

REGIONAL DISTRICT OF NANAIMO

**BOARD MEETING
TUESDAY, APRIL 13, 2004
(immediately following the Hospital Board meeting)**

(RDN Board Chambers)

A G E N D A

PAGES

1. **CALL TO ORDER**
2. **DELEGATIONS**
3. **BOARD MINUTES**
9-28 Minutes of the Board meeting held on March 9, 2004 and the Special Board meeting held March 23, 2004.
4. **BUSINESS ARISING FROM THE MINUTES**
5. **COMMUNICATIONS/CORRESPONDENCE**
29 A. **Lightburn**, re Resignation from Nanoose Bay Parks & Open Space Committee.
6. **UNFINISHED BUSINESS**
BYLAWS
For Adoption.
Bylaw No. 813.28 – French Creek Sewerage Facilities Service Area Amendment Bylaw – 792 Reid Road – Area G. (All Directors – One Vote)
Bylaw No. 889.24 – Northern Community Sewer Local Service Area Amendment Bylaw – 792 Reid Road – Area G. (All Directors – One Vote)
Bylaw No. 889.25 – Northern Community Sewer Local Service Area Amendment Bylaw – 1555 Gracyn Drive – Area E. (All Directors – One Vote)
Bylaw No. 1021.04 – Pacific Shores Sewer Local Service Area Amendment Bylaw – 1555 Gracyn Drive – Area E. (All Directors – One Vote)
Bylaw No. 1049.03 - Nanoose Bay Bulk Water Supply Local Service Area Bylaw – 2037 Claudet Road – Area E. (All Directors – One Vote)

Bylaws No. 1372 – Nanoose Bay Water Supply Service Area Establishing Bylaw. (All Directors – One Vote)

Bylaw No. 1372.01 – Nanoose Bay Water Supply Service Area Boundary Amendment Bylaw – 2037 Claudet Road – Area E. (All Directors – One Vote)

Bylaw No. 1059.03 – Southern Community Recreation Local Service Area Amendment Bylaw – Establishing Bylaw Amendment – District of Lantzville Incorporation. (All Directors – One Vote)

Bylaw No. 1062.02 – French Creek Village Streetlighting Local Service Area Bylaw - 688 Wembley Road – Area G. (All Directors – One Vote)

30-32

Bylaw No. 1285.01 - Electoral Area 'F' Zoning & Subdivision Amendment Bylaw. (Electoral Area Directors except EA 'B' – One Vote)

Public Hearings.

33-49

Report of the Public Hearing held March 31, 2004 with respect to Land Use and Subdivision Amendment Bylaw No. 500.298 - Gareth Slocombe – Parker Way & Ted's Road – Area E. (Electoral Area Directors except EA 'B' – One Vote).

7. STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS

7.1 ELECTORAL AREA PLANNING STANDING COMMITTEE

50-51

Minutes of the Electoral Area Planning Committee meeting held March 23, 2004. (for information)

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. ZA0401 – Bob Colclough, on behalf of BC Building Corporation – 1329 Kipp Road – Area A. (Electoral Area Directors except EA 'B' – One Vote)

- 1. That the report of the Public Information Meeting held March 10, 2004 be received.*
- 2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.299, 2004" be given 1st and 2nd reading.*
- 3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.299, 2004" proceed to public hearing.*
- 4. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.299, 2004" be delegated to Director Kreiberg or his alternate.*

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

DVP Application No. 90323 – Huddy, Fordham/Roder – 1950 Eagle Ridge Place – Area E. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to DVP Application No. 90323.

That Development Variance Permit Application No. 90323, submitted by Rosalinda Roder and Hans Roder on behalf of Simon Huddy and Jane Fordham to vary the minimum setback requirement for the interior side lot line from 2.0 metres to 0.0 metres to legalize the existing retaining wall, raised pool deck, and swimming pool structures on the subject property legally described as Lot 23, District Lot 78, Nanoose District, Plan 25828 be approved, subject to the requirements outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the Local Government Act.

DVP Application No. 90405 – Deo – Fourneau Way – Area G. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to DVP Application No. 90405.

That Development Variance Permit Application No. 90405, submitted by the property owners Anthony Deo and Cecilia Deo for the property legally described as Lot A (DD EB20873) of Lot 16, Block 419, Nanoose District, Plan 36697 to relax the maximum height requirements from 9.0 metres to 11.44 metres in order to allow for the construction of a dwelling unit as proposed by the applicants be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the Local Government Act.

OTHER

Review of Parkland Dedication in Conjunction with the Subdivision Application Process. (Electoral Area Directors except EA 'B' – One Vote)

That the Policy "Review of the Consideration of Park Land Dedication in Conjunction with the Subdivision Application Process" be approved.

7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE

52-58

Minutes of the regular Committee of the Whole meeting held March 23, 2004.
(for information)

COMMUNITY SERVICES

Community Water & Sewer Service Provision: Environmental or Public Health Reasons. (All Directors – One Vote)

- 1. That the March 10, 2004 report "Community Water and Community Sewer Service Provision: Environmental or Public Health Threats" be received.*

2. *That the approach for decision making about the provision of community water service and or community sewer service to land designated by the Regional Growth Strategy as Resource Lands and Open Space and Rural Residential for environmental or public health reasons under Policy 7B of the Regional Growth Strategy be approved as presented in Attachment 1 to the report.*

RECREATION & PARKS

Skateboard Park Proposal – Area A. (All Directors – One Vote)

That School District No. 68 be requested to provide an area of the Cedar Community Secondary School grounds through a long-term lease or other form of agreement with the Regional District for the development of a skate park facility by the Cedar Skate Park Association.

CORPORATE SERVICES

ADMINISTRATION

Committee & Board Meeting Schedule. (All Directors – One Vote)

That "Board Procedure Bylaw No. 1268, 2002" be amended to incorporate the fourth Tuesday of each month (for the months from January to November) as the regular meeting date for Board meetings, and that the second Tuesday in December be defined as the regular Board meeting date for the month of December.

FINANCE

Annual Report of Directors' & Committee Members' Remuneration and Expenses. (All Directors – One Vote)

That the 2003 report on remuneration and expenses for Board and Committee members be received.

2003 Audited Financial Statements. (All Directors – One Vote)

That the report on the audited financial statements for the year ended December 31, 2003 be received.

Reserve Fund Bylaws – Administration Computer Equipment Reserve Fund Expenditure Bylaw No. 1376 and Fairwinds Water LSA Reserve Fund Expenditure (Well #3) Bylaw No. 1378.

(All Directors – Weighted Vote)

1. *That "Administration Computer Equipment (2003) Reserve Fund Expenditure Bylaw No. 1376, 2004" be introduced for first three readings.*

(All Directors - 2/3)

2. *That "Administration Computer Equipment (2003) Reserve Fund Expenditure Bylaw No. 1376, 2004" having received three readings be adopted.*

(All Directors – Weighted Vote)

3. That "Fairwinds Water Local Service Area Reserve Fund Expenditure (Well #3) Bylaw No. 1378, 2004" be introduced for first three readings.

(All Directors – 2/3)

4. That "Fairwinds Water Local Service Area Reserve Fund Expenditure (Well #3) Bylaw No. 1378, 2004" having received three readings be adopted.

DEVELOPMENT SERVICES

BUILDING INSPECTION

Section 57 – Community Charter – Contravention of Building Bylaw Report.
(All Directors – One Vote)

Property owners wishing to speak to their proposed filing.

That a notice be filed against the titles of the properties listed, pursuant to Section 57 of the Community Charter and that if the infractions are not rectified within ninety (90) days, legal action will be pursued:

- (a) Lot 2, Section 16, Range 3, Plan VIS5292 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V, Mountain Land District, 3103 West Road, Electoral Area 'D', owned by C. and D. Saywell;
- (b) Lot 2, Section 15, Range 3, Plan VIP73721, Mountain Land District, 3311 Westview Acres Road, Electoral Area 'D', owned by R. and T. Milner;
- (c) Lot 13, District Lot 6, Plan 23588, Nanoose Land District, 2360 McDivitt Drive, Electoral Area 'E', owned by S. Rowe;
- (d) Lot 21, District Lot 78, Plan VIP68559, Nanoose Land District, 2480 Andover Road, Electoral Area 'E', owned by L. and R. Yip;
- (e) Lot 33, District Lot 116, Plan 27229, Nanoose Land District, 1060 Symons Crescent, Electoral Area 'G', owned by E. Williamson and B. Olson.

BYLAW ENFORCEMENT

Structure Removal Repeal Bylaw No. 1382 – Illegal Construction – Scott Kilner Littlewood – 2406 Nanoose Beach Road – Area E. (All Directors – 2/3)

1. That "Regional District of Nanaimo Structure Removal Repeal Bylaw No. 1382, 2004" be introduced for first three readings.
2. That "Regional District of Nanaimo Structure Removal Repeal Bylaw No. 1382, 2004" having received three readings, be adopted.

Designation of Animal Control Officer – District 68. (All Directors – One Vote)

That the Board designate, by resolution, Dale Rusch, Nanaimo Animal Shelter, as a Bylaw Enforcement Officer for the specific purpose of enforcing Regional District of Nanaimo Animal Control and Licensing Bylaws.

Animal Control Contracts – District 68 & 69. (All Directors – Weighted Vote)

That the contracts for animal control services with Parksville-Qualicum SPCA and Nanaimo Animal Shelter Ltd. be renewed for the term of March 1, 2004 to February 28, 2007 with an increase in contract service fees of 2% per annum.

Noise Control Establishing Bylaw No. 1374 and Regulatory Bylaw No. 1375 – Portion of Electoral Area H. (All Directors – One Vote)

- 1. That "Regional District of Nanaimo Electoral Area 'H' Noise Control Service Establishment Bylaw No. 1266, 2002" and "Regional District of Nanaimo Noise Control Regulatory Bylaw No. 1267, 2002" be abandoned.*
- 2. That the number of electors for the purpose of the alternative approval process be established at 1,547 and that the electoral response form attached to the staff report be approved.*
- 3. That "Regional District of Nanaimo Portion of Electoral Area 'H' Noise Control Service Establishment Bylaw No. 1374, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*
- 4. That "Regional District of Nanaimo Portion of Electoral Area 'H' Noise Control Regulatory Bylaw No. 1375, 2004" be introduced, read three times and advertised to provide notice of the Board's intent to adopt this bylaw.*

PLANNING

Implications of Changes to Land Title Act & Water Act. (All Directors – One Vote)

That the report be received for information.

Animal Control, Planning & Land Use Management Contract Services Agreement – District of Lantzville. (All Directors – Weighted Vote)

That the proposed Service Agreements between the Regional District of Nanaimo and the District of Lantzville for Animal Control Services and Planning and Land Use Management Services be approved.

ENVIRONMENTAL SERVICES

LIQUID WASTE

French Creek Pollution Control Centre Biosolids Contract Extension. (All Directors - Weighted Vote)

That the Meadowlark Construction contract for composting and hauling biosolids from the French Creek Pollution Control Centre for \$48.00 per tonne be extended for an additional year.

SOLID WASTE

Residual Solid Waste Disposal Options Status Report. (All Directors – One Vote)

That the status report on residual solid waste disposal be received for information.

UTILITIES

Arrowsmith Water Service Joint Venture Agreement. (All Directors - Weighted Vote)

That the Regional District of Nanaimo enter into an amended Joint Venture Agreement to continue the Arrowsmith Water Service Joint Venture established on July 10, 1996 on the terms and conditions set out in the Agreement dated for reference as April 1, 2004 (as attached to the staff report).

COMMISSION, ADVISORY & SELECT COMMITTEE

Regional Growth Monitoring Advisory Committee/State of Sustainability Project. (All Directors – One Vote)

That the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meetings held February 19, 2004 and February 26, 2004 be received for information.

Intergovernmental Advisory Committee. (All Directors – One Vote)

That the minutes of the Intergovernmental Advisory Committee meetings held February 17, 2004 and March 9, 2004 be received for information.

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285 – 'Finetuning Project'. (Electoral Area Directors except EA 'B' – One Vote)

That staff be directed to bring forward a report on the proposed ALC application requirement for properties in the ALR in Area 'F' which presently have two dwellings on their property and that any actions be held in abeyance until the report has been reviewed by the Board.

Cathedral Grove. (All Directors – One Vote)

That a letter be sent to Bill Barisoff, Minister of Water, Lands and Air Protection, requesting a full and meaningful public presentation and process on the Cathedral Grove Plan and to provide the District with a copy of the proposed visitor parking plan as well as any other changes for the park.

NEW BUSINESS

Water and Wastewater Technologies. (All Directors – One Vote)

That staff prepare a report and recommendation for the Board on innovative water and wastewater technologies and techniques that have been, or may be in use to include rainwater cistern system, water conservation to reduce demands on water systems or distribution systems, and water reuse and recycling in residential, commercial and industrial applications that may have application in future development in the Regional District of Nanaimo.

Liability Insurance. (All Directors – One Vote)

That staff provide a report with respect to liability insurance needs regarding specific functions, including the process and cost breakdown which would identify whether the Regional District as a whole or the specific area member would be responsible for the function insurance costs.

Landfill Site Liaison Committee Appointments. (All Directors – One Vote)

That the Board appoint Jim Young, Sheri Young, Ray McGuire, Doug Lum, Gary Franssen, Al Leuschen and a to be determined representative from the Snuneymucw First Nation to the Landfill Site Liaison Committee.

7.3 EXECUTIVE STANDING COMMITTEE

7.4 COMMISSIONS

7.5 SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

8. ADMINISTRATOR'S REPORT

- 59-63 Ravensong Aquatic Centre - Steam Room/Sauna Addition – Awarding of Tender – Bylaw No. 1373.01. (All Directors – Weighted Vote)
- 64-71 Electoral Area 'F' Zoning & Subdivision Bylaw No. 1285 – 'Finetuning Project' – ALR Properties. (Electoral Area Directors except EA 'B' – One Vote)
- 72-77 Zoning Amendment Applicant No. 9626 – Rondalyn Resort/Darron Holdings Ltd. – 1350 Timberlands Road – Area C. (Electoral Area Directors except EA 'B' – One Vote)
- 78-80 Regional Landfill Geogrid Toe Berm Construction – Approval to Proceed to Tender and Award of Consulting Services. (All Directors – Weighted Vote)
- 81-82 Yellowpoint-Waterloo Fire Protection Specified Area – Control of Fires During Fire Season Bylaw No. 1381. (All Directors – 2/3)
- 83-85 Federation of Canadian Municipalities International Centre for Municipal Development - Partnership Program. (All Directors – One Vote)

9. ADDENDUM

10. BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

11. NEW BUSINESS

12. BOARD INFORMATION (Separate enclosure on blue paper)

13. ADJOURNMENT

14. IN CAMERA

That pursuant to section 242.2(1)(h) of the Local Government Act the Board proceed to an In Camera meeting to consider legal matters.

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE REGULAR MEETING OF THE BOARD
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, MARCH 9, 2004, AT 7:02 PM IN THE
RDN BOARD CHAMBERS**

Present:

Director L. McNabb	Chairperson
Director H. Kreiberg	Electoral Area A
Director G. Lund	Electoral Area B
Director E. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
Director P. Bibby	Electoral Area E
Director L. Biggemann	Electoral Area F
Alternate	
Director M. Klee	Electoral Area G
Director D. Bartram	Electoral Area H
Director R. Longmuir	City of Parksville
Alternate	
Director A. Kruyt	Town of Qualicum Beach
Alternate	
Director B. Dempsey	District of Lantzville
Director G. Korpan	City of Nanaimo
Director R. Cantelon	City of Nanaimo
Director T. Krall	City of Nanaimo
Director L. Sherry	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

K. Daniels	Chief Administrative Officer
J. Finnie	Gen. Mgr. of Environmental Services
B. Lapham	Gen. Mgr. of Development Services
N. Connelly	Gen. Mgr. of Community Services
C. Mason	Gen. Mgr. of Corporate Services
N. Avery	Manager of Financial Services
M. Pearse	Manager of Administrative Services

CALL TO ORDER

The Chairperson welcomed the Alternate Directors to the meeting.

DELEGATIONS

Tony MacGregor & John Van Beek, Greater Nanaimo Cycling Coalition re Commuter Challenge/Bike Week, May 30 – June 5, 2004.

Mr. MacGregor and Mr. Van Beek spoke of the benefits of cycling and urged Board members to support the resolution included on the agenda.

BOARD MINUTES

MOVED Director Sherry, SECONDED Director Kreiberg, that the minutes of the Board meeting held February 10, 2004 be adopted, as amended.

CARRIED

UNFINISHED BUSINESS

BYLAWS

For Adoption.

Bylaw No. 792.01.

MOVED Director Dempsey, SECONDED Director Sherry, that "Solid Waste Management Local Service Amendment Bylaw No. 792.01, 2004" be adopted.

CARRIED

Bylaw No. 793.02.

MOVED Director Dempsey, SECONDED Director Longmuir, that "Recycling and Compulsory Collection Local Service Amendment Bylaw No. 793.02, 2004" be adopted.

CARRIED

Bylaw No. 887.02.

MOVED Director Dempsey, SECONDED Director Bartram, that "Regional District of Nanaimo District 68 E-911 Extended Service Area Amendment Bylaw No. 887.02, 2004" be adopted.

CARRIED

Bylaw No. 975.31.

MOVED Director Dempsey, SECONDED Director Holdom, that "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.31, 2004" be adopted.

CARRIED

Bylaw No. 975.32.

MOVED Director Krall, SECONDED Director Sherry, that "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.32, 2004" be adopted.

CARRIED

Bylaw No. 1230.02.

MOVED Director Krall, SECONDED Director Dempsey, that "Southern Community Transit Service Amendment Bylaw No. 1230.02, 2004" be adopted.

CARRIED

Bylaw No. 1335.

MOVED Director Bartram, SECONDED Director Bibby, that "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" be adopted.

CARRIED

STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS

ELECTORAL AREA PLANNING STANDING COMMITTEE

MOVED Director Hamilton, SECONDED Director D. Haime, that the minutes of the Electoral Area Planning Committee meeting held February 24, 2004 be received for information.

CARRIED

COMMUNICATION/CORRESPONDENCE

Mark Paulyshyn, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement – M. Keen – 1012 Nanaimo River Road – Area C.

MOVED Director Hamilton, SECONDED Director Bartram, that the correspondence from Mark Paulyshyn with respect to Development Variance Permit Application No. 90402 be received.

CARRIED

Andrew deCunha, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement – M. Keen – 1012 Nanaimo River Road – Area C.

MOVED Director Hamilton, SECONDED Director Bartram, that the correspondence from Andrew deCunha with respect to Development Variance Permit Application No. 90402 be received.

CARRIED

Daryl & Gail McDonald, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement – M. Keen – 1012 Nanaimo River Road – Area C.

MOVED Director Hamilton, SECONDED Director Bartram, that the correspondence from Daryl and Gail McDonald with respect to Development Variance Permit Application No. 90402 be received.

CARRIED

Garry & Kathryn Seymour, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement – M. Keen – 1012 Nanaimo River Road – Area C.

MOVED Director Hamilton, SECONDED Director Bartram, that the correspondence from Garry and Kathryn Seymour with respect to Development Variance Permit Application No. 90402 be received.

CARRIED

Stuart Fraser, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement – M. Keen – 1012 Nanaimo River Road – Area C.

MOVED Director Hamilton, SECONDED Director Bartram, that the correspondence from Stuart Fraser with respect to Development Variance Permit Application No. 90402 be received.

CARRIED

Barbara Wheeler, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement – M. Keen – 1012 Nanaimo River Road – Area C.

MOVED Director Hamilton, SECONDED Director Bartram, that the correspondence from Barbara Wheeler with respect to Development Variance Permit Application No. 90402 be received.

CARRIED

David Littlejohn, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement – M. Keen – 1012 Nanaimo River Road – Area C.

MOVED Director Hamilton, SECONDED Director Bartram, that the correspondence from David Littlejohn with respect to Development Variance Permit Application No. 90402 be received.

CARRIED

Sheila Morley, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement – M. Keen – 1012 Nanaimo River Road – Area C.

MOVED Director Hamilton, SECONDED Director Bartram, that the correspondence from Sheila Morley with respect to Development Variance Permit Application No. 90402 be received.

CARRIED

Carol & Sam Strynadka, re DVP Application No. 90403 – Lehigh Cement/Lum – 920 Chatsworth Road – Area F.

MOVED Director Hamilton, SECONDED Director Bartram, that the correspondence from Carol and Sam Strynadka with respect to Development Variance Permit Application No. 90403 be received for information.

CARRIED

Andrea Williams, Weyerhaeuser, re DVP Application No. 90402 – Keen – 1012 Nanaimo River Road – Area C.

MOVED Director Hamilton, SECONDED Director Bartram, that the correspondence from Andrea Williams with respect to Development Variance Permit Application No. 90402 be received.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. 9626 – Rondalyn Resort/Danron Holdings Ltd.– 1350 Timberlands Road – Area C.

MOVED Director Hamilton, SECONDED Director Bibby, that the Report of the Public Hearing containing the Summary of the Minutes and Submissions held July 3, 2002 be received for information.

CARRIED

MOVED Director Hamilton, SECONDED Director Bibby, that the original Amendment Bylaw No. 500.287, 2002 which proposed to create the Rondalyn Resort Comprehensive Development Zone (CD13) with a maximum of 90 campsites be reconsidered and reintroduced as suggested in the staff report to reflect the existing legal non-conforming uses on the property and permit expansion of the facility to a maximum of 60 RV sites together with a number of existing accessory uses.

CARRIED

MOVED Director Hamilton, SECONDED Director Bibby, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.287, 2002” be given 1st and 2nd readings as amended subject to Conditions of Approval as outlined in Schedule No. 1 of the staff report and be referred to public notification.

CARRIED

MOVED Director Hamilton, SECONDED Director D. Haime, that the Regional Board waive the requirement for a Public Hearing pursuant to Section 893 of the Local Government Act and further, that adjacent landowners within 200 metres of the subject property be notified of the revised Amendment Bylaw No. 500.287, 2002 by way of direct mail and display ad in the local newspaper.

CARRIED

MOVED Director Hamilton, SECONDED Director D. Haime, that the applicants be provided two years to resolve the waste management issues with respect to the 30 additional unauthorized RV sites. Should the applicants be unable to obtain the necessary provincial approvals and commence the zoning amendment process, the additional 30 sites must be removed within two years of the date of adoption of Amendment Bylaw No. 500.287, 2002. During this period the campsites would not be occupied and the future use of these sites would be subject to successfully rezoning the subject property.

CARRIED

From the Board Meeting held February 10, 2004.

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. ZA0313 – Slocombe – Parker Way & Ted’s Road – Area E.

MOVED Director Hamilton, SECONDED Director Bibby, that the minutes of the Public Information Meeting held on January 14, 2004 be received.

CARRIED

MOVED Director Hamilton, SECONDED Director Bibby, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.298, 2004” be given 1st and 2nd reading.

CARRIED

MOVED Director Hamilton, SECONDED Director Bibby, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.298, 2004” proceed to public hearing.

CARRIED

MOVED Director Hamilton, SECONDED Director Bibby, that the public hearing on “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.298, 2004” be delegated to Director Bibby or her alternate.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

DP Application No. 60403 and Request for Relaxation of Minimum 10% Frontage Requirement – G & B Duckett – 400 Lowry’s Road – Area G.

MOVED Director Klee, SECONDED Director Hamilton, that the request, submitted by G & B Duckett to allow works associated with a subdivision proposal within a Watercourse Protection Development Permit Area and to relax the minimum 10% frontage requirement for the proposed parcels as shown on the plan of subdivision of Parcel A (DD 2666 N) of District Lot 20, Nanoose District, be approved subject to Schedules No. 1 and 2.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

DVP Application No. 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement– M. Keen – 1012 Nanaimo River Road – Area C.

MOVED Director Hamilton, SECONDED Director Bibby, that the request, submitted by Mark Keen to relax the minimum 10% frontage requirement for the proposed Lots 1 and 2, as shown on the plan of subdivision of The West 40 Acres of Section 5, Range 3, Cranberry District as shown Coloured Red on Plan Deposited Under DD 1545-4F, Except Parcel A (DD 2849N) and Except Plans 3317, 25660 and 33499 and Except That Part Outlined in Red on Plan 450 RW, and Except Part in Plans 40918 and 41817, and to allow the creation of a non-contiguous parcel in conjunction with the proposed 3-lot subdivision, be approved subject to the notification requirements pursuant to the Local Government Act.

CARRIED

DVP Application No. 90403 – Lehigh Cement/Lum – 920 Chatsworth Road – Area F.

MOVED Director Hamilton, SECONDED Director Bibby, that Development Variance Permit No. 90403 submitted by Doug Lum, project supervisor, to legalize a recently constructed silo and vary the maximum height requirements 15 metres to 23.72 metres for the property legally described as Lot A, District Lots 9 & 18, Cameron Land District, Plan VIP67169 be approved subject to notification requirements pursuant to the Local Government Act.

CARRIED

DVP Application No. 90404 – Lyle Hollingworth on behalf of Hollingworth & Jorgensen – 1410 & 1420 Price Road – Area F.

MOVED Director Hamilton, SECONDED Director Biggemann, that Development Variance Permit No. 90404, submitted by Lyle Hollingworth, on behalf of James Hollingworth, Dorrie Jorgensen, Robert Jorgensen and Donna Jorgensen to vary the bylaw provision for lot exempts from minimum lot size requirements in conjunction with the proposed lot line boundary subdivision of Lot 1, Plan 50612 and the Remainder of Lot 52, Plan 1964, Both of District Lot 156, Nanoose District, be approved subject to the conditions set out in Schedule Nos. 1, 2 and 3 and the notification requirements pursuant to the Local Government Act.

CARRIED

COMMITTEE OF THE WHOLE STANDING COMMITTEE

MOVED Director Sherry, SECONDED Director Cantelon, that the minutes of the Committee of the Whole meeting held February 24, 2004 be received for information.

CARRIED

COMMUNITY SERVICES

RECREATION & PARKS

Nanoose Bay Crown Land District Lot 137 Update.

MOVED Director Bibby, SECONDED Director Cantelon, that the update report on Crown Land District Lot 137 in Nanoose Bay be received for information.

CARRIED

Horne Lake Regional Park Operations.

MOVED Director Bartram, SECONDED Director Bibby,:

That the Horne Lake Regional Park Operations report be received for information.

That staff be directed to advertise a request for proposals to operate Horne Lake Regional Park for 2004.

That staff be directed to complete a report on a long-term private-sector Horne Lake Regional Park development and operations plan by the early fall of 2004 and in time to advertise and conclude an agreement for 2005 and subsequent years with a private contractor before the end of the year.

CARRIED

CORPORATE SERVICES

DEVELOPMENT SERVICES

BUILDING INSPECTION

Section 57 – Community Charter – Contravention of Building Bylaw Report.

MOVED Director Hamilton, SECONDED Director Korpan, that filing proceed in eight weeks to allow completion of project, against the title of the property listed, pursuant to Section 57 of the Community Charter and that if the infractions are not rectified within ninety (90) days of filing, legal action will be pursued:

- (a) Parcel A (DD357395-J) of Lot 2, Block 1, Section 11, Ranges 4 and 5, Plan 3115, Mountain Land District, 2994 Kilpatrick Road, Electoral Area 'D', owned by T. Snaydon and M. Lines.

CARRIED

MOVED Director Hamilton, SECONDED Director Korpan, that a notice be filed against the title of the property listed, pursuant to Section 57 of the Community Charter and that if the infractions are not rectified within ninety (90) days, legal action will be pursued:

- (a) Lot 9, District Lot 117, Plan 10367, Nanoose Land District, 3085 Hillview Road, Electoral Area 'E', owned by J. and J. Conway.

CARRIED

ENVIRONMENTAL SERVICES

SOLID WASTE

Greater Nanaimo Pollution Control Centre Biosolids Composting.

MOVED Director Sherry, SECONDED Director Kruyt, that Malaspina University-College be awarded the contract for composting biosolids from the Greater Nanaimo Pollution Control Centre for \$50.40 per tonne subject to the proponent coming to an agreement with staff to provide copies of compost testing results as well as copies of application plans and scheduled dates of proposed compost application to the RDN.

CARRIED

UTILITIES

French Creek Village Streetlighting Local Service Area Bylaw No. 1062.02.

MOVED Director Sherry, SECONDED Director Hamilton, that "French Creek Village Streetlighting Local Service Area Boundary Amendment Bylaw No. 1062.02, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

Nanoose Bay Water Supply Service Area Bylaw No. 1372; Nanoose Bay Water Supply Service Area Amendment Bylaw No. 1372.01; and Nanoose Bay Bulk Water Supply Local Service Area Amendment Bylaw No. 1049.03.

MOVED Director Bibby, SECONDED Director Bartram, that "Nanoose Bay Water Supply Service Area Bylaw No. 1372, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Bibby, SECONDED Director Bartram, that "Nanoose Bay Water Supply Service Area Boundary Amendment Bylaw No. 1372.01, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Bibby, SECONDED Director Bartram, that "Nanoose Bay Bulk Water Supply Local Service Area Boundary Amendment Bylaw No. 1049.03, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

Pacific Shores Sewer Local Service Area Amendment Bylaw No. 1021.04 and Northern Community Sewer Local Service Area Amendment Bylaw No. 889.25.

MOVED Director Bibby, SECONDED Director Hamilton, that "Pacific Shores Sewer Local Service Area Amendment Bylaw No. 1021.04, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Bibby, SECONDED Director Krall, that "Regional District of Nanaimo Northern Community Sewer Local Service Area Amendment Bylaw No. 889.25, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

Regional Growth Monitoring Advisory Committee/State of Sustainability Project.

MOVED Director Krall, SECONDED Director Bartram, that the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meeting held January 21, 2004 be received for information.

CARRIED

Intergovernmental Advisory Committee.

MOVED Director Bibby, SECONDED Director Hamilton, that the minutes of the Intergovernmental Advisory Committee meeting held January 28, 2004 be received for information.

CARRIED

Electoral Area 'A' Parks & Green Spaces Advisory Committee.

MOVED Director Kreiberg, SECONDED Director Hamilton, that the minutes of the Electoral Area 'A' Parks & Green Spaces Advisory Committee meeting held January 15, 2004 be received for information.

CARRIED

Electoral Area 'B' Parks & Open Space Advisory Committee.

MOVED Director Lund, SECONDED Director Cantelon, that the minutes of the Electoral Area 'B' Parks & Open Space Advisory Committee meeting held January 5, 2004 be received for information.

CARRIED

Nanoose Bay Parks & Open Space Advisory Committee.

MOVED Director Bibby, SECONDED Director Biggemann, that the minutes of the Nanoose Bay Parks & Open Space Advisory Committee meeting held January 12, 2004 be received for information.

CARRIED

District 69 Recreation Commission.

MOVED Director Bartram, SECONDED Director Biggemann, that the minutes of the District 69 Recreation Commission meeting held February 12, 2004 be received for information.

CARRIED

MOVED Director Bartram, SECONDED Director Longmuir, that the recommendations from the District 69 Recreation Commission Grants Committee be approved as follows and that the Youth Grant to Oceanside Minor Hockey be increased to \$2,500:

Community Grants:

Arrowsmith Community Enhance. Society – community programs	\$ 900
Errington War Memorial Hall Association – building repair	\$ 2,000
Lighthouse Recreation Commission – community programs	\$ 2,000
Mid-Island Wildlife Watch Society – Brant Festival	\$ 1,000
Oceanside Lyric Ensemble – set construction	\$ 500
Parksville Badminton Club – hall rental	\$ 1,000
Parksville Seniors Athletic Group – slo-pitch equipment	\$ 600
San Pareil Owners and Residents Association – Maple Lane Park	\$ 2,200

Youth Grants:

Adrenalin Games – event expenses	\$	500
Ballenas Dry Grad – insurance	\$	400
District 69 Family Resource Association – youth program	\$	500
Kwalikum Secondary School Music Parents Group – hall rental	\$	650
Oceanside Baseball Association – resurface 3 diamonds	\$	1,350
Oceanside Minor Hockey – provincial midget tournament	\$	2,500
Parksville Qualicum 4-H Club – local program costs	\$	500
Qualicum Beach Volunteer Fire Dept. – youth leadership camp	\$	2,500
Royal Baseball Club – portable score clock	\$	500
Society of Organized Services – children’s recreation subsidy	\$	1,250
Society of Organized Services – therapeutic recreation subsidy	\$	1,250
Vicious Vacant Productions – two youth events	\$	1,715
		CARRIED

Transit Business Plan Update Select Committee.

MOVED Director Krall, SECONDED Director Holdom, that the minutes of the Transit Business Plan Update Select Committee meeting held January 29 and February 12, 2004 be received for information.
CARRIED

MOVED Director Krall, SECONDED Director Holdom, that the Transit Service Agreement effective April 11, 2004 with BC Transit be approved.
CARRIED

MOVED Director Krall, SECONDED Director Holdom, that the Transportation Services' Pets-on-Board Program be continued as part of the regular Transit service provision.
CARRIED

MOVED Director Kruyt, SECONDED Director Klee, that the District 69 Community Bus Service Proposal be approved for introduction on June 28, 2004; and that the existing conventional transit routing in place for the Eagle Crest Subdivision be retained as part of the Community Bus service provision.
CARRIED

MOVED Director Krall, SECONDED Director Holdom, that the Board express clear interest in obtaining the hybrid buses for use in a test project.
CARRIED

COMMUNITY SERVICES

TRANSIT

District 69 Community Bus Transit Service Amendment Bylaws No. 897.04 and 908.05.

MOVED Director Krall, SECONDED Director Kruyt, that the “Regional District of Nanaimo District 69 Community Bus Transit Service Amendment Bylaw No. 897.04, 2004” be introduced and given 1st, 2nd and 3rd reading and be forwarded to the Inspector of Municipalities.
CARRIED

MOVED Director Krall, SECONDED Director Kruyt, that the “Regional District of Nanaimo District 69 Custom Transit and Paratransit Local Service Area Amendment Bylaw No. 908.05, 2004” be introduced and given 1st, 2nd and 3rd reading and be forwarded to the Inspector of Municipalities.
CARRIED

ADMINISTRATOR'S REPORT

Oceanside Place Acoustics.

MOVED Director Bibby, SECONDED Director Bartram, that this issue be referred to the in camera session due to legal issues.

CARRIED

Electoral Area 'F' Zoning & Subdivision Bylaw No. 1285 – 'Finetuning' Project.

MOVED Director Biggemann, SECONDED Director Bibby, that the Report of the Public Hearing containing the Summary of the Minutes of the Public Hearing held Wednesday, February 25, 2004 at 7:00 pm, together with all written submissions to the Public Hearing on the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003" be received.

CARRIED

MOVED Director Biggemann, SECONDED Director Bibby, that "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003" be given 3rd reading.

CARRIED

MOVED Director Biggemann, SECONDED Director Bibby, that "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003" be forwarded to the Ministry of Transportation for consideration of approval prior to the Board's consideration of adoption of the bylaw.

CARRIED

Agreement to Operate Consolidated 911 Service.

MOVED Director Sherry, SECONDED Director Kreiberg, that the Chairperson and General Manager of Corporate Services be authorized to execute the revised E-911 operating agreement between the Cowichan Valley Regional District, the City of Nanaimo and the Regional District of Nanaimo.

CARRIED

Director Kreiberg encouraged centralization of all emergency calls including the dispatch of ambulances.

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Greater Nanaimo Cycling Coalition re Commuter Challenge/Bike Week, May 30 – June 5, 2004.

MOVED Director Cantelon, SECONDED Director Holdom, that:

WHEREAS Nanaimo experiences clement weather conducive to cycling and has an extensive network of cycling trails;

AND WHEREAS cycling is a healthy means of transportation, reduces traffic pressure on roads and lowers green house gas emissions by reducing automobile traffic;

THEREFORE BE IT RESOLVED that Nanaimo Regional District endorses the efforts of the Greater Nanaimo Cycling Coalition to become a leader in the nation-wide Commuter Challenge/Bike Week to take place May 30 to June 5, 2004.

CARRIED

NEW BUSINESS

Burning.

MOVED Director Longmuir, SECONDED Director Korpan, that RDN staff be instructed to study the issue of rural/urban and rural residential burning as a land clearing technique, including the health implications for our residents, ramifications for the property owners clearing their land, and current legislation which may impact potential RDN bylaws should the Board choose to implement any changes to the current bylaws, and report back to this Board prior to fall.

CARRIED

Director Bibby requested that cost implications also be included in the report.

IN CAMERA

MOVED Director Sherry, SECONDED Director Krall, that pursuant to section 242.2(1)(h) of the *Local Government Act* the Board proceed to an In Camera meeting to consider legal matters.

CARRIED

ADJOURNMENT

MOVED Director Sherry, SECONDED Director Krall, that this meeting adjourn to allow for an in camera session.

CARRIED

TIME: 7:40 PM

The meeting reconvened at 7:55 PM

Oceanside Place Acoustics.

MOVED Director Korpan, SECONDED Director Bibby, that the acoustical matter be further reviewed with RG Construction (Parksville) Ltd. to come to an agreement on acoustical improvements in the two arenas at Oceanside Place and that a report be brought back to the Board within one month.

CARRIED

ADJOURNMENT

MOVED Director Sherry, SECONDED Director Cantelon, that this meeting terminate.

CARRIED

TIME: 7:56 PM

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE SPECIAL BOARD MEETING
HELD ON TUESDAY, MARCH 23, 2004, AT 7:00 PM
RDN BOARD CHAMBERS**

Present:

Director J. Stanhope	Chairperson
Director H. Kreiberg	Electoral Area A
Director G. Lund	Electoral Area B
Director E. Hamilton	Electoral Area C
Alternate	
Director B. Jepson	Electoral Area D
Director P. Bibby	Electoral Area E
Alternate	
Director I. Neden	Electoral Area F
Director D. Bartram	Electoral Area H
Director R. Longmuir	City of Parksville
Alternate	
Director A. Kruyt	Town of Qualicum Beach
Alternate	
Director B. Dempsey	District of Lantzville
Director L. Sherry	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director R. Cantelon	City of Nanaimo
Alternate	
Director J. Manhas	City of Nanaimo
Director G. Korpan	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

K. Daniels	Chief Administrative Officer
B. Lapham	General Manager of Development Services
N. Connelly	General Manager of Community Services
J. Finnie	General Manager of Environmental Services
N. Avery	Manager of Financial Services
N. Tomn	Recording Secretary

MINUTES

MOVED Director Sherry, SECONDED Director Hamilton, that the minutes of the Special Committee of the Whole meeting held February 17, 2004 be received for information.

CARRIED

ADMINISTRATOR'S REPORT

Coombs-Hilliars Fire Protection Local Service Area Requisition Amendment Bylaw No. 1022.03 Alternative Approval Process (Counter Petition) results.

MOVED Director Neden, SECONDED Director Korpan, that "Coombs-Hilliars Fire Protection Local Service Area Requisition Amendment Bylaw No. 1022.03, 2004" be adopted.

CARRIED

MOVED Director Neden, SECONDED Director Kruyt, that "Regional District of Nanaimo (Coomb's-Hilliers Fire Protection) Loan Authorization Bylaw No. 1370, 2004" be adopted.

CARRIED

Electoral Area H Community Park Service Requisition Limit Amendment Bylaw No. 806.04.

MOVED Director Bartram, SECONDED Director Holdom, that "Electoral Area 'H' Community Parks Local Service Requisition Limit Amendment Bylaw No. 806.04, 2004" be introduced for first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

CARRIED

Decourcey Water Supply Service Area Requisition Amendment Bylaw No. 1096.02 – Area A.

MOVED Director Kreiberg, SECONDED Director McNabb, that "Decourcey Water Supply Service Area Requisition Amendment Bylaw No. 1096.02, 2004" be introduced for first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

CARRIED

Regional District of Nanaimo Financial Plan (2004 to 2009) Bylaw No. 1373.

MOVED Director McNabb, SECONDED Director Bibby, that "Regional District of Nanaimo Financial Plan (2004 to 2009) Bylaw No. 1373, 2004" be introduced for first three readings.

CARRIED

MOVED Director McNabb, SECONDED Director Bibby, that "Regional District of Nanaimo Financial Plan (2004 to 2009) Bylaw No. 1373, 2004" having received three readings be adopted.

CARRIED

Parcel Tax Rate Bylaws No. 1180.04, 1181.04, 1182.04, 1183.03, 1184.04, 1185.04, 1186.04, 1187.04, 1188.04, 1189.04, 1190.03, 1191.04, 1192.04, 1193.04, 1194.04, 1206.03, 1136.01 & 1371.

Bylaw No. 1180.04

MOVED Director Bartram, SECONDED Director Kruyt, that "Arbutus Park Estates Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1180.04, 2004" be introduced and read three times.

CARRIED

MOVED Director Bartram, SECONDED Director Kruyt, that "Arbutus Park Estates Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1180.04, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 1181.04

MOVED Director Bartram, SECONDED Director Kruyt, that "Decourcey Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1181.04, 2004" be introduced and read three times.

CARRIED

MOVED Director Bartram, SECONDED Director Kruyt, that "Decourcey Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1181.04, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 1182.04

MOVED Director Bartram, SECONDED Director Kruyt, that "Fairwinds Sewerage Facilities Local Service Area Parcel Tax Rate Amendment Bylaw No. 1182.04, 2004" be introduced and read three times.

CARRIED

MOVED Director Bartram, SECONDED Director Kruyt, that "Fairwinds Sewerage Facilities Local Service Area Parcel Tax Rate Amendment Bylaw No. 1182.04, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 1183.03

MOVED Director Bartram, SECONDED Director Kruyt, that "Fairwinds Water Supply Specified Area Parcel Tax Rate Amendment Bylaw No. 1183.03, 2004" be introduced and read three times.

CARRIED

MOVED Director Bartram, SECONDED Director Kruyt, that "Fairwinds Water Supply Specified Area Parcel Tax Rate Amendment Bylaw No. 1183.03, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 1184.04

MOVED Director Bartram, SECONDED Director Kruyt, that "French Creek Sewerage Facilities Local Service Area Parcel Tax Rate Amendment Bylaw No. 1184.04, 2004" be introduced and read three times.

CARRIED

MOVED Director Bartram, SECONDED Director Kruyt, that "French Creek Sewerage Facilities Local Service Area Parcel Tax Rate Amendment Bylaw No. 1184.04, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 1185.04

MOVED Director Bartram, SECONDED Director Kruyt, that "French Creek Bulk Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1185.04, 2004" be introduced and read three times.

CARRIED

MOVED Director Bartram, SECONDED Director Kruyt, that "French Creek Bulk Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1185.04, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 1186.04

MOVED Director Bartram, SECONDED Director Kruyt, that "French Creek Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1186.04, 2004" be introduced and read three times.

CARRIED

MOVED Director Bartram, SECONDED Director Kruyt, that "French Creek Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1186.04, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 1187.04

MOVED Director Bartram, SECONDED Director Kruyt, that "Madrona Point Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1187.04, 2004" be introduced and read three times.

CARRIED

MOVED Director Bartram, SECONDED Director Kruyt, that "Madrona Point Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1187.04, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 1188.04

MOVED Director Bartram, SECONDED Director Kruyt, that "Nanoose Bay Bulk Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1188.04, 2004" be introduced and read three times.

CARRIED

MOVED Director Bartram, SECONDED Director Kruyt, that "Nanoose Bay Bulk Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1188.04, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 1189.04

MOVED Director Bartram, SECONDED Director Kruyt, that "Nanoose Water Supply Specified Area Parcel Tax Rate Amendment Bylaw No. 1189.04, 2004" be introduced and read three times.

CARRIED

MOVED Director Bartram SECONDED Director Kruyt, that "Nanoose Water Supply Specified Area Parcel Tax Rate Amendment Bylaw No. 1189.04, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 1190.03

MOVED Director Bartram, SECONDED Director Kruyt, that "Pacific Shores Sewer Local Service Area Parcel Tax Rate Amendment Bylaw No. 1190.03, 2004" be introduced and read three times.

CARRIED

MOVED Director Bartram, SECONDED Director Kruyt, that "Pacific Shores Sewer Local Service Area Parcel Tax Rate Amendment Bylaw No. 1190.03, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 1191.04

MOVED Director Bartram, SECONDED Director Kruyt, that "San Pareil Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1191.04, 2004" be introduced and read three times.

CARRIED

MOVED Director Bartram, SECONDED Director Kruyt, that "San Pareil Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1191.04, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 1192.04

MOVED Director Bartram, SECONDED Director Kruyt, that "Surfside Sewer Local Service Area Parcel Tax Rate Amendment Bylaw No. 1192.04, 2004" be introduced and read three times.

CARRIED

MOVED Director Bartram, SECONDED Director Kruyt, that "Surfside Sewer Local Service Area Parcel Tax Rate Amendment Bylaw No. 1192.04, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 1193.04

MOVED Director Bartram, SECONDED Director Kruyt, that "Surfside Properties Water Supply Specified Area Parcel Tax Rate Amendment Bylaw No. 1193.04, 2004" be introduced and read three times.

CARRIED

MOVED Director Bartram, SECONDED Director Kruyt, that "Surfside Properties Water Supply Specified Area Parcel Tax Rate Amendment Bylaw No. 1193.04, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 1194.04

Moved Director Bartram, SECONDED Director Kruyt, that "West Bay Estates Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1194.04, 2004" be introduced and read three times.

CARRIED

MOVED Director Bartram, SECONDED Director Kruyt, that "West Bay Estates Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1194.04, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 1206.03

MOVED Director Bartram, SECONDED Director Kruyt, that "Morningstar Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1206.03, 2004" be introduced and read three times.

CARRIED

MOVED Director Bartram, SECONDED Director Kruyt, that "Morningstar Water Local Service Area Parcel Tax Rate Amendment Bylaw No. 1206.03, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 1336.01

MOVED Director Bartram, SECONDED Director Kruyt, that "Driftwood Water Supply Service Area Parcel Tax Rate Amendment Bylaw No. 1336.01, 2004" be introduced and read three times.

CARRIED

MOVED Director Bartram, SECONDED Director Kruyt, that "Driftwood Water Supply Service Area Parcel Tax Rate Amendment Bylaw No. 1336.01, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 1371

MOVED Director Bartram, SECONDED Director Kruyt, that "Englishman River Community Water Supply Service Area Parcel Tax Rate Bylaw No. 1371, 2004" be introduced and read three times.

CARRIED

MOVED Director Bartram, SECONDED Director Kruyt, that "Englishman River Community Water Supply Service Area Parcel Tax Rate Bylaw No. 1371, 2004" having received three readings be adopted.

CARRIED

User Rate Amendment Bylaws No. 422.13, 524.13, 619.09, 700.10, 726.10, 727.10, 764.13, 765.11, 815.08, 886.07, 1009.07, 1097.05, 1237.03, 1241.03 and 1334.01.

Bylaw No. 422.13

MOVED Director McNabb, SECONDED Director Kreiberg, that "Regional District of Nanaimo French Creek Sewer Local Service Area Regulation and Rates Amendment Bylaw No. 422.13, 2004" be introduced and read three times.

CARRIED

MOVED Director McNabb, SECONDED Director Kreiberg, that "Regional District of Nanaimo French Creek Sewer Local Service Area Regulation and Rates Amendment Bylaw No. 422.13, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 524.13

MOVED Director McNabb, SECONDED Director Kreiberg, that "Regional District of Nanaimo Nanoose Water Supply Local Service Area Regulation and Rates Amendment Bylaw No. 524.13, 2004" be introduced and read three times.

CARRIED

MOVED Director McNabb, SECONDED Director Kreiberg, that "Regional District of Nanaimo Nanoose Water Supply Local Service Area Regulation and Rates Amendment Bylaw No. 524.13, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 619.09

MOVED Director McNabb, SECONDED Director Kreiberg, that "Regional District of Nanaimo French Creek Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 619.09, 2004" be introduced and read three times.

CARRIED

MOVED Director McNabb, SECONDED Director Kreiberg, that "Regional District of Nanaimo French Creek Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 619.09, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 700.10

MOVED Director McNabb, SECONDED Director Kreiberg, that "Regional District of Nanaimo Surfside Properties Specified Area Water Regulations and Rates Amendment Bylaw No. 700.10, 2004" be introduced and read three times.

CARRIED

MOVED Director McNabb, SECONDED Director Kreiberg, that "Regional District of Nanaimo Surfside Properties Specified Area Water Regulations and Rates Amendment Bylaw No. 700.10, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 726.10

MOVED Director McNabb, SECONDED Director Kreiberg, that "Regional District of Nanaimo Arbutus Park Estates Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 726.10, 2004" be introduced and read three times.

CARRIED

MOVED Director McNabb, SECONDED Director Kreiberg, that "Regional District of Nanaimo Arbutus Park Estates Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 726.10, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 727.10

MOVED Director McNabb, SECONDED Director Kreiberg, that "Regional District of Nanaimo Madrona Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 727.10, 2004" be introduced and read three times.

CARRIED

MOVED Director McNabb, SECONDED Director Kreiberg, that "Regional District of Nanaimo Madrona Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 727.10, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 764.13

MOVED Director McNabb, SECONDED Director Kreiberg, that "Regional District of Nanaimo Fairwinds Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 764.13, 2004" be introduced and read three times.

CARRIED

MOVED Director McNabb, SECONDED Director Kreiberg, that "Regional District of Nanaimo Fairwinds Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 764.13, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 765.11

MOVED Director McNabb, SECONDED Director Kreiberg, that "Regional District of Nanaimo Fairwinds Sewerage Facilities Specified Area Rates Amendment Bylaw No. 765.11, 2004" be introduced and read three times.

CARRIED

MOVED Director McNabb, SECONDED Director Kreiberg, that "Regional District of Nanaimo Fairwinds Sewerage Facilities Specified Area Rates Amendment Bylaw No. 765.11, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 815.08

MOVED Director McNabb, SECONDED Director Kreiberg, that "Regional District of Nanaimo West Bay Estates Water Local Service Area Regulations and Rates Amendment Bylaw No. 815.08, 2004" be introduced and read three times.

CARRIED

MOVED Director McNabb, SECONDED Director Kreiberg, that "Regional District of Nanaimo West Bay Estates Water Local Service Area Regulations and Rates Amendment Bylaw No. 815.08, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 886.07

MOVED Director McNabb, SECONDED Director Kreiberg, that "Regional District of Nanaimo Wall Beach Water Local Service Area Regulations and Rates Amendment Bylaw No. 886.07, 2004" be introduced and read three times.

CARRIED

MOVED Director McNabb, SECONDED Director Kreiberg, that "Regional District of Nanaimo Wall Beach Water Local Service Area Regulations and Rates Amendment Bylaw No. 886.07, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 1009.07

MOVED Director McNabb, SECONDED Director Kreiberg, that "Regional District of Nanaimo Garbage and Recyclable Materials Collection Rates Amendment Bylaw No. 1009.07, 2004" be introduced and read three times.

CARRIED

MOVED Director McNabb, SECONDED Director Kreiberg, that "Regional District of Nanaimo Garbage and Recyclable Materials Collection Rates Amendment Bylaw No. 1009.07, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 1097.05

MOVED Director McNabb, SECONDED Director Kreiberg, that "Regional District of Nanaimo Decourcey Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1097.05, 2004" be introduced and read three times.

CARRIED

MOVED Director McNabb, SECONDED Director Kreiberg, that "Regional District of Nanaimo Decourcey Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1097.05, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 1237.03

MOVED Director McNabb, SECONDED Director Kreiberg, that "Electoral Area 'A' (MacMillan Road School Site) Sewer Local Service Area Rates and Regulations Amendment Bylaw No. 1237.03, 2004" be introduced and read three times.

CARRIED

MOVED Director McNabb, SECONDED Director Kreiberg, that "Electoral Area 'A' (MacMillan Road School Site) Sewer Local Service Area Rates and Regulations Amendment Bylaw No. 1237.03, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 1241.03

MOVED Director McNabb, SECONDED Director Kreiberg, that "Surfside Sewer Rates and Regulations Amendment Bylaw No. 1241.03, 2004" be introduced and read three times.

CARRIED

MOVED Director McNabb, SECONDED Director Kreiberg, that "Surfside Sewer Rates and Regulations Amendment Bylaw No. 1241.03, 2004" having received three readings be adopted.

CARRIED

Bylaw No. 1334.01

MOVED Director McNabb, SECONDED Director Kreiberg, that "Driftwood Water Supply Service Area Rates and Regulations Amendment Bylaw No. 1334.01, 2004" be introduced and read three times.

CARRIED

MOVED Director McNabb, SECONDED Director Kreiberg, that "Driftwood Water Supply Service Area Rates and Regulations Amendment Bylaw No. 1334.01, 2004" having received three readings be adopted.

CARRIED

ADJOURNMENT

MOVED Director Sherry, SECONDED Director McNabb, that this meeting terminate.

CARRIED

TIME: 7:10 PM

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Maureen Pearce
Manager of Administration Services
Regional District of Nanaimo

March 21, 2004

Re: Appointment to the Nanoose Bay Parks And Open Space Committee

I would like to thank the board of the Regional District of Nanaimo for my reappointment to the Parks and Open Space Committee. I have enjoyed, enormously, working with the committee and staff for the past few years. However, some circumstances have arisen that will prevent me from performing my duties as a committee member in the future. I intend to be available for volunteer work on the committee projects as they arise, but I will not be attending the committee meetings as a member. Hopefully, my resignation will not interfere with the workings of the committee, and that a replacement member can be found without delay.

Thank you again,

A.Lightburn
468-7516

cc Jeff Ainge RDN
Pauline Bibby Area E Director



REGIONAL DISTRICT OF NANAIMO	
APR - 5 2004	
CHAIR	GMCrS
CAO	GMDS
CCrS	GMES
	<i>BOARD</i>

MEMORANDUM

TO: Robert Lapham
General Manager of Development Services

DATE: March 31, 2004

FROM: Brigid Reynolds
Senior Planner

FILE: 3360 30 0307

SUBJECT: Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw 1285.01, 2003

PURPOSE

To consider the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003" for adoption.

BACKGROUND

The 'Finetuning' project of Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285 has been underway since June 2003. Recent actions of this project include the following:

- The Regional Board granted 1st and 2nd reading to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2002" at its regular meeting on December 9, 2003.
- A public hearing was held pursuant to the *Local Government Act* on January 7, 2004. These minutes were submitted to the Regional Board at the January 13, 2004 Regular Board Meeting.
- Prior to the January 7, 2004 public hearing, the Bylaw was referred to the Ministry of Transportation, Agricultural Land Reserve Commission, Town of Qualicum Beach, City of Parksville, City of Nanaimo, District of Lantzville, Vancouver Island Regional Health Authority, Ministry of Water, Land and Air Protection, and Federal Fisheries and Oceans. Referral comments were received from the Agricultural Land Commission, Vancouver Island Regional Health Authority, and the Ministry of Transportation. These comments were forwarded to the Regional Board at their January 13, 2004 meeting together with the minutes from the January 7, 2004 Public Hearing.
- Based on submissions made at that January 7, 2004 public hearing, Bylaw No. 1285.01 was amended and reintroduced at 1st and 2nd reading by the Regional Board of Directors on February 10, 2004.
- A second public hearing was held on February 25, 2004. No further referrals were made as the changes to the Bylaw were not considered to be significant amendments.
- The Board granted 3rd reading to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003" at the Regular Board meeting held on March 9, 2004 and referred the Bylaw to the Ministry of Transportation for approval (*see Attachment No. 1 for Ministry approval*).

ALTERNATIVES

1. To receive the staff report and to adopt "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003".
2. To receive the staff report and to not adopt "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003".

PUBLIC CONSULTATION IMPLICATIONS

This 'Finetuning' process is the result of an extensive public consultation process that began in the summer of 2003. As a result, 135 requests for site-specific zoning were received. Bylaw No. 1285.01 includes 53 new site-specific zoning to recognize pre-existing uses that met the criteria defined in the OCP and an additional 7 modifications to existing site-specific zones.

GOVERNMENT AGENCY REFERRAL

Section 54 (2) of the *Highway Act* requires that zoning bylaws be referred to the Ministry of Transportation for approval. Bylaw No. 1285.01 were referred and subsequently approved by the Ministry of Transportation in Nanaimo (*see Attachment No. 1*). In accordance with the *Local Government Act*, the Board may now consider adoption of Bylaw No. 1285.01.

VOTING

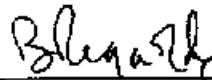
All Directors – one vote, except Electoral Area 'B'.

SUMMARY

Following consideration of agency comments and the minutes of a public hearing held on February 25, 2004, the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003" was given 3rd reading on March 9, 2004. The Bylaw was then forwarded to the Ministry of Transportation and received approval.

RECOMMENDATION

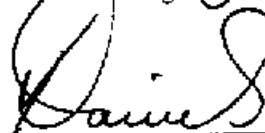
That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003" be adopted.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs/reports/2004/3360 30 0307 ap brd EA F adopt

Attachment No. 1
Ministry of Transportation Approval



NOTE TO FILE

File: 01 002 25650

March 29, 2004

**Re: Nanaimo Regional District - Electoral Area "F" Zoning
and Subdivision Bylaw No. 1285.01.2003**

I have now reviewed the above-noted bylaw. This bylaw appears to be a "housekeeping" exercise with amendment(s) to definitions and zoning properties so that existing uses are not non-conforming. Bylaw was signed by me on March 29th, 2004.



Rob Howat
Provincial Approving Officer
R.H./V25680

Ministry of
Transportation

Vancouver Island District
South Coast Region

Mailing Address:
3rd Floor-2100 Labieux
Road
Nanaimo BC V8T 6E9

Site Address:
8th Floor - 2100 Labieux
Road
Nanaimo BC
Telephone: (250) 751-3276
Facsimile: (250) 751-3268

Web Address:
www.gov.bc.ca/lan



REGIONAL DISTRICT OF NANAIMO	
APR - 5 2004	
CHAIR	GMCrs
CAO	GMDS
GMCms	GMES
	Bed ✓

MEMORANDUM

TO: Robert Lapham
General Manager, Development Services

DATE: April 2, 2004

FROM: Susan Cormie
Senior Planner

FILE: 3360 20 0313

SUBJECT: Bylaw Amendment Bylaw 500.298 & Discharge of Covenant – Slocombe Electoral Area 'E' – Parker Way and Ted's Road

PURPOSE

To receive the Report of the Public Hearing containing the Summary of the Minutes and Submissions of the Public Hearing held on Wednesday, March 31, 2004, and further, to consider Bylaw No. 500.298, 2004 for 3rd reading.

BACKGROUND

Bylaw No. 500.298, 2004 was introduced and given 1st and 2nd reading on March 9, 2004. This was followed by a Public Hearing held on March 31, 2004. The summary of the minutes and submissions is attached for the Board's consideration (see Attachment No. 2).

The purpose of this amendment bylaw is to rezone the parcel legally described as Lot 9, District Lot 78, Nanoose District, Plan VIP56437 and located at Parker Way and Teds Road within Electoral Area 'E' (see Attachment No. 1 for location of subject property) from Residential 3 Subdivision District 'N' (RS3N) (minimum 1.0 ha parcel size where there are no community services available) to Residential 1 Subdivision District 'Z' (RS1Z) (no further subdivision) in order to facilitate the creation of a maximum of 4 parcels (see Schedule No. 2 for proposed plan of subdivision). As part of this amendment application process, the applicant is also requesting that a land use covenant currently registered on title, which restricts further subdivision, be discharged.

The applicant is proposing, as part of the subdivision proposal, to transfer approximately 4000 m² of the parent parcel for park land purposes and to place section 219 covenants over proposed Lot B restricting a no build area and a vegetation retention area.

In addition, the applicant is in concurrence to meet a number of conditions of development, which are to be secured or completed prior to consideration of adoption of the bylaw. These conditions are outlined in Schedule No. 1 of this report. These conditions include the applicant entering into a development permit prior to consideration of adoption of Bylaw No. 500.298. The development permit will include requirements for protection of the eagle nest tree, watercourse protection for the lands adjacent to the coastal area, and the establishment of a buffer area for the portion of the subject parcel adjacent to the Agricultural Land Reserve.

ALTERNATIVES

1. To receive the Report of the Public Hearing, give 3rd reading to "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.298 2004".
2. To receive the Report of the Public Hearing and deny "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.298 2004".

INTERGOVERNMENTAL IMPLICATIONS

Formal referrals were sent to the Vancouver Island Health Authority, the Ministry of Transportation, and Nanoose Fire Department.

Comments received include:

Vancouver Island Health Authority - no objection.

Ministry of Transportation - no objection to the rezoning, however this is not to be construed as approval of subdivision.

Nanoose Volunteer Fire Department - verbally indicated it has no objection.

In addition, the Archeology Branch has indicated that it will not be requiring further study of the archaeological site located within the subject property; however, an additional area needs to be included within the existing covenant area.

PUBLIC CONSULTATION IMPLICATIONS

Written and verbal submissions obtained at the Public Hearing are outlined in the Summary of the Minutes and Submissions of the Public Hearing (*see Attachment No. 2*).

VOTING

Electoral Area Directors - one vote, except Electoral Area 'B'.

SUMMARY

The purpose of Bylaw No. 500.298, 2004 is to facilitate development of Lot 9, District Lot 78, Nanoose District, Plan VIP56437, located at Parker Way and Teds Road in Electoral Area 'E', to a maximum 4-lot subdivision which includes approximately 4000 m² of land to be transferred to the Regional District for park land. In addition, the amendment application includes the request to discharge an existing land use covenant, which currently restricts further subdivision of the subject property. The bylaw was introduced and given 1st and 2nd reading on March 9, 2004. Written and verbal submissions obtained at the corresponding Public Hearing, which was held on March 31, 2004, are outlined in the Summary of the Minutes and Submissions of the Public Hearing.

The requirements set out in the Conditions of Approval are to be secured and/or completed by the applicant prior to the Board's consideration of the bylaw for adoption.

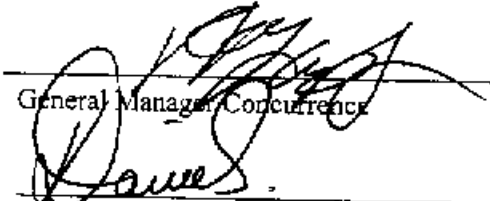
Staff recommends that Bylaw No. 500.298 be considered for 3rd reading and subject to the conditions to be secured and/or completed by the applicant prior to the Board's consideration of the bylaw for adoption.

RECOMMENDATIONS

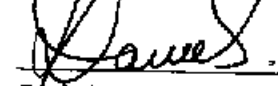
1. That the Report of Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held on March 31, 2004 as a result of public notification "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.298 2004" be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.298, 2004" be given 3rd reading.
3. That the conditions as outlined in Schedule No. 1 be secured and/or completed by the applicant to the satisfaction of the Regional District prior to consideration of adoption of Bylaw No. 500, 298, 2004.



Report Writer



General Manager Concurrence



CAO Concurrence

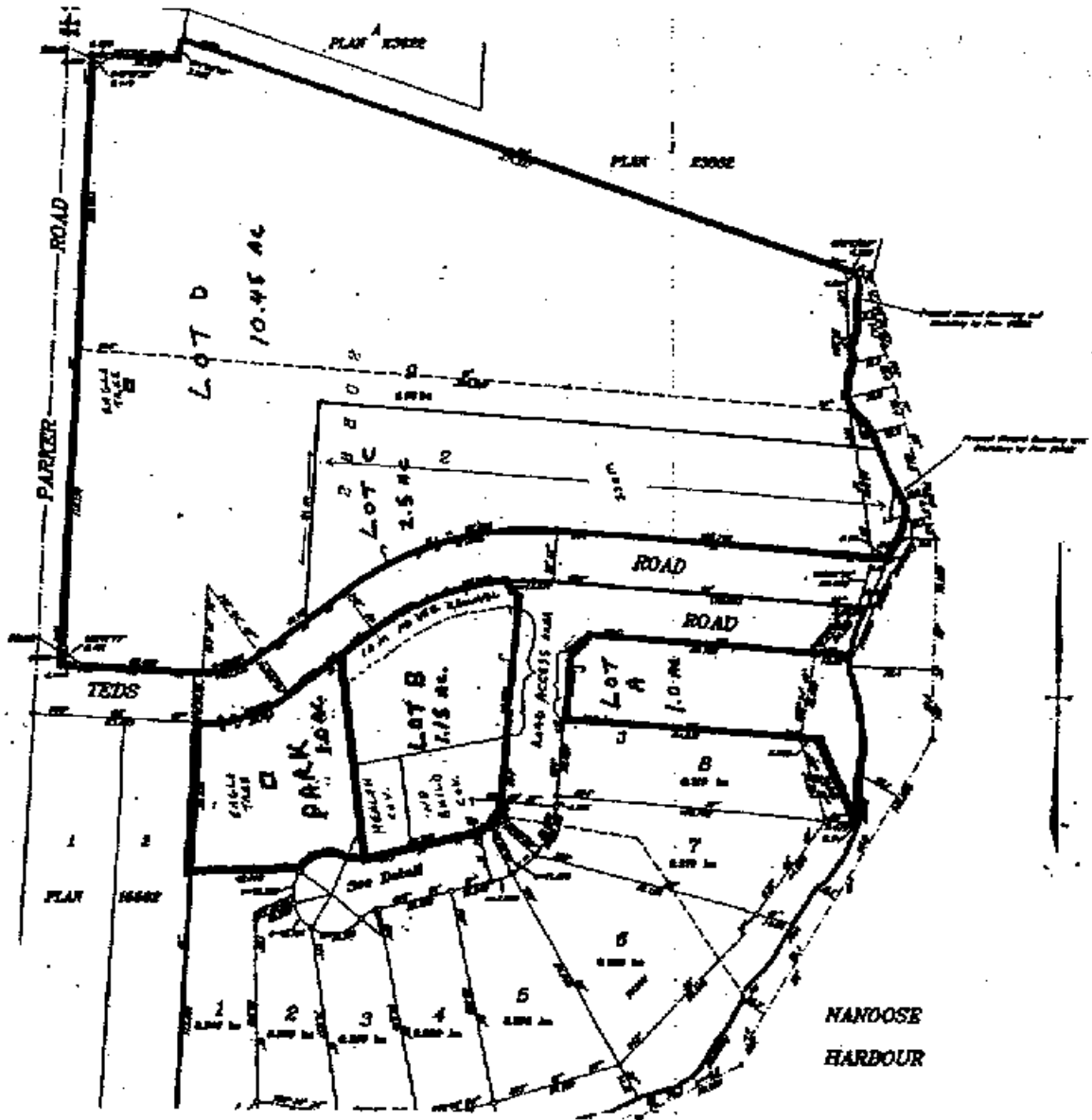
COMMENTS:

devsvs/reports/2004/ZA3360 30 0313 Slacombe ap PH & 3rd

SCHEDULE NO. 1
Conditions for Approval for
Zoning Amendment Application No. ZA0313
Amendment Bylaw No. 500.298

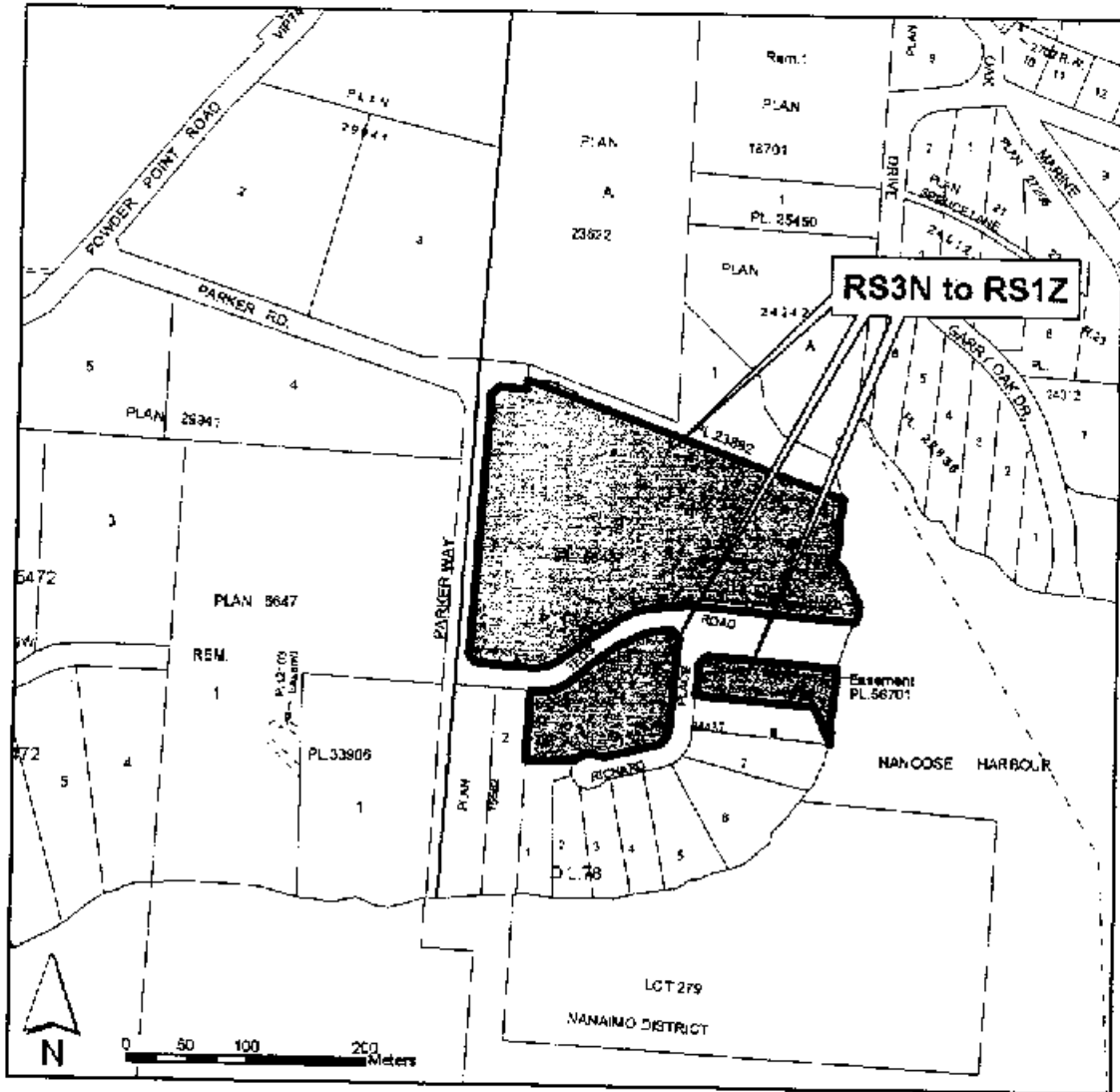
- I. The applicant is to provide the following documentation prior to the amendment application being considered for 4th reading:
 - a. The registration of a section 219 covenant agreeing that the subject property will not be subdivided unless the following required covenants are registered in conjunction with the proposed subdivision. All covenants are to be prepared and registered by the applicant to the satisfaction of the Regional District.
 - i. A covenant restricting access to proposed Lot A to be restricted to Richard Place only with no access constructed onto Teds Road.
 - ii. A covenant restricting access to proposed Lot B to be restricted to Ted's Road or that portion of Richard Place opposite proposed Lot A.
 - iii. A minimum 10-metre wide covenant restricting the removal of vegetation, other than noxious weeds including Himalayan blackberry, morning glory, and hogweed, for Proposed Lot B in the area adjacent to Teds Road.
 - iv. A no-build covenant on Proposed Lot B in the location as shown on the revised Subdivision Proposal submitted by the applicant on Schedule '2' attached to this report.
 - v. A covenant restricting access to proposed Lot C to be restricted to that portion of Teds Road west of its intersection with Richard Place.
 - vi. A covenant protecting the existing eagle nest tree within a 45-metre radius.
 - vii. A covenant requiring the registered owner of the parcel to have their septic system inspected by a professional engineer or other qualified professional acceptable to the Health Authority, at least every 3 years, and must provide to the Regional District, certification by the professional engineer or other qualified professional that the septic system has been inspected and found to be functioning according to the specifications of the septic system design and that the treatment of domestic sewage effluent within that septic system effluent is in accordance with the standards for approving sewage disposal systems as published by the Central Vancouver Island Health Unit of the Vancouver Island Regional Health Authority, at his or her cost, and;
In the event that the registered owner fails to provide certification or otherwise fails to upgrade the septic disposal system such owner shall cause any domestic sewage effluent produced on that parcel to be pumped and hauled to an approved sewage disposal facility.
 - viii. Retention of the existing easement covenant for access to the coast for owners of adjacent Lots 1 to 8 inclusive.
 - ix. The transfer of approximately 0.4 ha of land in the location as shown on Schedule No. 2 to the Regional District to be used as park land.
 - b. The applicant is to enter into a development permit concurrently with the zoning amendment application.

SCHEDULE No. 2
Proposed Plan of Development
(as submitted by applicant)
(reduced for convenience)



*Note: A Building Scheme is proposed by the applicant that will be consistent with the existing Building Scheme on the neighbouring properties.

ATTACHMENT No. 1 Location of Subject Property



BCS 144 07-04 No. 02 P. 001.1

ATTACHMENT NO. 2

REGIONAL DISTRICT OF NANAIMO

**Report of The Public Hearing
Held Wednesday, March 31, 2004 at 7:00 PM
In Nanoose Place Multi-Use Room 2 2925 Northwest Bay Road, Nanoose Bay, BC
To Consider Bylaw No. 500.298, 2004**

Summary of Minutes and Submissions

Note that these minutes are not a verbatim recording of the proceedings, but summarize the comments of those in attendance at the Public Hearing.

PRESENT:

Pauline Bibby Chairperson, Director, Electoral Area 'E'
Anton Kruyt Alternate Director, Town of Qualicum Beach

Susan Cormie Senior Planner

There were approximately 13 persons in attendance.

The Chairperson called the Hearing to order at 7:02 p.m., introduced those present at the head table, and outlined the procedures to be followed during the Hearing.

The Senior Planner provided an outline of the Bylaw including a summary of the proposal.

The Chairperson called for formal submissions with respect to Bylaw 500.298, 2004.

Gareth Slocombe, 2818 Parker Road, highlighted the proposal noting that the total number of dwelling units would be reduced from 6 to 4 and that the development plan would be consistent with the surrounding area in terms of density and lot size. Mr. Slocombe noted that several changes were made to the proposal as a result of input from the public information meeting including the location of the park land, covenants restricting no removal of vegetation, location of accesses, and a no-build area for proposed Lot B. Mr. Slocombe also stated that there would be a building scheme in place consistent with the neighbourhood, a hydrological report has been completed, and there will be a septic maintenance covenant requiring inspections every 3 years.

Ken Kruper, 2492 Richard Place, asked for clarification on the access to proposed Lot B and felt that a driveway would be easier to build off Teds Road instead of Richard Place due to the existing ditch. Mr. Kruper also asked for clarification on the no building covenant shown on the revised plan of subdivision. Mr. Kruper then enquired who would look after the proposed building scheme noting that building schemes are difficult to follow through enforcement of them.

Gareth Slocombe, 2818 Parker Road, stated that the proposed access was limited to Richard Place to ensure a vegetated strip remained on Teds Road and that the no build covenant would prevent accessory buildings facing the front of the adjacent properties on Richards Place.

The Senior Planner confirmed that the developer would be responsible for the building scheme.

Bob Stevens, 2480 Richard Place, asked for clarification on the road works, are there health covenant on all the properties or just proposed Lot B, and will the easement be retained. Mr. Stevens submitted a copy of the easement agreement.

The Senior Planner clarified that any road improvements at subject to the Ministry of Transportation, that there will be septic disposal fields on all the proposed parcels, and the easement will continue to be on title and will not be removed.

John Nixon, 2389 Arbutus, asked for clarification that the Ministry of Health has approved the proposed subdivision, that no additional parcels will be created, and the protection of the eagle trees.

Gareth Slocombe, 2818 Parker Road, clarified that there will be septic disposal covenants for each proposed parcel.

The Senior Planner provided clarification that a maximum of 4 parcels may be created, and the Ministry of Land, Water, and Air Protection determined the protection covenant for the eagle nesting tree, and the eagle perching tree is located within the proposed park area.

Ken Collingwood, 2516 Richard Place, complemented the applicant on the changes to the proposal including the park land and suggested that access to proposed Lot B be moved to Teds Road, as it would be preferable from a construction point of view.

Deb Collingwood, 2516 Richard Place, thanked the applicants for their offer of park land as part of the subdivision proposal.

The Chairperson called for further submissions for the first time.

Gabriel Cartledge, 2443 Garry Oak Drive, stated that the eagle nesting tree is currently in use and she is concerned that 45-metre radius is not enough for the protection of this tree.

The Senior Planner confirmed that the 45-metre radius is based on the recommendation from the provincial Ministry of Land, Water, and Air Protection.

Bob Stevens, 2480 Richard Place, asked for clarification on the wells and if there were any existing wells on the property.

Gareth Slocombe, 2818 Parker Road, indicated that there is an existing well and wells are proposed for the other proposed parcels. Mr. Slocombe stated that he submitted an engineer's report, which indicated that these new wells should not adversely affect the surrounding wells.

The Chairperson called for further submissions for the second time.

The Chairperson called for further submissions for the third time.

Bob Stevens, 2480 Richard Place, stated that notwithstanding an expert's opinion, he wondered what recourse neighbours have if their wells are affected.

Gareth Slocombe, 2818 Parker Road, explained the findings in the hydrological report.

Bob Stevens, 2480 Richard Place, asked if the engineer's report is available for viewing.

The Senior Planner explained that the report and other documentation in the file are available for viewing.

The Chairperson confirmed that written submissions were received from the Vancouver Island Health Authority and the Ministry of Transportation.

The Chairperson called for further submissions a final time.

There being no further submissions, the Chairperson adjourned the Hearing at 7:27 p.m.

Certified true and accurate this 2nd day April 2004.

Susan Cormie
Recording Secretary

Director Pauline Bibby
Chairperson, Electoral Area 'E'

Submissions - Amendment Application No. ZA0313



File: 01 002 25643
Your File: 3360 30 ZA0313

March 22, 2004

Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo BC V9T 6N2

Attention: Susan Cormie, Senior Planner

Re: Rezoning Application - ZA0313
Lot 8, District Lot 78, Nanoose District, Plan VIP56497

Thank you for your referral letter dated March 18th, 2004, regarding the above-noted rezoning application.

The Ministry of Transportation has no objection to this rezoning application, however, this is not to be construed as approval of the subdivision proposal.

If you have any questions, please do not hesitate to call me at (250) 751-3259.

Yours truly,

A handwritten signature in cursive script that reads "D. O'Brien".

Debbie O'Brien
District Development Technician

DLOV25643

Ministry of
Transportation

Vancouver Island District
South Coast Region

Mailing Address:
3rd Floor-2100 Labeaux
Road
Nanaimo BC V9T 6G8

Site Address:
3rd Floor - 2100 Labeaux
Road
Nanaimo BC
Telephone: (250) 751-3258
Facsimile: (250) 751-3268

Web Address:
www.gov.bc.ca/ta

M.T. 25375



REGIONAL DISTRICT OF NANAIMO

Return Fox Tro

March 18, 2004

File No. 3360 30 ZA03J3

Mr. Glenn Gibson, Health Inspector
Vancouver Island Health Authority
249 West Hinet Avenue
Parksville, BC V9P 2H2

FAXED

Dear Mr. Gibson:

Re: Application No. ZA0313 to Amend "RDN Land Use and Subdivision Bylaw No. 500, 1987" for Lot 9, Nanoose District, District Lot 78, Plan YEP56437
Location: Teds Road & Parker Way, Electoral Area 'E'

The Regional Board of Directors, at its March 9, 2004 Regular Board Meeting gave 1st and 2nd reading to "RDN Land Use and Subdivision Bylaw Amendment Bylaw No. 500.298, 2004". The purpose of this amendment bylaw is to rezone the above-noted property from Residential 3 Subdivision District "N" to Residential 1 Subdivision District "Z" (see attachment). The application also includes a request to discharge the existing covenant on title, which restricts further subdivision of the subject property. The adoption of this amendment bylaw along with the discharge of the covenant would permit the subject property to be subdivided to a maximum of 4 parcels with individual private water and septic disposal.

A Public Hearing has been set for Thursday, March 31, 2004 to be held at Nanoose Place Multi Purpose Room 2, 2925 Northwest Bay Road, Nanoose Bay, BC commencing at 7:00 pm. Therefore, your comments concerning this application would be greatly appreciated by March 31, 2004.

If you require further clarification of the proposal, please call me at (250) 390-6510. Thank you in advance for your comments and responding to this referral request.

Sincerely,

Susan Cormie

Susan Cormie
Senior Planner

I have inspected this parcel(s) for subdivision to witness they meet the intent of our Standards and Regulations.

Yours truly
Glenn Gibson

4900 Nanoose Bay Rd.
Nanoose, B.C.
V9T 6K2

Tel: (250) 890-4111
Toll Free: 1-877-637-4111
Fax: (250) 890-4163

RDN Website: www.rdn.bc.ca



CENTRAL
VANCOUVER ISLAND
HEALTH REGION

ENVIRONMENTAL HEALTH PROGRAM

March 4, 2004

MoT File #01-002-¹5375

Mr. Gareth Slocombe
G. Slocombe & Assoc. Inc.
Unit 13 - 6421 Applecross Road
Nanaimo BC V9V 1N1

Dear Mr. G. Slocombe:

RE: Lot 9 (B), Plan VIS56437, DL 78, Nanoose -
Parker Road-Ted's Road-Richard's Place

I recommend this amendment plan for covenant location and park area.

If you have any questions, I can be reached at 248-2044.

Yours truly,

Glenn J. Gibson, CPHI(C)
Land Development
Environmental Health Officer

GJG: kjd

C: T. Preston, S/EHO - VIHA

Duncan Health Unit
Nanaimo Health Unit
Parksville Health Unit
Port Alberni Health Unit

'Healthy People and Healthy Communities'

(250) 746-1414
(250) 755-6215
(250) 248-2044
(250) 724-4281

Presented by Bob Stevens at the Public Hearing

EG073339 93 JUN 11 2 5 EG073338
 RECEIVED
 LAND TITLE OFFICE
 VICTORIA

LAND TITLE ACT
 FORM C - Fee: \$50.00
 (Section 219.81)
 Province of British Columbia

GENERAL INSTRUMENT - PART 2 5009 1/2 Page 1 of 6

1. APPLICATION:
 FATTERSON ADAMS, Barristers and Solicitors (360-3991)
 1210-345 Quebec St., Box 1221, Victoria, B.C., V8W 2T6
 File: CHEBANG #10047/002 DBA1kp Part

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:
 (PID) (LEGAL DESCRIPTION)
 018-250-840 Lot 9, District Lot 78, Nanoose District, Plan VIP6437

3. NATURE OF INTEREST:

DESCRIPTION	DOCUMENT REFERENCE (page and paragraph)	PERSON ENTITLED TO INTEREST
Assessment over part of Lot 9, District Lot 78, Nanoose District, Plan VIP6437	Part 2 attached	Registered Owner of Lots 1 through 8, District Lot 78, Nanoose District, Plan VIP6437
Priority Agreement granting this Assessment priority over Mortgage #F118539	Paragraph 6 of	Transferor

RC



4. TERMS: Part 2 of this instrument consists of (select one only)
 (a) Filed Standard Charge Terms D.F. No. _____
 (b) Express Charge Terms Annexed as Part 2
 (c) Release There is no Part 2 of this instrument
 A selection of (a) includes any additional or modified terms referred to in item 7 of its schedule annexed to this instrument. If (a) is selected, the charge described in item 3 is released or discharged as a charge on the land described in item 2.

5. TRANSFEROR(S):
 CHEBANG DEVELOPMENTS LTD. (Inc. No. 428970) and HAYLOCK BROOK FARMING LTD. (Inc. No. 297265) and Q.K. INDUSTRIES LTD. (Inc. No. 339892) - the registered owners and Q.K. TRANSPORT LTD. (Inc. #109789) - the holder of Mortgage #F118539

6. TRANSFEREE(S):
 CHEBANG DEVELOPMENTS LTD. (Inc. No. 428970) and HAYLOCK BROOK FARMING LTD. (Inc. No. 297265) and Q.K. INDUSTRIES LTD. (Inc. No. 339892), all c/o 6702 Rajpur Place, R.R. #3, Victoria, British Columbia, V8B 3X1

7. ADDITIONAL OR MODIFIED TERMS:
 n/a

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 term, if any.

Officer's Signature(s)  SOLICITOR 1210-345 Quebec St. V8W 2T6	Execution Date <table border="1"> <tr> <td>Y</td> <td>M</td> <td>D</td> </tr> <tr> <td>93</td> <td>7</td> <td>14</td> </tr> </table>	Y	M	D	93	7	14	Party(ies) Signature(s) CHEBANG DEVELOPMENTS LTD. by authorized signatory:  K. S. Sanga
Y	M	D						
93	7	14						

REGISTERED VIE...33B

G05691 2001-03-26-10.38.24...742

Officer's Signature(s)



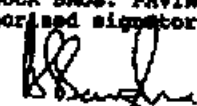
JACK ANGUS
Barrister & Solicitor
1210 - 345 Quebec Street
Victoria, B.C. V8W 2T6

Execution Date

Y	M	D
93	7	14

Party(ies) Signature(s)

HAYLOCK BROS. PAVING LTD. by authorized signatory:



H. S. Sangha

Officer's Signature(s)




JACK ANGUS
Barrister & Solicitor
1210 - 345 Quebec Street
Victoria, B.C. V8W 2T6

Execution Date

Y	M	D
93	7	14

Party(ies) Signature(s)

O.K. INDUSTRIES LTD. by authorized signatory:



H. S. Sangha

Officer's Signature(s)




JACK ANGUS
Barrister & Solicitor
1210 - 345 Quebec Street
Victoria, B.C. V8W 2T6

Execution Date

Y	M	D
93	7	14

Party(ies) Signature(s)

O.K. TRANSPORT LTD. by authorized signatory:



H. S. Sangha

OFFICER CERTIFICATION: Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the Business Act, R.S.B.C. 1979 c. 116 to take affidavits for use in British Columbia and certifies the content set out in Part 5 of the Land Title Act as they pertain to the execution of this instrument.

REGISTERED VIE...338 605691 2001-03-26-10.36.24...742

Page 3

GENERAL INSTRUMENT - PART 2

WHEREAS the Transferor is the registered owner of that certain parcel or tract of land lying in the Port Alberni Assessment Area, the Province of British Columbia, and being more particularly known and described as Lot 9, District Lot 78, Nanoose District, Plan VIP56437 (hereinafter called the "Servient Tenement")

AND WHEREAS the Transferee is the registered owner of those certain parcel or tract of land lying in the Port Alberni Assessment Area, the Province of British Columbia, and being more particularly known and described as Lots 1 through 8 inclusive, District Lot 78, Nanoose District, Plan VIP56437 (hereinafter called the "Dominant Tenement")

AND WHEREAS the parties hereto are desirous of creating an Easement over that portion of the Servient Tenement hereinafter described for the purposes hereinafter mentioned;

NOW THEREFORE WITNESSETH that in consideration of the sum of ONE (\$1.00) DOLLAR now paid by the Transferee to the Transferor (the receipt and sufficiency of which is hereby acknowledged by the Transferor) and in further consideration of these presents and the mutual covenants hereinafter contained, the parties hereto agree as follows:

- 1. THAT the Transferor does hereby grant to the Transferee, its successors and assigns and the owners and occupants from time to time of the said Dominant Tenement and as appurtenant to the said Dominant Tenement in common with the owners and occupants from time to time of the said Servient Tenement, an Easement over that part of the said Servient Tenement described as follows:

All that part of Lot 9, District Lot 78, Nanoose District, Plan VIP56437 which is outlined in a heavy dark line on a "Reference Plan to accompany easement through Lot 9, District Lot 78, Nanoose District, Plan VIP56437" which was certified correct by G.E. Gamble, B.C.L.S., on the 4th day of May, 1993.

{hereinafter called the "Easement Area"}

Such Easement to be for the sole purpose of providing ingress and egress over the Servient Tenement, without vehicles of any description, for pedestrian access over the Easement Area to Nanoose Bay, and for all such purposes the Transferee shall have access to the said Easement Area at all times by its invitees and licensees without vehicles, as appurtenant to the Dominant Tenement aforesaid.

2. THAT the Transferee covenants and agrees with the Transferor as follows:
- a) Since the Easement Area will be shared by the owners from time to time of the Dominant Tenement, then the costs associated with the maintaining the Easement Area (the "Costs") shall be borne equally by the Transferee.
 - b) The surface of the ground of the Easement Area shall not be disturbed;
 - c) The Transferee will keep the Easement Area in good repair. If the Easement Area becomes damaged as a result of the use of the Easement Area by the Transferee, the Transferee shall forthwith upon written notice delivered to any one registered owner of any one of the lots comprising the Servient Tenement, repair such damage at the cost of the Transferee.
3. It is agreed that the deposit of a plan of subdivision of the Servient Tenement shall act as a release of so much of the easement as is shown as park on the plan of subdivision and the registered owners of the Servient Tenement shall be permitted to apply for a release or partial release of this easement as the case may be concurrently with the deposit of the plan of subdivision.

REGISTERED VIL 338

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Page 4

4. IT SHALL BE UNDERSTOOD and agreed by and between the respective owners for the time being of each of the Servient Tenement and the Dominant Tenement that the said Easement Area shall not be blocked nor obstructed in any way by them or any of them, their respective agents, servants, workmen, licensees or invitees, save and except during such reasonable periods when work is being performed within the Easement Area.
- 5. THAT the parties hereto agree that the burden of this Easement shall run with the Servient Tenement and no part of the fee of the soil of the Servient Tenement shall pass to or be vested in the transferee under and by virtue of these presents, and the grant of Easement contained herein is appurtenant to and for the benefit of the Dominant Tenement.
6. THAT O.K. TRANSPORT LTD., by its execution of this Easement, does hereby agree that this Easement shall rank in priority to its Mortgage number RP118539 as a charge on the Land.
7. THAT wherever the singular and masculine are used throughout this Easement agreement the same shall be construed as meaning the plural or the feminine or body corporate where the context or the parties hereto so require.
8. The expressions "Transferor" and "Transferee" herein contained shall be deemed to include the executors, administrators, successors and assigns of the parties wherever the context admits.

END OF DOCUMENT

FILED VICTORIA BRANCH REG. NO. 12-11-11-11-11-11

05-NA-R34,20,39

REFERENCE PLAN TO ACCOMPANY BASEMENT THROUGH LOT 9, DISTRICT LOT 78, NANOOSE DISTRICT, PLAN VIPS(A)37.

(Pursuant to Section 69(1)(a) of the Land Title Act.)

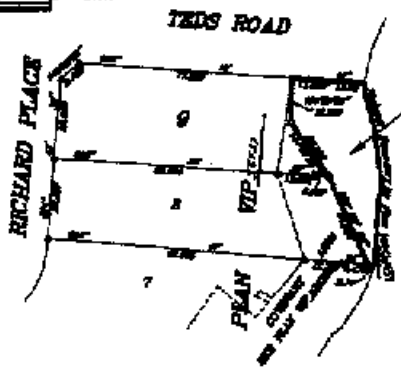
B.C.G.S. 527.090
 Scale = 1:1000

PLAN VIP 56701



LINE
 Markings are substantially defined from Plan 57

- Double standard line and dash.
- Double standard line and solid.
- All dimensions are in metres.



BASEMENT AREA
 LAW 20

NANOOSE HARBOUR

J. K. G. Gault, a 2000 Ontario Land Surveyor of the City of Nanaimo, in English Columbia, hereby certifies that I was present at and personally supervised the survey represented by this plan, and that the bearings and lines are correct. The survey was completed on the 2nd day of May, 2004.

J. K. G. Gault S.L.S.

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, MARCH 23, 2004, AT 6:30 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director E. Hamilton	Chairperson
Director H. Kreiberg	Electoral Area A
Alternate	
Director B. Jepson	Electoral Area D
Director P. Bibby	Electoral Area E
Alternate	
Director I. Neden	Electoral Area F
Director Joe Stanhope	Electoral Area G
Director D. Bartram	Electoral Area H

Also in Attendance:

B. Lapham	General Manager, Development Services
N. Tonn	Recording Secretary

MINUTES

MOVED Director Kreiberg, SECONDED Director Bibby, that the minutes of the Electoral Area Planning Committee meeting held February 24, 2004 be adopted.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. ZA0401 – Bob Colclough, on behalf of BC Building Corporation – 1329 Kipp Road – Area A.

MOVED Director Kreiberg, SECONDED Director Bartram,:

1. That the report of the Public Information Meeting held March 10, 2004 be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.299, 2004" be given 1st and 2nd reading.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.299, 2004" proceed to public hearing.
4. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.299, 2004" be delegated to Director Kreiberg or his alternate.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

DVP Application No. 90323 – Huddy, Fordham/Roder – 1950 Eagle Ridge Place – Area E.

MOVED Director Bibby, SECONDED Director Bartram, that Development Variance Permit Application No. 90323, submitted by Rosalinda Roder and Hans Roder on behalf of Simon Huddy and Jane Fordham to vary the minimum setback requirement for the interior side lot line from 2.0 metres to 0.0 metres to legalize the existing retaining wall, raised pool deck, and swimming pool structures on the subject property legally described as Lot 23, District Lot 78, Nanoose District, Plan 25828 be approved, subject to the requirements outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

DVP Application No. 90405 – Deo – Fourneau Way – Area G.

MOVED Director Stanhope, SECONDED Director Bibby, that Development Variance Permit Application No. 90405, submitted by the property owners Anthony Deo and Cecilia Deo for the property legally described as Lot A (DD EB20873) of Lot 16, Block 419, Nanoose District, Plan 36697 to relax the maximum height requirements from 9.0 metres to 11.44 metres in order to allow for the construction of a dwelling unit as proposed by the applicants be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

OTHER

Review of Parkland Dedication in Conjunction with the Subdivision Application Process.

MOVED Director Bibby, SECONDED Director Bartram, that the Policy “Review of the Consideration of Park Land Dedication in Conjunction with the Subdivision Application Process” be approved.

CARRIED

ADJOURNMENT

MOVED Director Stanhope, SECONDED Director Bartram, that this meeting terminate.

CARRIED

TIME: 6:40 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON TUESDAY, MARCH 23, 2004, AT 7:11 PM IN THE RDN BOARD CHAMBERS

Present:

Director J. Stanhope	Chairperson
Director H. Kreiberg	Electoral Area A
Director G. Lund	Electoral Area B
Director E. Hamilton	Electoral Area C
Alternate	
Director B. Jepson	Electoral Area D
Director P. Bibby	Electoral Area E
Alternate	
Director I. Neden	Electoral Area F
Director D. Bartram	Electoral Area H
Director R. Longmuir	City of Parksville
Alternate	
Director A. Kruyt	Town of Qualicum Beach
Alternate	
Director B. Dempsey	District of Lantzville
Director L. Sherry	City of Nanaimo
Director R. Cantelon	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director G. Korpan	City of Nanaimo
Alternate	
Director J. Manhas	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

K. Daniels	Chief Administrative Officer
B. Lapham	General Manager of Development Services
N. Connelly	General Manager of Community Services
J. Finnie	General Manager of Environmental Services
N. Avery	Manager of Financial Services
N. Tonn	Recording Secretary

DELEGATIONS

John Olsen, re Electoral Area 'F' Zoning & Subdivision Bylaw No. 1285 – 'Finetuning Project'.

Mr. Olsen expressed his concern with aspects of the Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285 Finetuning Project and asked the Board to extend the existing RDN deadline and that the Board direct staff to do a full investigation into the financial impact to residents of proposed changes and the number of properties with existing multiple dwellings on their property which would be affected by these changes.

MOVED Director McNabb, SECONDED Director Kruyt that the delegation be received.

CARRIED

MOVED Director Cantelon, SECONDED Director Holdom, that Mr. Haskell be permitted to address the Committee.

CARRIED

Syd Haskell, Carmanah Forestry Society, re Cathedral Grove.

Mr. Haskell addressed the need for public process which would allow an opportunity for public to comment on the Provincial Government's proposed plans for modifications to McMillan Park and Cathedral Grove.

PRESENTATION

Capt. David Marshall & Gary Leitch, BC Ferries, re Going Forward With Stability.

Mr. Marshall and Mr. Leitch were not in attendance.

MINUTES

MOVED Director Sherry, SECONDED Director Hamilton, that the minutes of the special Committee of the Whole meeting held February 17, 2004 and the minutes of the regular Committee of the Whole meeting held February 24, 2004 be adopted.

CARRIED

COMMUNITY SERVICES

Community Water & Sewer Service Provision: Environmental or Public Health Reasons.

MOVED Director McNabb, SECONDED Director Sherry,:

1. That the March 10, 2004 report "Community Water and Community Sewer Service Provision: Environmental or Public Health Threats" be received.
2. That the approach for decision making about the provision of community water service and or community sewer service to land designated by the Regional Growth Strategy as Resource Lands and Open Space and Rural Residential for environmental or public health reasons under Policy 7B of the Regional Growth Strategy be approved as presented in Attachment 1 to the report.

CARRIED

RECREATION & PARKS

Skateboard Park Proposal – Area A.

MOVED Director Kreiberg, SECONDED Director Bartram, that School District No. 68 be requested to provide an area of the Cedar Community Secondary School grounds through a long-term lease or other form of agreement with the Regional District for the development of a skate park facility by the Cedar Skate Park Association.

CARRIED

CORPORATE SERVICES

ADMINISTRATION

Committee & Board Meeting Schedule.

MOVED Director McNabb, SECONDED Director Longmuir, that "Board Procedure Bylaw No. 1268, 2002" be amended to incorporate the fourth Tuesday of each month (for the months from January to November) as the regular meeting date for Board meetings, and that the second Tuesday in December be defined as the regular Board meeting date for the month of December.

CARRIED

Yellowpoint-Waterloo Fire Protection Specified Area – Control of Fires During Fire Season Bylaw No. 1381.

MOVED Director Kreiberg, SECONDED Director Hamilton, that “Yellowpoint-Waterloo Fire Protection Specified Area – Control of Fires During Fire Season Bylaw No. 1381, 2004” be introduced for three readings and proceed to be advertised as outlined in the staff report.

CARRIED

FINANCE

Annual Report of Directors’ & Committee Members’ Remuneration and Expenses.

MOVED Director Bartram, SECONDED Director Longmuir, that the 2003 report on remuneration and expenses for Board and Committee members be received.

CARRIED

2003 Audited Financial Statements.

MOVED Director Sherry, SECONDED Director Kruyt, that the report on the audited financial statements for the year ended December 31, 2003 be received.

CARRIED

Reserve Fund Bylaws – Administration Computer Equipment Reserve Fund Expenditure Bylaw No. 1376 and Fairwinds Water LSA Reserve Fund Expenditure (Well #3) Bylaw No. 1378.

MOVED Director Hamilton, SECONDED Director Holdom,;

1. That “Administration Computer Equipment (2003) Reserve Fund Expenditure Bylaw No. 1376, 2004” be introduced for first three readings.
2. That “Administration Computer Equipment (2003) Reserve Fund Expenditure Bylaw No. 1376, 2004” having received three readings be adopted.
3. That “Fairwinds Water Local Service Area Reserve Fund Expenditure (Well #3) Bylaw No. 1378, 2004” be introduced for first three readings.
4. That “Fairwinds Water Local Service Area Reserve Fund Expenditure (Well #3) Bylaw No. 1378, 2004” having received three readings be adopted.

CARRIED

HOSPITAL

2003 Audited Financial Statements.

MOVED Director Sherry, SECONDED Director Longmuir, that the report on the 2003 audited financial statements of the Nanaimo Regional Hospital District be received.

CARRIED

DEVELOPMENT SERVICES

BUILDING INSPECTION

Section 57 – Community Charter – Contravention of Building Bylaw Report.

The Chairperson listed each filing and asked that any property owner in the audience wishing to address the Committee come forward when their name was called.

MOVED Director Hamilton, SECONDED Director Kreiberg, that a notice be filed against the titles of the properties listed, pursuant to Section 57 of the *Community Charter* and that if the infractions are not rectified within ninety (90) days, legal action will be pursued:

- (a) Lot 2, Section 16, Range 3, Plan VIS5292 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V, Mountain Land District, 3103 West Road, Electoral Area 'D', owned by C. and D. Saywell;
- (b) Lot 2, Section 15, Range 3, Plan VIP73721, Mountain Land District, 3311 Westview Acres Road, Electoral Area 'D', owned by R. and T. Milner;
- (c) Lot 13, District Lot 6, Plan 23588, Nanoose Land District, 2360 McDivitt Drive, Electoral Area 'E', owned by S. Rowe;
- (d) Lot 21, District Lot 78, Plan VIP68559, Nanoose Land District, 2480 Andover Road, Electoral Area 'E', owned by L. and R. Yip;
- (e) Lot 33, District Lot 116, Plan 27229, Nanoose Land District, 1060 Symons Crescent, Electoral Area 'G', owned by E. Williamson and B. Olson.

CARRIED

BYLAW ENFORCEMENT

Structure Removal Repeal Bylaw No. 1382 – Illegal Construction – Scott Kilner Littlewood – 2406 Nanoose Beach Road – Area E.

MOVED Director Bibby, SECONDED Director Hamilton,:

1. That "Regional District of Nanaimo Structure Removal Repeal Bylaw No. 1382, 2004" be introduced for first three readings.
2. That "Regional District of Nanaimo Structure Removal Repeal Bylaw No. 1382, 2004" having received three readings, be adopted.

CARRIED

Designation of Animal Control Officer – District 68.

MOVED Director Hamilton, SECONDED Director Longmuir, that the Board designate, by resolution, Dale Rusch, Nanaimo Animal Shelter, as a Bylaw Enforcement Officer for the specific purpose of enforcing Regional District of Nanaimo Animal Control and Licensing Bylaws.

CARRIED

Animal Control Contracts – District 68 & 69.

MOVED Director Hamilton, SECONDED Director Sherry, that the contracts for animal control services with Parksville-Qualicum SPCA and Nanaimo Animal Shelter Ltd. be renewed for the term of March 1, 2004 to February 28, 2007 with an increase in contract service fees of 2% per annum.

CARRIED

Noise Control Establishing Bylaw No. 1374 and Regulatory Bylaw No. 1375 – Portion of Electoral Area H.

The General Manager of Development Services noted the following amendments to the staff report:

1. The number of electors for purposes of the alternative elector approval process, is established at 1,547.
2. For this proposed noise bylaw, given that the service area is a portion of Electoral Area 'H', 10% of the electors is established at 154.
3. The property tax rate has been established at 0.0202 cents per 1,000 of assessed value when applied to the net taxable value of land and improvements to raise the funds required for the establishment of the proposed noise bylaws.

MOVED Director Bartram, SECONDED Director Holdom,:

1. That "Regional District of Nanaimo Electoral Area 'H' Noise Control Service Establishment Bylaw No. 1266, 2002" and "Regional District of Nanaimo Noise Control Regulatory Bylaw No. 1267, 2002" be abandoned.
2. That the number of electors for the purpose of the alternative approval process be established at 1,525 and that the electoral response form attached to the staff report be approved.
3. That "Regional District of Nanaimo Portion of Electoral Area 'H' Noise Control Service Establishment Bylaw No. 1374, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.
4. That "Regional District of Nanaimo Portion of Electoral Area 'H' Noise Control Regulatory Bylaw No. 1375, 2004" be introduced, read three times and advertised to provide notice of the Board's intent to adopt this bylaw.

CARRIED

PLANNING

Implications of Changes to Land Title Act & Water Act.

As follow-up to the November 10, 2003 UBCB circular, clarification on the following amendments to the Land Title Act and Water Act were provided for Board information.

Land Title Act Amendments

Section 10 is being amended to clarify that applications for Crown Land disposition can be refused if the application is not complete, the area is under reserve, or if the land is withdrawn from disposition by the Minister.

Section 75 is being amended to clarify that as part of a subdivision the Approving Officer can require off site works where adjoining lands are impacted.

Water Act Amendments

The Water Act is being amended to clarify the rights and obligations a license holder may have (possibly through a charge on title or other disclosure) prior to the disposition of affected crown land.

The Water Act is being amended to allow the Province to require a license applicant (possibly by agreement or with other security) to use care and provide compensation if required for any damage the applicant may cause when working in or around a stream.

The Water Act is also being amended to allow regulations to be established by the Province that would require other planning processes (presumably Provincial) to either consider or be consist with a Water Management Plan. These regulations could also make the Water Management Plan prevail over other planning processes except the Drinking Water Protection Plan Act.

MOVED Director Sherry, SECONDED Director Longmuir, that the report be received for information.

CARRIED

Animal Control, Planning & Land Use Management Contract Services Agreement – District of Lantzville.

MOVED Director Dempsey, SECONDED Director Jepson, that the proposed Service Agreements between the Regional District of Nanaimo and the District of Lantzville for Animal Control Services and Planning and Land Use Management Services be approved.

CARRIED

ENVIRONMENTAL SERVICES

LIQUID WASTE

French Creek Pollution Control Centre Biosolids Contract Extension.

MOVED Director Sherry, SECONDED Director Longmuir, that the Meadowlark Construction contract for composting and hauling biosolids from the French Creek Pollution Control Centre for \$48.00 per tonne be extended for an additional year.

CARRIED

SOLID WASTE

Residual Solid Waste Disposal Options Status Report.

MOVED Director Sherry, SECONDED Director McNabb, that the status report on residual solid waste disposal be received for information.

CARRIED

UTILITIES

Arrowsmith Water Service Joint Venture Agreement.

MOVED Director Kruyt, SECONDED Director Bibby, that the Regional District of Nanaimo enter into an amended Joint Venture Agreement to continue the Arrowsmith Water Service Joint Venture established on July 10, 1996 on the terms and conditions set out in the Agreement dated for reference as April 1, 2004 (as attached to the staff report).

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

Regional Growth Monitoring Advisory Committee/State of Sustainability Project.

MOVED Director Holdom, SECONDED Director Bartram, that the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meetings held February 19, 2004 and February 26, 2004 be received for information.

CARRIED

Intergovernmental Advisory Committee.

MOVED Director Sherry, SECONDED Director Bibby, that the minutes of the Intergovernmental Advisory Committee meetings held February 17, 2004 and March 9, 2004 be received for information.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285 – 'Finetuning Project'.

MOVED Director McNabb, SECONDED Director Bartram, that staff be directed to bring forward a report on the proposed ALC application requirement for properties in the ALR in Area 'F' which presently have two dwellings on their property and that any actions be held in abeyance until the report has been reviewed by the Board.

CARRIED

Cathedral Grove.

MOVED Director Holdom, SECONDED Director Cantelon, that a letter be sent to Bill Barisoff, Minister of Water, Lands and Air Protection, requesting a full and meaningful public presentation and process on the Cathedral Grove Plan and to provide the District with a copy of the proposed visitor parking plan as well as any other changes for the park.

CARRIED

NEW BUSINESS

Water and Wastewater Technologies.

MOVED Director Bartram, SECONDED Director Holdom, that staff prepare a report and recommendation for the Board on innovative water and wastewater technologies and techniques that have been, or may be in use to include rainwater cistern system, water conservation to reduce demands on water systems or distribution systems, and water reuse and recycling in residential, commercial and industrial applications that may have application in future development in the Regional District of Nanaimo.

CARRIED

Liability Insurance.

MOVED Director Korpan, SECONDED Director Jepson, that staff provide a report with respect to liability insurance needs regarding specific functions, including the process and cost breakdown which would identify whether the Regional District as a whole or the specific area member would be responsible for the function insurance costs.

CARRIED

IN CAMERA

MOVED Director Sherry, SECONDED Director Neden, that pursuant to Section 242.2(1)(c) and (h) of the *Local Government Act* the Board proceed to an In Camera meeting to consider a personnel matter and a legal matter.

CARRIED

ADJOURNMENT

MOVED Director Sherry, SECONDED Director Neden, that this meeting adjourn to allow for an In Camera meeting.

CARRIED

TIME: 8:10 PM

RISE & REPORT (from the In Camera Meeting)

Landfill Site Liaison Committee Appointments.

MOVED Director Korpan, SECONDED Director Bibby, that the Board appoint Jim Young, Sheri Young, Ray McGuire, Doug Lum, Gary Franssen, Al Leuschen and a to be determined representative from the Snuneymuxw First Nation to the Landfill Site Liaison Committee.

CARRIED

ADJOURNMENT

MOVED Director Sherry, SECONDED Director Neden, that this meeting terminate.

CARRIED

TIME: 8:38 PM

CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO			
APR - 2 2004			
CHAIR	<input checked="" type="checkbox"/>	GMCrS	<input type="checkbox"/>
CAO	<input checked="" type="checkbox"/>	GMDS	<input type="checkbox"/>
GMCS	<input type="checkbox"/>	GMES	<input checked="" type="checkbox"/>
DATE: _____			

MEMORANDUM

TO: Neil Connelly
General Manager of Community Services

FROM: Tom Osborne
Manager of Recreation and Parks

SUBJECT: Ravensong Aquatic Centre – Steam Room / Sauna Addition

FILE: 7900-01-RAAQ

PURPOSE

To consider the tenders for the addition of the steam room and sauna addition to the Ravensong Aquatic Centre.

BACKGROUND

On March 17, 2004 the RDN received four bids for the addition to the Ravensong Aquatic Centre, which includes construction consisting of steam, sauna and generating rooms, and all associated work. The following bidders submitted tenders:

<u>Company</u>	<u>Base Bid</u>	<u>Bid Including Alternate # 1</u>
D. Robinson Contracting Ltd.	\$193,820.00	\$194,776.00
Island Westcoast Developments Ltd.	\$222,698.00	\$223,448.00
Perma Construction Ltd.	\$230,800.00	\$231,550.00
Precision Civil Installations Ltd.	\$244,475.00	\$245,475.00

The project consultant, CJP Architects, has evaluated the tenders and the proper documentation has been verified. After factoring alternative pricing for a cooled water fountain within the bids, the low bidder for the project is D. Robinson Contracting Ltd. at a cost of \$194,776. In addition to D. Robinson Contracting Ltd. being the lowest bidder, they were involved with the original construction of the aquatic facility in 1995.

ALTERNATIVES

1. Not award the contract.
2. Award the contract to D. Robinson Contracting Ltd. and amend the Financial Plan for the aquatic centre.

FINANCIAL IMPLICATIONS

The lowest tendered bid, which includes Bid Alternate #1, is \$194,776. The 2004 Annual Budget provides for \$160,000 for this Capital Project.

The construction industry has experienced rapid cost increases in recent months with the stronger Provincial economy coming into play. Local governments have been advised to anticipate between 15% -

30% price increases. Staff anticipates this trend will continue as in recent weeks the price of steel and concrete alone has increased at substantial rates.

The 2004 Ravensong Aquatic Centre Function Annual Budget has an adequate surplus to fund the additional costs of the project. With the tender award the 2004 projected surplus for the pool would be reduced to \$30,000. Changes to the Five Year Financial Plan have also been provided for in the form of an amendment to the Plan. They would include an additional \$5,875 property tax increase from the one currently projected for 2005 (\$1,198,488 to \$1,204,363) and a reduced projected end of year surplus (from \$55,716 to \$6,591). In subsequent years 2006 –2008, requisition levels even out and surplus amount are restored close to the levels projected in the current Plan.

The Regional District has thirty (30) days to accept the bid from the date of the bid closing, which was March 17th. Therefore acceptance of the bid by Regional District is required no later than April 16, 2004.

SUMMARY/CONCLUSIONS

On March 17, 2004 the RDN received four bids for the addition to the Ravensong Aquatic Centre, which includes construction consisting of steam, sauna and generating rooms, and all associated work.

The project consultant, CJP Architects, has evaluated the tenders and the proper documentation has been verified. After factoring in alternative pricing in the bids, the low bidder for the project is D. Robinson Contracting Ltd. at a cost of \$194,776.00.

The project consultant, CJP Architects, recommends the award of the project to D. Robinson Contracting Ltd. Staff supports this recommendation. The 2004 Annual Budget provides for \$160,000 for this Capital Project. The 2004 Ravensong Aquatic Centre Function Annual Budget has adequate surplus to fund the project without increasing taxation. The Five Year Financial Plan will have to be revised to accommodate the project with minimal changes required as detail in Appendix 1.


The Regional District has Thirty Days to accept the bid from the date of the bid closing which was March 17th; therefore acceptance of the bid by Regional District is required no later than April 16, 2004.

RECOMMENDATIONS

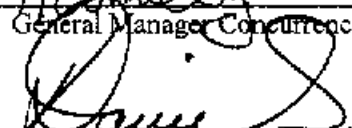
1. That the tender for the Steam Room / Sauna Addition at the Ravensong Aquatic Centre be awarded to D. Robinson Contracting Ltd. for a contract price of \$194,776.00.
2. That the Regional District of Nanaimo Financial Plan (2004-2009) Amendment Bylaw No. 1373.01, 2004 be introduced for the first three readings.
3. That Regional District of Nanaimo Financial Plan (2004 to 2009) Amendment Bylaw No. 1373.01, 2004 having received three readings, be adopted.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:

Appendix 1 - Five Year Financial Plan

Ravensong Aquatic Center

Revenues

	2004	2005	2006	2007	2008	2009	SubTotal
Property taxes	(1,174,988)	(1,204,363)	(1,228,450)	(1,259,161)	(1,290,640)	(1,316,453)	(7,474,055)
Recreation fees	(167,400)	(170,748)	(174,163)	(177,646)	(181,199)	(184,823)	(1,055,979)
Recreation facility rentals	(78,675)	(79,698)	(80,734)	(81,784)	(82,847)	(83,924)	(487,662)
Recreation vending sales	(10,400)	(10,400)	(10,400)	(10,400)	(10,400)	(10,400)	(62,400)
Recreation - other	(172,560)	(172,560)	(172,560)	(172,560)	(172,560)	(172,560)	(1,035,360)
Prior year (surplus) / deficit	(256,495)	(29,045)	(6,591)	(59,138)	(94,164)	(5,066)	(450,499)
Total Revenues	(1,860,518)	(1,666,814)	(1,672,898)	(1,760,689)	(1,831,810)	(1,773,226)	(10,565,955)

Expenditures

Administration	83,300	83,300	83,300	83,300	83,300	83,300	499,800
Legislative	800	800	800	800	800	800	4,800
Professional fees	500	18,000	500	500	500	500	20,500
Building Ops	167,854	171,211	174,635	178,128	181,691	185,325	1,058,844
Veh & Equip ops	35,910	35,910	35,910	35,910	35,910	35,910	215,460
Operating Costs	64,985	65,310	65,637	65,965	66,295	66,626	394,818
Program Costs	36,800	36,984	37,169	37,355	37,542	37,730	223,580
Wages & Benefits	755,384	770,492	785,902	801,620	817,652	834,005	4,765,055
Debt financing	467,915	467,911	368,642	368,642	368,642	412,749	2,454,501
Contributions to reserve funds	305	305	305	305	305	305	1,830
Capital	217,720	10,000	60,960	94,000	190,000	2,100	574,780
SubTotal	1,831,473	1,660,223	1,613,760	1,666,525	1,782,637	1,659,350	10,213,968

New debt

	0	0	0	0	44,107	0	44,107
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Total expenditures

	1,831,473	1,660,223	1,613,760	1,666,525	1,826,744	1,659,350	10,258,075
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(Surplus)/deficit

	(29,045)	(6,591)	(59,138)	(94,164)	(5,066)	(113,876)	(307,880)
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REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1373.01

**A BYLAW TO AMEND REGIONAL DISTRICT
OF NANAIMO FINANCIAL PLAN (2004 TO 2009)
BYLAW NO. 1373**

WHEREAS the "Regional District of Nanaimo Financial Plan (2004 to 2009) Bylaw No. 1373 provided for expenditures related to the construction of a steam room and sauna at the Ravensong Aquatic Center;

AND WHEREAS the Board wishes to amend the financial plan for the years 2005 to 2009 to recognize the impact of increased costs of this project;

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

1. Schedule 'A' of Bylaw No. 1373 is hereby repealed and replaced with Schedule 'A' attached to this bylaw.
2. This bylaw may be cited as "Regional District of Nanaimo Financial Plan (2004 to 2009) Amendment Bylaw No. 1373.01, 2004.

Introduced and read three times this 13th day of April, 2004.

Adopted this 13th day of April, 2004.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager Corporate Services

Regional District of Nanaimo Overall Financial Plan Summary

	2004	2005	2006	2007	2008	2009
Revenues						
Property taxes	\$ (20,481,335)	\$ (21,067,838)	\$ (21,412,026)	\$ (21,877,327)	\$ (22,310,346)	\$ (22,731,277)
Parcel taxes	(1,838,896)	(1,949,538)	(2,098,513)	(2,270,075)	(2,481,700)	(2,784,850)
Municipal agreements	(258,833)	(268,630)	(233,630)	(238,303)	(243,089)	(247,930)
	<u>(22,589,064)</u>	<u>(23,286,006)</u>	<u>(23,744,169)</u>	<u>(24,385,705)</u>	<u>(25,035,135)</u>	<u>(25,764,057)</u>
	5.1%	3.1%	2.0%	2.7%	2.7%	2.8%
Operating revenues	(1,473,422)	(1,469,474)	(1,450,445)	(1,402,148)	(1,405,455)	(1,409,528)
Interest income	(285,000)	(290,700)	(298,514)	(302,444)	(308,493)	(314,553)
Transit fares	(3,081,825)	(3,143,454)	(3,208,347)	(3,270,471)	(3,597,503)	(3,669,450)
Landfill tipping fees	(6,000,000)	(5,300,000)	(5,406,000)	(5,514,120)	(5,624,402)	(5,736,890)
Recreation fees	(354,500)	(360,761)	(367,027)	(373,403)	(379,893)	(386,458)
Recreation facility rentals	(370,250)	(417,310)	(433,539)	(450,465)	(468,119)	(486,533)
Recreation vending sales	(22,150)	(22,150)	(22,150)	(22,150)	(22,150)	(22,150)
Recreation concession	(8,220)	(8,220)	(8,220)	(8,220)	(8,220)	(8,220)
Recreation - other	(235,013)	(240,921)	(242,202)	(243,609)	(248,042)	(249,486)
Utility user fees	(2,690,257)	(2,762,145)	(2,846,188)	(2,929,359)	(3,012,240)	(3,097,018)
Operating grants	(3,812,885)	(3,136,870)	(3,136,870)	(3,136,870)	(3,136,670)	(3,136,870)
Planning grants	(29,000)	0	0	0	0	0
Grants in lieu of taxes	(95,600)	(95,600)	(95,600)	(95,600)	(95,600)	(95,600)
Interdepartmental recoveries	(2,547,095)	(2,631,289)	(2,680,457)	(2,730,563)	(2,781,825)	(2,833,663)
Transfer from reserves	(565,000)	0	0	(42,000)	(60,000)	0
Miscellaneous	(2,498,650)	(2,654,592)	(2,808,292)	(2,415,551)	(2,348,189)	(2,045,788)
Prior year (surplus)/deficit	(6,096,453)	(4,151,343)	(3,592,310)	(4,041,552)	(4,012,938)	(6,481,771)
Total Revenues	<u>\$ (52,754,178)</u>	<u>\$ (49,970,835)</u>	<u>\$ (50,134,830)</u>	<u>\$ (51,364,130)</u>	<u>\$ (52,544,854)</u>	<u>\$ (55,718,785)</u>
Expenditures						
Administration	\$ 2,038,682	\$ 2,041,238	\$ 2,035,923	\$ 2,038,627	\$ 2,041,341	\$ 2,044,072
Community grants	46,698	42,380	42,380	42,380	42,380	42,380
Legislative	261,482	321,432	261,482	261,482	321,482	261,482
Professional fees	1,583,899	1,293,239	1,025,762	1,030,299	1,037,412	1,030,602
Building Ops	1,780,876	1,787,800	1,783,687	1,800,394	1,815,971	1,931,327
Veh & Equip ops	3,554,533	3,545,932	3,601,400	3,667,680	3,799,584	3,788,062
Operating Costs	8,956,779	8,924,386	9,090,512	9,448,172	9,574,949	10,071,572
Program Costs	262,630	262,814	262,999	263,185	263,372	263,560
Wages & Benefits	14,803,914	15,158,993	15,437,078	15,707,168	16,047,614	16,388,554
Transfer to other gov/org	3,753,242	3,856,227	3,677,185	3,747,490	3,784,319	3,857,407
Debt financing	6,360,350	6,418,520	4,998,865	5,449,864	5,377,249	5,102,547
Contributions to reserve funds	1,788,150	747,589	733,635	1,717,903	1,141,745	1,379,129
Capital	3,702,346	2,544,585	2,639,010	2,385,425	1,090,946	4,775,508
SubTotal	<u>\$ 48,833,178</u>	<u>\$ 46,519,570</u>	<u>\$ 45,588,918</u>	<u>\$ 47,537,367</u>	<u>\$ 48,338,364</u>	<u>\$ 50,816,710</u>
New debt		29,897	681,906	77,175	70,570	497,425
Total expenditures	<u>\$ 48,833,178</u>	<u>\$ 46,549,467</u>	<u>\$ 46,268,823</u>	<u>\$ 47,614,542</u>	<u>\$ 48,408,934</u>	<u>\$ 51,314,135</u>
(Surplus)/deficit	<u>\$ (3,920,998)</u>	<u>\$ (3,420,985)</u>	<u>\$ (3,885,907)</u>	<u>\$ (3,749,958)</u>	<u>\$ (6,135,920)</u>	<u>\$ (4,404,630)</u>
Source and Application of Funds						
Capital Fund						
Source of Funds						
Transfers from Operating	\$ (3,702,346)	\$ (2,544,585)	\$ (2,838,010)	\$ (2,385,425)	(1,090,946)	(4,775,508)
Transfers from Reserve Funds	(7,607,359)	(2,135,380)	(1,838,781)	(2,328,887)	(2,598,765)	(892,000)
Borrowed Funds	(425,211)	(7,205,640)	(889,819)	(896,163)	(5,208,635)	(577,000)
Unexpended bylaw funds	(87,150)	0	0	0	0	0
Other sources	(168,000)	0	0	0	(640,000)	0
Total Sources of Funds	<u>\$ (11,990,065)</u>	<u>\$ (11,885,585)</u>	<u>\$ (5,162,410)</u>	<u>\$ (5,390,275)</u>	<u>(9,734,346)</u>	<u>(6,244,508)</u>
Funds Applied						
Operating capital	\$ 11,477,704	\$ 4,679,945	\$ 4,272,781	\$ 4,694,112	4,527,711	5,667,506
Unexpended capital funds	67,150	0	0	0	0	0
Loan authorizations	425,211	7,205,640	869,610	698,163	5,208,635	654,300
Total Funds Applied	<u>\$ 11,990,065</u>	<u>\$ 11,885,585</u>	<u>\$ 5,162,410</u>	<u>\$ 5,390,275</u>	<u>9,734,346</u>	<u>6,321,806</u>
Reserve Funds						
Transfers from Operating Fund	\$ (1,788,150)	\$ (747,589)	\$ (733,635)	\$ (1,717,903)	(1,141,745)	(1,379,129)
Other Sources (DCC's etc)	(883,000)	(800,000)	(550,000)	(550,000)	290,000	(550,000)
Transfers to Capital Fund	7,607,359	2,135,380	1,838,781	2,328,887	2,598,765	892,000
Transfers to Operating Fund	0	0	0	(42,000)	0	0
Reserve Fund Transactions	<u>\$ 5,156,209</u>	<u>\$ 587,811</u>	<u>\$ 353,146</u>	<u>\$ 60,784</u>	<u>1,745,020</u>	<u>(1,037,129)</u>



REGIONAL DISTRICT OF NANAIMO			
APR - 5 2004			
CHAIR		GMCrS	
CAO		GMDS	
G&CmS		GMES	
[Handwritten initials]			

MEMORANDUM

TO: Robert Lapham
General Manager of Development Services

FROM: Brigid Reynolds
Senior Planner

SUBJECT: Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002
'Finetuning Project' - ALR Properties

DATE: April 5, 2004

FILE: 3360 30 0307

PURPOSE

To provide a follow up report on the process to recognize non-farm uses on ALR land and to revise the Terms of Reference for the 'Finetuning' project.

BACKGROUND

Finetuning Project

At the regular Board meeting on January 13, 2004 the Board approved a revised Terms of Reference schedule for site-specific zoning requests within the ALR. The schedule was amended to enable landowners to receive approval from the Agricultural Land Commission prior to the introduction of an amendment bylaw to recognize these pre-existing uses. A letter was sent to property owners that had made requests advising them that they had to submit their application to the ALC by March 31, 2004. The Planning Department has received four applications so far. It is intended that should these applications be approved by the ALC, the RDN would amend Bylaw No. 1285. Once this amendment has been completed any subsequent request to recognize pre-existing uses would require an individual zoning amendment application and it would have to follow regular processes.

Requests made to the ALC under the January 13, 2004 Terms of Reference are currently considered part of the 'Finetuning' review of Bylaw No. 1285 that was originally approved by the Board on June 10, 2003. The four criteria by which requests were evaluated are outlined in the Electoral Area 'F' Official Community Plan, and are as follows:

1. Is there an adequate and approved means of sewage disposal?
2. Is the use legally sited and conforming to the requirements of the jurisdictions that have authority over the lands or use addressed?
3. Is the use compatible with the surrounding properties and the character of the area?
4. Does the use have a negative impact on groundwater, surface water or the natural environment?

The 'Finetuning' project began in the summer of 2003 when newsletters were directly mailed to all property owners advising them of the review. In addition, a site office was opened at the Pine Tree Centre for a two-week period. A total of 139 requests were made, 34 of these requests were from property owners with lands located within the ALR.

On October 24, 2003, RDN staff met with ALC staff to discuss the 'Finetuning' project and to clarify ALC's position regarding recognizing second dwelling units and other non-farm uses. Their response is attached (*see Attachment No. 1*). While the ALC would not waive the requirement for individual applications, ALC staff previously verbally suggested that the Commission would likely look favourably at individual applications to approve second dwellings on parcels situated in the ALR that were constructed prior to the adoption of the zoning regulations and were not in conflict with the protection of agricultural land or future agricultural viability of the property.

As a result of the response from the ALC a property owner subsequently submitted a proposal to the Regional Board and ALC asking that the process be modified and the fee be waived (*see Attachment No. 2*). As a result of the proposal, the ALC is investigating the viability of modifying the fee and their application process. A meeting has been scheduled for April 14, 2004 between the ALC and RDN to discuss these issues.

Subsequently a delegation, representing a group of residents, appeared before the Committee of the Whole at the regular meeting held on March 23, 2004 and requested that the deadline for submissions to the ALC that was included in the January 13, 2004 Terms of Reference for the ALR portion of the Fine Tuning Project be extended and that the Terms of Reference be revised and broadened to include further public consultation with all ALR landowners to determine conflicts between existing 'non-farm' uses and the ALR and zoning regulations. The suggestion was made by the delegation that the RDN should commit additional resources and direct staff to seek out ALR conflicts. This is currently not part of the approved Terms of Reference and not within the scope of the Planning Department work program or budget.

Agricultural Land Reserve

The Province first introduced BC's *Land Commission Act* on December 21, 1972 and it was adopted on April 18, 1973 to establish the ALR with the purpose to protect the Provincial agricultural land base. Any use that existed on ALR lands, prior to December 21, 1972, does not require approval from the ALC.

A legal notation is registered on the title of any property within the ALR and states that "this certificate of title may be affected by the *Agricultural Land Commission Act*; See Agricultural Land Reserve Plan No. 5, Deposited 26th July, 1974; R.E. Hooper, Registrar Per: SAB"

The *Act* and *Regulations* limit the uses on lands within the ALR as follows:

1. Section 20 (1) of the *Land Commission Act* states that "A person must not use agricultural land for a non-farm use unless permitted by this Act, the regulations or an order of the commission."
2. Section 3 (1) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation* states "The following land uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw: (b) for each parcel, (i) one secondary suite within a single family dwelling, and (ii) one manufactured home, up to 9 m in width for use by a member of the owner's immediate family.

ALTERNATIVES

1. To receive the staff report and direct staff to report back to the Electoral Area Committee with revised Terms of Reference after the April 14, 2004 meeting with the ALC.
2. To receive the staff report and to provide staff with further direction.

LAND USE IMPLICATIONS

A legal notation is registered on the title of properties within the ALR advising that the *Agricultural Land Commission Act* applies. It is the responsibility of each property owner to ensure they understand the significance of this notation. The *Agricultural Land Commission Act* requires approval from the Land Commission in order for a 'non-farm' use to be undertaken. In order to receive this approval a request must be made to the ALC by completing their application form together with a \$600 fee.

The original criteria in the 'Finetuning' project required that the four criteria in the Electoral Area F OCP be met in order for finetuning requests to be considered for approval including. This was expanded to include properties that were able to obtain approval to recognize uses that were established in the ALR prior to the adoption of RDN bylaws. Given the potential scope of this review requests were limited to those that came forward as part of the finetuning project notice and advertising and that were prepared to submit application prior to the deadline approved in the Terms of Reference for the project.

The 'Finetuning' project began in the summer of 2003 when three newsletters were directly mailed to 3,412 property owners in Electoral Area 'F' advising them of the review. In addition, a site office was opened at the Pine Tree Centre for a two-week period in September/October 2003. As a result, 125 requests for site-specific zoning were made. During the public consultation process a large number of people made inquiries about the zoning on their property including properties within the ALR. However, some people chose not to make formal requests. Two public hearings were held and those notices resulted in further inquiries. As a result of the public hearing notices an additional 9 property owners submitted requests to be included as part of the process, of which, five properties are within the ALR.

There are 733 properties in the ALR in Electoral Area 'F' comprising approximately 21% of the total area in the Electoral Area. It is unclear how many of these properties have pre-existing uses that have not received approval from the ALC.

Over the course of the 'Finetuning' project, 39 property owners with lands in the ALR requested that their pre-existing use be recognized. Of these requests:

- Four are exempt from the ALR due to lot size and the date of subdivision;
- Eight received ALC approval stating that the use may continue in its current size and location;
- Twelve have two dwelling units, one of which is not a mobile home. One of these is a duplex.
- Six have more than two dwelling units;
- Eight have other uses, for example, wrecking yard, towing company, gravel extraction, and RV sites; and
- One is a subdivision application that does not meet the criteria outlined.

Eight requests with ALC approval have been included in the Amendment Bylaw No. 1285.01 that is anticipated to receive final approval at the April 13, 2004 Board meeting.

As a result of submissions made to the Regional Board and the ALC, the March 31 deadline for receiving applications has now been delayed pending the results of a meeting scheduled for April 14, 2004 between the ALC and the RDN and the need to amend the previously approved Terms of Reference.

PUBLIC CONSULTATION IMPLICATIONS

Pending the outcome of the April 14, 2004 meeting with the ALC, staff recommend that a flyer be sent to all property owners with lands in the ALR advising them of the revised process, ALC's position regarding the fee, and with a final deadline by which all applications must be made. Staff recommend that any new requests following this deadline require an individual application to the ALC and to the RDN for a zoning amendment, including payment of the required application fees.

FINANCIAL IMPLICATIONS

The expenses associated with postage for five mail outs, site office rental, newspaper advertisements of the site office and notices, and legal fees, etc for the 'Finetuning' project thus far, total approximately \$16,034. However, this does not include staff time, which involved one planning assistant for a four-month period and approximately 30% of a senior planners time over a period of six months. Undertaking further consultation and a further significant expansion of the scope of the 'Finetuning' project would require additional staff resources and other expenses, none of which have been budgeted for the 2004 budget year.

As part of this 'Finetuning' project, the RDN is not charging any fees associated with amending the bylaw to recognize pre-existing uses that meet the criteria. At the time the Terms of Reference were revised to accommodate requests with the ALR, it was the RDN's understanding that the ALC was unable to waive their \$600 application fee. However, given the submission made to the ALC, they are now investigating the possibility. This issue should be resolved following the April 14, 2003 meeting with staff and the Electoral Area Director and the ALC. It is important however that the process not be open ended and should have a final project deadline.

LEGAL IMPLICATIONS

The legal notation registered on the title of each property within the ALR is an indicator for the property owner to confirm that their existing and proposed uses are consistent with the *Agricultural Land Commission Act*. If property owners establish uses without consultation with the ALC, they bear the associated risks and costs. If subsequent property owners are unclear of the significance of this notation of their title and do not seek out further clarification, they also must bear the associated risks and costs, as would any property owner purchasing a property with unauthorized uses.

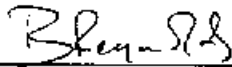
SUMMARY

The 'Finetuning' project to recognize uses that pre-existed the adoption of the Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285 has been ongoing since June 2003. A total of 134 requests were made, 34 of which were from property owners with lands in the ALR. Staff consulted with the ALC and was informed that each application was required to be reviewed on its own merits by way of an individual application to the ALC. The terms of reference for the 'Finetuning' project was amended by the Regional Board to allow the ALC adequate time to review the applications and provide the RDN with their approval (or not) in order that the RDN could then consider requests to amend the zoning bylaw.

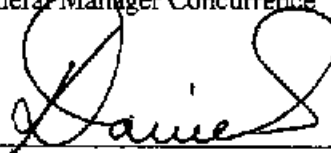
As a result of a proposal submitted to the ALC and the RDN by residents, the ALC is investigating the viability of modifying their fee and application process for these requests. The ALC's position should be clarified at the meeting currently scheduled for April 14, 2004 with the RDN. Therefore, it is recommended that staff be directed to report back to the Electoral Area Planning Committee with proposed revised Terms of Reference after meeting with the ALC.

RECOMMENDATIONS

1. That staff report be received.
2. That staff be directed to report back to the Electoral Area Planning Committee with proposed revised Terms of Reference for the Electoral Area F 'Finetuning' project after meeting with the ALC.



Report Writer


General Manager Concurrence

CAO Concurrence

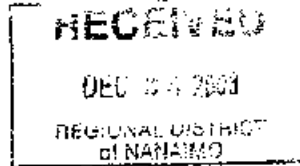
COMMENTS:

devsw/reports/2004/3160 30 0307 ap brd EA F ALR ssz

Attachment No. 1
Letter from the Agricultural Land Commission



December 18, 2003



Agricultural Land Commission
133-4940 Canada Way
Burnaby, British Columbia V5G 4K6
Tel: 604-660-7000
Fax: 604-660-7033
www.alc.gov.bc.ca

Reply to the attention of Roger Cheetham

Brigid Reynolds, Senior Planner
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

Dear Madam:

Re: Review of Electoral Area "F" Zoning and Subdivision Bylaw Number 1285, 2002

Our Ref: S - 34048

With reference to your letter dated 6th November 2003, the Commission, in terms of Resolution # 573/2003 finds it very difficult to provide blanket comments and an indication of its possible position with regard to the residential and other uses listed in the schedule in the absence of any details about the uses. Its preference is that the land uses be evaluated in the context of the application process.

The Commission appreciates the challenges faced by the Regional District with regard to land uses in this area and suggests that it give consideration to taking on delegated decision-making authority from the Commission. It believes that the Regional District is closer to the issues and thus has a better understanding of them.

The Commission would be pleased to discuss the matter further with the Regional District if so desired.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

PER:

A handwritten signature in black ink, appearing to read "K. B. Miller".

K. B. Miller, Chief Executive Officer

Cc: Jill Hatfield, Regional Agrologist, Courtenay

RC/eg

Attachment No. 2
Proposal Submitted

*Please copy to all
Directors, as per Director Stanhope.*

Trevor and Eileen Wicks
P.O. Box 196 Errington
V0R 1V0
250 248 9824
Feb 23rd 2004

Regional District of Nanaimo
Planning Dept.

Roger Cheetham
Provincial Agricultural Land Commission
133-4940 Canada Way
Burnaby, BC
(Canada) V5G 4K6

Re: RDN Zoning Bylaw no.1285 and The second residence on ALR land issue:

Further to discussions with Roger Cheetham, and Ron Wallace of the Agricultural Land Commission, and several members of the Regional District of Nanaimo staff and Directors, I have formulated the following Draft proposal.

The zoning of ALR land in Area 'F' will not be satisfactory until the issue of a second residence is resolved.

I have spoken to a number of close neighbours in the last few days, who were shocked and upset when they found out that their properties will be deemed non-conforming under the new Bylaw 1285.

The following DRAFT would in effect provide the ALC a means to grandfather the established residences, and maintain the new bylaws for future land uses.

Please could the two levels of Government arrange to convene a meeting with representatives of the community to work out a strategy to resolve this issue?

As Time is of the Essence, I look forward to your reply.

Trevor Wicks on behalf of area residents.

Application to the Agricultural Land Commission by a Land Owner

For the approval of existing second residence on ALR land under Specific and Limited Circumstances

DRAFT PROPOSAL

Background:

- *Electoral Area 'F' in the Regional District of Nanaimo (RDN) has had no zoning or enforced land use regulations until the 25th of June 2002 when the Zoning Bylaw no. 1285 was approved.*
- *An estimated two hundred, second residences, were constructed in the area on ALR Land because the area has been advertised and considered un-zoned.*
- *An objective of the Electoral Area 'F' Official Community Plan and Zoning process was to grandfather and zone as many existing land uses as possible.*
- *The Regional District of Nanaimo zoning bylaws allow two dwellings per lot providing that one of the dwelling units is a 'manufactured' home. Also Accessory Buildings and Structures and Home Based Businesses are allowed under the Bylaw.*
- *Because most of the parcels of land with two residences have changed hands at least once since the since the Act was implemented. Many property owners are unaware that the second (not manufactured) residence is now illegal and non-conforming under the new zoning bylaws.*
- *The RDN cannot legally remove the word 'manufactured' from the A1 Agricultural zoning classification for existing second residences.*
- *This application would legitimize the existing second residence and allow the property to conform to the zoning bylaw. This will in turn prevent hardship to the property owner with reduced property value and by possibly making an insurance claim invalid because the second residence was not manufactured.*

Conditions and limitations:

- This application will only apply to one residence in addition to the primary residence
- The parcel of land is located within Electoral Area 'F' in the Regional District of Nanaimo.
- The second dwelling was constructed before the 25th of June 2002
- The second dwelling is less than 140 sq. meters or 1500 sq. feet in size
- This application does not precede an application to subdivide or remove lands from within the Agricultural Land Reserve

Requirements:

The following information will be required by the Regional District of Nanaimo and the Agricultural Land Commission.

1. Applicant and ownership information
2. Land location and legal description
3. Site plan or sketch showing specific information about the property
4. At least two photographs of the primary and secondary residences
5. Proof that both residences were constructed before 25th of June 2002
6. A processing fee of \$75 dollars must be enclosed



REGIONAL DISTRICT OF NANAIMO		
APR - 5 2004		
CHAIR		GMCrS
CAO		GMDS
CmS		GMES
		<i>EM</i>

MEMORANDUM

TO: Robert Lapham
General Manager, Development Services

DATE: April 2, 2004

FROM: Keeva Kehler
Planner

FILE: 3360 30 9626

SUBJECT: Zoning Amendment Applicant No. 9626 – Rondalyn Resort/Danron Holdings Ltd.
Electoral Area 'C' – 1350 Timberlands Road

PURPOSE

To consider "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.287, 2002" for 3rd Reading.

BACKGROUND

At its regular Board meeting held on March 9, 2004, the Board adopted the following resolution with respect to the proposed zoning amendment application for Rondalyn Resorts located at 1350 Timberlands Road:

MOVED Director Hamilton, SECONDED Director Bibby that the Report of the Public Hearing containing the Summary of the Minutes and Submissions held July 3, 2002 be received for information.

CARRIED

MOVED Director Hamilton, SECONDED Director Bibby, that the original Amendment Bylaw No. 500.287, 2002 which proposed to create the Rondalyn Resort Comprehensive Development Zone (CD13) with a maximum of 90 campsites be reconsidered and reintroduced as suggested in the staff report to reflect the existing legal non-conforming uses on the property and permit expansion of the facility to a maximum of 60 RV sites together with a number of existing accessory uses.

CARRIED

MOVED Director Hamilton, SECONDED Director Bibby, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw NO. 500.287, 2002" be given 1st and 2nd readings as amended subject to Conditions of Approval as outlined in Schedule No. 1 of the staff report and be referred to public notification

CARRIED

MOVED Director Hamilton, SECONDED Director D. Haime that the Regional Board waive the requirement for a Public Hearing pursuant to Section 893 of the Local Government Act and further, that adjacent landowners within 200 metres of the subject property be notified by way of direct mail and display ad in the local newspaper.

CARRIED

MOVED Director Hamilton, SECONDED Director D. Haime that the applicants be provided two years to resolve the waste management issues with respect to the 30 additional unauthorized RV sites. Should the applicants be unable to obtain the necessary provincial approvals and commence the zoning amendment process, the additional 30 sites must be removed within 2 years of the date of adoption of Amendment Bylaw No. 500.287, 2002. During this period the campsites would not be occupied and the future uses of these sites would be subject to successfully rezoning the subject property.

CARRIED

ALTERNATIVES

1. To receive the staff report and to consider "Regional District of Nanaimo Subdivision and Land Use Bylaw Amendment Bylaw No. 500.287, 2002" for 3rd reading.
2. To receive the staff report and to abandon "Regional District of Nanaimo Subdivision and Land Use Bylaw Amendment Bylaw No. 500.287, 2002."

PUBLIC CONSULTATION IMPLICATIONS

Six adjacent property owners within 200 metres of the subject property received notice of the Board's intent to give 3rd reading and subsequent adoption of the Amendment Bylaw No. 500.287 by way of direct mail and staff have placed an ad in the Saturday April 3rd and Wednesday April 7th editions of the Harbour City Star. Should the public have any concerns with respect to the existing uses, they may submit written comments prior to April 13, 2004 or appear before the Board as a delegation.

VOTING

Electoral Area Directors - one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

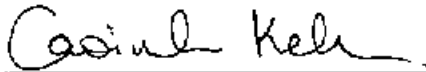
Rondalyn Resort submitted an application to rezone the subject property from RM9 to a Comprehensive Development Resort zone in 1996. The application originally proposed amending the zoning to permit a total of 90 fully and partially serviced RV campsites on the subject property together with a number of accessory uses. However, due to difficulty in obtaining sewage disposal approval from the Vancouver Island Health Authority, the applicants have agreed to request a zoning amendment for 60 of the existing RV sites at this time and they will continue to attempt to resolve the sewage issues with the Ministry for the remaining 30 sites. Should the applicants be able to resolve these issues within two years, they may apply for a subsequent zoning amendment to legalize the additional 30 RV sites. In this interim period, the 30 sites cannot be occupied.

Should the Board adopt "Regional District of Nanaimo Subdivision and Land Use Bylaw Amendment Bylaw No. 500.287, 2002," this will result in a Rondalyn Resort Comprehensive Development Zone 13

(CD13) that recognizes the 50 RV sites that are considered legal non-conforming (30 of which can be occupied year round, subject to Covenant restrictions), 10 additional RV sites, accessory outdoor uses, accessory office and retail space, the existing residential use and accessory outdoor storage space.

RECOMMENDATIONS

1. That the staff report be received for information.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.287, 2002" be given 3rd reading subject to the Conditions of Approval outlined in Schedule No. 1 and Schedule No. 2 of the staff report and comments received as a result of public notification.
3. That the applicants be directed to complete the Conditions of Approval outlined in Schedule No. '1' and '2' prior to final adoption.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:

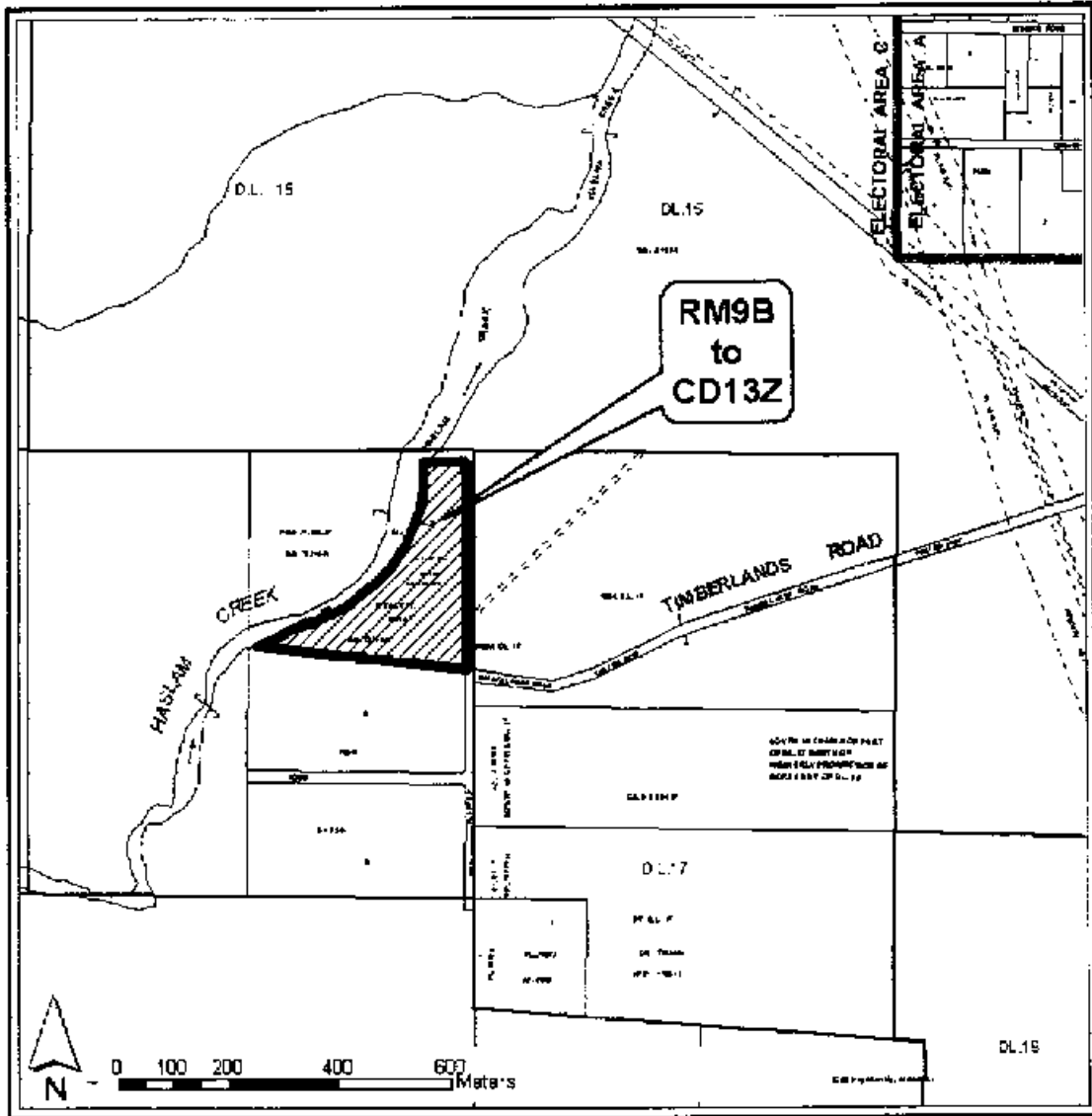
Schedule No. 1
Conditions of Approval for Amendment Application ZA 9626

Prior to the adoption of a bylaw to rezone the campground site from Resource Management 9 (RM9) Subdivision District 'B' to Rondalyn Resort Comprehensive Development 13 (CD13) Subdivision District 'Z', the applicant must complete the following conditions:

1. Registration of a Restrictive Covenant for the lands comprising the resort vehicle park site in which:
 - a) The Grantor must not use or permit the Lands to be used for a Resort Vehicle Park except for a total of 60 RV camping spaces, of which only 30 spaces may be continuously occupied for more than six months acknowledging that the purpose of this Agreement is to define and clarify the extent to which the use of non-seasonal camping spaces may be continued under section 911 of the *Local Government Act*;
 - b) The Grantor must not construct, build or plan on the Land or cause to be built, constructed or placed on the Land buildings or structures to be used in connection with a non-seasonal camping space, including without limiting the generality of the foregoing, decks, canopies, awnings, or accessory buildings;
 - c) The Grantor must not make any alterations to any existing building or structure on the Land used in connection with a non-seasonal camping space including, without limiting the generality of the foregoing, decks, canopies, awnings, or accessory buildings;
 - d) The Grantor must not place a mobile home on the Land or use or permit the use of any permanent camping space on the Land for a mobile home, except for the existing Manager's residence.
 - e) The grantor must not construct, build or place on the Land or cause to be built, constructed or placed on the Land, any building, structure or campsite within 8.0 metres of the front lot line or 5.0 metres from any other lot line, except for the existing sign within the required setback in compliance with the RDN Sign Bylaw No.993, 1995.
 - f) The Grantor must not remove, alter or injure or cause to be removed, altered or injured any of the natural vegetation on the Land lying within 30.0 metres of the natural boundary of Haslam Creek;
 - g) In the event that the Land or a portion of the Land is used for a sewer treatment plant, such plant will be designed to connect to the community sewer system and will be operated by a certified operator.
 - h) The covenant document may be amended to permit a total of 90 RV sites if the applicants obtain the necessary provincial and Regional District approvals.
 - i) The Grantor agrees to restrict accessory uses to the following:
 - Office and clubhouse with retail sales not exceeding 30 m²
 - Hobby workshop and games room
 - Washroom and laundry facilities
 - Recreation uses restricted to a 9 hole pitch and putt, swimming pool, hot tub, volleyball court and children's adventure playground, catch and release trout pond and picnic area
 - Outdoor storage area not exceeding 600 m² for the storage of recreational vehicles, motor vehicles, boats, car and utility trailers

2. Applicant to provide proof of approval from the Ministry of Water, Land and Air Protection with respect to existing approvals for 60 RV sites.
3. Applicant to provide a current site plan at a 1:1000 scale indicating the location of the existing uses including the accessory outdoor recreation uses and the distance of the structures to the lot lines.
4. Applicant to provide one parking space per RV campsite and an additional 40 sites for the day use adjacent to the picnic area and the swimming pool. The parking spaces shall be noted on the revised site plan.
5. Written confirmation from the Ministry of Health and the Ministry of Water, Land and Air Protection that there is no objection to the year round occupancy of 30 of the RV campsites.
6. Confirmation from the local Fire Chief that the water flows on site are adequate for fire protection.
7. Written confirmation that no variances to Schedule '6C' Campground Regulations and Standards of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" are required.
8. The zoning amendment approval is conditional upon the applicants resolving the issue of the additional 30 illegal sites and ancilliary services with the Ministry of Water, Land and Air Protection within one year. Should the applicant be able to obtain approval for the 30 additional sites, they may apply for a zoning amendment to legalize the additional 30 RV sites. However, should the applicant be unable to resolve the waste management issues, the additional 30 sites must be removed from the Resort. In the interim, the 30 RV sites must not be occupied.
9. There shall be no alteration of land within the Development Permit Areas without written approval from the RDN. A Development Permit may be required.
10. Applicants to provide confirmation of the exact location with respect to the lot lines of the "Rondalyn Resort" sign located within the required setbacks of the proposed Comprehensive Development zone.

Schedule No. 2
Subject Property Map





REGIONAL DISTRICT OF NANAIMO			
APR - 5 2004			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
		<i>EMV</i>	<input checked="" type="checkbox"/>
			DATE:
			FILE:

MEMORANDUM

TO: John Finnie, P. Eng.
General Manager Environmental Services

FROM: Carey McIver
Manager Solid Waste

SUBJECT: Solid Waste
Regional Landfill Geogrid Toe Berm Construction
Approval to Proceed to Tender and Award of Consulting Services

DATE: March 31, 2004

FILE: 5330-20-Geogrid

PURPOSE

To obtain Board approval to proceed to tender for the construction of a geogrid toe berm on the south side of the Regional Landfill and award the associated tender preparation and evaluation services to Sperling Hansen Associates.

BACKGROUND

In August 2003 the Board passed a motion to optimize the capacity of the existing landfill by constructing a geogrid toe berm on the south and southeast sides of the landfill. The 2004 capital plan includes funds to construct a geogrid reinforced toe berm on the south side of the landfill.

Our consultants forecast that this phase of the geogrid berm project should provide an additional seven to ten years of disposal capacity. If additional landfill capacity is desired beyond that period, subject to Board approval, the second phase of the berm around the southeast side of the landfill could be constructed in 2010 to provide another ten years of capacity. However, this phase will not be required if a more sustainable residual disposal option is identified by 2006.

ALTERNATIVES

1. Proceed to tender for the construction of a geogrid toe berm on the south side of the Regional Landfill and award the associated tender preparation and evaluation services to Sperling Hansen Associates.
2. Do not proceed to tender for the construction of a geogrid toe berm on the south side of the Regional Landfill and award the associated tender preparation and evaluation services to Sperling Hansen Associates.

FINANCIAL IMPLICATIONS

Alternative 1

Geogrid Wall Project Costs

The budget estimate included in the 2004 capital plan is \$3.542 million dollars. In January 2004 Sperling Hansen Associates, the original geogrid concept engineers, were engaged to prepare the detailed design and to determine the pre-tender estimate for this project. The pre-tender estimates has changed as follows:

	Pre-Design Estimate	Pre-Tender Estimate
Engineering	\$288,000	\$315,000
Construction	\$2,878,000	\$3,086,000
Sub-Total	\$3,166,000	\$3,401,000
GST	\$94,980	\$102,030
Contingency	\$281,020	\$340,100
Total	\$3,542,000	\$3,843,130

The pre-tender estimate is approximately 8.5% or \$301,000 more than the pre-design estimate prepared in June 2003. Reasons for the increase include additional berm material to flatten the outer berm slope to 1.5H:1V for safety reasons and an increase in the contingency of about \$60,000 to reflect recent increases in construction costs on Vancouver Island. GST may not be a cost component if the Federal Government officially passes legislation exempting municipalities from GST this year, but the timing of that initiative is uncertain at this time.

The 2004 capital plan anticipates that this project will be funded from the reserve fund which stands at about \$7.4 million dollars. Using existing cash reserves for this capital purpose avoids the use of debt financing at this time. If the project does cost more than the original \$3.542 million dollars, it may be possible to defer some of the capital projects being funded from the operating budget.

The reserve fund was established to study and develop a new solid waste disposal site. Although the Board originally expected to use this reserve fund to construct a new landfill, this specific intention changed in 1999 when the Board chose waste export as the best option, at that time, to provide long-term disposal capacity. The understanding after 1999 was that the reserve funds would be used for the acquisition of property and construction of a transfer station. The use of reserve funds for the expansion of capacity at the landfill with the geogrid wall is consistent with the purpose of the reserve fund, which was to provide some form of future disposal capacity.

Project Consultant

Sperling Hansen has been paid \$90,315 to date for design work and pre-tender estimates. The task of tender preparation, evaluation and construction supervision are estimated at \$224,685. Given the consultant's experience with the project and performance to date staff believe it is appropriate to engage them for the balance of the project.

Alternative 2

If the Board does not proceed to tender for the construction of a geogrid toe berm on the south side of the Regional Landfill then the project will not be completed during the 2004 construction season. This will have a negative impact on capacity optimization and require a significant modification to the recently completed fill plan for 2004 to 2012.

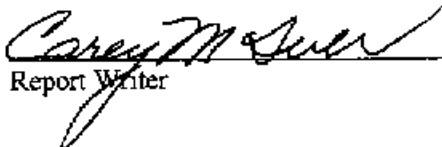
SUMMARY

In August 2003 the Board passed a motion to optimize the capacity of the existing landfill by constructing a geogrid toe berm on the south and southeast sides of the landfill. The pre-tender estimate of \$3.841 million dollars is about 8.5% higher than the initial capital budget of \$3.542 million. This reasonable cost variance from the pre-design estimate of June 2003, is due to safety modifications in the berm design as well as recent increases in construction costs on Vancouver Island. The 2004 capital plan shows the source of funds for the project as the capital reserve at an estimate of \$3.542 million dollars. If the project does cost more than the original \$3.542 million dollars, it may be possible to defer some of the capital projects being funded from the operating budget. Staff recommend proceeding to tender the project in order to meet a construction schedule for this year.

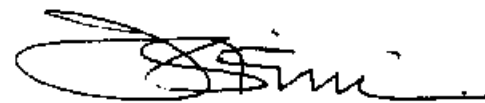
Staff are also seeking approval to engage the firm of Sperling Hansen for the tender preparation, evaluation and construction supervision for the project. The firm is the original concept engineers and are fully conversant with the project at this time. The estimated fees for the project from this point forward are \$224,865.

RECOMMENDATION

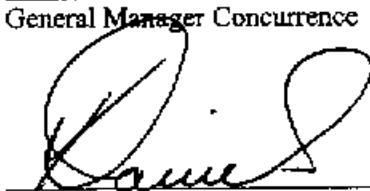
1. That the Board proceed to tender for the construction of a geogrid toe berm on the south side of the Regional Landfill and appoint the firm of Sperling Hansen as the project consultants.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO	
APR - 6 2004	
CHAIR	GM CrS
CAO	GM DS
GM CrS	GM ES
DATE: <i>Bea</i>	
FILE:	

MEMORANDUM

TO: C. Mason
General Manager, Corporate Services

April 5, 2004

FROM: N. Avery
Manager, Financial Services

SUBJECT: Yellowpoint-Waterloo Fire Protection Specified Area - Control of Fires During Fire Season Bylaw No. 1381

PURPOSE:

To adopt "Yellowpoint-Waterloo Fire Protection Specified Area - Control of Fires During Fire Season Bylaw No. 1381, 2004".

BACKGROUND:

Bylaw No. 1381 was introduced for first three readings on March 23rd, 2004 and has subsequently been advertised in two successive editions of a local newspaper to advise residents that the Board intends to adopt the bylaw on April 13th.

ALTERNATIVES:

1. Adopt the bylaw.
2. Amend the bylaw and adopt an amended bylaw.

FINANCIAL IMPLICATIONS:

There are no financial implications to report.

CITIZEN IMPLICATIONS:


As reported earlier, general support was expressed at a public information meeting regarding the bylaw.



SUMMARY/CONCLUSIONS:

Bylaw No. 1381 was introduced for first three readings on March 23rd and has been subsequently advertised in two successive editions of a local newspaper to advise residents of the intention to adopt the bylaw. There are no technical reasons not to adopt the bylaw in its current form.

RECOMMENDATION:

1. That "Yellowpoint-Waterloo Fire Protection Specified Area - Control of Fires During Fire Season Bylaw No. 1381, 2004" be introduced for first three readings.
2. That "Yellowpoint-Waterloo Fire Protection Specified Area - Control of Fires During Fire Season Bylaw No. 1381, 2004" having received three readings be adopted.


Report Writer


General Manager Corporate Services

C.A.O. Concurrency

COMMENTS:

TO: K. Daniels
Chief Administrative Officer

DATE: March 19, 2004

FROM: Linda Burgoyne
Administrative Assistant

FILE:

SUBJECT: Federation of Canadian Municipalities International Centre for Municipal Development - Partnership Program

PURPOSE:

To consider applying to join the partnership program for the Federation of Canadian Municipalities (FCM) International Centre for Municipal Development (ICMD). This program would link an overseas counterpart with the Regional District of Nanaimo for the purpose of sharing expertise and knowledge on municipal management and governance.

BACKGROUND:

The FCM is the national association representing municipal government in Canada. Its mission is to improve the quality of life in all communities by promoting strong, effective and accountable municipal government. Since 1987 the ICMD has represented FCM internationally with a municipal partnership program. A municipal partnership involves a direct relationship between a municipality in Canada and a municipality in a developing country to exchange information and practical experience with counterparts in developing countries. The program works to help local governments around the world develop their capacity to deliver basic services, promote economic growth and encourage the participation of their citizens. The partnership provides opportunities for Canadian municipalities to engage their political leaders, municipal administrators, technicians and professionals to help their overseas partners solve specific problems.

FCM usually initiates several partnerships each year in a number of focus countries. They manage municipal development projects and programs, including partnership projects in selected countries in Africa, Latin America and Asia. Currently approximately 40 municipal partnerships are active in 15 countries. Over the past seventeen years more than 1,500 Canadian municipal practitioners have shared their skills, experience and values with colleagues in the developing world through ICMD.

As a partner the regional district would plan and manage a multi-year project that focuses on some aspect of municipal management or governance. The FCM would provide staff support.

There are eight municipalities in BC currently involved in this program. Two Island municipalities involved are:

- (1) The City of Ladysmith has been partnered with the Island Garden City of Samal in the Phillipines since 2001. They are currently working on a community-based tourism development project and are discussing a waste management plan.
- (2) The City of Courtenay has been partnered with Suphanburi, Thailand since 1994. The ICMD has recognized the City with an Outstanding Volunteer Contribution Award. The City has provided technical support in computerizing management and geographic information systems. They are

now working towards improving municipal service delivery in public works maintenance, traffic controls, disaster control, building standards, parks maintenance and consolidated purchasing techniques. More than 20 city staff members have travelled to Thailand on various missions, while many more employees, elected officials and their families have volunteered time and resources hosting Thai delegates in Courtenay.

Application Process:

The application process requires detailed applications for candidature from both the local government in Canada and the developing country. Applications are submitted to the ICMD and require that the following criteria be met:

1. there must be a recognized and significant local government structure, with specific local responsibilities;
2. a representative of Board and staff must be able to participate in a series of overseas short-term exchanges over a two or three year period;
3. the municipality should have a demonstrated leadership role within the national or regional context, a strong work ethic and innovation in some aspects of municipal management and governance;
4. it is an asset if the municipality actively participates in a municipal association or network at the national or regional level;
5. the municipality is accessible to major transportation centres (airports, good roads) to facilitate travel; and
6. there are potential economic benefits of the partnership. FCM visit municipal candidates after having reviewed the material sent to support candidatures.

A selection committee reviews all candidates and approves the creation of international municipal partnerships.

Participation in the program will depend on the availability of funding at a given time, as well as FCM's capacity to identify a suitable partner municipality.

ALTERNATIVES:

1. To submit an application for the Regional District of Nanaimo's candidature in the Federation of Canadian Municipalities International Centre for Municipal Development Partnership Program.
2. To not submit an application.

FINANCIAL IMPLICATIONS:

FCM receives financial support from the Canadian International Development Agency to carry out most of its work overseas. These funds provide for all travel and related costs for partners from both countries. The local government provides support through their volunteer involvement in the partnership program. As an example during the two years that the City of Ladysmith has been involved in the program they took 2-3 staff to the Philippines on 4 trips of about 2 weeks each trip, then hosted their partners several times. There may, however, be some expenses involved when hosting the missions, i.e. receptions, entertainment and activity costs.

INTERGOVERNMENTAL IMPLICATIONS:

Canadian municipalities and their municipal associations have responsibilities and experience relevant to the challenges facing municipal governments in developing countries. This program benefits both sides by developing relationships and understanding, sharing ideas, transferring expertise and knowledge, putting theories into practice, and bringing innovative, practical solutions to common municipal issues.

If the RDN is accepted to participate in the partnership program, the CAO's office would coordinate the project with FCM.

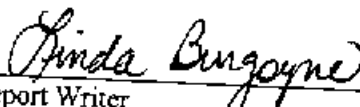
SUMMARY/CONCLUSIONS:


Since 1987 the FCM's International Centre for Municipal Development has worked to develop municipal partnerships between municipalities in Canada and municipalities in developing countries. The program works to help local governments around the world develop their capacity to deliver basic services, promote economic growth and encourage the participation of their citizens. The regional district's participation in this program would involve the planning and managing of a multi-year project that focuses on some aspect of municipal management or governance. The program benefits both sides by developing relationships and understanding, sharing ideas, transferring expertise and knowledge, putting theories into practice, and bringing innovative, practical solutions to common municipal issues.

The City of Ladysmith and the City of Courtenay are involved in the program and both advise that their involvement has been a great experience for their communities.

RECOMMENDATION:

That the Regional District of Nanaimo apply to the Federation of Canadian Municipalities International Centre for Municipal Development's Partnership Program to become a partner with a municipality in a developing country to share expertise and knowledge on municipal management and governance.


Report Writer


A/ C.A.O. Concurrence

COMMENTS: