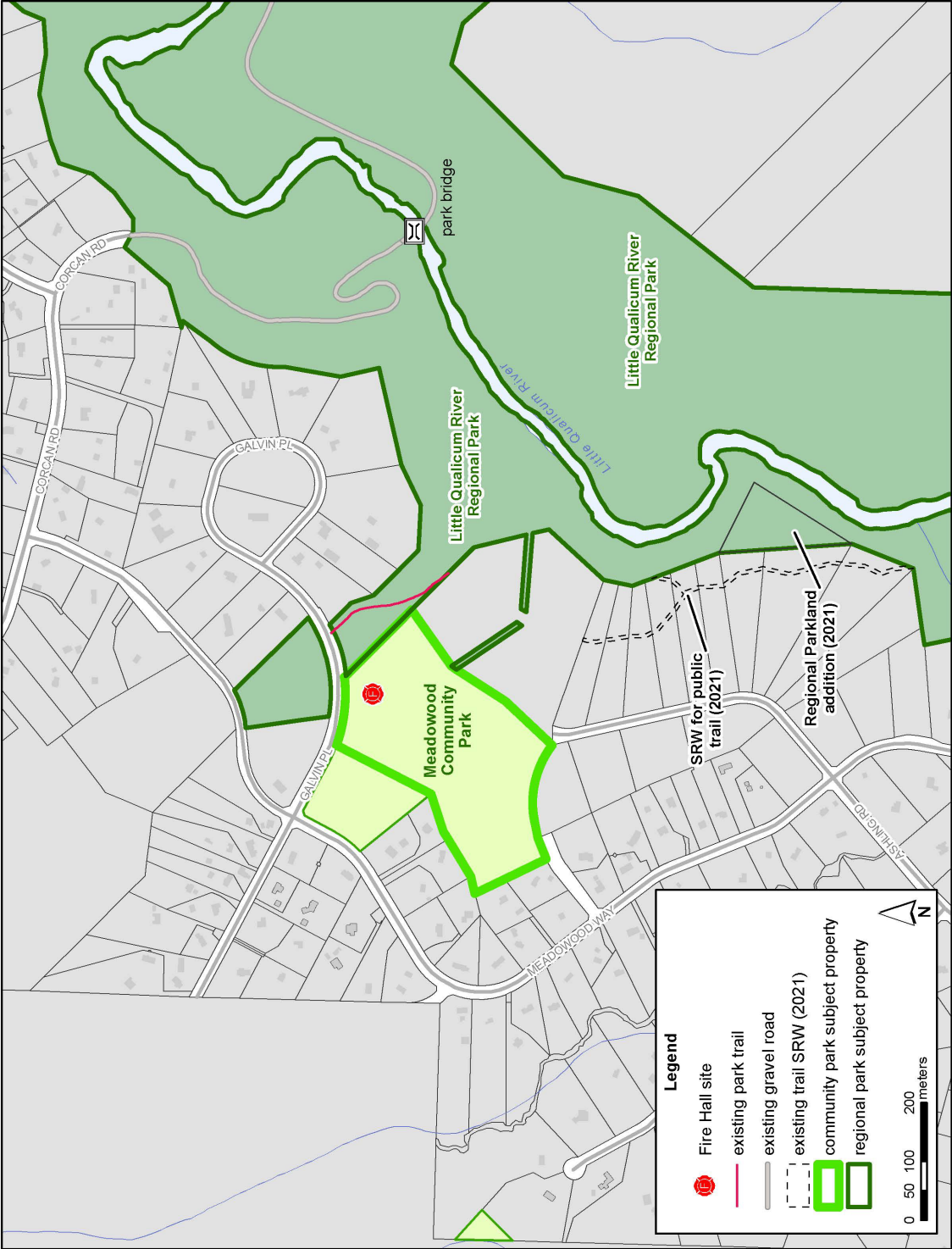
### **REVIEWED BY**

Y. Gagnon, Manager, Parks Services  
J. Hill, Manager, Legislative Services  
T. Osborne, General Manager, Recreation and Parks  
T. Moore, Acting Director of Finance  
D. Holmes, Chief Administrative Officer

## **ATTACHMENTS**

1. Existing Meadowood CP and Little Qualicum River RP Plan
2. Meadowood CP LQRRP Land Exchange Agreement
3. Meadowood CP Land Exchange Plan
4. Little Qualicum River RP Land Exchange Plan
5. Regional District of Nanaimo Little Qualicum River Regional Park Exchange Bylaw No. 1859, 2022
6. Elector Response Form
7. Proposed Meadowood CP and Little Qualicum River RP and Trail Plan

**Attachment 1**  
**Existing Meadowood CP and Little Qualicum River RP Plan**



Attachment 2

Meadowood CP LQRRP Conditional Land Exchange Agreement

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**CONDITIONAL PARK LAND EXCHANGE AGREEMENT**

THIS AGREEMENT dated for reference June 20<sup>th</sup>, 2022

BETWEEN:

**WICKLOW WEST HOLDINGS LTD., INC. NO. 133201**  
404 - 1199 WEST HASTINGS STREET  
VANCOUVER, BC V6E 3T5

**(the "Developer")**

AND:

**REGIONAL DISTRICT OF NANAIMO**  
6300 HAMMOND BAY ROAD  
P.O. BOX 40  
LANTZVILLE, BC V0R 2H0

**(the "District")**

**RECITALS:**

- A. The District is the registered owner in fee simple of the following lands known as Meadowood Community Park:

PID: 024-586-013  
Legal Description: LOT 2 BLOCK 359 NEWCASTLE DISTRICT PLAN VIP69346

**(the "Community Park").**

The Community Park includes those areas described as "Existing Community Park", "Fire Hall Area", "Community Park Closed Lot", and "Community Park Proposed Road" on the drawing prepared by Timberlake-Jones Engineering, numbered 03-P2 Revision E, dated March 2, 2022, a reduced copy of which is attached as Schedule "A" to this Agreement.

- B. The Community Park has not been dedicated as park by bylaw.

- C. The District is the registered owner in fee simple of the following regional park lands known as Little Qualicum River Regional Park:

PID: 024-585-912  
Legal Description: Lot 1, Block 359, Newcastle District, Plan VIP69346

**(the "Regional Park").**

The Regional Park includes those areas described as "Existing Regional Park", "Regional Park Closed Lot" and "Regional Park Proposed Road" on the drawing prepared by Timberlake-Jones Engineering, numbered 03-P4 Revision H, dated March 16, 2022, a reduced copy of which is attached as Schedule "B" to this Agreement.

- D. The Developer is the registered owner in fee simple of the following lands within the Regional District of Nanaimo which are adjacent to the Community Park and the Regional Park:

PID 000-441-724  
BLOCK 359, NEWCASTLE DISTRICT, EXCEPT PARCEL A (DD 21980N) AND  
EXCEPT PLANS 41094, VIP54534, VIP54535, VIP57567, VIP64186, VIP64189  
VIP64696, VIP66682, VIP67560, VIP69346, VIP69786, VIP73141, VIP75374,  
VIP77754, VIP80715, VIP83984, VIP86930, EPP53469, EPP66259, EPP66561  
and EPP105110

(the "Developer's Land").

The Developer's Land includes those areas described as "Developer's Proposed Community Park Parcel" on Schedule "A" and "Developer's Proposed Regional Park Parcel" and "Developer's Proposed Road" on Schedule "B".

The Developer wishes to:

- a. acquire a portion of the Community Park in exchange for a portion of the Developer's Land;
- b. acquire a portion of the Regional Park in exchange for a portion of the Developer's Land;
- c. dedicate a portion of the Developer's Land as highway to provide access to lands owned by or to be acquired by the Developer and to adjacent lands owned by or to be acquired by the District;

and the District has agreed, subject to the terms and conditions of this Agreement.

- E. The District intends to dedicate the Community Park Proposed Road and the Regional Park Proposed Road as highway to provide access to lands owned by or to be acquired by the Developer and to adjacent lands owned by or to be acquired by the District.
- F. The District requires a statutory right-of-way over a portion of the Developer's Land for a regional trail and the Developer has agreed, subject to the terms and conditions of this Agreement, to grant the Trail Right of Way Agreement to the District.

## THE PARTIES AGREE AS FOLLOWS:

### ARTICLE 1 DEFINITIONS

1.1 In this Agreement:

- (a) **"Agreement"** means this agreement including attached schedules;
- (b) **"Approving Officer"** means the provincial approving officer appointed to approve subdivision plans within the Regional District of Nanaimo;
- (c) **"Closing Date"** means:

- (i) the 30th day after the date on which all conditions contained in sections 3.1 and 3.3 have been satisfied or waived, as applicable; or
  - (ii) if the Land Title Office is closed on that day, the next day that the Land Title Office is open; or
  - (iii) such other day as the parties may agree in writing.
- (d) **"Community Park"** has the meaning assigned to it in recital A;
  - (e) **"Community Park Closed Lot"** means that portion of the Community Park comprising 0.56 ha, more or less, identified as "Community Park Closed Lot" on Schedule "A";
  - (f) **"Community Park Proposed Road"** means that portion of the Community Park comprising 0.46 ha, more or less, identified as "Community Park Proposed Road" on Schedule A;
  - (g) **"Contaminants"** mean any explosives, radioactive materials, asbestos, urea formaldehyde, chlorobiphenyls, hydrocarbons, fuels, gas, propane, oils, lubricants, methanol, odorants, grease, polychlorinated biphenyls, antirust, antifreeze, or other chemicals, chromate solutions, arsenic, cadmium, chromium, lead, or other minerals, underground or above ground tanks, pollutants, contaminants, deleterious substances, dangerous goods, dangerous, hazardous, corrosive, or toxic substances, special or other waste, or any other substances the storage, manufacture, disposal, handling, treatment, generation, use transport, remediation, or release into the Environment of which any Environmental Laws prohibit, control, regulate, or license;
  - (h) **"day"** means a calendar day;
  - (i) **"Developer's Proposed Community Park Parcel"** means that portion of the Developer's Land comprising 1.06 ha acres, more or less, shown outlined in bold and labelled "Developer's Proposed Community Park Parcel" on Schedule A;
  - (j) **"Developer's Community Park Parcel Transfer"** means a Form A – Freehold Transfer to convey the Developer's Proposed Community Park Parcel to the District;
  - (k) **"Developer's Land"** has the meaning assigned to it in recital D;
  - (l) **"Developer's Proposed Road"** means that portion of the Developer's Land comprising 0.402 ha, more or less, shown outlined in bold and labelled "Developer's Proposed Road" on Schedule B;
  - (m) **"Developer's Proposed Regional Park Parcel"** means that portion of the Developer's Land comprising 0.27 ha, more or less, shown outlined in bold and labelled "Developer's Proposed Regional Park Parcel" on Schedule "B";
  - (n) **"Developer's Regional Park Parcel Transfer"** means a Form A – Freehold Transfer to convey the Developer's Proposed Regional Park Parcel to the District;

- (o) **“District’s Community Park Parcel Transfer”** means a Form A – Freehold Transfer to convey the Community Park Closed Lot to the Developer;
- (p) **“District’s Regional Park Parcel Transfer”** means a Form A – Freehold Transfer to convey the Regional Park Closed Lot to the Developer;
- (q) **“Environment”** means land including soil and everything on or below land, sediment deposited on land, fill, and land submerged under water; air including all layers of the atmosphere; and water including oceans, lakes, rivers, streams, ground water, and surface water;
- (r) **“Environmental Laws”** mean all principles of common law and equity and all laws, statutes, regulations, rules, bylaws, remediation, pollution abatement or other orders, directives, standards, guidelines, permits, licences, and other lawful requirements, from time to time, of any government body having jurisdiction concerning the Environment, health, occupational health or safety, product liability, or the transportation of dangerous goods;
- (s) **“Fire Hall Area”** means that portion of the Community Park comprising 1.00 ha, more or less, identified as “Fire Hall Area” on Schedule A;
- (t) **“Land Title Office”** means the Victoria Land Title Office;
- (u) **“Permitted Developer Encumbrances”** means the legal notations, charges, liens and interests registered against title to the Developer’s Land that are listed in Schedule “C”;
- (v) **“Permitted District Encumbrances”** means the legal notations, charges, liens and interests registered against title to the Community Park and the Regional Park as shown on the title searches included in Schedule “D”;
- (w) **“Regional Park”** has the meaning assigned to it in recital C;
- (x) **“Regional Park Closed Lot”** means that portion of the Regional Park comprising 0.25 ha, more or less, shown outlined in bold and labelled “Regional Park Closed Lot” on Schedule B;
- (y) **“Regional Park Exchange Bylaw”** means a bylaw in substantially the form attached as Schedule “G” to authorize the transfer of the Regional Park Closed Lot in exchange for the Developer’s Proposed Regional Park Parcel, the removal of the dedication of the Regional Park Proposed Road as regional park and the dedication of the Regional Park Proposed Road as highway;
- (z) **“Regional Park Proposed Road”** means that portion of the Regional Park comprising 149 m<sup>2</sup>, more or less, shown outlined in bold and labelled “Regional Park Proposed Road” on Schedule B;
- (aa) **“Trail Right of Way Agreement”** means a statutory right of way agreement pursuant to section 218 of the *Land Title Act* containing substantially those terms and attachments as are contained in the Terms of Instrument Part 2 attached hereto as Schedule “E”; and

- (bb) **"Subdivision Plan"** means one or more subdivision plans substantially in accordance with the plan(s) attached as Schedule "F" to this agreement; and
- (cc) **"Trail Right of Way Plans"** means reference or explanatory plans substantially in accordance with Attachments "A" and "B" to the Trail Right of Way Agreement.

## ARTICLE 2 CONDITIONAL LAND EXCHANGE

2.1 Subject to the terms and conditions of this Agreement, the parties agree that on the Closing Date:

- (a) the Developer will transfer the estate in fee simple to the District, and give the District vacant possession of:
  - (i) the Developer's Proposed Community Park Parcel; and
  - (ii) the Developer's Proposed Regional Park Parcel,including any and all improvements, free and clear of all liens, charges and encumbrances except for the Permitted Developer Encumbrances;
- (b) the District will transfer the estate in fee simple to the Developer, and give the Developer vacant possession of:
  - (i) the Community Park Closed Lot; and
  - (ii) the Regional Park Closed Lot;including any and all improvements, free and clear of all liens, charges and encumbrances except for the Permitted District Encumbrances;
- (c) the Developer will dedicate the Developer's Proposed Road as highway in accordance with section 107 of the *Land Title Act* and, subject to section 2.1(a), consolidate the Regional Park Closed Lot with the balance of the Developer's Land;
- (d) the District will, at the Developer's expense, dedicate the Community Park Proposed Road and the Regional Park Proposed Road as highway in accordance with section 107 of the *Land Title Act*;
- (e) subject to sections 2.1(b) and 2.1(d) herein, the District will, at the Developer's expense, subdivide the Fire Hall Area from the Community Park Parcel and consolidate the Developer's Proposed Community Park Parcel with the balance of the Community Park;
- (f) the Developer will pay any outstanding taxes, interest and penalties for the Developer's Land and all taxes due or accruing due for the Developer's Land for the tax year in which the Closing Date occurs. If the property taxes for the tax year in which the Closing Date occurs are not known at the Closing Date, they will be deemed to be one hundred and five percent of the property taxes for the previous tax year; and

- (g) the Developer will grant the Trail Right of Way Agreement to the District.
- 2.2 The Developer will arrange for the preparation of the Subdivision Plan at the Developer's cost and subject to the approval of the Approving Officer, pursuant to the *Land Title Act*.
- 2.3 The parties acknowledge and agree that, except as provided in section 2.1(f), the transactions contemplated in this Agreement will proceed without any adjustment on account of property taxes for any of the lands being transferred by this Agreement.
- 2.4 The parties agree that the following property values will be reported on the Property Transfer Tax forms and Form A transfers:
  - (a) Developer's Proposed Community Park Parcel is \$26,182;
  - (b) Developer's Proposed Regional Park Parcel is \$6,669;
  - (c) the Community Park Closed Lot is \$13,382;
  - (d) the Regional Park Closed Lot is \$6,175; and
- 2.5 The parties agree that the following property have the following values:
  - (a) the Community Park Proposed Road is \$11,362; and
  - (b) the Regional Park Proposed Road is \$368;
- 2.6 The Developer will be responsible for all fees, expenses and costs associated with the preparation, approval and registration of the Subdivision Plan and dedication as highway of the Community Park Proposed Road, the Regional Park Proposed Road and the Developer's Proposed Road, including, but not limited to, obtaining approval of the Subdivision Plan from the Agricultural Land Commission and the Approving Officer.
- 2.7 The Developer will be responsible for all legal and consulting fees, expenses and costs associated with the preparation and approval of this Agreement and any steps contemplated by this Agreement that are necessary for its completion.
- 2.8 The parties acknowledge that they have each had a reasonable opportunity to inspect the property it is acquiring and agree to accept same on an "as is, where is" basis, provided such property is in the same or better condition as it was in on July 6, 2021. Notwithstanding this, each party agrees to provide the other, at any time following execution of this Agreement by both parties, with reasonable access to conduct such inspections and investigations as it deems appropriate of the property it is acquiring. Each party shall reimburse the other party for any damage the inspecting party causes in conducting such inspections or investigations.

**ARTICLE 3 CONDITIONS PRECEDENT**

- 3.1 The transactions contemplated by this Agreement are conditional upon the satisfaction or waiver of the following conditions precedent, which are for the sole benefit of the District, in its sole discretion:

- (a) on or before July 15, 2022 the Board of the Regional District of Nanaimo:
  - (i) approving this Agreement; and
  - (ii) authorizing the documentation necessary to complete the terms of this Agreement in compliance with all requirements of the Local Government Act and the Land Title Act and other applicable enactments.
- 3.2 If the conditions precedent referred to in section 3.1 are not satisfied or waived by the District on or before the applicable date, then this Agreement will automatically terminate.
- 3.3 The transactions contemplated by this Agreement are conditional upon the satisfaction of the following conditions precedent, which are for the benefit of both parties and may not be waived:
  - (a) elector approval of the Regional Park Exchange Bylaw in accordance with the *Local Government Act*;
  - (b) adoption of the Regional Park Exchange Bylaw by the Board of the District;
  - (c) adoption of Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.38, 2022 and Regional District of Nanaimo Electoral Area 'F' Official Community Plan Amendment Bylaw No. 1152.06, 2022;
  - (d) approval of the Subdivision Plan by the Agricultural Land Commission; and
  - (e) approval by the Approving Officer of the Subdivision Plan, including the dedication as highway of the Community Park Proposed Road, the Regional Park Proposed Road and the Developer's Proposed Road.
- 3.4 If the conditions precedent referred to in section 3.3 are not satisfied on or before November 30, 2023, then either party may, upon written notice to the other party, terminate this Agreement.

#### **ARTICLE 4 CLOSING**

- 4.1 The exchange of the Community Park Closed Lot for the Developer's Proposed Community Park Parcel and the exchange of the Regional Park Closed Lot for the Developer's Proposed Regional Park Parcel and the grant of the Trail Right of Way Agreement will be completed in the following manner and sequence:
  - (a) not less than five (5) business days prior to the Closing Date, the Developer will cause the Developer's solicitor to deliver to the District's solicitor for approval and, where appropriate, execution by the District's authorized signatories:
    - (i) the District's Community Park Parcel Transfer, the District's Regional Park Parcel Transfer, the Trail Right of Way Plans and the Trail Right of Way Agreement; and

- (ii) all other plans and documents as the District's Solicitor and Developer's Solicitor may agree, acting reasonably, are necessary to give effect to the transactions contemplated by this Agreement;
- (b) not less than five (5) business days prior to the Closing Date the District will cause the District's solicitor to deliver to the Developer's solicitor for approval and, where appropriate, execution by the Developer's authorized signatories:
  - (i) the Developer's Community Park Parcel Transfer;
  - (ii) the Developer's Regional Park Parcel Transfer;
  - (iii) a certified copy of the Regional Park Exchange Bylaw;
  - (iv) all other plans and documents as the District's Solicitor and Developer's Solicitor may agree, acting reasonably, are necessary to give effect to the transactions contemplated by this Agreement;
- (c) not less than two (2) business days prior to the Closing Date, the Developer will cause the Developer's solicitor to deliver to the District's solicitor:
  - (i) true copies of the Developer's Community Park Parcel Transfer and the Developer's Regional Park Parcel Transfer duly executed by the authorized signatories of the Developer;
- (d) not less than two (2) business days prior to the Closing Date, the District will cause the District's solicitor to deliver to the Developer's solicitor:
  - (i) true copies of the District's Community Park Parcel Transfer, the District's Regional Park Parcel Transfer and the Trail Right of Way Agreement duly executed by the authorized signatories of the District;
- (e) on the Closing Date, the Developer and the District will cause their respective solicitors to file, by means of an electronic meet in the Land Title Office:
  - (i) the Subdivision Plan;
  - (ii) the Developer's Community Park Parcel Transfer;
  - (iii) the District's Community Park Parcel Transfer;
  - (iv) the Developer's Regional Park Parcel Transfer;
  - (v) the District's Regional Park Parcel Transfer;
  - (vi) the Trail Right of Way Agreement;
  - (vii) the Trail Right of Way Plans; and
  - (viii) a certified copy of the Regional Park Exchange Bylaw.

The above documents and plans will be filed in the Land Title Office concurrently



on an "all or nothing basis" along with all other necessary documents and forms required to give effect to the transactions contemplated by this Agreement;

- (f) following notice of final registration of the documents, the Developer's solicitor will, in due course, provide the District's solicitor with registered copies of all such documents; and
  - (g) the parties or their respective solicitors may, at any time, in writing, revise or amend the foregoing closing procedure.
- 4.2 The Community Park Closed Lot and the Regional Park Closed Lot are at the District's risk until 12:01 a.m. on the Closing Date and at the Developer's risk thereafter.
- 4.3 The Developer's Proposed Community Park Parcel and the Developer's Proposed Regional Park Parcel are at the Developer's risk until 12:01 a.m. on the Closing Date and at the District's risk thereafter.
- 4.4 The Developer's Proposed Road is at the Developer's risk until 12:01 a.m. on the Closing Date and at the risk of the Crown in Right of the Province of British Columbia following registration of the Subdivision Plan in the Land Title Office.
- 4.5 The Community Park Proposed Road and the Regional Park Proposed Road are at the District's risk until 12:01 a.m. on the Closing Date and at the risk of the Crown in Right of the Province of British Columbia following registration of the Subdivision Plan in the Land Title Office.

#### **ARTICLE 5 REGISTRATION FEES, PROPERTY TRANSFER TAX AND GST**

- 5.1 Each party will be responsible for payment of any and all property transfer taxes that may be assessed against a party on account of the transactions authorized by this Agreement.
- 5.2 Both parties are registered for GST purposes and, in accordance with the *Excise Tax Act* (Canada):
- (a) the District will account directly to the Receiver General Canada for any GST payable upon the transfer of the Community Park Closed Lot, and the Regional Park Closed Lot; and
  - (b) the Developer will account directly to the Receiver General Canada for any GST payable upon the transfer of the Developer's Proposed Community Park Parcel and the Developer's Proposed Regional Park Parcel and the dedication of the Developer's Proposed Road.

#### **ARTICLE 6 REPRESENTATIONS, WARRANTIES, ACKNOWLEDGEMENTS AND COVENANTS**

- 6.1 Regardless of any independent investigation the District may make, the Developer warrants, represents and covenants to the District that it:
- (a) is a company in good standing incorporated under the *Business Corporations Act*;

- (b) has undertaken the necessary corporate proceedings to enter into this Agreement and carry out its obligations under it;
  - (c) is not aware of any complaints or claims that the Developer's Land, the Developer's Proposed Community Park Parcel or the Developer's Proposed Regional Park Parcel are not in compliance with any Environmental Laws or that any Contaminants have been released or migrated to or from Developer's Land, the Developer's Proposed Community Park Parcel or the Developer's Proposed Regional Park Parcel or any lands adjoining any of them;
  - (d) is **not** and will not be a non-resident of Canada within the meaning of the *Income Tax Act* (Canada) on the Closing Date;
  - (e) on the Closing Date, will have good, safe holding, and marketable title in fee simple to both the Developer's Proposed Community Park Parcel and the Developer's Proposed Regional Park Parcel, free and clear of all liens, charges, encumbrances, encroachments, defects in titles, equities or claims, except for the Permitted Developer Encumbrances; and
  - (f) is not aware of any claim or litigation pending or threatened against it, which could affect the right of the District to acquire the Developer's Proposed Community Park Parcel or the Developer's Proposed Regional Park Parcel.
- 6.2 The Developer's representations, agreements and warranties contained in section 6.1 will survive the Closing Date and will continue in full force and effect for the benefit of the District after the Closing Date, without limitation.
- 6.3 Regardless of any independent investigation the Developer may make, the District warrants, represents and covenants to the Developer that it:
- (a) is a regional district under the *Local Government Act*;
  - (b) has undertaken the necessary corporate proceedings to enter into this Agreement and carry out its obligations under it;
  - (c) is not aware of any complaints or claims that the Community Park Closed Lot or the Regional Park Closed Lot are not in compliance with any Environmental Laws or that any Contaminants have been released or migrated to or from the Community Park Closed Lot or the Regional Park Closed Lot or any lands adjoining any of them;
  - (d) is **not** and will not be a non-resident of Canada within the meaning of the *Income Tax Act* (Canada) on the Closing Date;
  - (e) on the Closing Date, will have good, safe holding, and marketable title in fee simple to the Community Park Closed Lot and the Regional Park Closed Lot, free and clear of all liens, charges, encumbrances, encroachments, defects in titles, equities or claims, except for the Permitted District Encumbrances; and
  - (f) is not aware of any claim or litigation pending or threatened against it, which could affect the right of the Developer to acquire the Community Park Closed Lot or the Regional Park Closed Lot.

- 6.4 The District's representations, agreements and warranties contained in section 6.3 will survive the Closing Date and will continue in full force and effect for the benefit of the Developer after the Closing Date, without limitation.
- 6.5 The Developer covenants and agrees in respect of the Developer's Proposed Community Park Parcel and the Developer's Proposed Regional Park Parcel and the District covenants and agrees in respect of the Community Park Closed Lot and the Regional Park Closed Lot that:
- (a) except for the representations and warranties expressly set out in this Agreement, the Developer's Proposed Community Park Parcel and the Community Park Closed Lot are being exchanged "as is, where is";
  - (b) except for the representations and warranties expressly set out in this Agreement, the Developer's Proposed Regional Park Parcel and the Regional Park Closed Lot are being exchanged "as is, where is";
  - (c) in entering into this Agreement the Developer has not relied upon any warranty or representation given by or on behalf of the District and the District has not relied upon any warranty or representation given by or on behalf of the Developer, including, but not limited to, representation or warranties concerning:
    - (i) the fitness of the Developer's Proposed Community Park Parcel and the Developer's Proposed Regional Park Parcel for the intended use of by the District and the fitness of the Community Park Closed Lot and the Regional Park Closed Lot for the intended use by the Developer;
    - (ii) servicing and utilities of or to any of the lands referred to in this Agreement;
    - (iii) the zoning of the Developer's Proposed Community Park Parcel, the Community Park Closed Lot, the Developer's Proposed Regional Park Parcel or the Regional Park Closed Lot or the by-laws, regulations and laws of any governmental body which relate to the use and occupation of those lands;
    - (iv) the economic feasibility of the development of the Developer's Land, the Community Park Closed Lot or the Regional Park Closed Lot;
    - (v) the applicability or otherwise of any federal or provincial statute or law to the Developer's Land, the Community Park Closed Lot or the Regional Park Closed Lot; or
    - (vi) the environmental state or condition of the Developer's Land, the Community Park Closed Lot, the Community Park Proposed Road, the Regional Park Closed Lot, the Regional Park Proposed Road, the Community Park, the Regional Park, the Developer's Proposed Road, the Developer's Proposed Community Park Parcel or the Developer's Proposed Regional Park Parcel.
- 6.6 The District hereby waives any requirement for the Developer to provide a site disclosure statement for the Developer's Proposed Community Park Parcel or the Developer's

Proposed Regional Park Parcel under the *Environmental Management Act* or any regulation thereunder.

- 6.7 The Developer hereby waives any requirement for the District to provide a site disclosure statement for the Community Park Closed Lot or the Regional Park Closed Lot under the *Environmental Management Act* or any regulation thereunder.
- 6.8 The parties acknowledge and agree that nothing provided by the Developer pursuant to this Agreement is or shall be considered to be an amenity contribution related to the development or rezoning of all or part of the Developer's Land.

## **ARTICLE 7 NOTICE**

- 7.1 Any notice, document, or communication required or permitted to be given under this Agreement must be in writing and will be deemed to have been given if delivered by hand, courier, registered mail or e-mail to the party to whom it is to be given as follows:

- (a) To the District:

Regional District of Nanaimo  
6300 Hammond Bay Road  
P.O. BOX 40  
LANTZVILLE, BC V0R 2H0

Attention: Tom Osbourne

Email: [tosborne@rdn.bc.ca](mailto:tosborne@rdn.bc.ca)

- (b) To the Developer:

Wicklow West Holdings Ltd.  
400 – 1199 West Hastings Street  
Vancouver, BC V6E 3T5

Attention: Mark Galvin

Email: [mgalvin@wicklowwest.com](mailto:mgalvin@wicklowwest.com)

provided, however, that a party may, by notice in writing to the other, specify another address for service of notices under this Agreement and, where another address is specified under this section, notice must be delivered to that address in accordance with this Article.

## **ARTICLE 8 INTERPRETATION**

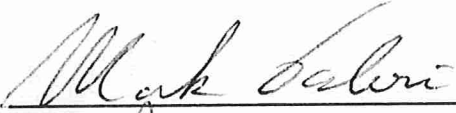
- 8.1 Nothing in this Agreement makes the District an agent, joint venturer or partner of the Developer and nothing in this Agreement makes the Developer an agent, joint venturer or partner of the District.

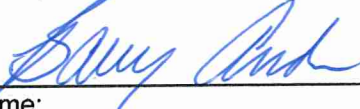
- 8.2 the Developer acknowledges that the District is subject to the *Freedom of Information and Protection of Privacy Act* and that this Agreement may be disclosed or the District may be required to disclose this Agreement pursuant to that Act.
- 8.3 This Agreement and the rights, duties, and obligations of the Developer and the District hereunder are personal and will not be assigned by either of them without the prior written consent of the other.
- 8.4 Wherever the singular or masculine is used in this Agreement, the same will be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.
- 8.5 Headings are inserted in this Agreement for convenience only and do not control or affect the meaning or construction of any part of this Agreement.
- 8.6 Unless otherwise specified, a reference to any enactment shall be deemed to be a reference to the enactment of the Province of British Columbia having that name, and a reference to any enactment includes all regulations made thereunder, all amendments to the enactment in force from time to time, and every enactment that supplements or supersedes such enactment.
- 8.7 The words "include" or "including" as used herein shall not be construed as words of limitation, whether stated to be without limitation or not.
- 8.8 No action or failure to act by a party will constitute a waiver of any right or duty under the Agreement or constitute an approval or acquiescence in any breach of the Agreement, except as may specifically be agreed to in writing by the party.
- 8.9 This Agreement:
- (a) constitutes the entire agreement between the parties with respect to the purchase, sale, dedication or exchange of the Community Park Closed Lot, the Community Park Proposed Road, the Regional Park Closed Lot, the Regional Park Proposed Road, the Developer's Proposed Community Park Parcel, the Developer's Proposed Road or the Developer's Proposed Regional Park Parcel and may not be amended except by subsequent agreement in writing;
  - (b) will be interpreted according to the laws of the Province of British Columbia and the courts of that Province will have exclusive jurisdiction with respect to all matters relating to or arising out of this Agreement;
  - (c) will enure to the benefit of and be binding upon the parties and their respective successors and permitted assigns.
- 8.10 The parties will do and cause to be done all things and execute and cause to be executed all documents which may be necessary to give proper effect to the intention of this Agreement.
- 8.11 Time is of the essence of this Agreement.

- 8.12 This Agreement may be executed in counterparts, each of which will be deemed to be an original and all of which will together constitute one and the same instrument. This Agreement may be delivered by any party by facsimile transmission or in PDF format by email.
- 8.13 If any section of this Agreement or any part of a section is found to be illegal or unenforceable, that part or section, as the case may be, will be considered separate and severable and the remaining parts or sections, as the case may be, will not be affected and will be enforceable to the fullest extent permitted by law.

**IN WITNESS WHEREOF** this Agreement has been executed as of the Reference Date:

**WICKLOW WEST HOLDINGS LTD., INC.NO. 133201**  
by its authorized signatory(ies):

  
Name: \_\_\_\_\_  
Title: *President Director*

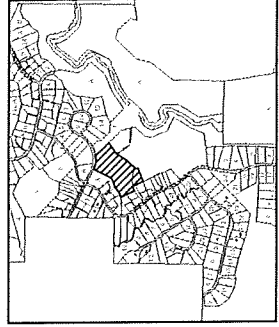
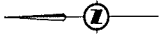
  
Name: \_\_\_\_\_  
Title: *DIRECTOR, SECRETARY*

**REGIONAL DISTRICT OF NANAIMO**  
by its authorized signatories:

\_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
Name:  
Title:

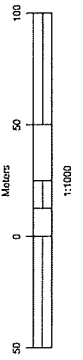
**MEADOWOOD COMMUNITY PARK  
LAND EXCHANGE PLAN**



**SCHEDULE A**

**LEGEND**

- EXISTING COMMUNITY PARK
- FIRE HALL AREA
- COMMUNITY PARK CLOSED LOT
- COMMUNITY PARK PROPOSED ROAD
- DEVELOPER'S PROPOSED COMMUNITY PARK PARCEL



NOTES:  
 1. ALL DISTANCES ARE IN METRES.  
 2. BOUNDARY DIMENSIONS SHOWN ARE DERIVED FROM PLAN LEGAL SURVEY.  
 3. DISTANCES ARE SUBJECT TO ANY CHANGE UPON FINAL LEGAL SURVEY.

MOTI FILE NO. 2019-01065

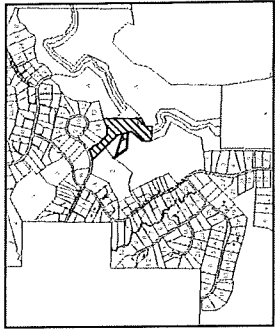
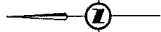
**Timberlake-Jones**  
 S h o p p i n g  
 DEVELOPERS

NO.	DATE	REVISION	BY	CHKD
1	2019/12/12	REVISED DRAWING	...	...
2	2019/12/12	REVISED DRAWING	...	...
3	2019/12/12	REVISED DRAWING	...	...
4	2019/12/12	REVISED DRAWING	...	...
5	2019/12/12	REVISED DRAWING	...	...
6	2019/12/12	REVISED DRAWING	...	...

WICKLOW WEST HOLDINGS LTD.  
 QUALICUM RIVER ESTATES PHASE 10  
 COMMUNITY PARK LAND EXCHANGE

DATE: 15/01/2020  
 DRAWN: ...  
 CHECKED: ...  
 PROJECT NO.: 312  
 SHEET NO.: 03-P2  
 OF: E

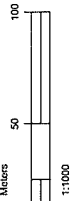
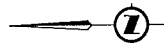
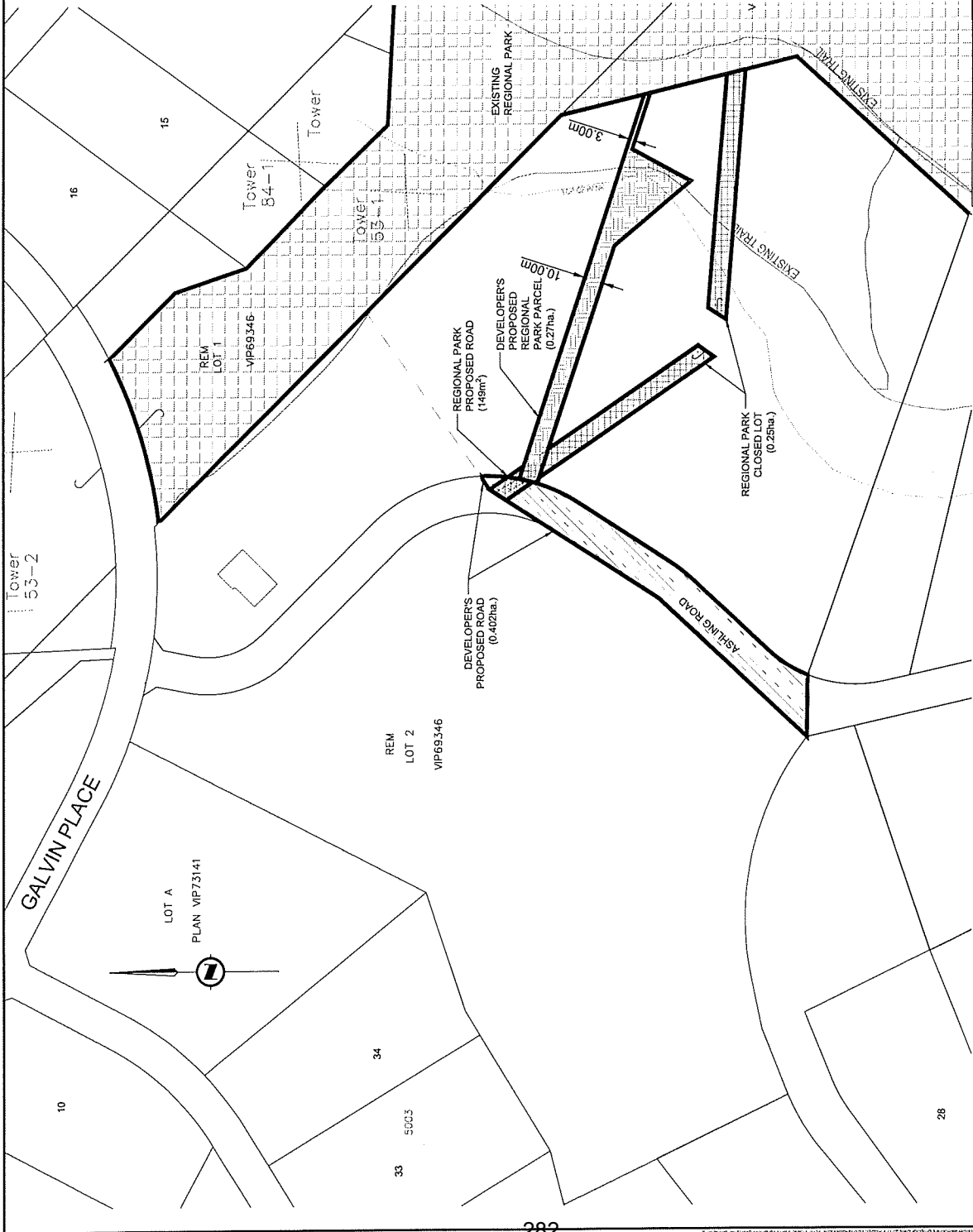
**LITTLE QUALICUM RIVER REGIONAL PARK LAND EXCHANGE PLAN**



**SCHEDULE B**

**LEGEND**

- EXISTING REGIONAL PARK
- REGIONAL PARK CLOSED LOT
- REGIONAL PARK PROPOSED ROAD
- DEVELOPER'S PROPOSED REGIONAL PARK PARCEL
- DEVELOPER'S PROPOSED ROAD



NOTE:  
 1. ALL DISTANCES ARE IN METRES.  
 2. BOUNDARY DIMENSIONS SHOWN ARE DERIVED FROM PLAN AND ARE SUBJECT TO ANY CHANGE UPON FINAL LEGAL SURVEY.

Lot No.	Area (m²)	Area (ha)	Use
1	2017.12	0.2017	EXISTING REGIONAL PARK
2	2017.18	0.2017	EXISTING REGIONAL PARK
3	2017.19	0.2017	EXISTING REGIONAL PARK
4	2017.16	0.2017	EXISTING REGIONAL PARK
5	2017.17	0.2017	EXISTING REGIONAL PARK
6	2017.15	0.2017	EXISTING REGIONAL PARK
7	2017.14	0.2017	EXISTING REGIONAL PARK
8	2017.13	0.2017	EXISTING REGIONAL PARK
9	2017.12	0.2017	EXISTING REGIONAL PARK
10	2017.11	0.2017	EXISTING REGIONAL PARK
11	2017.10	0.2017	EXISTING REGIONAL PARK
12	2017.09	0.2017	EXISTING REGIONAL PARK
13	2017.08	0.2017	EXISTING REGIONAL PARK
14	2017.07	0.2017	EXISTING REGIONAL PARK
15	2017.06	0.2017	EXISTING REGIONAL PARK
16	2017.05	0.2017	EXISTING REGIONAL PARK
17	2017.04	0.2017	EXISTING REGIONAL PARK
18	2017.03	0.2017	EXISTING REGIONAL PARK
19	2017.02	0.2017	EXISTING REGIONAL PARK
20	2017.01	0.2017	EXISTING REGIONAL PARK
21	2016.12	0.2017	EXISTING REGIONAL PARK
22	2016.11	0.2017	EXISTING REGIONAL PARK
23	2016.10	0.2017	EXISTING REGIONAL PARK
24	2016.09	0.2017	EXISTING REGIONAL PARK
25	2016.08	0.2017	EXISTING REGIONAL PARK
26	2016.07	0.2017	EXISTING REGIONAL PARK
27	2016.06	0.2017	EXISTING REGIONAL PARK
28	2016.05	0.2017	EXISTING REGIONAL PARK
29	2016.04	0.2017	EXISTING REGIONAL PARK
30	2016.03	0.2017	EXISTING REGIONAL PARK
31	2016.02	0.2017	EXISTING REGIONAL PARK
32	2016.01	0.2017	EXISTING REGIONAL PARK
33	2015.12	0.2017	EXISTING REGIONAL PARK
34	2015.11	0.2017	EXISTING REGIONAL PARK
35	2015.10	0.2017	EXISTING REGIONAL PARK
36	2015.09	0.2017	EXISTING REGIONAL PARK
37	2015.08	0.2017	EXISTING REGIONAL PARK
38	2015.07	0.2017	EXISTING REGIONAL PARK
39	2015.06	0.2017	EXISTING REGIONAL PARK
40	2015.05	0.2017	EXISTING REGIONAL PARK
41	2015.04	0.2017	EXISTING REGIONAL PARK
42	2015.03	0.2017	EXISTING REGIONAL PARK
43	2015.02	0.2017	EXISTING REGIONAL PARK
44	2015.01	0.2017	EXISTING REGIONAL PARK
45	2014.12	0.2017	EXISTING REGIONAL PARK
46	2014.11	0.2017	EXISTING REGIONAL PARK
47	2014.10	0.2017	EXISTING REGIONAL PARK
48	2014.09	0.2017	EXISTING REGIONAL PARK
49	2014.08	0.2017	EXISTING REGIONAL PARK
50	2014.07	0.2017	EXISTING REGIONAL PARK
51	2014.06	0.2017	EXISTING REGIONAL PARK
52	2014.05	0.2017	EXISTING REGIONAL PARK
53	2014.04	0.2017	EXISTING REGIONAL PARK
54	2014.03	0.2017	EXISTING REGIONAL PARK
55	2014.02	0.2017	EXISTING REGIONAL PARK
56	2014.01	0.2017	EXISTING REGIONAL PARK
57	2013.12	0.2017	EXISTING REGIONAL PARK
58	2013.11	0.2017	EXISTING REGIONAL PARK
59	2013.10	0.2017	EXISTING REGIONAL PARK
60	2013.09	0.2017	EXISTING REGIONAL PARK
61	2013.08	0.2017	EXISTING REGIONAL PARK
62	2013.07	0.2017	EXISTING REGIONAL PARK
63	2013.06	0.2017	EXISTING REGIONAL PARK
64	2013.05	0.2017	EXISTING REGIONAL PARK
65	2013.04	0.2017	EXISTING REGIONAL PARK
66	2013.03	0.2017	EXISTING REGIONAL PARK
67	2013.02	0.2017	EXISTING REGIONAL PARK
68	2013.01	0.2017	EXISTING REGIONAL PARK
69	2012.12	0.2017	EXISTING REGIONAL PARK
70	2012.11	0.2017	EXISTING REGIONAL PARK
71	2012.10	0.2017	EXISTING REGIONAL PARK
72	2012.09	0.2017	EXISTING REGIONAL PARK
73	2012.08	0.2017	EXISTING REGIONAL PARK
74	2012.07	0.2017	EXISTING REGIONAL PARK
75	2012.06	0.2017	EXISTING REGIONAL PARK
76	2012.05	0.2017	EXISTING REGIONAL PARK
77	2012.04	0.2017	EXISTING REGIONAL PARK
78	2012.03	0.2017	EXISTING REGIONAL PARK
79	2012.02	0.2017	EXISTING REGIONAL PARK
80	2012.01	0.2017	EXISTING REGIONAL PARK
81	2011.12	0.2017	EXISTING REGIONAL PARK
82	2011.11	0.2017	EXISTING REGIONAL PARK
83	2011.10	0.2017	EXISTING REGIONAL PARK
84	2011.09	0.2017	EXISTING REGIONAL PARK
85	2011.08	0.2017	EXISTING REGIONAL PARK
86	2011.07	0.2017	EXISTING REGIONAL PARK
87	2011.06	0.2017	EXISTING REGIONAL PARK
88	2011.05	0.2017	EXISTING REGIONAL PARK
89	2011.04	0.2017	EXISTING REGIONAL PARK
90	2011.03	0.2017	EXISTING REGIONAL PARK
91	2011.02	0.2017	EXISTING REGIONAL PARK
92	2011.01	0.2017	EXISTING REGIONAL PARK
93	2010.12	0.2017	EXISTING REGIONAL PARK
94	2010.11	0.2017	EXISTING REGIONAL PARK
95	2010.10	0.2017	EXISTING REGIONAL PARK
96	2010.09	0.2017	EXISTING REGIONAL PARK
97	2010.08	0.2017	EXISTING REGIONAL PARK
98	2010.07	0.2017	EXISTING REGIONAL PARK
99	2010.06	0.2017	EXISTING REGIONAL PARK
100	2010.05	0.2017	EXISTING REGIONAL PARK

MOTI FILE NO: 2019-01065

**Timberlake-Jones**  
 Wicklow West Holdings Ltd.  
 Qualicum River Estates Phase 10  
 Regional Park Land Exchange

312 0.5-P4 H



**SCHEDULE "C"**

**Permitted Developer Encumbrances**

Description of Charge	Charge #
Exception and Reservation	M76300
Right of Way	G89918
Covenant	N35832
Covenant	EK116444
Covenant	EK116448
Covenant	EM10126
Covenant	EM73915
Covenant	EM75385
Statutory Right of Way	EN72444
Covenant	EN104355
Covenant	EN104356
Statutory Right of Way	EV67167
Statutory Right of Way	EV67168

# SCHEDULE "D"

## TITLE SEARCH PRINT

2022-03-02, 07:31:48

File Reference: RDN-Meadowood

Requestor: Cindy Nesselbeck

Declared Value \$ 10

**\*\*CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN\*\***

<b>Land Title District</b>	VICTORIA
Land Title Office	VICTORIA
<b>Title Number</b>	EX18862
From Title Number	EN72438
<b>Application Received</b>	2005-02-21
<b>Application Entered</b>	2005-02-24
<b>Registered Owner in Fee Simple</b>	
Registered Owner/Mailing Address:	REGIONAL DISTRICT OF NANAIMO 6300 HAMMOND BAY ROAD PO BOX 40 LANTZVILLE, BC V0R 2H0
<b>Taxation Authority</b>	Port Alberni Assessment Area
<b>Description of Land</b>	
Parcel Identifier:	024-586-013
Legal Description:	LOT 2 BLOCK 359 NEWCASTLE DISTRICT PLAN VIP69346
<b>Legal Notations</b>	
	HERETO IS ANNEXED EASEMENT EN72440 OVER PART OF LOT 1, PLAN VIP69346 SHOWN ON PLAN VIP69347
<b>Charges, Liens and Interests</b>	
Nature:	EXCEPTIONS AND RESERVATIONS
Registration Number:	M76300
Registered Owner:	ESQUIMALT AND NANAIMO RAILWAY COMPANY
Remarks:	INTER ALIA SECTION 172(3); AFB 9.693.7434A; DD 29922N FOR ACTUAL DATE AND TIME OF REGISTRATION SEE ORIGINAL GRANT FROM E & N RAILWAY COMPANY

**TITLE SEARCH PRINT**

2022-03-02, 07:31:48

File Reference: RDN-Meadowood

Requestor: Cindy Nesselbeck

Declared Value \$ 10

Nature: RIGHT OF WAY  
 Registration Number: G89918  
 Registration Date and Time: 1978-11-01 15:37  
 Registered Owner: BRITISH COLUMBIA HYDRO AND POWER AUTHORITY  
 Remarks: INTER ALIA  
 PART OUTLINED IN RED ON PLAN 3324RW

Nature: COVENANT  
 Registration Number: N35832  
 Registration Date and Time: 1984-05-02 11:13  
 Registered Owner: HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF  
 BRITISH COLUMBIA  
 Remarks: INTER ALIA  
 SECTION 215 L.T.A.

Nature: COVENANT  
 Registration Number: EK116444  
 Registration Date and Time: 1996-10-16 14:37  
 Registered Owner: THE CROWN IN RIGHT OF BRITISH COLUMBIA  
 Remarks: INTER ALIA  
 SECTION 215 LAND TITLE ACT; INCLUDES INDEMNITY

Nature: COVENANT  
 Registration Number: EK116448  
 Registration Date and Time: 1996-10-16 14:38  
 Registered Owner: THE CROWN IN RIGHT OF BRITISH COLUMBIA  
 THE REGIONAL DISTRICT OF NANAIMO  
 Remarks: INTER ALIA  
 PURSUANT TO SECTION 215 LTA. INCLUDES INDEMNITY

Nature: COVENANT  
 Registration Number: EM10126  
 Registration Date and Time: 1998-02-02 11:12  
 Registered Owner: THE CROWN IN RIGHT OF BRITISH COLUMBIA  
 REGIONAL DISTRICT OF NANAIMO  
 Remarks: INTER ALIA

Nature: COVENANT  
 Registration Number: EM73915  
 Registration Date and Time: 1998-08-05 11:26  
 Registered Owner: THE CROWN IN RIGHT OF BRITISH COLUMBIA  
 REGIONAL DISTRICT OF NANAIMO  
 Remarks: INTER ALIA

**TITLE SEARCH PRINT**

2022-03-02, 07:31:48

File Reference: RDN-Meadowood

Requestor: Cindy Nesselbeck

Declared Value \$ 10

Nature: COVENANT  
Registration Number: EM75385  
Registration Date and Time: 1998-08-07 11:23  
Registered Owner: REGIONAL DISTRICT OF NANAIMO  
Remarks: INTER ALIA  
PART SHOWN AS COVENANT AREA 1 ON PLAN VIP67561

Nature: COVENANT  
Registration Number: EN72445  
Registration Date and Time: 1999-08-10 10:25  
Registered Owner: REGIONAL DISTRICT OF NANAIMO

**Duplicate Indefeasible Title** NONE OUTSTANDING

**Transfers** NONE

**Pending Applications** NONE

**TITLE SEARCH PRINT**

2022-03-02, 07:31:48

File Reference: RDN-Meadowood

Requestor: Cindy Nesselbeck

Declared Value \$ 272331

**\*\*CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN\*\***

**Land Title District** VICTORIA  
Land Title Office VICTORIA

**Title Number** EN72441  
From Title Number EN72437

**Application Received** 1999-08-10

**Application Entered** 1999-09-09

**Registered Owner in Fee Simple**  
Registered Owner/Mailing Address: REGIONAL DISTRICT OF NANAIMO  
6300 HAMMOND BAY ROAD  
P.O. BOX 40  
LANTZVILLE, BC  
V0R 2H0

**Taxation Authority** Port Alberni Assessment Area

**Description of Land**  
Parcel Identifier: 024-585-912  
Legal Description:  
LOT 1 BLOCK 359 NEWCASTLE DISTRICT PLAN VIP69346

**Legal Notations**  
THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 14 OF THE LOCAL GOVERNMENT ACT, SEE CA8062791

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE LOCAL GOVERNMENT ACT, SEE EV142284

**Charges, Liens and Interests**  
Nature: EXCEPTIONS AND RESERVATIONS  
Registration Number: M76300  
Registered Owner: ESQUIMALT AND NANAIMO RAILWAY COMPANY  
Remarks: INTER ALIA  
SECTION 172(3); AFB 9.693.7434A; DD 29922N  
FOR ACTUAL DATE AND TIME OF REGISTRATION SEE ORIGINAL GRANT FROM E & N RAILWAY COMPANY

**TITLE SEARCH PRINT**

2022-03-02, 07:31:48

File Reference: RDN-Meadowood

Requestor: Cindy Nesselbeck

Declared Value \$ 272331

Nature: RIGHT OF WAY  
 Registration Number: G89918  
 Registration Date and Time: 1978-11-01 15:37  
 Registered Owner: BRITISH COLUMBIA HYDRO AND POWER AUTHORITY  
 Remarks: INTER ALIA  
 PART OUTLINED IN RED ON PLAN 3324RW

Nature: COVENANT  
 Registration Number: N35832  
 Registration Date and Time: 1984-05-02 11:13  
 Registered Owner: HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF  
 BRITISH COLUMBIA  
 Remarks: INTER ALIA  
 SECTION 215 L.T.A.

Nature: COVENANT  
 Registration Number: EK116444  
 Registration Date and Time: 1996-10-16 14:37  
 Registered Owner: THE CROWN IN RIGHT OF BRITISH COLUMBIA  
 Remarks: INTER ALIA  
 SECTION 215 LAND TITLE ACT; INCLUDES INDEMNITY

Nature: COVENANT  
 Registration Number: EK116448  
 Registration Date and Time: 1996-10-16 14:38  
 Registered Owner: THE CROWN IN RIGHT OF BRITISH COLUMBIA  
 THE REGIONAL DISTRICT OF NANAIMO  
 Remarks: INTER ALIA  
 PURSUANT TO SECTION 215 LTA. INCLUDES INDEMNITY

Nature: COVENANT  
 Registration Number: EM10126  
 Registration Date and Time: 1998-02-02 11:12  
 Registered Owner: THE CROWN IN RIGHT OF BRITISH COLUMBIA  
 REGIONAL DISTRICT OF NANAIMO  
 Remarks: INTER ALIA

Nature: COVENANT  
 Registration Number: EM73915  
 Registration Date and Time: 1998-08-05 11:26  
 Registered Owner: THE CROWN IN RIGHT OF BRITISH COLUMBIA  
 REGIONAL DISTRICT OF NANAIMO  
 Remarks: INTER ALIA

**TITLE SEARCH PRINT**

2022-03-02, 07:31:48

File Reference: RDN-Meadowood

Requestor: Cindy Nesselbeck

Declared Value \$ 272331

Nature:	COVENANT
Registration Number:	EM75385
Registration Date and Time:	1998-08-07 11:23
Registered Owner:	REGIONAL DISTRICT OF NANAIMO
Remarks:	INTER ALIA PART SHOWN AS COVENANT AREA 1 ON PLAN VIP67561

Nature:	EASEMENT
Registration Number:	EN72440
Registration Date and Time:	1999-08-10 10:23
Remarks:	PART IN PLAN VIP69347 APPURTENANT TO REM. OF BLOCK 359, NEWCASTLE DISTRICT AND LOT 2, PLAN VIP69346 BLOCK 359 DOMINANT TENEMENT CANCELLED AS TO PART IN PLAN VIP73141 BY ES115047 DOMINANT TENEMENT CANCELLED AS TO LOT A PLAN EPP66259 BY CA5782090, 2017-01-24

Nature:	COVENANT
Registration Number:	EN72442
Registration Date and Time:	1999-08-10 10:24
Registered Owner:	THE CROWN IN RIGHT OF BRITISH COLUMBIA

Nature:	STATUTORY RIGHT OF WAY
Registration Number:	EN72443
Registration Date and Time:	1999-08-10 10:24
Registered Owner:	THE CROWN IN RIGHT OF BRITISH COLUMBIA

**Duplicate Indefeasible Title** NONE OUTSTANDING

**Transfers** NONE

**Pending Applications** NONE

TERMS OF INSTRUMENT - PART 2

**WHEREAS:**

- A. The Transferor is the registered owner of the land more particularly described in Item 2 of the Form C hereto (**the "Land"**);
- B. The Transferee is a regional district incorporated pursuant to the *Local Government Act*, R.S.B.C. 2015, c. 1;
- C. Pursuant to section 218 of the *Land Title Act*, R.S.B.C. 1996 c. 250, the Transferor may grant the Transferee an easement without a dominant tenement known as a statutory right of way;
- D. The Transferor has agreed to grant the Transferee statutory rights of way over that portion of the Land shown outlined in a heavy black line on Reference Plan of Statutory Right of Way EPP114059, a reduced copy of which is attached as Attachment "A" (**the "First Right of Way Area"**) and over that portion of the Land shown outlined in a heavy black line on Reference Plan of Statutory Right of Way EPP114060, a reduced copy of which is attached as Attachment "B" (**the "Second Right of Way Area"**); and
- E. The statutory rights of way in this Agreement are necessary for the operation and maintenance of the Transferee's undertaking.

**NOW THEREFORE** in consideration of the premises, of the sum of \$10.00, receipt of which from the Transferee is hereby acknowledged by the Transferor, and other good and valuable consideration, the parties agree as follows:

1. In this Agreement:

- (a) **"Claims"** means claims, demands, actions, causes of actions, losses, damages, fines, penalties, costs and liabilities, including fees of solicitors and other professional advisors;
- (b) **"Right of Way Areas"** means either or both the First Right of Way Area and Second Right of Way Area;
- (c) **"Trail"** means a recreational trail constructed with or without gravel, bark-mulch, asphalt, concrete, stone, brick or other all-weather impervious surface of any kind, together with such facilities, appurtenances and ancillary works, equipment, improvements and structures including, but not limited to, signage, fences, bridges, culverts and gates as may be necessary or convenient for public passage and use as a recreational trail.



2. The Transferor hereby grants and conveys to the Transferee, its successors and assigns in perpetuity the full, free, and uninterrupted easement and right of way over, upon and across the First Right of Way Area for the Transferee, its servants, employees, agents, and licensees at all times to:
  - (a) enter and work upon, use, and to pass and repass (with or without machinery, vehicles, equipment and materials) along, over, under and upon the First Right of Way Area;
  - (b) dig, excavate, alter, deposit, remove, and cover up the soil of the First Right of Way Area;
  - (c) develop, construct and install the Trail and operate, maintain, alter, enlarge, repair, extend, renew, remove, inspect, clean and replace the Trail within the First Right of Way Area;
  - (d) store temporarily on the First Right of Way Area all personal property, including equipment, tools, machinery and materials, necessary for the construction, installation, maintenance, repair or replacement of the Trail;
  - (e) invite the public to ingress and egress the First Right of Way Area by foot, horseback, bicycle, scooter, wheelchair and similar modes of conveyance used by persons with disabilities, off-road vehicles such as dirt bikes and all-terrain vehicles, subject to any provincial regulations or local government bylaws regulating recreational trail use;
  - (f) plant and maintain trees, shrubs and other vegetation within the Right of Way Area as the Transferee considers appropriate or necessary;
  - (g) prune or remove trees, shrubs and other vegetation within the First Right of Way Area and clear the First Right of Way Area and keep it cleared of anything that that in the reasonable opinion of the Transferee may interfere with the function or operation of the Trail or otherwise interfere with any of the Transferee's rights under this Agreement; and
  - (h) do all things necessary or incidental to the business and undertaking of the Transferee in connection with the foregoing.
  
3. The Transferor further grants and conveys to the Transferee, its successors and assigns in perpetuity the full, free, and uninterrupted easement and right of way over, upon and across the Second Right of Way Area as may be necessary to maintain and prevent damage to the Trail and to protect and restore the integrity and function of the Trail and for such purpose to:
  - (a) to inspect, and undertake erosion prevention, mitigation and repair measures;

- (b) enter and work upon, use, and to pass and repass (with or without machinery, vehicles, equipment and materials) along, over, under and upon the Second Right of Way Area;
- (c) dig, excavate, alter, deposit, remove, and cover up the soil;
- (d) plant and maintain trees, shrubs and other vegetation within as the Transferee considers appropriate or necessary to prevent, mitigate or repair the effects of erosion;
- (e) construct and install such improvements and structures including, but not limited to, retaining walls to prevent, mitigate or repair the effects of erosion; and
- (f) fell and remove dangerous trees as the Transferee may consider appropriate and necessary.

4. The Transferee covenants:

- (a) to provide the Transferor with at least 48 hours prior notice before exercising its rights under section 3 with respect to the Second Right of Way Area;
- (b) not to bury any debris or rubbish of any kind in excavations or backfill in the Right of Way Areas;
- (c) to do the work that it is entitled to do under this Agreement in a workmanlike manner that is consistent with the covenants that are registered against title to the Land pursuant to section 219 of the *Land Title Act* in priority to this Agreement and concern drainage and geotechnical recommendations; and
- (d) upon completion of any work that it is entitled to do under this Agreement, to remove all debris and rubbish from the surface of the Right of Way Areas.

5. The Transferor covenants not to:

- (a) excavate or dig, nor permit any other person to excavate or dig, any well, hole, trench, ditch or excavation along or across the First Right of Way Area or place or remove any soil or other material of any kind or nature from the First Right of Way Area;
- (b) erect, build, construct, place, install or maintain, nor permit any other person to erect, build, construct, place, install or maintain, any building, structure, improvement, soil, fill or material improvement in the First Right of Way Area;

- (c) drive, park or allow any motorized vehicles upon or over the First Right of Way Area, except as allowed under section 2(e);
  - (d) plant or install any trees in the First Right of Way Area;
  - (e) do or permit to be done anything which will interfere with or impair the safety or operating efficiency of the Trail, create a danger or obstruct access to or on the Right of Way Areas by the Transferee and all persons entitled under this instrument to have access on, in, under, through or over the Right of Way Areas;
  - (f) do or permit to be done anything in the Right of Way Areas that may cause or contribute to erosion or other damage to the Trail; or
  - (g) carry out or permit any blasting on or adjacent to the Right of Way Areas,  
without the prior written consent of the Transferee.
6. Without limiting the generality of section 5, the Transferor may not grant to any person, firm or corporation an easement, statutory right of way or other interest in land (other than financial charges) over the First Right of Way Area that may in the opinion of the Transferee adversely affect, interfere or impair the Transferee's rights under this Agreement without first obtaining the prior written consent of the Transferee, which consent will not be unreasonably withheld.
7. Except as provided in this Agreement, nothing will be interpreted so as to restrict or prevent the Transferor from using the Right of Way Areas in a manner which does not interfere with the security or efficient functioning of the Trail or unobstructed access to the Trail and the Right of Way Areas.
8. All chattels and fixtures installed by the Transferee on, in, under or through the Right of Way Areas will be and remain chattels notwithstanding any rule of law to the contrary and will at all times remain the property of the Transferee.
9. As a personal covenant in favour of the Transferor, the Transferee agrees to indemnify and save harmless the Transferor, its successors and assigns, from and against all Claims in respect of death, injury, loss or damage to any person or property caused by or arising out of the use of the Trail by the Transferee under this Agreement, except to the proportionate extent that the Claim was caused by or contributed to by the negligence or willful misconduct of the Transferor or any person for whom the Transferor is responsible at law. In the event the Transferor transfers its interest in the Land, then the indemnity in this section will be deemed to be assigned automatically to the party acquiring the Land and to each and every successor in interest in and to the Transferor's interest in the Land.

- (a) Nothing contained or implied in this Agreement will prejudice or affect the Transferee's rights, powers, duties or obligations in the exercise of its functions pursuant to the Local Government Act, or any other Act of the legislature of British Columbia.

10. This Agreement will:

- (a) enure to the benefit of and be binding upon the Transferor and Transferee and their respective successors, administrators and permitted assigns;
- (b) charge the Land pursuant to section 218 of the *Land Title Act*; and
- (c) run with the Land and will not be personal or binding on the parties to this Agreement except during such time as the parties have an interest in the Right of Way Areas.

11. Waiver of any default by either party will not be deemed to be a waiver of any subsequent default by that party.

12. This Agreement will be governed by and construed according to the law of the Province of British Columbia.

13. Words importing the singular number include the plural number and vice versa.

14. If any provision of this instrument is determined by any court of competent jurisdiction to be illegal or unenforceable that provision will be severed from this instrument and the remaining provisions will continue in full force and effect.

15. The attached Attachments "A" and "B" form part of this Agreement.

IN WITNESS WHEREOF the parties have executed this Agreement in Item 8 of the General Instrument - Part 1 of *Land Title Act* Forms C and D.

SKETCH PLAN OF STATUTORY RIGHTS OF WAY  
ON PARTS OF LOTS 1 – 6 INCLUSIVE, BLOCK 359,  
NEWCASTLE DISTRICT, PLAN EPP???????

PURSUANT TO SECTION 99(1)(e) OF THE LAND TITLE ACT  
FOR PUBLIC ACCESS PURPOSES  
B.C.G.S. 92F.038

Attachment "A"

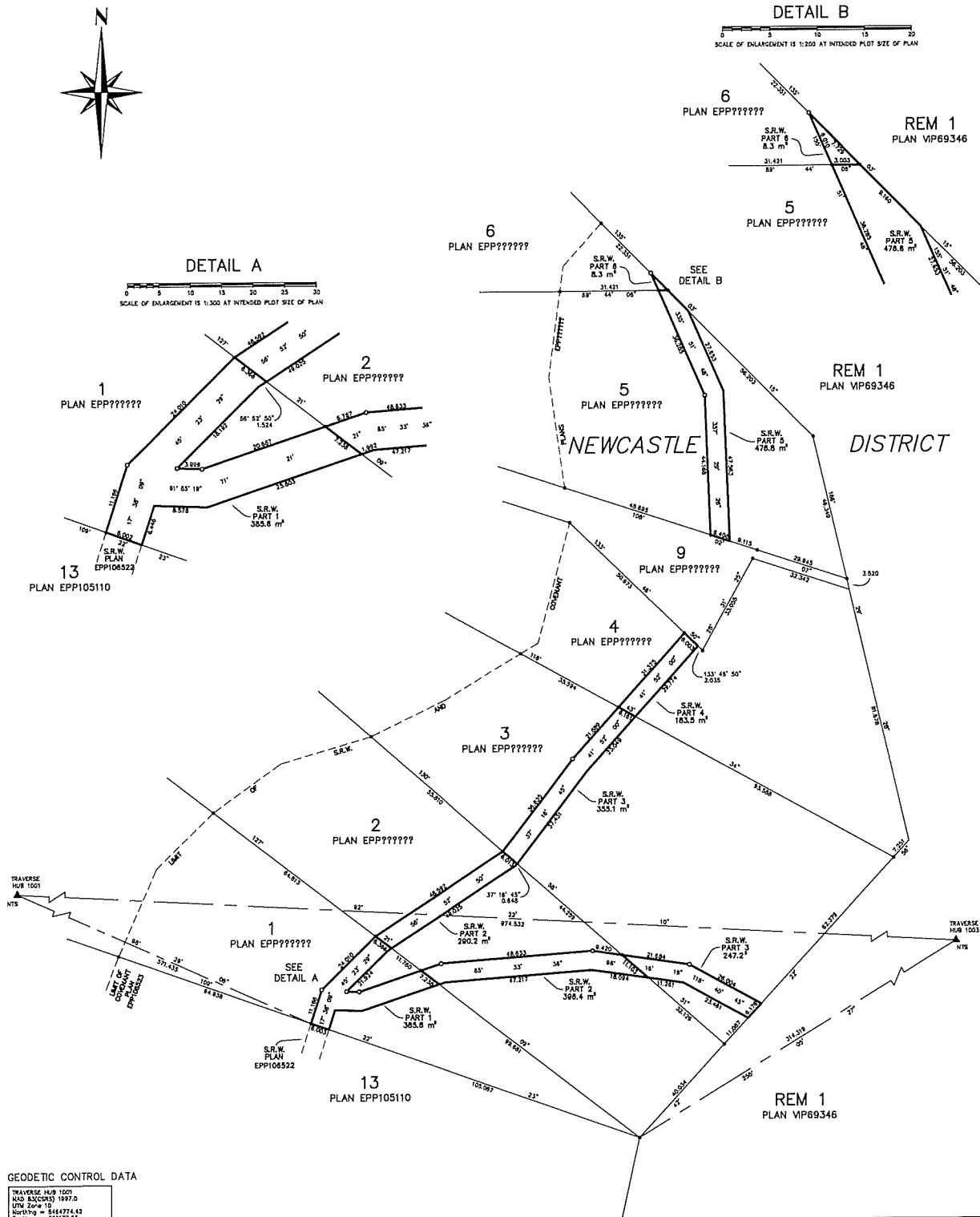


DETAIL B

SCALE OF ENLARGEMENT IS 1:200 AT INTENDED PLOT SIZE OF PLAN

DETAIL A

SCALE OF ENLARGEMENT IS 1:300 AT INTENDED PLOT SIZE OF PLAN



GEODETIC CONTROL DATA

TRAVERSE HUB 1001 MAD 83(CS3) 1997.0 UTM Zone 10 Northing = 544776.42 Easting = 38172.69 ABSOLUTE ACCURACY = 0.05 m.
TRAVERSE HUB 1003 MAD 83(CS5) 1997.0 UTM Zone 10 Northing = 544734.14 Easting = 35714.50 ABSOLUTE ACCURACY = 0.05 m.

LEGEND

- DENOTES STANDARD IRON POST FOUND
- DENOTES STANDARD IRON POST PLACED
- ▲ DENOTES TRAVERSE HUB
- NTS DENOTES NOT TO SCALE

GRID BEARINGS ARE DERIVED FROM DIFFERENTIAL DUAL FREQUENCY GNSS OBSERVATIONS AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 10.

THE UTM COORDINATES AND ESTIMATED ABSOLUTE ACCURACY ACHIEVED ARE DERIVED FROM GNSS DUAL FREQUENCY BASELINES THIS TO CANADIAN ACTIVE CONTROL SYSTEM POINT 8037000 (PTA).

THIS PLAN SHOWS HORIZONTAL GROUND-LEVEL DISTANCES, UNLESS OTHERWISE SPECIFIED, TO COMPUTE GRID DISTANCES, MULTIPLY GROUND-LEVEL DISTANCES BY THE AVERAGE CORRECTION FACTOR OF 0.99940. THE AVERAGE CORRECTION FACTOR HAS BEEN DETERMINED BASED ON AN ELLIPSOIDAL ELEVATION OF 113 METRES.

THIS PLAN LIES WITHIN THE REGIONAL DISTRICT OF NANAIMO

DESCRIPTION	AREA
LOT 1 Plan EPP114058	365.8 m <sup>2</sup>
LOT 2 Plan EPP114058	858.8 m <sup>2</sup>
LOT 3 Plan EPP114058	802.3 m <sup>2</sup>
LOT 4 Plan EPP114058	183.5 m <sup>2</sup>
LOT 5 Plan EPP114058	478.8 m <sup>2</sup>
LOT 6 Plan EPP114058	8.3 m <sup>2</sup>
<b>Total Area</b>	<b>0.2343 ha</b>

ALL DIMENSIONS ARE IN METRES AND DECIMALS THEREOF

THE INTENDED PLOT SIZE OF THIS PLAN IS 350m IN WIDTH BY 644m IN HEIGHT (0.928) WHEN PLOTTED AT A SCALE OF 1:600

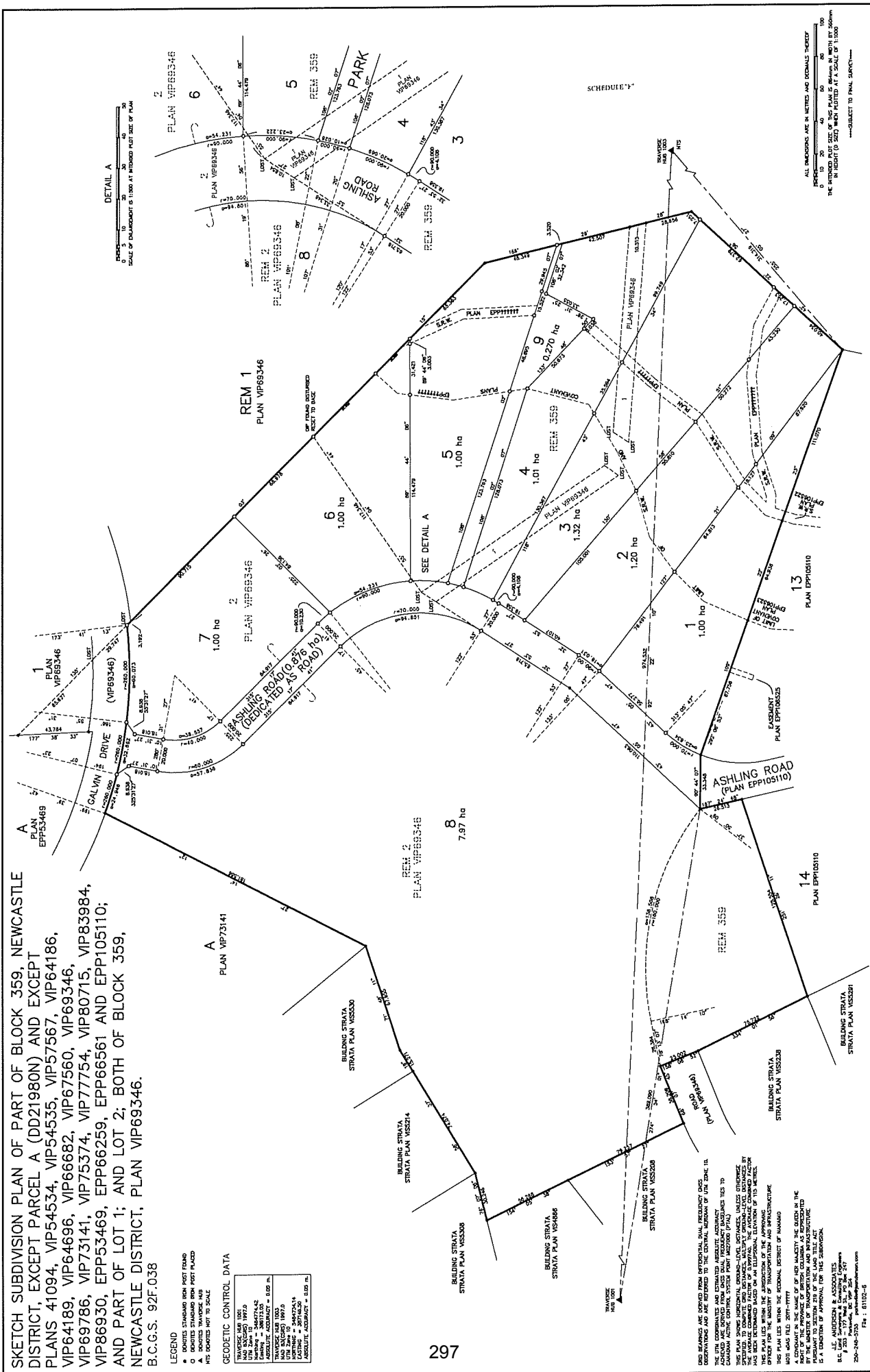
\*\*\*SUBJECT TO FINAL SURVEY\*\*\*



**SKETCH SUBDIVISION PLAN OF PART OF BLOCK 359, NEWCASTLE DISTRICT, EXCEPT PARCEL A (DD21980N) AND EXCEPT PLANS 41094, VP54534, VP54535, VP57567, VP64186, VP64189, VP64696, VP66682, VP67560, VP69346, VP69786, VP73141, VP75374, VP77754, VP80715, VP83984, VP86930, EPP53469, EPP66259, EPP66561 AND EPP105110; AND PART OF LOT 1; AND LOT 2; BOTH OF BLOCK 359, NEWCASTLE DISTRICT, PLAN VP69346.**  
 B.C.G.S. 92F.038

- LEGEND**
- DOTTED STAINING IRON POST FOUND
  - DOTTED STAINING IRON POST PLACED
  - ▧ DOTTED TRANSVERSE N.B.
  - NTS DOTTED NOT TO SCALE
- GEODEIC CONTROL DATA**

MAGNETIC DECLINATION 1997	10° 11' 30" W
GRID ZONE DESIGNATION	18QUD
UTM ZONE	55Q UTM
EASTING	588731.00
NORTHING	6110308.25
TRANSVERSE N.B. 1000	6110
N.B. 2500	15275
N.B. 5000	30550
N.B. 7500	45825
N.B. 10000	61100
N.B. 12500	76375
N.B. 15000	91650
N.B. 17500	106925
N.B. 20000	122200
ABSOLUTE ACCURACY = ± 0.10 m	



THIS PLAN IS A SKETCH SUBDIVISION PLAN AND IS NOT TO BE USED FOR CONVEYANCE OR AS A BASIS FOR THE ISSUANCE OF ANY INSTRUMENT. IT IS SUBJECT TO THE REVISIONS AND EXTENDED ABSOLUTE ACCURACY SURVEYING METHODS AND THE SURVEYING INSTRUMENTS AND SOFTWARE TO BE USED. THESE PLANS SHOW HORIZONTAL, VERTICAL, DISTANCE, ANGLE, AND OTHER DATA THAT ARE SUBJECT TO THE ACCURACY OF THE SURVEYING INSTRUMENTS AND SOFTWARE USED. THE PLANS HAVE BEEN PREPARED BY AN INDIVIDUAL OR FIRM THAT IS REGISTERED AS A SURVEYOR UNDER THE SURVEY ACT AND IS A MEMBER OF THE INSTITUTE OF SURVEYING AND MAPPING. THIS PLAN IS NOT TO BE USED FOR THE PURPOSES OF CONVEYANCE OR AS A BASIS FOR THE ISSUANCE OF ANY INSTRUMENT. IT IS SUBJECT TO THE REVISIONS AND EXTENDED ABSOLUTE ACCURACY SURVEYING METHODS AND THE SURVEYING INSTRUMENTS AND SOFTWARE TO BE USED. THESE PLANS SHOW HORIZONTAL, VERTICAL, DISTANCE, ANGLE, AND OTHER DATA THAT ARE SUBJECT TO THE ACCURACY OF THE SURVEYING INSTRUMENTS AND SOFTWARE USED. THE PLANS HAVE BEEN PREPARED BY AN INDIVIDUAL OR FIRM THAT IS REGISTERED AS A SURVEYOR UNDER THE SURVEY ACT AND IS A MEMBER OF THE INSTITUTE OF SURVEYING AND MAPPING. THIS PLAN IS NOT TO BE USED FOR THE PURPOSES OF CONVEYANCE OR AS A BASIS FOR THE ISSUANCE OF ANY INSTRUMENT. IT IS SUBJECT TO THE REVISIONS AND EXTENDED ABSOLUTE ACCURACY SURVEYING METHODS AND THE SURVEYING INSTRUMENTS AND SOFTWARE TO BE USED. THESE PLANS SHOW HORIZONTAL, VERTICAL, DISTANCE, ANGLE, AND OTHER DATA THAT ARE SUBJECT TO THE ACCURACY OF THE SURVEYING INSTRUMENTS AND SOFTWARE USED. THE PLANS HAVE BEEN PREPARED BY AN INDIVIDUAL OR FIRM THAT IS REGISTERED AS A SURVEYOR UNDER THE SURVEY ACT AND IS A MEMBER OF THE INSTITUTE OF SURVEYING AND MAPPING.

J.E. ANDERSON & ASSOCIATES  
 200-748-5733 j.e.anderson@asmn.com  
 2017-01-18

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1859

**A BYLAW TO AUTHORIZE THE EXCHANGE OF A PORTION OF LITTLE QUALICUM RIVER REGIONAL PARK FOR OTHER LAND TO BE USED FOR REGIONAL PARK PURPOSES AND THE CANCELLATION OF THE DEDICATION OF A PORTION OF LITTLE QUALICUM RIVER REGIONAL PARK AS REGIONAL PARK AND ITS DEDICATION AS HIGHWAY**

WHEREAS pursuant to section 280 of the *Local Government Act*, a regional district, by bylaw adopted with the approval of the electors, may sell or exchange a regional park or regional trail for other land to be used for park purposes;

AND WHEREAS pursuant to section 278 of the *Local Government Act* and section 30 of the *Community Charter*, a regional district may, by bylaw adopted with approval of two thirds of the directors, dedicate land owned by the regional district as regional park or regional trail;

AND WHEREAS pursuant to section 278 of the *Local Government Act* and section 30 of the *Community Charter*, a regional district may, by bylaw adopted with approval of the electors, cancel or remove a reservation or dedication of land owned by the regional district as regional park or regional trail;

AND WHEREAS the Regional District of Nanaimo (the "Regional District") is the registered owner of certain lands situated and known as Little Qualicum River Regional Park and more particularly described as:

Parcel Identifier: 024-585-912  
Legal Description: Lot 1, Block 359, Plan VIP 69346, Newcastle Land District

which was dedicated as regional park on the 23rd day of June, 2015 by adoption of Bylaw No. 1726 (the "Park");

AND WHEREAS the owner of land adjacent to the Park more particularly described as:

Parcel Identifier: 000-441-724  
Legal Description: BLOCK 359, NEWCASTLE DISTRICT, EXCEPT PARCEL A (DD 21980N) AND EXCEPT PLANS 41094, VIP54534, VIP54535, VIP57567, VIP64186, VIP64189, VIP64696, VIP66682, VIP67560, VIP69346, VIP69786, VIP73141, VIP75374, VIP77754, VIP80715, VIP83984, VIP86930 EPP53469, EPP66259, EPP66561 and EPP105110

(the "Developer's Land")

wishes to acquire 0.25 hectares, more or less, of the Park in exchange for 0.27 hectares, more or less, of the Developer's Land;

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



1. The Regional District shall exchange those portions of the Park comprising 0.25 hectares, more or less, identified as "Regional Park Closed Lot" on the drawing prepared by Timberlake-Jones Engineering, numbered 03-P4 Rev. H, dated March 16, 2022, (the "District Exchange Parcel"), a reduced copy of which is attached as Schedule 'A' to this Bylaw, for that portion of the Developer's Land comprising 0.27 hectares, more or less, identified as "Developer's Proposed Regional Park Parcel" on Schedule 'A' to this Bylaw (the "Developer Exchange Parcel").
2. The dedication as regional park of the District Exchange Parcel is hereby cancelled and removed.
3. The dedication as regional park of that portion of the Park comprising 149 m2, more or less, identified as "Regional Park Proposed Road" on the drawing prepared by Timberlake-Jones Engineering, numbered 03-P4 Rev. H, dated March 16, 2022, (the "Regional Park Proposed Road"), a reduced copy of which is attached as Schedule 'A' to this Bylaw, is hereby cancelled and removed and the Regional District is hereby authorized to dedicate the Regional Park Proposed Road as highway in accordance with section 107 of the *Land Title Act*.
4. The Developer Exchange Parcel shall be used for regional park purposes and shall vest in the Regional District of Nanaimo and be reserved for the purpose of regional park.
5. The District Exchange Parcel shall be transferred to the Developer free of any dedication to the public for the purpose of a park.
6. This bylaw shall be cited as "Regional District of Nanaimo Little Qualicum River Regional Park Exchange Bylaw No. 1859, 2022."

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

Approval of the electors obtained by alternative approval process this \_\_ day of \_\_\_\_\_, 20\_\_.

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

\_\_\_\_\_  
CHAIR

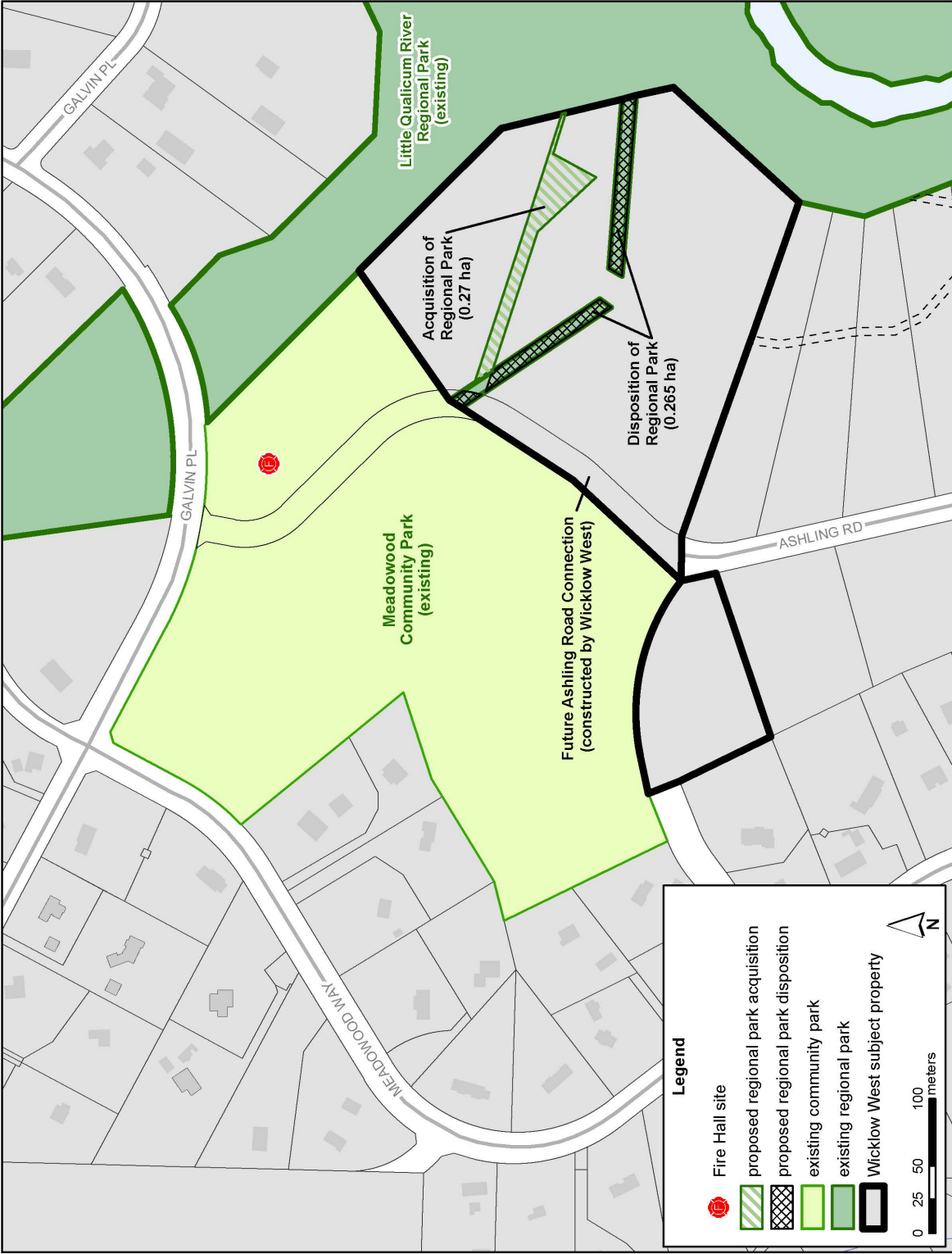
\_\_\_\_\_  
CORPORATE OFFICER



**Attachment 3  
Meadowood CP Land Exchange Plan**



**Attachment 4  
Little Qualicum River RP Land Exchange Plan**



Attachment 5

Bylaw No. 1859, 2022

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**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1859**

**A BYLAW TO AUTHORIZE THE EXCHANGE OF A PORTION OF LITTLE QUALICUM RIVER REGIONAL PARK FOR OTHER LAND TO BE USED FOR REGIONAL PARK PURPOSES AND THE CANCELLATION OF THE DEDICATION OF A PORTION OF LITTLE QUALICUM RIVER REGIONAL PARK AS REGIONAL PARK AND ITS DEDICATION AS HIGHWAY**

WHEREAS pursuant to section 280 of the *Local Government Act*, a regional district, by bylaw adopted with the approval of the electors, may sell or exchange a regional park or regional trail for other land to be used for park purposes;

AND WHEREAS pursuant to section 278 of the *Local Government Act* and section 30 of the *Community Charter*, a regional district may, by bylaw adopted with approval of two thirds of the directors, dedicate land owned by the regional district as regional park or regional trail;

AND WHEREAS pursuant to section 278 of the *Local Government Act* and section 30 of the *Community Charter*, a regional district may, by bylaw adopted with approval of the electors, cancel or remove a reservation or dedication of land owned by the regional district as regional park or regional trail;

AND WHEREAS the Regional District of Nanaimo (the "Regional District") is the registered owner of certain lands situated and known as Little Qualicum River Regional Park and more particularly described as:

Parcel Identifier: 024-585-912

Legal Description: Lot 1, Block 359, Plan VIP 69346, Newcastle Land District

which was dedicated as regional park on the 23rd day of June, 2015 by adoption of Bylaw No. 1726 (the "Park");

AND WHEREAS the owner of land adjacent to the Park more particularly described as:

Parcel Identifier: 000-441-724

Legal Description: BLOCK 359, NEWCASTLE DISTRICT, EXCEPT PARCEL A (DD 21980N) AND EXCEPT PLANS 41094, VIP54534, VIP54535, VIP57567, VIP64186, VIP64189, VIP64696, VIP66682, VIP67560, VIP69346, VIP69786, VIP73141, VIP75374, VIP77754, VIP80715, VIP83984, VIP86930 EPP53469, EPP66259, EPP66561 and EPP105110

(the "Developer's Land")

wishes to acquire 0.25 hectares, more or less, of the Park in exchange for 0.27 hectares, more or less, of the Developer's Land;

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

1. The Regional District shall exchange those portions of the Park comprising 0.25 hectares, more or less, identified as "Regional Park Closed Lot" on the drawing prepared by Timberlake-Jones Engineering, numbered 03-P4 Rev. H, dated March 16, 2022, (the "District Exchange Parcel"), a reduced copy of which is attached as Schedule 'A' to this Bylaw, for that portion of the Developer's Land comprising 0.27 hectares, more or less, identified as "Developer's Proposed Regional Park Parcel" on Schedule 'A' to this Bylaw (the "Developer Exchange Parcel").
2. The dedication as regional park of the District Exchange Parcel is hereby cancelled and removed.
3. The dedication as regional park of that portion of the Park comprising 149 m<sup>2</sup>, more or less, identified as "Regional Park Proposed Road" on the drawing prepared by Timberlake-Jones Engineering, numbered 03-P4 Rev. H, dated March 16, 2022, (the "Regional Park Proposed Road"), a reduced copy of which is attached as Schedule 'A' to this Bylaw, is hereby cancelled and removed and the Regional District is hereby authorized to dedicate the Regional Park Proposed Road as highway in accordance with section 107 of the *Land Title Act*.
4. The Developer Exchange Parcel shall be used for regional park purposes and shall vest in the Regional District of Nanaimo and be reserved for the purpose of regional park.
5. The District Exchange Parcel shall be transferred to the Developer free of any dedication to the public for the purpose of a park.
6. This bylaw shall be cited as "Regional District of Nanaimo Little Qualicum River Regional Park Exchange Bylaw No. 1859, 2022."

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

Approval of the electors obtained by alternative approval process this \_\_ day of \_\_\_\_\_, 20\_\_.

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

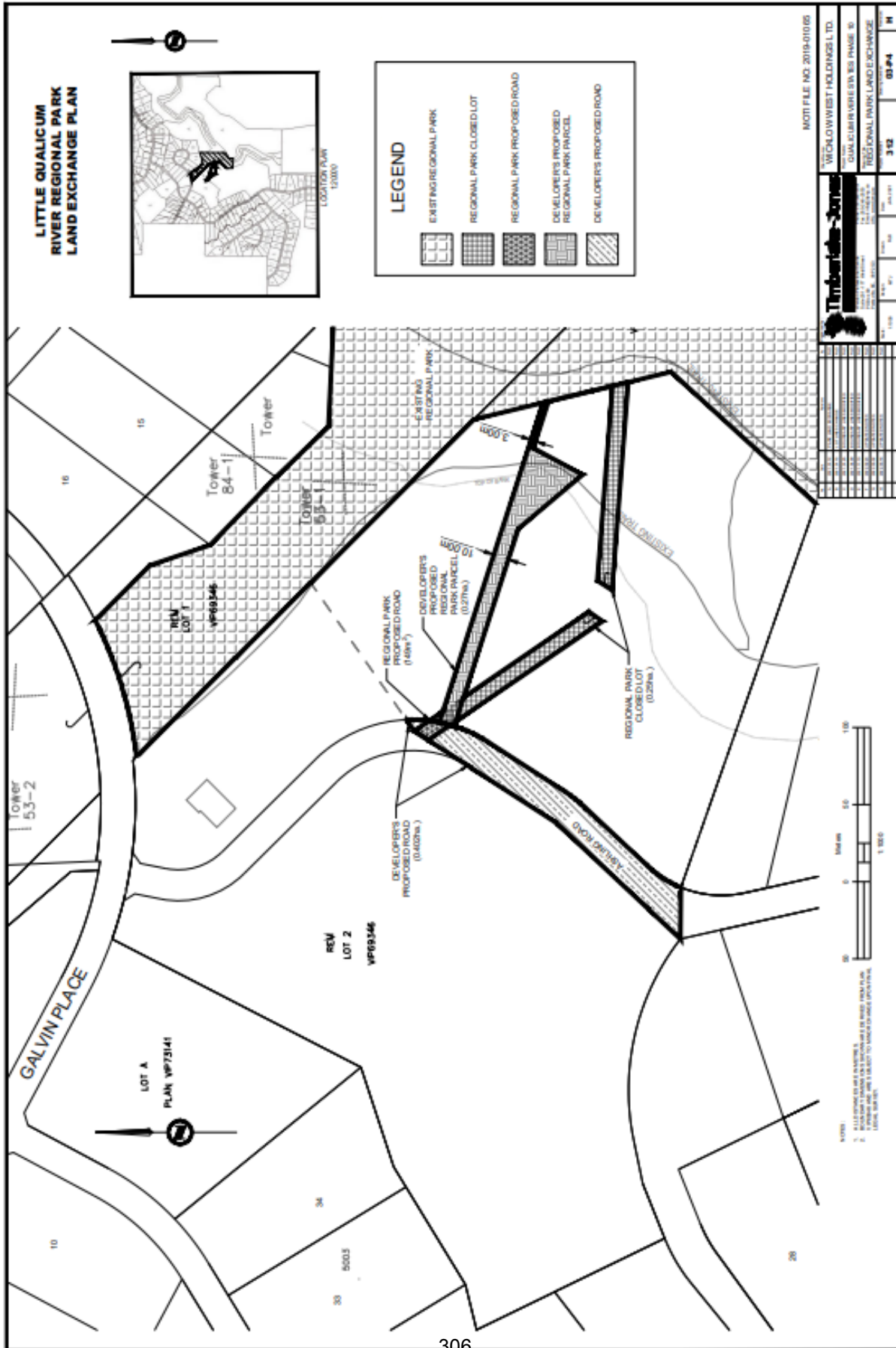
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CHAIR

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CORPORATE OFFICER

Schedule 'A'





Attachment 6

Elector Response Form

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# ALTERNATIVE APPROVAL PROCESS ELECTOR RESPONSE FORM

All of the Regional District of Nanaimo – City of Nanaimo, City of Parksville, Town of Qualicum Beach, District of Lantzville, Electoral Areas A, B, C, E, F, G & H

## “Regional District of Nanaimo Little Qualicum River Regional Park Exchange Bylaw No. 1859, 2022”

A bylaw to authorize the exchange of a portion of Little Qualicum River Regional Park for other land to be used for regional park purposes and the cancellation of the dedication of a portion of Little Qualicum River Regional Park as regional park and its dedication as highway

Pursuant to Section 269(b) of the *Local Government Act*, the Regional District of Nanaimo (RDN) is seeking approval of the electors by alternative approval process in accordance with Section 86 of the *Community Charter*.

By completing this elector response form, I certify that:

- I am **OPPOSED** to the adoption of “Regional District of Nanaimo Little Qualicum River Regional Park Exchange Bylaw No. 1859, 2022” to authorize the exchange of a portion of Little Qualicum River Regional Park for other land to be used for regional park purposes and the cancellation of the dedication of a portion of Little Qualicum River Regional Park as regional park and its dedication as highway, without first obtaining approval by assent of the electors in a voting proceeding (referendum);
- I am a person entitled to be registered as an elector (pursuant to the *Local Government Act*) within the Regional District of Nanaimo (City of Nanaimo, City of Parksville, Town of Qualicum Beach, District of Lantzville, Electoral Areas A, B, C, E, F, G & H); and
- I have not previously signed an elector response form with respect to this Bylaw.

**The deadline for submitting this elector response form is 4:00 p.m. on Monday, August 15, 2022.**

Completed forms may be submitted in person, or by mail to: Regional District of Nanaimo, 6300 Hammond Bay Road, Nanaimo, BC V9T 6N2; by email to [vote@rdn.bc.ca](mailto:vote@rdn.bc.ca) or by fax to 250-390-4163.

Postmarks WILL NOT be accepted as the date of submission.

If at least 10% (12,306) of eligible electors sign and submit a completed elector response form by the deadline, the Regional District Board may not proceed with adopting “Regional District of Nanaimo Little Qualicum River Regional Park Exchange Bylaw No. 1859, 2022” unless it is approved by assent of the electors (referendum).

**FULL NAME OF ELECTOR:**

(e.g. Donald Smith – not D. Smith)

\_\_\_\_\_ (Please Print)

**ELECTOR’S RESIDENTIAL ADDRESS:**

\_\_\_\_\_ (Full residential (Street) address including Town/City)

**SIGNATURE OF ELECTOR:**

\_\_\_\_\_ (Signature)

**DATE:**

\_\_\_\_\_

### To be completed (in addition to the above) if you are a Non-Resident Property Elector

I am a non-resident property elector who lives in another community and owns property in the Regional District of Nanaimo located at: *(insert full residential (Street) address of property below)*

\_\_\_\_\_

## INFORMATION REGARDING QUALIFICATIONS FOR ELECTORS

In order to sign an elector response form in relation to the alternative approval process (AAP), a person must either be a **resident elector** or a **non-resident property elector** (not both) within the **Regional District of Nanaimo (the City of Nanaimo, the City of Parksville, the Town of Qualicum Beach, the District of Lantzville, Electoral Areas A, B, C, E, F, G & H) (the “jurisdiction”)**.

A **resident elector** is an individual who is qualified to vote in a jurisdiction by virtue of **living (residing)** in the jurisdiction. To sign an elector response form as a resident elector a person must:

- be 18 years of age or older; and
- be a Canadian citizen; and
- have lived in British Columbia for at least 6 months immediately before signing this elector response form; and
- be a resident within the jurisdiction before signing this elector response form; and
- not be disqualified by any enactment from voting in an election or be otherwise disqualified by law.

A **non-resident property elector** is an individual who **does not live (does not reside)** in the jurisdiction but is entitled to submit an elector response form by virtue of owning a real property in that jurisdiction. To sign an elector response form as a non-resident property elector a person must:

- not be entitled to register as a resident elector in the jurisdiction; and
- be 18 years of age or older; and
- be a Canadian citizen; and
- have lived in British Columbia for at least 6 months immediately before signing this elector response form; and
- not be disqualified by any enactment from voting in an election or be otherwise disqualified by law; and
- be the only persons who are registered owners of the real property, either as joint tenants or tenants in common, are individuals who are not holding the property in trust for a corporation or another trust; and
- be a registered owner of real property within the jurisdiction for at least 30 days before signing this elector response form.
  - If a property is owned by **more than one** individual, only **one** of them may sign an elector response form (with the written consent of the majority of the owners);
  - A person may register as a non-resident property elector in relation to **one** parcel of real property in the jurisdiction.

**Note: There is no Corporate Vote** - No corporation is entitled to be registered as an elector or have a representative registered as an elector and no corporation is entitled to vote.

## INSTRUCTIONS

**OPPOSED** - if you are **OPPOSED** to the adoption of “Regional District of Nanaimo Little Qualicum River Regional Park Exchange Bylaw No. 1859, 2022” you can sign and submit an elector response form if you qualify as an elector of the **Regional District of Nanaimo (the City of Nanaimo, the City of Parksville, the Town of Qualicum Beach, the District of Lantzville, Electoral Areas A, B, C, E, F, G & H)**. All elector response forms **must** be received in the office of the RDN no later than the deadline of **4:00 p.m. on Monday, August 15, 2022**. If you are submitting your form by mail, be advised that postmarks will not be accepted as the date of submission.

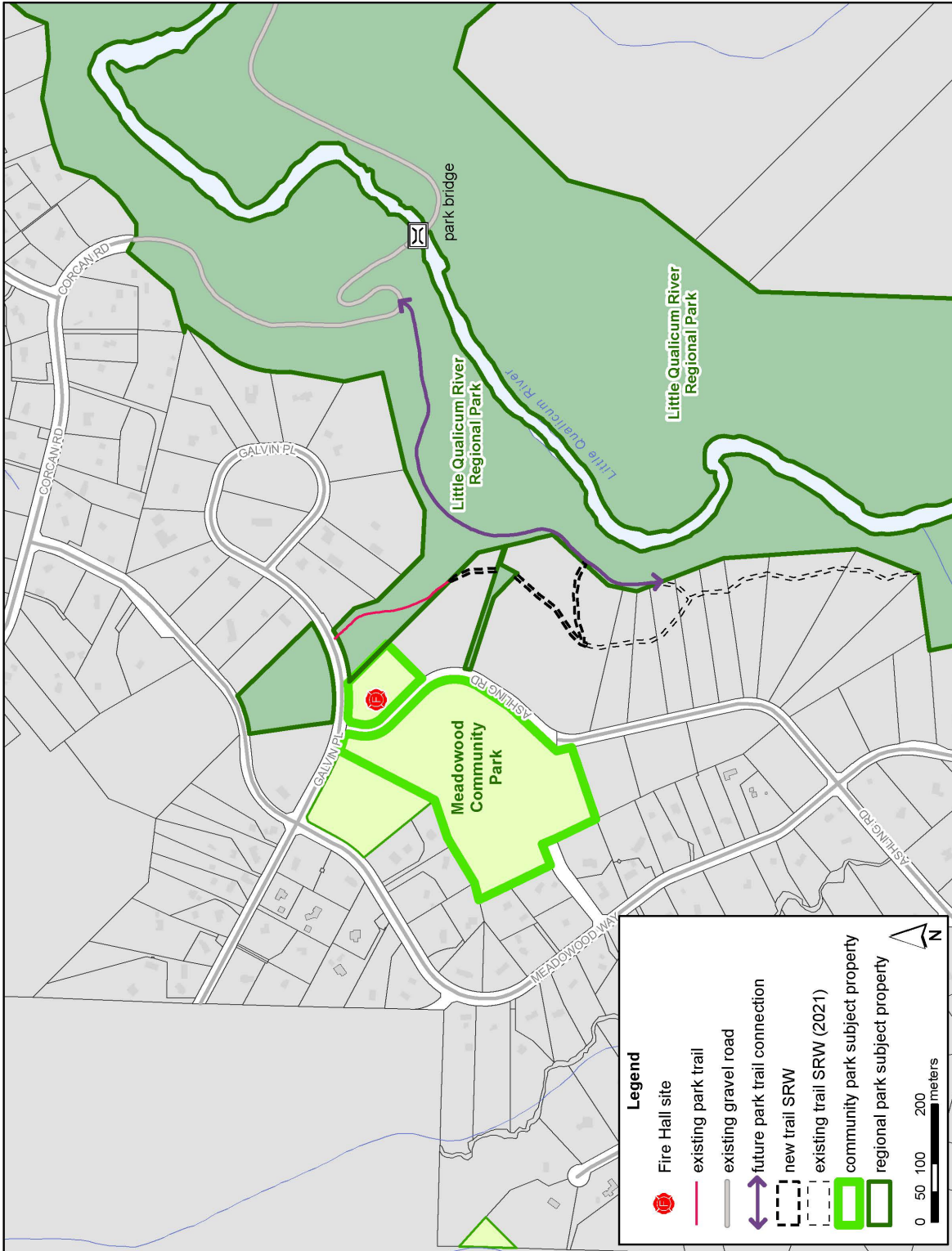
**NOT OPPOSED** – if you are **NOT OPPOSED** you need do nothing.

Copies of the Bylaw, a Staff Report summarizing this initiative and elector response forms are available on the RDN website at [www.rdn.bc.ca](http://www.rdn.bc.ca) and at the RDN administration office (6300 Hammond Bay Road, Nanaimo, BC) Monday to Friday from 8:30 a.m. to 4:30 p.m., excluding statutory holidays.

For further information contact: Jacquie Hill, Corporate Officer, Regional District of Nanaimo, 6300 Hammond Bay Road, Nanaimo, BC V9T 6N2; 250-390-4111, toll free at 1-877-607-4111; [vote@rdn.bc.ca](mailto:vote@rdn.bc.ca)

Note: An accurate copy of this elector response form may be utilized (either single-sided or double-sided), provided that it is made of the form prior to any electors signing such form.

**Attachment 7**  
**Proposed Meadowood CP and Little Qualicum River RP and Trail Plan**





# ALTERNATIVE APPROVAL PROCESS ELECTOR RESPONSE FORM

All of the Regional District of Nanaimo – City of Nanaimo, City of Parksville, Town of Qualicum Beach, District of Lantzville, Electoral Areas A, B, C, E, F, G & H

## “Regional District of Nanaimo Little Qualicum River Regional Park Exchange Bylaw No. 1859, 2022”

A bylaw to authorize the exchange of a portion of Little Qualicum River Regional Park for other land to be used for regional park purposes and the cancellation of the dedication of a portion of Little Qualicum River Regional Park as regional park and its dedication as highway

Pursuant to Section 269(b) of the *Local Government Act* and Section 86 of the *Community Charter*, the Regional District of Nanaimo (RDN) is seeking approval of *the above bylaw* by the electors by alternative approval process.

By completing this elector response form, I certify that:

- I am **OPPOSED** to the adoption of “Regional District of Nanaimo Little Qualicum River Regional Park Exchange Bylaw No. 1859, 2022” to authorize the exchange of a portion of Little Qualicum River Regional Park for other land to be used for regional park purposes and the cancellation of the dedication of a portion of Little Qualicum River Regional Park as regional park and its dedication as highway, without first obtaining approval by assent of the electors in a voting proceeding (referendum);
- I am a person entitled to be registered as an elector (pursuant to the *Local Government Act*) within the Regional District of Nanaimo (City of Nanaimo, City of Parksville, Town of Qualicum Beach, District of Lantzville, Electoral Areas A, B, C, E, F, G & H); and
- I have not previously signed an elector response form with respect to this Bylaw.

**The deadline for submitting this elector response form is 4:00 p.m. on Monday, November 28, 2022.**

Completed forms may be submitted in person, or by mail to: Regional District of Nanaimo, 6300 Hammond Bay Road, Nanaimo, BC V9T 6N2; by email to [vote@rdn.bc.ca](mailto:vote@rdn.bc.ca) or by fax to 250-390-4163.

Postmarks WILL NOT be accepted as the date of submission.

If at least 10% (13,680) of eligible electors sign and submit a completed elector response form by the deadline, the Regional District Board may not proceed with adopting “Regional District of Nanaimo Little Qualicum River Regional Park Exchange Bylaw No. 1859, 2022” unless it is approved by assent of the electors in a voting proceeding (referendum).

**FULL NAME OF ELECTOR:**

(e.g. Donald Smith – not D. Smith)

\_\_\_\_\_ (Please Print)

**ELECTOR’S RESIDENTIAL ADDRESS:**

\_\_\_\_\_ (Full residential (Street) address including Town/City)

**SIGNATURE OF ELECTOR:**

\_\_\_\_\_ (Signature)

**DATE:**

\_\_\_\_\_

**To be completed (in addition to the above) if you are a Non-Resident Property Elector**

I am a non-resident property elector who lives in another community and owns property in the Regional District of Nanaimo located at: *(insert full residential (Street) address of property below)*

\_\_\_\_\_

## INFORMATION REGARDING QUALIFICATIONS FOR ELECTORS

In order to sign an elector response form in relation to the alternative approval process (AAP), a person must either be a **resident elector** or a **non-resident property elector** (not both) within the **Regional District of Nanaimo (the City of Nanaimo, the City of Parksville, the Town of Qualicum Beach, the District of Lantzville, Electoral Areas A, B, C, E, F, G & H) (the “Jurisdiction”)**.

A **resident elector** is an individual who is qualified to vote by virtue of **living (residing)** in the Jurisdiction. To sign an elector response form as a resident elector a person must:

- be 18 years of age or older; and
- be a Canadian citizen; and
- have lived in British Columbia for at least 6 months immediately before signing this elector response form; and
- be a resident within the Jurisdiction before signing this elector response form; and
- not be disqualified by any enactment from voting in an election or be otherwise disqualified by law.

A **non-resident property elector** is an individual who **does not live (does not reside)** in the Jurisdiction but is entitled to submit an elector response form by virtue of owning a real property in the Jurisdiction. To sign an elector response form as a non-resident property elector a person must:

- not be entitled to register as a resident elector in the Jurisdiction; and
- be 18 years of age or older; and
- be a Canadian citizen; and
- have lived in British Columbia for at least 6 months immediately before signing this elector response form; and
- not be disqualified by any enactment from voting in an election or be otherwise disqualified by law; and
- not hold the property in trust for a corporation or another trust; and
- have been a registered owner of real property within the Jurisdiction for at least 30 days before signing this elector response form.

### Note:

- If a property is owned by **more than one** individual, only **one** of them may sign an elector response form (with the written consent of the majority of the owners);
- A person may register as a non-resident property elector in relation to only **one** parcel of real property in the Jurisdiction.
- **There is no Corporate Vote** - No corporation is entitled to be registered as an elector or have a representative registered as an elector and no corporation is entitled to vote.

## INSTRUCTIONS

**OPPOSED** - if you are **OPPOSED** to the adoption of “Regional District of Nanaimo Little Qualicum River Regional Park Exchange Bylaw No. 1859, 2022” you can sign and submit an elector response form if you qualify as an elector of the **Regional District of Nanaimo (the City of Nanaimo, the City of Parksville, the Town of Qualicum Beach, the District of Lantzville, Electoral Areas A, B, C, E, F, G & H)**. All elector response forms **must** be received in the office of the RDN no later than the deadline of **4:00 p.m. on Monday, November 28, 2022**. If you are submitting your form by mail, be advised that postmarks will not be accepted as the date of submission.

**NOT OPPOSED** – if you are **NOT OPPOSED** you do not need to do anything.

Copies of the Regional District of Nanaimo Little Qualicum River Regional Park Exchange Bylaw No. 1859, 2022, a Staff Report summarizing this initiative and elector response forms, and the Conditional Land Exchange Agreement relating to the Bylaw are available on the RDN website at [www.rdn.bc.ca](http://www.rdn.bc.ca) and at the RDN administration office (6300 Hammond Bay Road, Nanaimo, BC) Monday to Friday from 8:30 a.m. to 4:30 p.m., excluding statutory holidays.

For further information contact: Jacquie Hill, Corporate Officer, Regional District of Nanaimo, 6300 Hammond Bay Road, Nanaimo, BC V9T 6N2; 250-390-4111, toll free at 1-877-607-4111; [vote@rdn.bc.ca](mailto:vote@rdn.bc.ca)

Note: An accurate copy of this elector response form may be utilized (either single-sided or double-sided), provided that it is made prior to any electors signing such form. A separate elector response form is required for each elector.



REGIONAL  
DISTRICT  
OF NANAIMO

**Bylaws No. 1864, 1865, 1866 and 1867 – Reserve Funds Establishment**

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**RECOMMENDATIONS**

1. That the following Regional District of Nanaimo Bylaws be introduced and read three times:
  - Surfside Water Service Operating Reserve Fund Establishment Bylaw No. 1864, 2022
  - Whiskey Creek Water Service Operating Reserve Fund Establishment Bylaw No. 1865, 2022
  - San Pareil Water Service Operating Reserve Fund Establishment Bylaw No. 1866, 2022
  - Westurne Heights Water Service Operating Reserve Fund Establishment Bylaw No. 1867, 2022
  
2. That the following Regional District of Nanaimo Bylaws be adopted:
  - Surfside Water Service Operating Reserve Fund Establishment Bylaw No. 1864, 2022
  - Whiskey Creek Water Service Operating Reserve Fund Establishment Bylaw No. 1865, 2022
  - San Pareil Water Service Operating Reserve Fund Establishment Bylaw No. 1866, 2022
  - Westurne Heights Water Service Operating Reserve Fund Establishment Bylaw No. 1867, 2022

**BACKGROUND**

Operating reserves are established to cover emergencies and other unexpected operating expenses such as climatic events, pandemics or sudden equipment failures during the year, which promotes budget stabilization from year to year. These funds are reviewed and updated each year after review of the actual annual spending to ensure balances are kept up to date based on changing circumstances.

2022 is the first year that the five-year financial plan (2022-2026) includes an operating reserve for these four water services.

Pursuant to S. 377(1) of the *Local Government Act*, the establishment of a reserve fund must be authorized by bylaw. Adoption of bylaws 1864, 1865, 1866 and 1867 will complete the statutory requirement and will ensure the proper approvals are in place for reserve fund transfers to support the future operations of these services.



## **FINANCIAL IMPLICATIONS**

The proposed bylaws will enable the transfer of funds to reserve for future operating expenditures and revenue stabilization as required. Funds transferred to these reserves will be approved by the Board as part of the annual financial planning process.

The approved 2022-2026 *Financial Plan* includes the following transfers to operating reserves:

Surfside Water Service	\$10,378
Whiskey Creek Water Service	\$983
San Pareil Water Service	\$44,554
Westurne Heights Water Service	\$9,697

The funding for these services is a combination of parcel tax, fees, and other revenue.

## **STRATEGIC PLAN ALIGNMENT**

The recommendation to establish Operating Reserve Funds will support the following strategic plan implication:

People and Partnerships - Improve the governance and awareness of RDN activities for citizens throughout the Region.

## **REVIEWED BY:**

- M. Manhas, Manager, Capital Accounting and Financial Reporting
- M. Walters, Manager, Water Services
- T. Moore, Acting Director of Finance
- D. Wells, General Manager, Corporate Services
- E. Tian, Acting Chief Administrative Officer

## **ATTACHMENTS:**

1. Surfside Water Service Operating Reserve Fund Establishment Bylaw No. 1864, 2022
2. Whiskey Creek Water Service Operating Reserve Fund Establishment Bylaw No. 1865, 2022
3. San Pareil Water Service Operating Reserve Fund Establishment Bylaw No. 1866, 2022
4. Westurne Heights Water Service Operating Reserve Fund Establishment Bylaw No. 1867, 2022



**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1864**

**A BYLAW TO ESTABLISH A RESERVE FUND  
FOR SURFSIDE WATER SERVICE**

WHEREAS Section 377(1)(e) of the *Local Government Act* authorizes a Board to establish by bylaw a reserve fund for a specified purpose;

AND WHEREAS it is considered desirable to set aside funds to provide for future costs related to meeting the objectives of Surfside Water Service established pursuant to Bylaw No. 694, cited as “Surfside Properties Water Specified Area Establishment and Loan Authorization By-law No. 694, 1985”.

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

1. There is hereby established a reserve fund to be known as the “Surfside Water Service Operating Reserve Fund”.
2. Funds from the current revenue of Surfside Water Service, to the extent to which it is available, or as otherwise provided in the *Local Government Act*, may from time to time be paid into the reserve fund.
3. The funds set aside may be invested in the manner provided by the *Local Government Act* S.377(1)(c) until the funds are required.
4. Funds held in this reserve may be used for operating costs of the Surfside Water Service.
5. This bylaw may be cited as the “Surfside Water Service Operating Reserve Fund Establishment Bylaw No. 1864, 2022”.

Introduced and read three times this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CORPORATE OFFICER

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1865**

**A BYLAW TO ESTABLISH A RESERVE FUND  
FOR WHISKEY CREEK WATER SERVICE**

WHEREAS Section 377(1)(e) of the *Local Government Act* authorizes a Board to establish by bylaw a reserve fund for a specified purpose;

AND WHEREAS it is considered desirable to set aside funds to provide for future costs related to meeting the objectives of Whiskey Creek Water Service established pursuant to Bylaw No. 1605 cited as “Whiskey Creek Water Service Establishment Bylaw No. 1605, 2010”.

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

1. There is hereby established a reserve fund to be known as the “Whiskey Creek Water Service Operating Reserve Fund”.
2. Funds from the current revenue of Whiskey Creek Water Service, to the extent to which it is available, or as otherwise provided in the *Local Government Act*, may from time to time be paid into the reserve fund.
3. The funds set aside may be invested in the manner provided by the *Local Government Act* S.377(1)(c) until the funds are required.
4. Funds held in this reserve may be used for operating costs of the Whiskey Creek Water Service.
5. This bylaw may be cited as the “Whiskey Creek Water Service Operating Reserve Fund Establishment Bylaw No. 1865, 2022”

Introduced and read three times this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CORPORATE OFFICER

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1866**

**A BYLAW TO ESTABLISH A RESERVE FUND  
FOR SAN PAREIL WATER SERVICE**

WHEREAS Section 377(1)(e) of the *Local Government Act* authorizes a Board to establish by bylaw a reserve fund for a specified purpose;

AND WHEREAS it is considered desirable to set aside funds to provide for future costs related to meeting the objectives of San Pareil Water Service established pursuant to Bylaw No. 1170, cited as “San Pareil Water Supply Local Service Area Establishment Bylaw No. 1170, 1999”.

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

1. There is hereby established a reserve fund to be known as the “San Pareil Water Service Operating Reserve Fund”.
2. Funds from the current revenue of San Pareil Water Service, to the extent to which it is available, or as otherwise provided in the *Local Government Act*, may from time to time be paid into the reserve fund.
3. The funds set aside may be invested in the manner provided by the *Local Government Act* S.377(1)(c) until the funds are required.
4. Funds held in this reserve may be used for operating costs of the San Pareil Water Service.
5. This bylaw may be cited as the “San Pareil Water Service Operating Reserve Fund Establishment Bylaw No. 1866, 2022”.

Introduced and read three times this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CORPORATE OFFICER

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1867**

**A BYLAW TO ESTABLISH A RESERVE FUND  
FOR WESTURNE HEIGHTS WATER SERVICE**

WHEREAS Section 377(1)(e) of the *Local Government Act* authorizes a Board to establish by bylaw a reserve fund for a specified purpose;

AND WHEREAS it is considered desirable to set aside funds to provide for future costs related to meeting the objectives of Westurne Heights Water Service established pursuant to Bylaw No. 1718, cited as “Westurne Heights Water Service Area Establishment Bylaw No. 1718, 2014”.

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

1. There is hereby established a reserve fund to be known as the “Westurne Heights Water Service Operating Reserve Fund”.
2. Funds from the current revenue of Westurne Heights Water Service, to the extent to which it is available, or as otherwise provided in the *Local Government Act*, may from time to time be paid into the reserve fund.
3. The funds set aside may be invested in the manner provided by the *Local Government Act* S.377(1)(c) until the funds are required.
4. Funds held in this reserve may be used for operating costs of the Westurne Heights Water Service.
5. This bylaw may be cited as the “Westurne Heights Water Service Operating Reserve Fund Establishment Bylaw No. 1867, 2022”.

Introduced and read three times this \_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
CORPORATE OFFICER



REGIONAL  
DISTRICT  
OF NANAIMO

**BUDGET AMENDMENT REQUEST- EXTENSION VOLUNTEER FIRE DEPARTMENT  
(ADMINISTRATIVE WORK)**

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**RECOMMENDATIONS**

1. That the 2022 budget for the Extension Volunteer Fire Department (EVFD) be increased by \$25,000 for administrative work conducted by the EVFD Fire Chief, Deputy Chief and Captain.
2. That the 2022 Transfer to Reserves be reduced to offset this increase.

**BACKGROUND**

At the July 6, 2022, meeting of the Extension Volunteer Fire Department Society Board of Directors meeting, the following motion was proposed, moved and carried:

Administrative work done by Extension Volunteer Fire Department to be paid, review options. Discussion had on options on where to pull the money from to fund a new line request for administrative work, decided to pull from the surplus {\$25,000} for the year to be paid retro back to the start of the 2022 budget, with proven and documented hours for said work.

The purpose of this report is to reduce the transfer to reserves by \$25,000 in 2022 to pay the Fire Chief, Deputy Chief, and Captain at the EVFD for the administrative work they have conducted over the course of the year. This payment will be retroactive to January 1, 2022, and in accordance with the documented hours presented to the EVFD Society Board. The Administrative work will be paid out as per the following EVFD Society pay scale:

- Fire Chief, thirty (\$30.00) dollars per hour
- Deputy Chief, twenty-five (\$25.00) dollars per hour
- Captain, twenty (\$20.00) dollars per hour

Beginning in 2023, the payout for this administrative work, along with the practice pay and call/out allowance will be done through RDN payroll. The EVFD will provide quarterly updates with hours tracked for the administrative work portion.

**FINANCIAL IMPLICATIONS**

The EVFD fire protection service area approved 2022-2026 Financial Plan includes contributions to reserves in 2022 of \$65,941. The overall 2022 approved budget of \$303,835 will remain the same with an increase to the operating budget of \$25,000 and a reduction to the contribution to reserves of \$25,000.

An amendment to the 2022-2026 Financial Plan will be required to increase the 2022 operating budget and decrease the contribution to reserves.

### **STRATEGIC PLAN ALIGNMENT**

Social Wellbeing - Make the Region a safe and vibrant place for all, with a focus on children and families in programs and planning.

### **REVIEWED BY:**

- E. Beauchamp, Acting Manager, Emergency Services
- T. Moore, Acting Director, Finance
- L. Grant, General Manager, Planning and Development



REGIONAL  
DISTRICT  
OF NANAIMO

**BUDGET AMENDMENT REQUEST – NANOOSE BAY VOLUNTEER FIRE DEPARTMENT  
(BOILER REPLACEMENT)**

**RECOMMENDATIONS**

1. That the 2022 budget for the Nanoose Bay Volunteer Fire Department (NVFD) be increased by \$20,000 to purchase a new gas fired boiler to replace the current boiler heating system.
2. That the transfer to the Building Reserves be reduced by \$10,000 and reallocated to this purchase and that the remaining \$10,000 be funded from existing building reserves.
3. That the 2022-2026 Financial Plan be amended accordingly.

**BACKGROUND**

On June 7, 2022, routine inspection and servicing of the NVFD boiler system indicated that the heat exchanger was corroded and needed to be replaced. Full inspection revealed that the boiler system also had other items that required replacement rather than repair. Due to parts that are difficult to source and acquire, it was determined that replacing the entire system would be more effective and efficient.

**FINANCIAL IMPLICATIONS**

The NVFD fire protection service area approved 2022-2026 Financial Plan includes contributions to building reserves in 2022 of \$10,000. It is proposed to reduce the transfer to building reserves by \$10,000 (100% reduction) and the remaining \$10,000 for the boiler replacement project would be funded through a transfer from the Building Reserves. This results in an overall \$10,000 increase to the 2022 approved budget, and an overall increase to the Capital budget, of \$20,000. There are sufficient funds in the building reserve to accommodate this purchase.

An amendment to the 2022-2026 Financial Plan will be required to increase the 2022 capital budget and reduce the contribution to reserves and increase the transfer from reserves.

**STRATEGIC PLAN ALIGNMENT**

Social Wellbeing - Make the Region a safe and vibrant place for all, with a focus on children and families in programs and planning.

**REVIEWED BY:**

- E. Beauchamp, Acting Manager, Emergency Services
- T. Moore, Acting Director, Finance
- L. Grant, General Manager, Planning and Development
- E. Tian, Acting Chief Administrative Officer



REGIONAL  
DISTRICT  
OF NANAIMO

**CRANBERRY FIRE SERVICES AGREEMENT 2022 – 2026 AND REQUEST FOR FINANCIAL PLAN AMENDMENT**

**RECOMMENDATIONS**

1. That the Cranberry Fire Service Agreement, for provision of fire protection services covering the Cassidy Waterloo Fire Service area in Electoral Areas 'A' and 'C', be approved for a five-year term beginning April 1, 2022, ending March 31, 2026.
2. That the 2022 Operating budget be increased by \$1,856 to reflect the revised transfer to the Cranberry Fire Service per the 2022-2026 agreement and that the 2022 Transfer to Reserve be reduced by \$1,856 to accommodate this payment.
3. That the 2022-2026 Financial Plan be amended accordingly.

**BACKGROUND**

The Cranberry Fire Protection District (CFPD) provides fire protection and first responder services to approximately 690 properties in the Cassidy area, many of which are modular homes in modular home parks. The Regional District of Nanaimo (RDN) has a small two bay fire hall in the area called the Hallberg Fire Hall and in 2009/2010 purchased two new firefighting vehicles for the hall to support fire protection for the Cassidy Waterloo area. In 2022, an apparatus storage shelter was erected adjacent to the Hallberg Fire Hall to store a fire vehicle.

The CFPD is responsible for all aspects of daily operations and administrative support, including volunteer recruitment and training, fire response planning, and vehicle and building maintenance. The RDN budgets for and directly pays the costs of operating the building such as electricity and maintenance, fuel and vehicle repairs, uniforms for volunteers stationed at the hall and equipment purchased for the vehicles and firefighters responding from the hall.

The CFPD provides these fire protection services under contract to the RDN. The last service agreement commenced in 2017 and expired on March 31, 2022. At that time, the CFPD approached the RDN requesting fees for service be reviewed due to increased costs to provide the service. That review has been completed and updated fees and terms of service have been proposed (Table 1) within the updated agreement. The term of the agreement is recommended to be five years (April 2022 to March 2026).

**FINANCIAL IMPLICATIONS**

In the last agreement between the RDN and the CFPD (2017 to 2021), the fees for provision of fire service started at \$50,900, increased by 5% annually, and finished at \$61,875 in 2021.



For the 2022-2026 agreement, the CFPD has requested an increase in the fees for provision of fire service to the Cassidy Waterloo Fire Protection area, commencing at \$66,825, an 8% increase to the 2021 rate of \$61,875. An increase of 3% annually for the remaining term of the agreement (2023-2026) is proposed. An additional fire chief wage of \$22,500 has also been included, starting in 2023. The proposed increases are due to costs associated with a higher training level for the BC Fire Service Playbook as well as increased fuel, equipment, operating and maintenance costs.

Table 1. Proposed CFPD fee schedule:

2022	$\$61,875 + 8\% = \$66,825$
2023	$\$66,825 + 3\% + \$22,500 = \$91,330$
2024	$\$91,330 + 3\% = \$94,070$
2025	$\$94,070 + 3\% = \$96,892$
2026	$\$96,892 + 3\% = \$99,799$

The proposed fee amounts for the agreement will result in an increase to the 2022 Operating budget of \$1,856 for the revised transfer to the Cranberry Fire Service and an offsetting decrease to the Transfer to Reserve of \$1,856.

An amendment to the 2022-2026 Financial Plan will be required.

### **STRATEGIC PLAN ALIGNMENT**

Social Wellbeing - Make the Region a safe and vibrant place for all, with a focus on children and families in programs and planning.

### **REVIEWED BY:**

E. Beauchamp, Acting Manager, Emergency Services  
T. Moore, Acting Director, Finance  
L. Grant, General Manager, Planning and Development

### **ATTACHMENT:**

1. 2022 – 2026 Fire Services Agreement- Cranberry Fire Protection District and Regional District of Nanaimo

**FIRE SERVICES AGREEMENT**

**THIS AGREEMENT** made this     day of October 2022

BETWEEN:

**CRANBERRY FIRE PROTECTION DISTRICT**  
1555 Morden Rd.  
Nanaimo, B.C.  
V9X 1S2

(hereinafter called the “**Fire District**”)

OF THE FIRST PART

AND:

**REGIONAL DISTRICT OF NANAIMO**  
6300 Hammond Bay Road  
Nanaimo, BC  
V9T 6N2

(hereinafter called the “**Regional District**”)

OF THE SECOND PART

WHEREAS:

- A. The Fire District is authorized by Order in Council No. 371, dated March 30, 2005 to enter into contracts to provide Fire Protection and Emergency Response Services on behalf of other entities;
- B. The Regional District is authorized by its Bylaw No. 1388 and subsequent amendments, to provide fire protection services to properties within the boundaries of the Cassidy Waterloo Fire Protection Services, as shown on the map attached as Schedule ‘A’ to this Agreement (the “**Properties**”);
- C. The Regional District is the registered owner in fee simple of lands (the “**Lands**”) legally described as:

PID 002-706-831  
Lot 32, District Lot 7, Bright District, Plan 25967

- D. The Regional District has constructed a building on the Lands for use as a firehall (the “**Building**”) and the Lands and Building are, and shall remain the property of the Regional District, its successors and assigns;
- E. The Regional District has purchased and placed in the building certain firefighting equipment for the purposes of providing fire protection and emergency response services to the Properties and;
- F. The Parties wish to provide for the use of the Land and Equipment for the purposes of providing Fire Protection Services and Emergency Response Services to the Properties upon the terms and conditions set out herein.

NOW THEREFORE, in consideration of the premises and of the mutual covenants and agreements contained in this agreement, the Parties agree as follows:

#### 1.0 DEFINITIONS

- (a) **Equipment** means the equipment listed in Schedule ‘B’ to this Agreement, including the vehicles;
- (b) **Fire Protection Services** means professional fire protection services, including but not limited to:
  - i. structural fire suppression;
  - ii. response to all dispatched fire alarms;
  - iii. hazardous material handling;
  - iv. public education programs;
  - v. fire prevention inspection;
  - vi. building permit process plan review;
  - vii. fire investigation; and
  - viii. local assistant fire commissioner duties as described in the *Fire Services Act*, R.S.B.C. 1996, c. 144.
- (c) **Emergency Response Services** means vehicle extrication, first responder medical services, road rescue and related activities; and
- (d) **Services** means Fire Protection Services and Emergency Response Services.
- (e) **Vehicles** means the vehicles listed in Schedule ‘B’ to this Agreement.
- (f) **Term** means the duration of the agreement which is five years.

**2.0 TERM, TERMINATION AND PAYMENT**

2.1 The Fire District hereby agrees to provide Services to the Properties, for a period beginning on or after April 1, 2022 and ending on December 31, 2026 for a five year term (the “**Term**”).

2.2 The Regional District and the Fire District agree to work cooperatively and within the resources available to the Regional District, to provide the Vehicles and Equipment to be located at the Lands over the Term of this Agreement.

2.3 In consideration and payment for the Services to be rendered as provided for herein, the Regional District agrees to pay to the Fire District the following amounts in the 2022 – 2026 fee schedule:

2022 \$66,825

2023 \$91,330 (includes \$22,500 additional annual fire chief wage starting in 2023)

2024 \$94,070

2025 \$96,892

2026 \$99,799

(the “**Fee Schedule**”).

2.4 Notwithstanding section 1.0 (a) to (c), the Parties agree that on or before August 30<sup>th</sup> each year, the Fee Schedule in section 2.3 shall be reviewed by the Parties. The review will consider whether there has been a significant change in the number of emergency responses and effort required to provide the Services as outlined in this Agreement (a “**Significant Change**”). A revised fee schedule if mutually agreed upon will be communicated in writing and will replace the Fee Schedule in section 2.3. If the Parties are unable to agree on a revised Fee Schedule then the Fee Schedule will remain as stated in section 2.3.

2.6 The amount payable by the Regional District shall be paid in two installments annually, which are payable in April and October of each year at the end of the respective month.

**3.0 SERVICES TO BE PROVIDED**

3.1 The Fire District agrees when providing Services to the Properties, it will provide at least the same level of service as it provides to properties within the Fire District. Notwithstanding the foregoing, the Fire District shall ensure that:

(a) it is equipped and that its staff have completed the appropriate training identified in the British Columbia Fire Services Minimum Training Standards Structure Firefighters Competency and Training Playbook (the “**Playbook**”) for the Fire District to achieve and maintain a minimum level of Exterior Operations, as that term is defined in the Playbook;

(b) it abides by all enactments that apply to the provision of the Services, including all applicable bylaws of the Regional District as amended or replaced from time to time;

- (c) it maintains the records of all training it conducts for any firefighters that are used to provide the Services, and shall make those records available to the Regional District upon request;
  - (d) it abides by all policies of the Regional District that govern the manner in which the Services are to be provided, or that specify the level of Service, as such policies may be amended or replaced from time to time;
  - (e) it abides by the standard of firefighting and emergency services for volunteer fire departments generally accepted in the Province of British Columbia; and
  - (f) it abides by the requirements of the *Workers Compensation Act* and the Occupational Health and Safety Regulation under that Act.
- 3.2 The Regional District hereby makes available to the Fire District, for the initial Term and subsequent renewals of the Term of this Agreement, the Lands, Building and Equipment for the purposes of providing the Services to the Properties. The intent of this section is that the Fire District may use any combination of its own equipment and the Equipment provided by the Regional District to provide Fire Protection Services and Emergency Response Services within the Fire District as well as to the Properties.
- 3.3 In addition to the Equipment available at the Building, the Fire District will use their best efforts to make its equipment and vehicles available for response to any fire and emergency within the Properties with a sufficient number of personnel who are at all relevant times, ready, willing, trained and able to accompany such equipment and vehicles and use their best efforts to extinguish any fire or respond to any emergency within the properties.
- 3.4 The Fire District will ensure that location of its fire hall and the phone numbers to be used in order that prompt notification can be given where necessary of the occurrence of a fire or other emergency and are widely publicized within the Properties.
- 3.5 The Fire District shall keep the Equipment purchased by the Regional District at the Building when not in use by the Fire District, for fire protection, emergency response, training and/or maintenance purposes, unless the Fire District has received written authorization from the Regional District.
- 3.6 The Fire District shall have full and unfettered access to and use of the Building and Equipment owned by the Regional District in order to provide Fire Protection and Emergency Response Services, whether the response is within the boundaries of the Fire District or within the Properties.
- 3.7 The Regional District shall always have and retain title to the Equipment. The Fire District shall have no right, title or interest in the Equipment other than the right to use the Equipment in accordance with the terms of this Agreement.

- 3.8 The Fire District shall cooperate with the Regional District in the enforcement of any warranties relating to the Equipment, and if necessary, the Regional District shall appoint the Fire District as its agent for the purposes of such enforcement.
- 3.9 The Fire District shall maintain, repair, overhaul, service and keep the Equipment in a condition equivalent to its condition at the commencement of this Agreement, reasonable wear and tear only accepted, and in a fully operative condition in conformity with any recommendations for maintenance or otherwise that may from time to time be made by any manufacturer or seller of the Equipment and in conformity with all applicable laws, orders, rules, regulations and directives of any government departments, boards or authorities.
- 3.10 The Fire District shall provide to the Regional District prompt notice of any damage to or loss of the Equipment or any part of it in accordance with section 15.0 of this Agreement.

#### **4.0 MEETINGS AND REPORTING**

- 4.1 During all times in which this Agreement is in effect, the Fire District agrees that the Regional District's representative, shall be entitled to attend all meetings of the Fire District so as to provide advice and liaison between the Fire District and Regional District.
- 4.2 The Regional District's representative shall provide administrative and other support with respect to this Agreement.
- 4.3 The Fire District and the Regional District shall meet at least twice annually (i.e., mid-year and year end) and the Fire District shall provide reports covering the activities of the Fire District with respect to this Agreement, for the year to date reporting period. The report shall cover at a minimum the following:
- (a) expenses of the Fire District compared to budget;
  - (b) summary of recruitment, training and public education activities; and
  - (c) the type and quantity of emergency responses in the Fire District and the Properties.

#### **5.0 RESPONSIBILITY FOR EXPENSES AND MAINTENANCE**

- 5.1 It is intended by the Parties that the Lands, Buildings and Equipment are of no cost or expense to the Fire District during the Term and accordingly the Regional District agrees to pay, whether on its own behalf or on behalf of the Fire District, all costs of every nature and kind relating to the Lands and Equipment.
- 5.2 The Fire District agrees to maintain the Lands, Buildings and Equipment in good repair and in a neat and tidy condition, and to not do or permit any act or neglect which may in any manner directly or indirectly endanger, damage or render the Equipment unusable or become a nuisance or interfere with the comfort of any person occupying land in the vicinity of the Lands.

- 5.3 The Fire District shall provide itemized invoices for repairs and maintenance with respect to the Lands, Buildings and Equipment to the Regional District and the Regional District shall promptly pay the invoices directly or shall reimburse the Fire District as the case may be.
- 5.4 The Fire District shall not construct or place on the Lands any improvements without first obtaining the prior written consent of the Regional District and obtaining all required building or development permits.
- 5.5 The Fire District shall not commit waste on the Lands.
- 5.6 The Fire District shall not deposit or discharge on the Lands any Contaminants as defined in section 7.5 (b) of this Agreement.
- 5.7 The Fire District shall provide the Regional District prompt notice of any damage to the Lands or Building or any part of them in accordance with section 15 of this Agreement.

**6.0 INSURANCE, RISK, AND INDEMNITY**

- 6.1 The Fire District agrees to indemnify and save harmless the Regional District, its elected and appointed officers and employees, from any and all claims, suits, actions, costs, fees and expenses of any kind whatsoever brought against or incurred by the Regional District or its elected and appointed officers and employees in any way relating to the Fire District's use of the Lands, Buildings or Equipment during the Term of this Agreement. Such indemnity shall extend to legal expenses incurred by the Regional District in defending against such liability or alleged liability or in enforcing this right of indemnity.
- 6.2 The Fire District agrees to take out and keep in full force and effect throughout the Term at the expense of the Fire District:
  - (a) comprehensive general liability insurance, including without limitation non-owned automobile insurance, against claims for personal injury, death or property damage howsoever rising out of the operations of the Fire District to the limit as may be reasonably required by the Regional District from time to time but, in any case, of not less than Five Million (\$5,000,000.00) Dollars in respect to injury or death to a person or persons and in respect of any one accident concerning property damage. The policy of insurance shall include tenant's legal liability coverage for property damage in the amount of \$1,000,000.
- 6.3 The policy or policies of insurance shall name the Regional District as an additional insured, shall include a cross-liability clause and shall be on terms acceptable to the Regional District. The policy or policies shall also provide for notification to the Regional District at least thirty (30) days prior to cancellation. If the Fire District fails to provide the insurance required by this Agreement, it may be provided by the Regional District at the cost of the Fire District.
- 6.4 The Regional District agrees to indemnify and save harmless the Fire District from any and all actions, claims, suits or judgments arising out of or in connection with the performance by the Fire District, or its officers or employees, of the obligations of the Fire District under this Agreement, except where such action, claim, suit or judgment is related to:

- (a) a negligent act or omission;
- (b) a breach of this Agreement; or
- (c) a willful, fraudulent, or illegal act

of the Fire District, its officers or employees.

- 6.5 The Regional District shall at its sole expense insure the Building and its contents, whether the contents are owned by the Regional District or the Fire District, at full replacement cost.
- 6.6 Should the Building or Equipment be damaged or destroyed, the Fire District and the Regional District shall work diligently together to pursue any remedies contained in the policies of insurance under this section.
- 6.7 Should the Building or Equipment be damaged or destroyed, the Regional District will repair or replace the Building or Equipment as soon as is practical, given any requirements to make a claim for damages under the policies of insurance held by the Regional District as outlined in this section and/or requirements to obtain financial support under the *Local Government Act*. The Fire District agrees to maintain fire protection services as outlined in this Agreement during any period in which the Building or Equipment are being replaced as a result of damage or destruction.
- 6.8 Where the cause of the damage or destruction under section 6.7 is determined to be due to negligence on the part of the Fire District, the Fire District will be responsible for any difference between the cost to repair or replace the Building or Equipment and any coverages available to the Regional District under its policies of insurance.
- 6.9 The Fire District agrees to comply promptly at its expense with all laws, bylaws, regulations, requirements, and recommendations, which may be applicable to the manner of use of the Lands, Buildings or Equipment, made by any and all federal, provincial, local government and other authorities or association of insurance underwriters or agents and all notices in pursuance of same.
- 6.10 The Fire District agrees to indemnify the Regional District from and against any builder's liens and must, upon the request of the Regional District, immediately cause any registered lien to be discharged from the title to the Lands.

## **7.0 LICENSE OF USE**

- 7.1 The Regional District, subject to the performance and observance by the Fire District of the terms, conditions, covenants and agreements contained in this Agreement, and to earlier termination as provided in this Agreement, grants to the Fire District a license for the Fire District to use the Lands and Building for the purposes of providing the Services and for providing fire protection services within the boundaries of the Fire District and for no other purpose.



- 7.2 This Agreement does not grant any interest in the Lands or Buildings to the Fire District.
- 7.3 The Regional District hereby reserves, to itself from the grant and covenants made by it to the Fire District in section 7.1 above, the right to the Regional District, its agents, employees, contractors and subcontractors to have full and complete access to the Lands and Building to carry out any operations associated with the Regional District's use of the Lands or Building and to determine whether the Fire District is complying with the terms of this Agreement. The Regional District shall only access the Lands and Building for the purposes of determining whether the Fire District is complying with the terms of this Agreement at reasonable times, upon twenty-four (24) hours notice in writing specifying the time of inspection. If any want or repair shall be found on such examination and notice thereof is given, the Fire District will, within ninety (90) days of giving that notice, well and truly repair in accordance of that notice.
- 7.4 The Regional District hereby warrants and represents to the Fire District that:
- (a) the Regional District has fully disclosed to the Fire District all environmental reports, site assessments, audits, studies, permits, licences and records in the possession or control of the Regional District with respect to the Lands and relating to the contaminants or environmental laws and the Regional District has not obtained or performed any environmental reports, site assessments, audits or other studies with respect to the Lands and Equipment except as disclosed in writing to the Fire District.
  - (b) For the purposes of this section:
    - (i) **"Contaminants"** means explosives, radio active materials, asbestos materials, urea formaldehyde, underground or aboveground tanks, pollutants, contaminants, deleterious substances, dangerous goods or substances, hazardous, corrosive or toxic substances, special waste or waste of any kind, or any other substance, the storage, manufacture, disposal, handling, treatment, generation, use, transport, remediation or release into the environment of which is prohibited, controlled, regulated or licensed under Environmental Laws.
    - (ii) **"Environmental Laws"** means any and all statutes, laws, regulations, orders, bylaws, permits and other lawful requirements of any federal, provincial, municipal or other governmental authority having jurisdiction over the Lands, now or hereafter in force relating to the environment, health, occupational health and safety, product liability or transportation of dangerous goods, including all applicable guidelines and standards with respect to the foregoing as adopted by any of those governmental authorities from time to time and the principles of common law and equity.

## 8.0 USE, ASSIGNMENT AND SUBLETTING

- 8.1 The Fire District agrees that it will not assign, mortgage or encumber this Agreement, or sublet, or suffer or permit the Lands or any part thereof to be used by others without the prior written consent of the Regional District in each instance, which shall not be arbitrarily or unreasonably withheld.

8.2 In no event shall any assignment, or subletting, or sub-licensing to which the Regional District may have consented release or relieve the Fire District from its obligations to fully perform all the terms, covenants and conditions of this Agreement on its part to be performed.

8.3 In the sub-Agreement between the Fire District and an assignee or subtenant under any assignment or sub-Agreement consented to by the Regional District, the Fire District shall require that the subtenant or assignee agree to be bound by all of the Fire District's obligations under this Agreement.

## **9.0 APPROVALS**

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

## **10.0 RELATIONSHIP OF PARTIES**

10.1 Nothing contained herein shall be deemed or construed by the Parties hereto, nor by any third party, as creating the relationship of principal and agent or of partnership or of joint venture between the Parties.

## **11.0 SOLE AGREEMENT**

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

## **12.0 ARBITRATION**

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

### **13.0 REMOVAL OF IMPROVEMENTS**

- 13.1 All improvements and all articles of personal property constructed, owned or installed by the Fire District at the expense of the Fire District on the Lands shall remain the property of the Fire District and may be removed by the Fire District at any time until the end of the Term or earlier termination of this Agreement. The Fire District agrees that it will, at its expense, repair any damage to the Lands caused by the construction, installation, existence, use or removal thereof (the "**Restoration**"). Before removing such property the Fire District shall notify the Regional District of its intention to do so and shall, if required by the Regional District, post a bond in an amount and form satisfactory to the Regional District as security for performance of the Fire District's obligations for the Restoration.
- 13.2 If the Fire District does not remove the property which is removable by the Fire District pursuant to section 13.1 prior to the end of the Term or the sooner termination of this Agreement, such property shall, if the Regional District elects, be deemed to become the Regional District's property and the Regional District may remove the same at the expense of the Fire District, and the cost of such removal will be paid by the Fire District forthwith to the Regional District on demand.

### **14.0 DEFAULT AND EARLY TERMINATION**

- 14.1 The Fire District further covenants with the Regional District that if the Fire District shall violate or neglect any covenant, agreement or stipulation herein contained on its part to be kept, performed or observed and any such default on the part of the Fire District shall continue for thirty (30) days after written notice thereof to the Fire District by the Regional District, the Regional District may terminate this Agreement, including the License of Use contained in section 7.0 and re-enter and take possession of the Lands, and the rights of the Fire District with respect tot this Agreement, the Lands and the Building lapse and are absolutely forfeit immediately. The Regional District may by reasonable force if necessary without any previous notice of intention to re-enter and may remove any persons and property from the Lands and building and may use such force and assistance in making such removal as the Regional District may deem advisable to recover at once full and exclusive possession of the Lands and Building.
- 14.2 If during the Term hereof or any renewal thereof, any of the goods or chattels of the Fire District shall at any time be seized or taken in execution or attachment by any creditor of the Fire District or if the Fire District shall make any assignment for the benefit of creditors or commit any other act of bankruptcy or shall become bankrupt or insolvent or shall take the benefit of any bankruptcy or insolvency legislation or if a receiver of any part of the business of property of the Fire District be appointed by a court or any person or in the case that the Lands are used by any other person or for any other purpose than is herein provided without the written consent of the Regional District or if any order shall be made for the winding up or dissolution of the Fire District or it should otherwise cease to exist or if the purposes of the Fire District are altered without the prior written consent of the Regional District, then the Term hereof or any renewal thereof shall become forfeit and void, and it shall be lawful for the Regional District any time thereafter to re-enter into or upon the Lands or any part thereof in the name of the whole and the same to have again, repossess and enjoy as of its former estate, notwithstanding anything herein contained to the contrary and neither this Agreement nor any interest therein nor any

estate hereby created shall pass to or enure to the benefit of any trustee in bankruptcy or any receiver or any assignee for the benefit of creditors or otherwise by operation of law.

- 14.3 If the Regional District exercises its right of termination as outlined in sections 14.1 and 14.2, then it may recover possession of the Lands and building in accordance with sections 12 and 13.

**15.0 NOTICE**

- 15.1 All payments or correspondence to the Fire District from the Regional District shall be sent to the Fire District at the following address:

Cranberry Fire Protection District  
1555 Morden Rd.  
Nanaimo, BC  
V9X 1S2

**Attention: Chairperson**

All payments or correspondence to the Regional District from the Fire District shall be sent to:

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

**Attention: Corporate Officer**

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

- 15.2 Any notice to be given hereunder shall be in writing and may be either delivered personally or sent by prepaid, registered or certified mail, or sent via email to: [inquiries@rdn.bc.ca](mailto:inquiries@rdn.bc.ca) and, if so mailed, shall be deemed to have been given three (3) days following the date upon which it was mailed.
- 15.3 Any notice or service required to be given or affected under any statutory provision or rules of court from time to time in effect in the Province of British Columbia shall be sufficiently given or served if mailed or delivered at the addresses as aforesaid.
- 15.4 Any party hereto may at any time give notice in writing to any other of any change of address of the party giving such notice and from and after the second day after the giving of such notice, the address herein specified shall be deemed to be the address of such party for the giving of notices hereunder.

**16.0 WAIVER**

- 16.1 The failure of either party to insist upon strict performance of any covenant or condition contained in this Agreement or to exercise any right or option hereunder shall not be construed as a waiver or relinquishment for the future of any such covenant, condition, right or option.
- 16.2 The acceptance by the Regional District of a part payment of any sum required to be paid hereunder shall not constitute waiver or restriction of the right of the Regional District to payment in full of such sum.

**17.0 SUCCESSORS BOND**

- 17.1 All rights and liabilities herein given to, or imposed upon, the respective Parties hereto shall extend to and bind the respective successors and assigns of the said Parties. No rights, however, shall enure to the benefit of any assignee of the Fire District unless the assignment to such assignee has been first approved by the Regional District in accordance with Section 6.

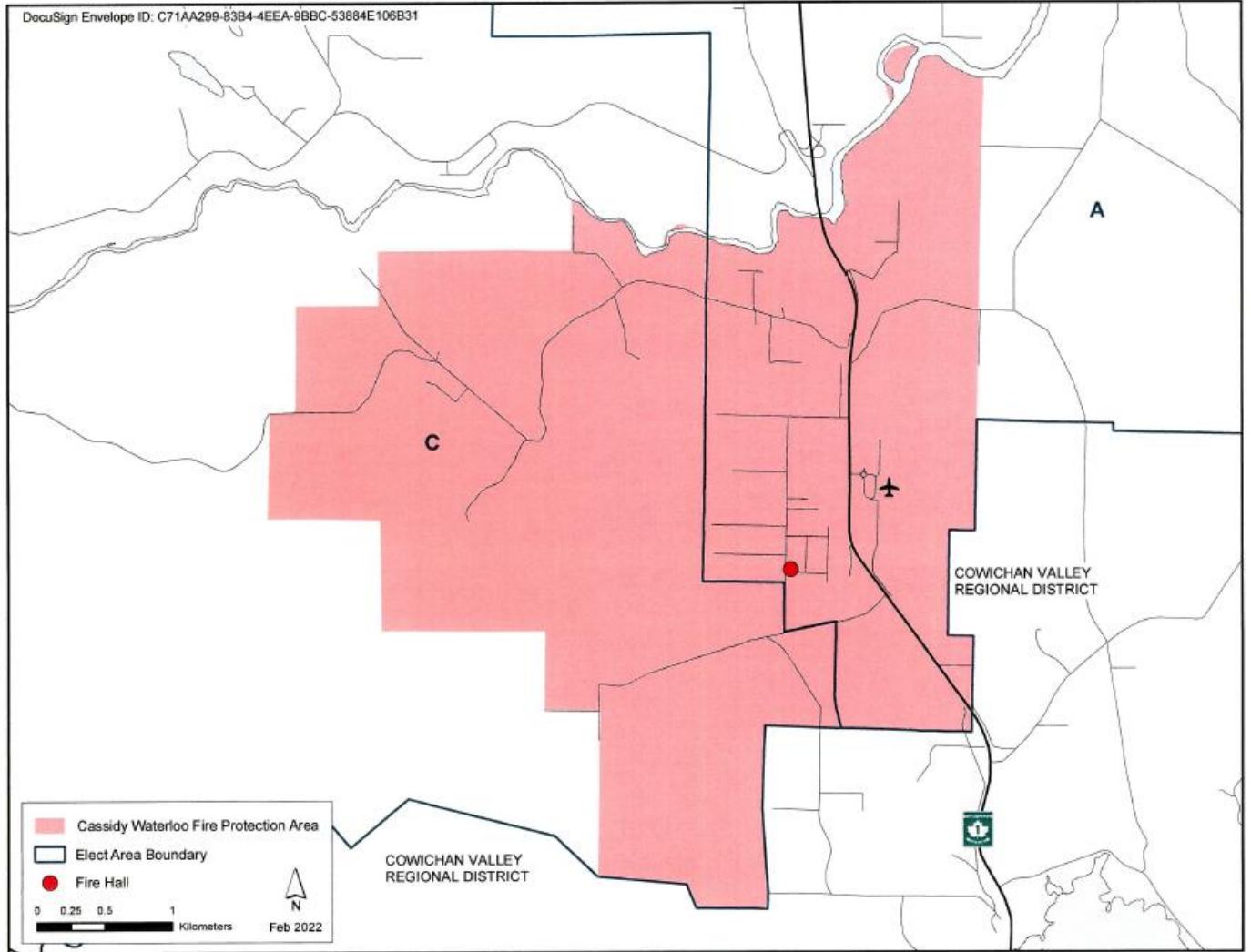
**IN WITNESS WHEREOF** the Parties hereto have set their hands and seals as of the day and year first above written.

The Corporate Seal of the )  
CRANBERRY FIRE PROTECTION DISTRICT )  
was affixed in the presence of: )  
)  
)  
)  
)  
\_\_\_\_\_) (seal)  
Chairperson )  
)  
)  
)  
\_\_\_\_\_)  
Secretary )

The Corporate Seal of the )  
REGIONAL DISTRICT OF NANAIMO )  
was affixed in the presence of: )  
)  
)  
)  
)  
\_\_\_\_\_) (seal)  
Chairperson )  
)  
)  
)  
\_\_\_\_\_)  
Corporate Officer )

**SCHEDULE 'A'**

The properties to be served under this agreement are shown outlined below:



**SCHEDULE B**

**LIST OF EQUIPMENT**

<b>Vehicle</b>	2008 NFPA Furion Pumper A662
<b>Equipment</b>	Guillevin International – list of equipment to be attached within 30 Days within signing of the agreement Grover Communications – list of equipment to be attached within 30 Days of signing of the agreement

The Parties acknowledge that not all equipment intended to be purchased is available to be described at the date of this agreement. Examples include but are not limited to turn out gear. The Parties will maintain records of further purchases under this agreement and amend this schedule as necessary from time to time.



REGIONAL  
DISTRICT  
OF NANAIMO

## 2022 Community Resiliency Investment Grant - Fuel Prescription Activities Amendments

### RECOMMENDATIONS

1. That the application to amend the scope of work for the 2022 Community Resiliency Investment Grant, Fuel Management Prescriptions, be approved.
2. That the application to extend the Community Resiliency Investment Grant deadline from January 31, 2023 to April 30, 2023 be approved.

### BACKGROUND

In October 2021, the RDN applied for funding for five (5) fuel management prescriptions as part of the 2022 Community Resiliency Investment (CRI) Grant.

A Request for Proposals, which closed July 21, 2022, received only one response which exceeded the approved budget of the 2022 CRI Application for the Fuel Management worksheet. To remain within the limits of the grant funding, it is recommended that two (2) parks, Moorecroft Regional Park and Kipp Road Community Park, be removed from the grant scope. Both parks are listed as low priority for fuel management activities within the 2022 Community Wildfire Resiliency Plans (CWRP), which were completed after applying for the CRI grant. Additionally, new understanding of these parks, including a restrictive covenant at Moorecroft Regional Park and accessibility challenges at Kipp Road, indicate feasibility of fuel management prescriptions and subsequent fuel treatment grant applications, may be less successful than higher priority treatment areas identified in CWRPs.

Further proposed amendments to the CRI grant are to combine Cox Community Park and Descanso Bay Regional Park to create one prescription for the whole area, to simplify public engagement and action planning for future treatments, given that the parks are adjacent to each other and share contiguous forest. These parks are included in the original approved grant, however the prescription area for these two parks would be increased to the whole of both parks, as identified proposed fuel treatment areas in the 2022 CWRP for Area B<sup>1</sup>. Cox Community Park has increased in land area with the addition of an adjacent property the RDN acquired. This addition to the park was done after completion of the 2022 CWRP (see map, Attachment 1).

Finally, the inclusion of Malcom Road Community Park in the original grant approval would be unchanged.

Due to staffing changes and resulting delays in amending the grant, it is also recommended that we apply to extend the 2022 CRI Grant deadline for approved grant activities from January 31, 2023, to April 30, 2023.

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<sup>1</sup> <https://www.rdn.bc.ca/community-wildfire-resiliency-plans>



## **FINANCIAL IMPLICATIONS**

The funds for the fuel management prescriptions have been awarded by the CRI FireSmart Community Funding and Supports in the amount of \$36,640. It is expected the amended scope will remain within this amount if the scope change is approved by the RDN Board and the CRI grant administrators.

## **STRATEGIC PLAN ALIGNMENT**

The recommendations advance the RDN FireSmart Activities in alignment with the priorities included in the Board approved CWRPs. This project supports the following Strategic Plan priority:

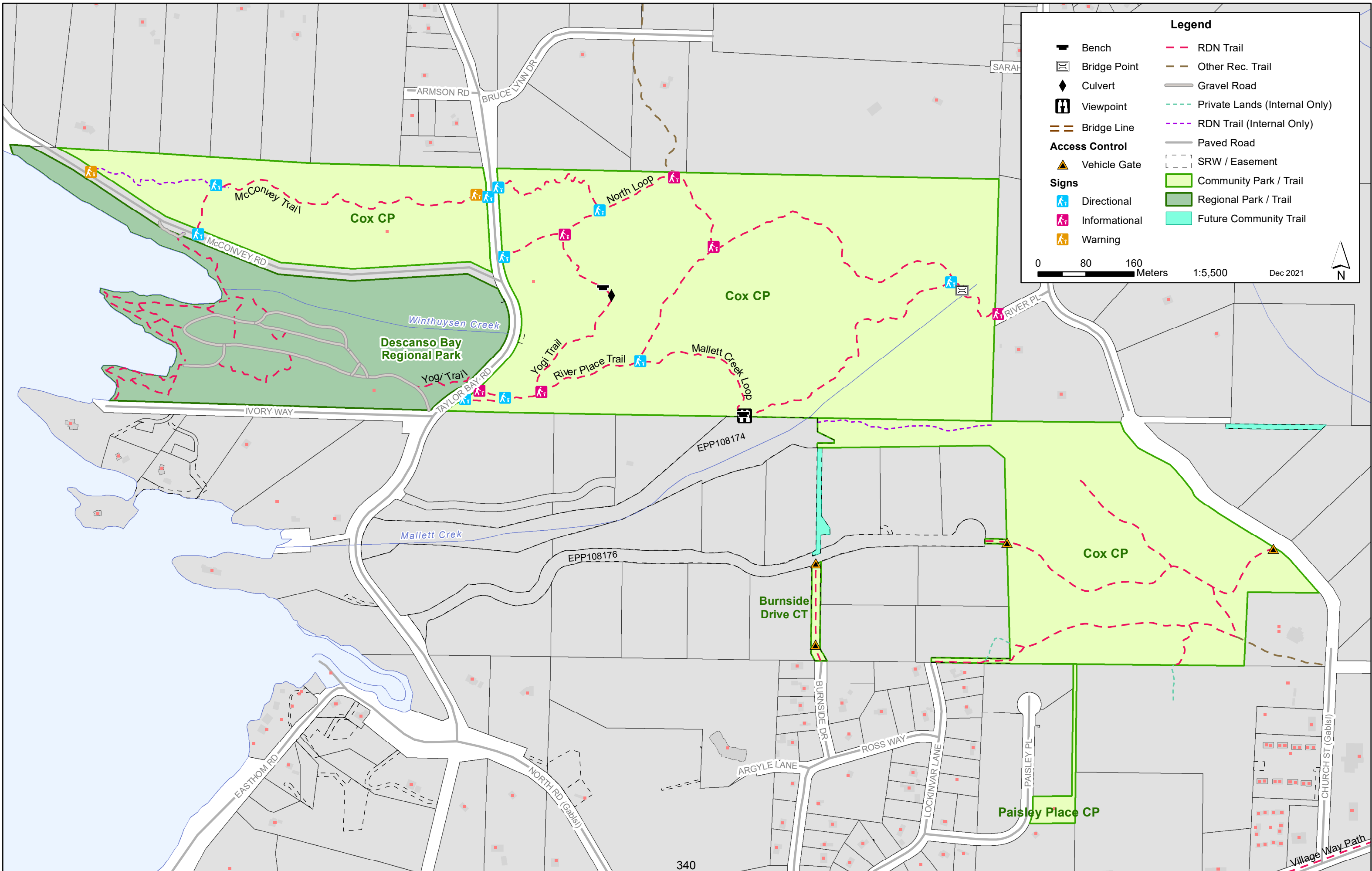
People and Partnerships - Seek opportunities to partner with the provincial and federal governments, other government agencies, and community stakeholder groups in order to advance strategic plan goals and objectives.

## **REVIEWED BY:**

- K. Fowler, Acting General Manager, Planning, Development and Emergency Services
- E. Tian, Acting Chief Administrative Officer

## **ATTACHMENT:**

1. Cox Community Park Map





## Dashwood Firehall Replacement – Tender Awarded

### **RECOMMENDATIONS**

That the Regional District of Nanaimo Board:

1. Approve the award of a contract in an amount up to \$5,859,800.00 (exclusive of refundable taxes) to Saywell Contracting Ltd. for Dashwood Firehall Replacement; and
2. Authorize the Chief Administration Officer and the Corporate Officer to execute the contract.

### **BACKGROUND**

This report is to advise the Regional District of Nanaimo (RDN) Board of the results of Dashwood Firehall Replacement project construction Tender, and to recommend award of a contract in an amount of up to \$5,859,800.00 (exclusive of refundable taxes) to Saywell Contracting Ltd. This contract award amount includes a reduction to the tender price to remove some alternate scope items valued at \$53,940.00.

Pursuant to the *Regional District of Nanaimo Delegation of Authority Bylaw No. 1783* and the *Authorization to Purchase and Pay Accounts Policy No. A2.22*, procurement contracts which exceed a value of \$500,000 (exclusive of taxes) require the approval of the Board of Directors.

This report is being brought forward to consider a recommendation to the RDN Board to authorize the award of a contract for the Dashwood Firehall Replacement project.

#### ***Project Background***

The Dashwood Fire Department was established in 1984 by a group of citizens concerned about the lack of fire protection in the area, with 20 members. The original two bay fire hall was constructed in 1985 and held two pieces of apparatus. A third bay was built onto the side in 1996 providing space for an additional piece of apparatus.

In 2012, a seismic assessment of the Dashwood fire hall was completed by Herold Engineering Ltd. outlining the potential seismic risks and upgrade solutions. A construction options report was provided by Johnston Davidson Architecture + Planning Inc indicating that costs to retrofit and renovate the fire hall to meet building code requirements and add additional space were estimated above the costs of replacing the fire hall.

The Dashwood Fire Hall replacement project was approved through an Alternative Approval Process (AAP) that concluded on Friday, July 26, 2019. The AAP addressed two bylaws, the "Dashwood Fire Hall Service Area Establishment Bylaw No. 1785, 2019" and " Dashwood Fire Hall Loan Authorization Bylaw No. 1789, 2019". The

first bylaw established a fire protection service area within RDN Electoral Areas F, G, and H and the second authorized the borrowing of up to \$4,000,000 to be repaid within 25 years to finance the fire hall replacement. In September 2020, the RDN Board approved award of the detailed design contract to Praxis Architects. Detailed construction estimates were prepared as part of the design contract and showed a significant increase in the cost to build the firehall. As such, the RDN Board approved a revised budget of \$6,462,662.00 in December of 2021 and second successful AAP was conducted in July 2022 to increase the borrowing amount.

### ***Project Description***

The replacement firehall will be constructed on approximately the same location as the existing fire hall, so the existing firehall will need to be demolished prior to construction of a new building. The new fire hall will include prefabricated engineered steel frame construction to post-disaster requirements and includes improved spaces for training and equipment. It will also provide improved indoor air quality with negative pressure ventilation and separation of smoke contaminated surfaces for volunteers' health and safety. The new firehall is designed to provide for future energy savings opportunities with capabilities to add a solar array, water and heat recovery systems, and an EV charging station. The design considers the RDN Green Building Policy B1-16 but does not conform to a LEED Silver standard. The RDN Wood First Policy B1-20 was also considered during conceptual design and determined to be impractical. The RDN Board approved the design contract award at the September 15, 2020 Regular Board Meeting, based on these design considerations.

#### ***Dashwood Fire Hall Architectural Services***

20-342

*That the Regional District of Nanaimo enter into a contract with Praxis Architecture Company in the amount of \$273,503 excluding GST.*

*ADOPTED ON CONSENT*

Arrangements have been made for onsite temporary operating facilities for the firehall throughout the construction phase of the project.

### ***Project Timeline***

Demolition of the existing firehall and construction of the new firehall is estimated to take 20 months with a completion date of June 2024.

### ***Procurement Process***

The construction tender was posted on BC Bid and the RDN website on August 11, 2022 and closed on September 22, 2022. Four compliant tenders and one non-compliant tender were received, and the tenders were reviewed by the Architect for accuracy and completeness.

### ***Evaluation and Selection***

The four compliant tenders are listed in the table below.

<b>Company Name</b>	<b>Total Price</b> (exclusive of refundable taxes)
Knappett Industries (2006) Ltd.	\$6,191,000.00
Kinetic Construction Ltd.	\$6,599,000.00
Dawn Construction (2018) Ltd.	\$5,940,120.00
Saywell Contracting Ltd.	\$5,913,740.00

## **FINANCIAL IMPLICATIONS**

The lowest priced tender, received from Saywell Contracting Ltd., is only slightly under the remaining project budget, leaving a small 0.3% construction contingency. Based on the complexity of the project and recent construction experience, a higher contingency amount is recommended. The plan is to award the construction contract based on the tender documents, but a reduced scope is expected to gain a reasonable project contingency. The contract documents include conditions that allow the RDN to make these changes.

RDN Emergency Services submitted a Strategic Priorities Fund grant application in June 2022 for \$6,000,000.00 for construction of the new Dashwood Firehall. If the grant application is successful, the items removed from the original scope to provide construction contingency would be added back.

## **STRATEGIC PLAN ALIGNMENT**

Social Wellbeing - Make the Region a safe and vibrant place for all, with a focus on children and families in programs and planning.

## **REVIEWED BY:**

- E. Beauchamp, Acting Manager, Emergency Services
- D. Taylor, Manager, Engineering Services
- K. Felker, Manager, Purchasing
- T. Moore, Acting Director of Finance
- K. Fowler, Acting General Manager, Planning and Development
- L. Grant, General Manager, Planning and Development
- E. Tian, Acting Chief Administrative Officer



**Regional Wood Stove Exchange Program – Additional Funding**

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**RECOMMENDATIONS**

1. That up to \$13,500 from the Regional Sustainability Initiatives Reserve account and up to \$13,000 from the Local Government Climate Action Grant be approved to allow the Regional Woodstove Replacement Program to continue through to end of year 2022.
2. That the 2022-2026 Financial Plan be amended accordingly.

**BACKGROUND**

The Regional District of Nanaimo's (RDN) Woodstove Exchange Program helps RDN residents across all municipalities and electoral areas exchange old, polluting wood stoves for cleaner heating technologies (e.g., heat pumps and modern, clean burning wood stoves). The RDN's program is funded in part by the BC Lung Association. The program has proven more popular than expected this year and the 2022 budget is nearly fully allocated. Additional funds will allow this popular program to continue through to the end of the year. Our funding request to BC Lung Association has been increased for 2023 in response to increased 2022 program demand.

**FINANCIAL IMPLICATIONS**

A total of \$26,500 will be utilized for the continuation of woodstove program. The funding is recommended to come from two sources. The first source, the Local Government Climate Action Grant provide \$13,000. It is recommended that additional funding of up to \$13,500 be sourced from the Regional Sustainability Initiatives (RSI) Reserve account. This use is compatible with the RSI Reserve account, which also has been used in previous years to provide supplemental funding for the Woodstove Exchange Program. The use is also compatible with the local Government Climate Action Program Grant which the RDN received in September 2022 (current balance \$149,082). The RDN will receive this funding (\$149,082/year) for each of the next two years for a total of three years of funding (2022-2024).

**STRATEGIC PLAN ALIGNMENT**

Environmental Stewardship - Protect and enhance the natural environment, including land, water, and air quality for future generations.

**REVIEWED BY:**

- K. Fowler, Manager, Long Range Planning, Energy and Sustainability
- T. Moore, Acting Director of Finance
- L. Grant, General Manager, Planning and Development
- E. Tian, Acting Chief Administrative Officer

**Delegation:** John Horn Executive Director Connective Support Society (formerly John Howard Society)

**Summary:** Rent Bank is a project of VanCity Community Foundation. The goal is to keep people housed by offering interest free loans of maximum \$1500.00 for individuals and \$1800.00 for families. Loans address rental issues of arrears, first month, damage deposits and/or utilities. This service is funded by the provincial government (80%) and local partners (20%). Currently well used in our area with the support of City of Nanaimo we are seeking additional support as community members from the surrounding areas also use this service.

**Action Requested:** Financial support of the Rent Bank initiative