

**REGIONAL DISTRICT OF NANAIMO**

**INAUGURAL BOARD MEETING  
TUESDAY, DECEMBER 11, 2001  
(immediately following the Hospital Board meeting)**

*(Nanaimo City Council Chambers)*

**A G E N D A**

**PAGES**

**1. CALL TO ORDER**

The Administrator will call the meeting to order.

Notification from the City of Nanaimo, City of Parksville and the Town of Qualicum Beach advising of their Council appointments to the Board for the year 2002.

**INAUGURATION OF MUNICIPAL BOARD MEMBERS**

**ELECTION OF BOARD CHAIRPERSON**

**ELECTION OF DEPUTY CHAIRPERSON**

**2. DELEGATIONS**

12 **Art Cowie**, re ALR Exclusion - Wosk - 365 Meadow View Place - Area G.

13 **Ian MacDonald**, re Twinning of District 69 Arena.

**3. BOARD MINUTES**

14-22 Minutes of the regular Board meeting held on Tuesday, November 13, 2001.

**4. BUSINESS ARISING FROM THE MINUTES**

**5. COMMUNICATIONS/CORRESPONDENCE**

23-25 **Tennis Westbrook, Town of Qualicum Beach**, re Area F Draft Zoning Bylaw.

26 **Tim Galavan**, re Home Lake Park Management Committee - Request for Membership.

27-28 **AVICC**, re Resolutions for 2002 Annual General Meeting.

29-32 **LGMA**, re Community Charter process.

33-35 **Bill Beamish, CAO, District of Houston**, re FCM Resolutions.

**6. UNFINISHED BUSINESS**

**From the Board Meeting held November 13, 2001:** (Electoral Area Directors except EA 'B' - One Vote)

36-42 Development Permit Application No. 0121 - Yost/Carman Fine Cars - 7193 Lantzville Road - proposed placement of sign (see correspondence) - Area D.

**For Adoption.** (All Directors - One Vote)

**Bylaw No. 799.06** - Electoral Area B Community Parks Local Service Amendment. (All Directors - One Vote)

**Bylaw No. 1258** - Electoral Area B Parkland Acquisition Loan Authorization Bylaw. (All Directors - Weighted Vote)

**Bylaw No. 1218** - Horne Lake Service Area Sewage Disposal Regulation Bylaw. (All Directors - One Vote)

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

7.(I) **DEVELOPMENT SERVICES STANDING COMMITTEE**

43-48

Minutes of the regular Development Services Committee meeting held November 20, 2001. (for information)

**CORRESPONDENCE/COMMUNICATIONS**

**Charlotte Caswell, re Horne Lake Park Management Plan.** (All Directors - One Vote)

*That the correspondence received from Charlotte Caswell with respect to Paradise Bay and Scout Camp Area of Lot 40 on Horne Lake, be received for information.*

**Tim Galavan, re Scout Camp – Block 40, Horne Lake.** (All Directors - One Vote)

*That the correspondence received from Tim Galavan with respect to the existing leasing policy in the area known as Scout Camp, be received for information.*

**BUILDING INSPECTION**

**Section 700 Filings.** (All Directors - One Vote)

*That a notice be filed against the titles of the properties listed, pursuant to Section 700 of the Local Government Act and that if the infractions are not rectified within ninety (90) days, legal action will be pursued:*

- (a) *Lot 2, Section 13, Range 1, Plan 11269, Cedar Land District, 1960 Cedar Road, Electoral Area 'A', owned by Druid Holdings Ltd.;*
- (b) *Lot 4, Section 8, Range 3, Plan 30579, Cedar Land District, 2477 Enefer Road, Electoral Area 'A', owned by J. Vickers and P. Grandison;*
- (c) *Lot 62, Section 12, Plan 23619, Gabriola Island, Nanaimo Land District, 1150 Chappel Place, Electoral Area 'B', owned by W. Hamilton;*
- (d) *Lot 2, Section 6, Plan 42450, Gabriola Island, Nanaimo Land District, 2925 North Road, Electoral Area 'B', owned by J. Allen;*
- (e) *Lot 6, Block 9, Section 23, Plan 1673, Nanaimo Land District, 1034 Berry Point Road, Electoral Area 'B', owned by I. MacKay;*

- (f) *Lot 3, Section 21, Plan 23484, Gabriola Island, Nanaimo Land District, 333 Malaspina Drive, Electoral Area 'B', owned by M. and M. Bowman;*
- (g) *That part of Lot 1, District Lot 79, Plan 4877, Nanoose Land District, lying to the south east of a boundary parallel to and perpendicularly distant 100 feet from the North West boundary of said Lot, except part in Plan 41577, 2419 East Island Highway, Electoral Area 'E', owned by D. and S. Miller;*
- (h) *Lot A, District Lot 39, Plan VIP55692, Nanoose Land District, 2038 Rocking Horse Place, Electoral Area 'E', owned by 616393 BC Ltd.*

## PLANNING

### AMENDMENT APPLICATIONS

**Application No. 0106 & Development Permit No. 0125 – Maibach Industries/Brown – 2093 South Wellington Road – Area A. (Electoral Area Directors except EA 'B' - One Vote)**

1. *That Development Permit Application No. 0125 submitted by Keith Brown, acting as agent for Maibach Industries, to allow for the authorized operation of outdoor display of heavy equipment and vary the signage requirements on the property legally described as Lot 1, Section 12, Range 7, Cranberry District, Plan 18166, be approved subject to notification procedures pursuant to the Local Government Act and subject to the conditions outlined in Schedule No. 1.*
2. *That Amendment Application No. 0106 to create a new Comprehensive Development (CD 11) zone by amending the text for a Commercial 4 (CM4) zone by removing "Outdoor Sales" as a permitted use and replacing it with "Heavy Equipment Display" for the property legally described as Lot 1, Section 12, Range 7, Cranberry District, Plan 18166 be given 1<sup>st</sup> and 2<sup>nd</sup> reading subject to the conditions outlined in Schedule No. 1.*
3. *That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.279, 2001" proceed to Public Hearing.*
4. *That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.279, 2001" be delegated to Director Elliott or his alternate.*

**Application No. 0107 – Bruce & Cindy Senini – Dickinson Road – Area D. (Electoral Area Directors except EA 'B' - One Vote)**

1. *That Amendment Application No. 0107, submitted by Bruce Senini and Cindy Senini, to rezone the subject property legally described as Lot 2, District Lot 37, Wellington District, Plan VIP64358, from Residential 2 (RS2), Subdivision District 'D' to Residential 1 (RS1), Subdivision District 'F' be given 1<sup>st</sup> and 2<sup>nd</sup> reading.*
2. *That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.280, 2001" be advanced to a public hearing subject to the conditions outlined in Schedule No. 1.*

3. *That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.280, 2001" be delegated to Director Haime or her alternate.*

#### **DEVELOPMENT PERMIT APPLICATIONS**

**Temporary Use Permit 0103 & Development Permit No. 0117 – Nanoose Harbour Holdings – 3500 Fairwinds Drive – Area E. (Electoral Area Directors except EA 'B' - One Vote)**

*That Temporary Commercial Use Permit No. 0103 and Development Permit No. 0117 submitted by Nanoose Harbour Holdings Ltd. for the property legally described as Part of District Lot 78, Nanoose District to allow a temporary real estate office use, proceed to a public information meeting prior to the Board's consideration of these permits, subject to the conditions outlined in Schedule No. 1 and the notification requirements pursuant to the Local Government Act.*

#### **DEVELOPMENT VARIANCE PERMIT**

**Application No. 0014– Inkahute – 2655 & 2665 East Island Highway – Area E. (Electoral Area Directors except EA 'B' - One Vote)**

**Delegations wishing to speak to Application No. 0014.**

*That Development Variance Permit Application No. 0014, submitted by Fern Road Consulting Ltd. on behalf of Inkahute Development Corporation, for the property legally described as Lot 2, Plan 14576, and the Remainder of Block B, Plan 1610, both of District Lot 79, Nanoose Land District, to vary the minimum setback requirements, maximum dwelling unit height, and minimum parcel size requirement as shown on Schedule No. 2, be approved, subject to notification requirements pursuant to the Local Government Act.*

#### **OTHER**

**ALR Exclusion – Wosk – 365 Meadow View Place – Area G. (All Directors - One Vote)**

*That the application for exclusion from the Agricultural Land Reserve for the property legally described as Lot G, District Lot 12, Nanoose District, Plan 30913 be denied and that the Land Reserve Commission be advised that the application is not proceeding.*

**ALR Exclusion – Law & Devereaux – Godfrey Road – Area C. (All Directors - One Vote)**

1. *That the application for exclusion from the Agricultural Land Reserve for the property legally described as Lot 1, Section 10, Range 3 and of Section 11, Ranges 2 and 3, Cranberry District, Plan VIP60641 be denied.*

2. *That an application for a transfer of lands in the Agricultural Land Reserve for the property legally described as Lot 1, Section 10, Range 3 and of Section 11, Ranges 2 and 3, Cranberry District, Plan VIP60641 be referred to the Growth Management Review Process as an amendment consideration; therefore the referral of a resolution by the Board to the Land Reserve Commission as input for the LRC's decision will be withheld pending the results of the Growth Management Review Process.*

**Noise Control Establishing and Regulatory Bylaws – Areas 'D' and 'H'. (All Directors - One Vote)**

*That a Public Information Meeting be held on "Electoral Area 'D' Service Establishment Bylaw No. 1264, 2001" and "Electoral Area 'D' Noise Control Regulatory Bylaw No. 1265, 2001", to be chaired by Director Haime or her alternate, prior to the consideration of the bylaws by the Board.*

*That a Public Information Meeting be held on "Electoral Area 'H' Service Establishment Bylaw No. 1266, 2001" and "Electoral Area 'H' Noise Control Regulatory Bylaw No. 1267, 2001", to be chaired by Director Quittenton or his alternate, prior to the consideration of the bylaws by the Board.*

**Temporary Commercial Use Permit No. 0108 –Tower Fence Produces – 1882 Fielding Road – Area A. (All Directors except EA 'B' - One Vote)**

*That Temporary Industrial Use Permit Application No. 0108, submitted by Tower Fence Products for the parcel legally described as Lot A, Section 14, Range 6, Cranberry District, Plan 7057 be approved as outlined on Schedules No. 1 and 2 and subject to the notification requirements pursuant to the Local Government Act.*

**Horne Lake Park Management Plan – Area H. (All Directors - One Vote)**

1. *That the Draft Terms of Reference for the appointment of a Parks Advisory Committee be received for information by the Board.*
2. *That the Board direct staff to proceed with the selection criteria for the appointment of a Park Advisory Committee to assist in the completion of the Horne Lake Park Management Plan.*
3. *That staff be directed to proceed with the completion of a draft Horne Lake Management Plan, to be presented to the public at a public information meeting prior to consideration by the Board.*

**7.(II) ENVIRONMENTAL SERVICES STANDING COMMITTEE**

49-51

Minutes of the regular Environmental Services Committee meeting held November 27, 2001. (for information)

## SOLID WASTE

### **Solid Waste Management Regulation Amendment Bylaw No. 894.14.**

(All Directors - Weighted Vote)

1. *That "Regional District of Nanaimo Solid Waste Management Regulation Amendment Bylaw No. 894.14, 2001" be introduced and read three times.*

(All Directors - 2/3)

2. *That "Regional District of Nanaimo Solid Waste Management Regulation Amendment Bylaw No. 894.12, 2001" be adopted.*

### **Backyard Composter Distribution – Program Termination. (All Directors - One Vote)**

*That the back yard composter distribution program termination report be received for information.*

*That the back yard composter distribution program be terminated.*

### **Zero Waste Workplan and Budget. (All Directors - One Vote)**

*That the Board receive the 2002 Zero Waste Workplan and Budget for information.*

### **Illegal Dumping Prevention Program Workplan and Budget. (All Directors - One Vote)**

*That the Board receive the 2002 Illegal Dumping Prevention Program workplan and budget for information.*

*That staff bring forward a report to the next Environmental Services Committee meeting with a detailed breakdown of the illegal dumping files generated by Malaspina University/College and RDN Bylaw Enforcement Officers and how these details may be best publicized as a deterrent component of the illegal dumping prevention program.*

*That a letter be sent to AVICC recommending a minimum fine of \$2,000 for illegal dumping under the Ministry of Water Land and Air Protection regulations.*

### **Waste Export Contract Renewal. (All Directors - Weighted Vote)**

1. *That the Board request a five-year renewal to the contract with the Greater Vancouver Sewerage & Drainage District to collect, transship and dispose of approximately 17,000 tonnes of RDN municipal solid waste annually.*
2. *That the Board request a five-year extension to the authorization from the Ministry of Water, Land and Air Protection for interim export of RDN waste.*

**7.(III) CORPORATE & COMMUNITY SERVICES STANDING COMMITTEE**

52-57

Minutes of the regular Corporate & Community Services Committee meeting held on December 4, 2001. (for information)

**COMMUNICATIONS/CORRESPONDENCE**

**Shirley Hine, City of Parksville, re Twinning of the District 69 Arena.** (All Directors - One Vote)

*That the correspondence received from the City of Parksville with respect to the twinning of the District 69 Arena, be received.*

**AVICC, re Resolutions for 2002 Annual General Meeting.** (All Directors - One Vote)

*That the correspondence received from AVICC with respect to submission of resolutions for the 2002 Annual General Meeting, be received.*

**AVICC, re Offshore Oil & Gas Moratorium.** (All Directors - One Vote)

*That the correspondence received from AVICC with respect to a common initiative involving Coastal Communities in advancing the lifting of the Hecate Strait Oil and Gas Moratorium, be received.*

**AVICC, re the Island Medical Program.** (All Directors - One Vote)

*That the correspondence received from AVICC with respect to the Island Medical Program, be received.*

**ADMINISTRATION**

**Board Procedure Bylaw No. 1268.**

(All Directors - One Vote)

- 1. That notice be provided to the public that, effective January 2002, and Committee of the Whole meetings will be held at 7:30 pm of the fourth Tuesday of each month.*
- 2. That the "Regional District of Nanaimo Board Procedure Bylaw No. 1268, 2001" be introduced and read three times.*

(All Directors - 2/3)

- 3. That the "Regional District of Nanaimo Board Procedure Bylaw No. 1268, 2001" be adopted.*

**Electoral Area Planning Committee.** (All Directors - One Vote)

*That the Electoral Area Planning Committee meeting schedule be deferred back to staff.*

**Results of the Parkland Acquisition Referendum.** (All Directors - One Vote)

*That the official results of the Electoral Area 'B' Parkland Acquisition Referendum be received for information.*

**FIRE PROTECTION**

**Fire Services Agreement – Dashwood Volunteer Fire Department.** (All Directors - Weighted Vote)

*That the Chairperson and General Manager, Corporate Services, be authorized to execute a service agreement with the Dashwood Volunteer Fire Department for a five year period ending December 31<sup>st</sup>, 2006.*

**COMMISSION, ADVISORY & SELECT COMMITTEE**

**District 69 Recreation Commission.**

*That the minutes of the District 69 Recreation Commission meeting held November 15, 2001 be received for information.*

**Twinned Arena Project:** (EA's 'E', 'F', 'G', 'H', Parksville, Qualicum Beach - Weighted Vote)

- 1. That the twinned arena design proposal (option 1) that includes the addition of a second ice sheet and a leisure ice sheet to the existing arena at a \$7.5 million project cost be approved and advanced to referendum in District 69, subject to confirmation from the City of Parksville on their steps to provide for their consideration of site approvals and a 30 year lease arrangement in tandem with the Regional District's referendum, tentatively scheduled for March 2002.*

(All Directors - One Vote)

- 2. That the Regional District strongly recommend that the City of Parksville make reductions as outlined in the report for development cost charges and identified off-site service upgrades, such as water, sewer and roads related to the District 69 arena twinning project.*
- 3. That the Regional District confirm with the City of Parksville the City's intent to undertake a separate City referendum in tandem with the District's arena twinning project referendum to address a community park trust condition that provides for a five year limitation on a lease of the property, subject to a majority vote of the owners – electors of the City.*



**Lantzville Parks & Open Space Advisory Committee.** (All Directors - One Vote)

*That the minutes of the Lantzville Parks & Open Space Advisory Committee meetings held August 27, September 24 and October 29, 2001, be received for information.*

**Nanoose Bay Parks and Open Space Advisory Committee.** (All Directors - One Vote)

*That the minutes of the Nanoose Bay Parks and Open Space Advisory Committee meeting held October 1, 2001, be received for information.*

**Electoral Area 'G' Parks, Recreation and Greenspace Advisory Committee.** (All Directors - One Vote)

*That the minutes of the Electoral Area 'G' Parks, Recreation and Greenspace Advisory Committee meeting held November 7, 2001, be received for information.*

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATION**

**MacMillan Park in Cathedral Grove.** (All Directors - One Vote)

*That this item be tabled for one month to allow staff to obtain further information from the parties involved.*

**Island Medical Program.** (All Directors - One Vote)

*That a letter of support be sent to the District's MLA and copied to AVICC with respect to the Island Medical Program to ensure that funding commitments remain to ensure the success of the program.*

**NEW BUSINESS**

**Board Appointments**

**Electoral Area 'A' Parks, Recreation & Greenspace Advisory Committee.** (All Directors - One Vote)

*That Lynette Aldcroft, Judy Burgess, Frank Garnish, Kerri-Lynne Wilson and David G. Williamson be appointed to the Electoral Area 'A' Parks, Recreation & Greenspace Advisory Committee for a term ending December 31, 2003.*

**Grants-in-Aid Committee.** (All Directors - One Vote)

*That Deborah Bromley-Anvelt, J.P. Hugh Sproule and Frank Van Eynde be appointed to the Grants-in-Aid Committee for a term ending December 31, 2002.*

**Performance Review Committee.** (All Directors - One Vote)

*That Arthur Lightburn be appointed to the Performance Review Committee for a term ending July 2002.*

**7.(IV) EXECUTIVE STANDING COMMITTEE**

**7.(V) COMMISSION**

**7.(VI) SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE**

**Intergovernmental Advisory Committee.** (All Directors - One Vote)

58-62 Minutes of the Intergovernmental Advisory Committee meeting held November 19, 2001. (for information)

**8. ADMINISTRATOR'S REPORT**

63-73 License of Use - Nanaimo Wastewater Treatment Plant Greenhouses. (All Directors - One Vote)

Growth Management Plan Review - Phase I & II Input. (Report and attachment included as separate enclosures) (All Directors - One Vote)

Treaty. (Report to be circulated) (All Directors - One Vote)

74-75 Electoral Area A Official Community Plan Bylaw No. 1240. (All Directors except EA 'B' - One Vote)

76-82 Temporary Use Permit No. 0301 and Development Permit No. 0117 - Nanoose Harbour Holdings - 3500 Fairwinds Drive - Area E. (All Directors except EA 'B' - One Vote)

83-85 Request to Modify a Restrictive Covenant - Williamson & Associates, BCLS on behalf of Janet Limin - Akenhead Road & Huckleberry Way - Area A. (All Directors except EA 'B' - One Vote)

86-88 Land Use and Subdivision Amendment Bylaw No. 500.278 - Valentim - 2651 Trans Canada Highway - Area A. (Electoral Area Directors except EA 'B' - One Vote)

89-93 Request for Relaxation - Fern Road Consulting Ltd. on behalf of Avorado Resort - 6050 East Island Highway - Area H. (Electoral Area Directors except EA 'B' - One Vote)

**2002 PROVISIONAL BUDGETS** (All Directors - Weighted Vote)

**Development Services Provisional Budget.**

*That the 2002 Development Services Provisional Budget be approved as presented.*

**Environmental Services Provisional Budget.**

*That \$100,000 be identified on the development cost charge reserve list for pump station upgrades and that a report be forwarded by staff identifying projects which would benefit or qualify for funds from the development cost charge reserve, and*

*That \$100,000 be used from the French Creek Pollution Control Centre Development Cost Charge Reserve Fund to reduce the 2002 tax requisition.*

*That the 2002 Environmental Services Provisional Budget be approved as amended.*

**Community Services Provisional Budget.**

*That the District 69 Recreation Coordinating Provisional Budget tax requisition be increased by \$50,000 to raise the portion allocated to Grants-in-Aid.*

*That the Board approve a 8% user fee increase effective September 2002 in addition to the 8% fee increase provided for on January 1, 2002 for the District 69 Arena.*

*That the 2002 Community Services Provisional Budget be approved as amended.*

**Corporate Services Provisional Budget.**

*That the 2002 Corporate Services Provisional Budget be approved as presented.*

**Provisional Budget Bylaw No. 1269.** (All Directors - Weighted Vote) (Report to be circulated)

That "Regional District of Nanaimo 2002 Provisional Budget Bylaw No. 1269", be introduced and read three times.

That "Regional District of Nanaimo 2002 Provisional Budget Bylaw No. 1269", be adopted.

**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)(a) of the Local Government Act the Board proceed to an In Camera meeting to consider a personnel issue.*

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Vancouver, BC, V6N 4J6  
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# Note

*Bob, I would have thought it best to leave the technical aspects of ALR designation up to the LRC. The land conditions have changed since the LRC last reviewed the host property. I am also clarifying Mayor Julia MacDonnell's position on the property being in the Municipality of Parksville. That was not clear.*

*From: Art Cowie, MCIP, FCCLA*

*Art Cowie*

<b>To:</b> Maureen Pierce	<b>Pages:</b> 1
<b>Fax:</b> 250-390-7511	<b>Date:</b> 11/23/01
<b>Phone:</b> 1-877-807-4111 Toll Free	<b>CC:</b> Robert Lapham Fax: 250-390-4163 ✓
<b>Re:</b> Lot G, DL 12, Nanoose District, Plan 30913 (Acreage Parcel) Request for ALR Exclusion	Sonny Wosk Fax: 604-324-0568 Helmut Urhahn Fax: 604-222-8368

Presentation at NRD Board Meeting December 11<sup>th</sup>, 2001

Maureen:

I request permission to appear as a regular delegation at the NRD Board Meeting December 11<sup>th</sup>, 2001 to speak to the Wosk request for ALR Exclusion.

At the Development Services Committee meeting the General Manager of Development Services, Robert Lapham, mentioned the possibility of having an agricultural expert speak to the Board about the viability farmland. If there is going to be a speaker on this issue at the next Board meeting, I will want to have our expert, Helmut Urhahn, appear as a separate delegation to explain to the Board why the Wosk property can no longer technically function as a farm.

Please let me know if there will be a NRD invited agricultural expert addressing the Board on December 11<sup>th</sup> so I can make arrangements for Mr. Urhahn to be a separate delegation.

Regards,

*Art Cowie*

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The logo for Oceanside Minor Hockey features the words "Oceanside" in a stylized, arched font on both the left and right sides. In the center, the words "Minor Hockey" are written in a bold, blocky font. The entire logo is set against a dark, textured background.

December 3, 2001

Linda Burgoyne  
Regional District of Nanaimo  
Nanaimo BC

Dear Linda,

As we discussed, on behalf of Oceanside Minor Hockey, I would like to make a short presentation to the RDN Board meeting to be held on Tuesday December 11, 2001.

The topic I would like to speak to is the District 69 Arena Twinning proposal.

Thank you for this opportunity !!!

A handwritten signature in black ink, appearing to read "Ian MacDonald".

Ian MacDonald  
Oceanside Minor Hockey  
2858 Spruce Lane  
NanOOSE Bay BC

250 468-5822 (home)  
250 468 7414 (wk)  
imacdonga@sd69.bc.ca

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE REGULAR MEETING OF THE BOARD  
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON  
TUESDAY, NOVEMBER 13, 2001, AT 7:30 PM IN THE  
NANAIMO CITY COUNCIL CHAMBERS

**Present:**

Director G. Holme	Chairperson
Director L. Elliott	Electoral Area A
Director B. Sperling	Electoral Area B
Director E. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
Director J. McLean	Electoral Area F
Alternate	
Director M. Klee	Electoral Area G
Director R. Quittenton	Electoral Area H
Alternate	
Director F. Demmon	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Director D. Rispin	City of Nanaimo
Alternate	
Director R. Cantelon	City of Nanaimo
Director T. Krall	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director L. Sherry	City of Nanaimo
Director B. Holdom	City of Nanaimo

**Also in Attendance:**

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

**DELEGATIONS**

**Gunter Yost, re Development Permit No. 0121 – Carman Fine Cars – 7193 Lantzville Road – Area D.**

Mr. Yost was not in attendance.

**BOARD MINUTES**

MOVED Director Sherry, SECONDED Director Hamilton, that the minutes of the regular Board meeting held on Tuesday, October 9, 2001 and the minutes of the special Board meeting held on October 30, 2001 be adopted.

CARRIED

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**COMMUNICATIONS/CORRESPONDENCE**

**Michael Begg, and RDN response re Proposed Snuneymuxw Interim Measure – Beach Protection.**

MOVED Director Holdom, SECONDED Director Sherry, that this item be referred to the In Camera meeting.

CARRIED

**Brock Williamson, Board of Variance, re Appointment of Douglas Lees.**

MOVED Director Hamilton, SECONDED Director Sherry, that the correspondence from Brock Williamson with respect to the re-appointment of Douglas Lees to the Board of Variance for a term expiring October 31, 2004, be received.

CARRIED

**Harriet Permut, UBCM, re Agreement on Internal Trade and Local Procurement.**

MOVED Director McNabb, SECONDED Director Elliott, that the correspondence from UBCM with respect to implementation concerns with the Internal Trade and Local Procurement Agreement be received.

CARRIED

**UNFINISHED BUSINESS**

*From the Development Services Committee Meeting held October 16, 2001.*

**BUILDING INSPECTION**

**Section 700 Filings.**

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.

**Darlene Dorman re Section 700 Filing.**

Ms. Dorman reviewed other options available to her including the purchase of property from the Ministry of Transportation and requested an extension to this filing.

MOVED Director Elliott, SECONDED Director McNabb, that the filing on Lot 1, Section 10, Range 2, Plan 26245, Cedar Land District, 2220 Cedar Road, Electoral Area 'A', owned by D. Dorman be postponed for 60 days.

CARRIED

MOVED Director Hamilton, SECONDED Director Sherry, that a notice be filed against the titles of the properties listed, pursuant to Section 700 of the *Local Government Act* and that if the infractions are not received within ninety (90) days, legal action will be pursued:

- (a) Lot 8, Section 11, Range 2, Plan 26222, Cedar Land District, 2108 Grieve Road Electoral Area 'A', owned by E. and D. Howe;
- (b) Lot 4, Section 15, Range 8, Plan 23666, Cranberry Land District, 1716 Cedar Road, Electoral Area 'A', owned by K. Dyck and N. Robertson;

CARRIED

**BYLAWS**

**Bylaw No. 500.270.**

MOVED Director Hamilton, SECONDED Director McNabb, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.270, 2001" (amendments to home-based business regulations) be adopted.

CARRIED

**Bylaw No. 500.272.**

MOVED Director McNabb, SECONDED Director Elliott, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.272, 2001" (amendments to accessory building size) be adopted.

CARRIED

**Bylaw No. 1255.**

MOVED Director Westbrook, SECONDED Director Klee, that "Driftwood Water Supply Service Area Establishment Bylaw No. 1255, 2001" be adopted.

CARRIED

**Bylaw No. 1256.**

MOVED Director Westbrook, SECONDED Director Klee, that "Driftwood Water Supply Loan Authorization Bylaw No. 1256, 2001" be adopted.

CARRIED

**Bylaw No. 1217.**

MOVED Director Quittenton, SECONDED Director Westbrook, that "Home Lake Pump and Haul Service Establishment bylaw No. 1217, 2001" be adopted.

CARRIED

**Public Hearing.**

**Minutes of the Public Hearing held November 7, 2001 with respect to Bylaw No. 500.278 – Valentim – 2651 Trans Canada Highway – Area A.**

MOVED Director Elliott, SECONDED Director Sherry, that the Summary of Proceedings of the Public Hearing held November 7, 2001 as a result of public notification of "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.278, 2001" be received.

CARRIED

MOVED Director Elliott, SECONDED Director Krall, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.278, 2001" be given 3<sup>rd</sup> reading.

CARRIED

MOVED Director Elliott, SECONDED Director Sherry, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.278, 2001" be referred to the Ministry of Transportation for confirmation of access prior to 4<sup>th</sup> reading.

CARRIED

MOVED Director Elliott, SECONDED Director Sherry, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.278, 2001" be referred to the Land Reserve Commission for confirmation of use prior to 4<sup>th</sup> reading.

CARRIED



**DEVELOPMENT SERVICES STANDING COMMITTEE**

MOVED Director Hamilton, SECONDED Director McNabb, that the minutes of the regular Development Services Committee meeting held October 16, 2001, be received for information.

CARRIED

**OTHER**

**Request for Acceptance of Cash-in-Lieu of Park Land and Relaxation of the Minimum 10% Perimeter Requirement – WR Hutchinson - Woobank, Morland & Storey Roads – Area A.**

MOVED Director Hamilton, SECONDED Director McNabb, that the requests, submitted by WR Hutchinson, BCLS, on behalf of Dragonwyke Enterprises Ltd. And 426187 BC Ltd., for cash-in-lieu of park land dedication be accepted and to relax the minimum 10% frontage requirement for proposed Lots 7 and 8, as shown on the plan of subdivision of Lot 2, Section 12, Range 2, Cedar District, Plan VIP53334, Except Part in Plan VIP64754, be approved.

CARRIED

**School Sites Acquisition Agreement Amendment – School District No. 69.**

MOVED Director Westbrook, SECONDED Director McLean, that the Regional District of Nanaimo accept the revised School District No. 69 Eligible School Sites Proposal as submitted.

CARRIED

**PLANNING**

**DEVELOPMENT PERMIT APPLICATIONS**

**Application No. 0121 – Carman Fine Cars/Yost – 7193 Lantzville Road – Area D.**

MOVED Director Hamilton, SECONDED Director Haime, that Development Permit No. 0121, submitted by Gunter Yost, on behalf of Carman Fine Cars (formerly Lantzville Auto Services), be approved, subject to the notification requirements pursuant to the Local Government Act and conditions set out in Schedule No. 2 with the following amendments:

1. That a changeable copy sign not be permitted as a building fascia sign.
2. That a maximum of one freestanding sign shall be permitted with the maximum sign face area to be increased by one foot in additional height beyond the existing sign area to allow for fuel pricing.
3. That no sandwich board signage be permitted.

MOVED Director Haime, SECONDED Director Westbrook, that the 3 amendments be handled seriatim.

CARRIED

MOVED Director Haime, SECONDED Director Hamilton, that no. 1 be changed from 3 signs to 1 sign.

CARRIED

MOVED Director Haime, SECONDED Director Elliott, that no. 2 and 3 be referred back to staff.

CARRIED

**ENVIRONMENTAL SERVICES STANDING COMMITTEE**

MOVED Director Sherry, SECONDED Director McNabb, that the minutes of the regular Environmental Services Committee meeting held October 23, 2001 be received for information.

CARRIED

**LIQUID WASTE/UTILITIES**

**Engineering Services Contract Extension.**

MOVED Director Sherry, SECONDED Director McNabb, that the Board renew its engineering services agreement with Associated Engineering in the area of wastewater engineering services for a two year term expiring May 2003.

CARRIED

**Surfside Sewer Rates and Regulation Bylaw No. 1241.**

MOVED Director Sherry, SECONDED Director Westbrook, that "Surfside Sewer Rates and Regulation Bylaw No. 1241, 2001" be introduced for first three readings.

CARRIED

MOVED Director Sherry, SECONDED Director Westbrook, that "Surfside Sewer Rates and Regulation Bylaw No. 1241, 2001" having received three readings be adopted.

CARRIED

**Municipal Benefitting Area Amendment Bylaw No. 1216.01 – City of Nanaimo.**

MOVED Director Sherry, SECONDED Director Krall, that "Municipal Benefitting Area Amendment Bylaw No. 1216.01, 2001" be introduced for first three readings and be forwarded to the City of Nanaimo for consent.

CARRIED

**SOLID WASTE**

**Residual Solid Waste Management Plan Update.**

MOVED Director Sherry, SECONDED Director Krall, that the Board receive the update on the status of the Residual Solid Waste Management Plan Amendment Process.

CARRIED

**SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE**

**Area A Parks, Recreation and Greenspaces Advisory Committee.**

MOVED Director Elliott, SECONDED Director Haime, that the minutes of the Area A Parks, Recreation and Greenspaces Advisory Committee meeting held September 20, 2001 be received for information.

CARRIED

**Intergovernmental Advisory Committee.**

MOVED Director Hamilton, SECONDED Director Krall, that the minutes of the Intergovernmental Advisory Committee meeting held October 18, 2001 be received for information.

CARRIED

**District 69 Recreation Commission.**

MOVED Director Quittenton, SECONDED Director Klee, that the minutes of the District 69 Recreation Commission meeting held October 25, 2001 be received for information.

CARRIED

**Grants-in-Aid.**

MOVED Director Quittenton, SECONDED Director Klee, that the following grants be awarded:

*Community Grants-in-Aid:*

Beacon Christian School	\$	180
Errington Coop Preschool		400
Lighthouse Community Centre Society		400
		CARRIED

MOVED Director Klee, SECONDED Director Demmon, that the following grants be awarded:

*Youth Grants-in-Aid:*

BMX Club	\$	1,500
Safe Schools Safe Communities		650
Beacon Christian School		687
Shorewood/San Paniel & Residents Association		1,500
Coombs Halloween Candy Walk		250
		CARRIED

MOVED Director Westbroek, SECONDED Director Klee,:

That the Commission recommend to the Board that a letter be sent to Centra Gas and the two municipalities which provide water service to the Ravensong Aquatic Centre and the District 69 Arena requesting a reduction in rates.

That the Commission recommend to the Board that staff be directed to prepare an amendment to the arena rental fees to be based on prime and non-prime time rates for implementation in 2002.

CARRIED

**Grants-in-Aid Committee.**

MOVED Director Hamilton, SECONDED Director Haime, that the minutes from the Grants-in-Aid Committee meeting held October 30, 2001 be received for information.

**School District 68.**

MOVED Director Krall, SECONDED Director Hamilton, that the following grants be awarded:

Cedar Community Association	\$	1,321
First Lantzville Scouts		1,000
		CARRIED

Director Hamilton left the meeting due to a possible conflict of interest with the next item.

MOVED Director Krall, SECONDED Director Cantelon, that the following grant be awarded:

Nanaimo Bantam "A"s Fastball Team	\$	300
		CARRIED

Director Hamilton returned to the meeting.

**School District 69.**

MOVED Director Westbrook, SECONDED Director Demmon, that the following grants be awarded:

Forward House Community Society	\$ 1,000
Janus Theatre Society of Parksville	375
Navy League of Canada - Parksville Branch	1,200
Oceanside Community Kitchens	1,000
Parksville-Qualicum Pony Club	400
RCMP Auxiliary Constables	1,000

CARRIED

**ADMINISTRATOR'S REPORT**

**Community Policing Funding.**

MOVED Director McLean, SECONDED Director Haime, that the report on alternative means of funding community initiatives be received.

CARRIED

**Fire Services Agreement with the Nanoose Bay Fire Protection Society.**

MOVED Director Sherry, SECONDED Director McNabb, that the Chairperson and General Manager, Corporate Services be authorized to execute a service agreement with the Nanoose Bay Fire Protection Society for a five year period ending February 28<sup>th</sup>, 2006.

CARRIED

**2002 Arrowsmith Water Service Provisional Budget.**

MOVED Director Klee, SECONDED Director Holme, that the AWS 2002 Provisional Budget, as approved by the AWS Management Committee on October 29, 2001, be approved by the Regional District of Nanaimo Board.

CARRIED

**Crown Land Tenure Offer - Errington Community Park.**

MOVED Director McLean, SECONDED Director Klee, that the Regional District accept the offer from the province for a 30 year lease for community park purposes for the parcel referred to as the Errington Community Park, legally described as Lot 31, Block 46, District Lot 139 E & N, Nanoose District, Plan 1989.

CARRIED

MOVED Director McLean, SECONDED Director Westbrook, that staff consult with the community and develop the appropriate agreements, if required, to address the terms for the use of the park property by existing user groups.

CARRIED

**Minister's Request for Board Support of Area F Incorporation Study.**

MOVED Director McLean, SECONDED Director Cantelon, that the Board of the Regional District of Nanaimo advise Director McLean that the Board does not oppose an incorporation study.

A recorded vote was requested.

MOVED Director Sherry, SECONDED Director Westbrook, that the motion be amended to include the words "once the community planning and zoning process has been completed".

The motion was DEFEATED with Directors Hamilton, Westbrook, Sherry, Holdom and Krall voting in the affirmative and Directors Holme, Quittenton, Haime, Sperling, Demmon, McNabb, Elliott, McLean, Cantelon, Rispin and Klee voting in the negative.

The question was called on the main motion.

The motion CARRIED with Directors Holme, Hamilton, Quittenton, Westbrook, Haime, Sperling, Demmon, Holdom, McNabb, Elliott, Krall, McLean, Cantelon, Rispin and Klee voting in the affirmative and Director Sherry voting in the negative.

MOVED Director Westbrook, SECONDED Director McLean, that if a study proceeds, a comprehensive impartial boundary study be undertaken that would recognize the interests of all jurisdictions.

MOVED Director McLean, SECONDED Director Haime, that the motion be amended to add the words "in Area F".

A recorded vote was requested.

The motion was DEFEATED with Directors Haime, Sperling and McLean voting in the affirmative and Directors Holme, Hamilton, Quittenton, Westbrook, Sherry, Demmon, Holdom, McNabb, Elliott, Krall, Cantelon, Rispin and Klee voting in the negative.

The question was called on the main motion.

The motion was CARRIED UNANIMOUSLY.

### **Third Quarter Operating Results for 2001.**

MOVED Director Rispin, SECONDED Director Westbrook, that the third quarter summary report of financial results from operations to September 30<sup>th</sup>, 2001 be received for information.

CARRIED

### **NEW BUSINESS**

#### **Area F Restructure Study – Director McLean.**

MOVED Director McLean, SECONDED Director Cantelon, that the RDN Board support the Area F Restructure Study Committee application to the Ministry of Community, Aboriginal and Women's Services for a grant to complete the Restructure Study for Incorporation.

A recorded vote was requested.

The motion CARRIED with Directors Holme, Hamilton, Quittenton, Westbrook, Haime, Sperling, Demmon, Holdom, McNabb, Elliott, Krall, McLean, Cantelon, Rispin and Klee voting in the affirmative and Director Sherry voting in the negative.

#### **Policing Costs.**

The Administrator advised Board members that the Province is reviewing the current funding formula for local police services in BC and that a committee of regional district representatives has been formed to establish a position on this matter and to request that the Province consult with local governments prior to making any decisions for changes to policing financing.

#### **2002 Provisional Budget.**

The Administrator and General Manager of Corporate Services provided a brief budget overview and noted that further details will be discussed at the upcoming budget meetings.

**IN CAMERA**

MOVED Director McLean, SECONDED Director McNabb, that pursuant to Section 242.2 1(e) of the *Local Government Act* the Board proceed to an In Camera meeting to consider matters related to land acquisition.

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 8:35 PM

---

CHAIRPERSON

---

GENERAL MANAGER, CORPORATE SERVICES



# TOWN OF QUALICUM BEACH

INCORPORATED 1942

201 - 660 Primrose St.  
P.O. Box 130  
Qualicum Beach, B.C.  
V9K 1S7

REGIONAL DISTRICT OF NANAIMO			
NOV - 9 2001			
CHAIR		GMCrs	
CAO		GMDS	✓
GASCrs	(250) 752-2433	GMES	
E-mail: qbrown@qualicumbeach.com		Fax: (250) 752-2433	
Website: www.qualicumbeach.com			

November 7, 2001

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

Dear Board Members

## Re: Area 'F' Draft Zoning Bylaw

After careful review and consideration of the draft Area 'F' Zoning Bylaw a number of changes are recommended prior to the bylaw being given second reading. The proposed changes are recommended in order to bring the bylaw into alignment with the goals and policies of the Regional Growth Management Plan (RGMP).

The potential that is created by the draft bylaw for large scale regional retail centres stretched along Highway 4A is not consistent with many of the policies and guidelines in the RGMP. eg.,

### **Goal 2 – Nodal Structure**

#### **Guideline 2.2**

"OCs and zoning bylaws should be amended to eliminate provisions that allow or encourage commercial or institutional uses that depend on direct access to arterial roads and highways. These uses are inconsistent with nodal development, and include shopping malls, big-box retail ("mega stores"), and strip commercial"; and

### **Goal 6 – Vibrant and Sustainable Economy**

#### **Guideline 6.3**

"Any further development of big-box retail ("mega stores"), highway strip malls, or regional shopping centres is inconsistent with the Vision Statement, sustainability, mobility alternatives, or neighbourhood cohesion."

In contradiction to the nodal development policies in the RGMP the bylaw creates an imbalance inside the Urban Containment Boundaries (UCBs) between the amount of commercial zoned land and the amount of Residential zoned land that it is intended to serve.

To remove the potential for large scale regional retail centres and mid-box size retail outlets, which exist in the draft plan, and to comply with the RGMP objectives regarding nodal development, (complete communities), a better balance between residential and commercial uses should be established inside the Urban Containment Boundaries (UCBs). Normally the ratio of commercial/residential zones land in other regional UCBs is approximately 20:1. The Area 'F' Draft Bylaw creates a ratio of approximately 1:1.

To illustrate the potential for a regional retail centre under the existing draft bylaw, a single vacant parcel of 3 ha, located in the Church Road area, has the potential to accommodate 10 stores equal in size to the Quality Foods store in Qualicum Beach i.e. 10 x 1500m<sup>2</sup> (10 x 16,146 ft<sup>2</sup>). In total, there is 50 ha in the Church Road area. Many of the lots are either under developed or vacant. The list below shows the total amount of potential retail floor area in the draft bylaw.

**Area 'F' Zoning Bylaw**  
**Estimate of Retail build-out potential.**  
**Zoning Comparisons**

Area	Actual area (ha)	Max. size retail store (m <sup>2</sup> )	Max. build-out of retail floor area (m <sup>2</sup> )(1) (with community services)
Bellevue/Church Rd	50.0	1500	170,000
Coombs Village Centre	17.5	1500	60,000
Hilliers Village Centre more industrial	13.0	1500	44,000
Errington Village Ex. Sawmill	2.5	1000	8,500
Qualicum Beach Commercial Core	13.2	1000	56,000

To put the figures indicated above into perspective the following is a list of existing retail facilities and their floor area. Figures have been confirmed except as noted.

- Woodgrove Centre 69,489 sq. m.
- Chapters, Nanaimo 1,866 sq. m.
- Quality Foods Store, Qualicum Beach 1,500 sq. m. (approx.)
- Qualicum Beach Downtown 34,000 sq. m. (estimate, includes all commercial)

(1) Figure deducts 10% of land for roads after subdivision.

As the draft bylaw creates a real potential for a regional retail centre to be established in Area 'F'; and as this is contrary to the RGMP, changes to the Bylaw before second reading are recommended as follows:

1. Reduce the amount of retail potential in the draft bylaw in favour of more regular residential subdivision lot zoning. This can be achieved by;
  - a) Changing the zoning from Commercial 3 to Residential 3 (regular lot subdivision) for properties that are either currently vacant or have no established commercial use on them.
  - b) Recognizing existing commercial uses, provide for limited expansion on those properties and zone the surplus land Residential 3.

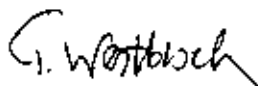


2. In order to discourage "mid-box" size retail stores, the maximum size of a retail store should be reduced from 1500 m<sup>2</sup> (16,146 ft<sup>2</sup>) to 1000 m<sup>2</sup> (10,764 ft<sup>2</sup>).
3. The definition of "warehouse/wholesale", which is allowed in the extensive Industrial zoned areas, should be amended by adding "but does not include retail sales". This will clarify the intent of the use and help prevent big-box retail stores establishing under the guise of "wholesale" in the Industrial areas.

**Recommendation**

It is recommended that the Board of the Regional District of Nanaimo direct staff to make the necessary changes to the Area 'F' draft Zoning Bylaw before second reading to better align the bylaw with the policies of the Regional Growth Management Plan regarding regional retail centres, strip malls and nodal development as indicated in the above recommendations.

Yours truly



**T. (Teunis) Westbroek**  
**Mayor**  
**Town of Qualicum Beach**

File: 6530-20-AREAF  
F: Letters/01/areaf.tj  
Attachment

C: Kelly Daniels, Administrator/CAO  
Bob Lapham, General Manager

Tim Galavan  
RR# 3 - 4200 Judge Drive  
Cobble Hill, B.C.  
V0R 1L0  
(250) 743-9195

November 26, 2001

**Memorandum:**

**To:** Chair Holme and Directors, Regional District of Nanaimo  
**From:** Tim Galavan, Representative for Scout Camp Leaseholders  
**Re:** Block 40 - Home Lake - Park Management Committee - Request for Membership  
For Consideration by the Development Services Committee Meeting of Dec. 11, 2001

---

I have been advised that the Regional District of Nanaimo is proposing to establish a Parks Management Committee to oversee the establishment of a dedicated Park within the area known as Block 40, located at the west end of Home Lake.

As a stakeholder and representative of the current lease holders of the area called Scout Camp, I respectfully request participation as a member on this Committee.

Aside from my interest in finding an appropriate balance between the need for public access to the lake and respect for those that have worked to create and sustain the private areas, I offer many years of practical experience at the lake and insight into the many nuances that make this area unique.

If given an opportunity to serve on this Committee, I am prepared to dedicate the time necessary to attend meetings and work with other Committee Members to develop recommendations that will ensure the Park is managed in a sustainable manner and in the interest of both Park users and Regional taxpayers.

I can be reached at the above address or by phone at (250) 361-0324 or (250) 743-9195.

Sincerely yours,

Tim Galavan

**PAGE**  
2/6

RECEIVED

NOV 23 2001

REGIONAL DISTRICT OF NANAIMO			
NOV 23 2001			
CHAIR	<i>[Signature]</i>	GMCrs	
CAO	<i>[Signature]</i>	GMDS	
GMCrs		GMES	
			<i>[Signature]</i> ✓

TO: AVICC MEMBERS  
 FROM: Eydie Fraser, Executive Coordinator  
 RE: 2002 RESOLUTIONS - ANNUAL GENERAL MEETING  
 DATE: November 20, 2001

**DEADLINE FOR RESOLUTIONS**

All resolutions must be received in the AVICC office by:

**JANUARY 18, 2002**

**SUBMISSION REQUIREMENTS**

Resolutions submitted to the AVICC for consideration shall be submitted as follows:

- ¥ one copy of the resolution;
- ¥ the resolution should not contain more than two "whereas" clauses;
- ¥ background documentation must accompany each resolution submitted.

Sponsors should be prepared to introduce their resolutions on the Convention floor.

**LATE RESOLUTIONS**

- a. Resolutions submitted following the expiry of the regular deadline shall be considered "Late Resolutions" and shall comply with all other submission requirements to the AVICC by the Monday noon (March 4, 2002) preceding the date of the Annual General Meeting.
- b. Late resolutions shall be available for discussion after all resolutions printed in the Resolutions have been debated.
- c. Late resolutions are deemed to be appropriate for discussion only if the topic is such that it has arisen since or was not known prior to the regular deadline date for submission of resolutions.
- d. In the event that a late resolution is recommended to be admitted for discussion AVICC shall produce sufficient copies for distribution to the Convention.

**MODEL RESOLUTION**

**SHORT TITLE**

**Sponsor's Name**

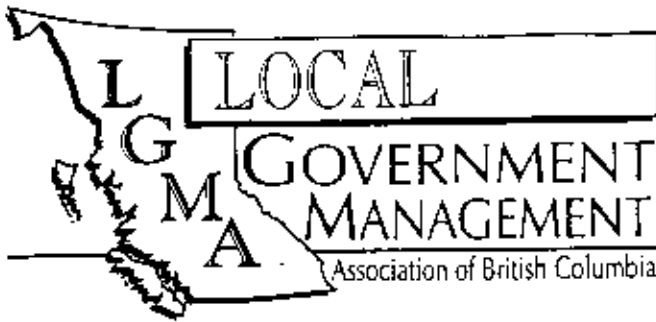
**WHEREAS**

**AND WHEREAS**

**THEREFORE BE IT RESOLVED that**

(Note: A second resolve clause if it is absolutely required should start as follows:)

**AND BE IT FURTHER RESOLVED that**



**LGMA**

737 Fort Street, Victoria, BC V8W 2V1  
Tel: (250) 366-4879

<b>REGIONAL DISTRICT OF NANAIMO</b>			
NOV 27 2001			
CHAIR	<input checked="" type="checkbox"/>	GMCrS	<input type="checkbox"/>
CAO	<input checked="" type="checkbox"/>	GMDS	<input type="checkbox"/>
GMCrS	<input checked="" type="checkbox"/>	GMES	<input type="checkbox"/>
<i>Bed Correspondence</i>			

2001 November 20

TO: Chief Administrative Officers  
Province of B. C. Local Governments

The Local Government Management Association has been working diligently to obtain an opportunity for meaningful input from local governments throughout British Columbia into the Community Charter process.

To this end we have initiated three courses of action:

- To have L.G.M.A. representation included at the Charter Council level
- To submit a discussion paper in response to the issues outlined to date in Charter documentation, and
- To initiate a process which will provide opportunities for meaningful input from local governments throughout the Province into development of the Community Charter not just today, but through future Charter developments and other legislative initiatives affecting local governments.

Our Association has enjoyed success in the first two points; we have been invited to provide two representatives to a Technical Advisory Committee to the Charter Council and we have submitted a position paper (available on CivicInfo and the LGMA websites) outlining views, concerns and options in development of the Charter.

However, to proceed with the third step we need the cooperation and support of local governments throughout the Province. The attached documentation outlines our vision for an inclusive process that will allow local governments to provide meaningful input, through the U.B.C.M., into legislative change in this Province, beginning with the current development of the Community Charter.

The Association is seeking your assistance by taking this information to your respective Councils and Boards, requesting their support for this process and asking they express this support to the Union of B. C. Municipalities. The U.B.C.M. is the primary voice of local governments in this Province and we wish to support their efforts by providing

**PAGE**  
**29**

recommendations that would lead to the creation of clearly defined positions they may then put forward in their discussions with the Provincial Government. We are not advocating the role of Ministry staff or UBCM staff be usurped by this process. The LGMA is seeking an opportunity to provide technical expertise and assistance to ensure the views and concerns of all local governments may be utilized to formulate positions that would then form the basis of discussion between the UBCM and the Provincial government.

It has been said many times throughout current discussions "One size doesn't fit all". We are very well aware of this issue and feel the best way to address the concerns of all local governments is to ensure the development of clearly enunciated positions which allow for the flexibility required to meet our needs regardless of geographic location, size or demographics.

Your assistance by initiating this discussion with your Council or Board, asking for their support and expressing that support to the UBCM Executive would be greatly appreciated.

Representatives from the LGMA will be meeting with the UBCM Executive Director to discuss this initiative and subsequently with the UBCM Board of Directors at their January meeting. To have your Council's support to the UBCM by that time, would be of great assistance in bringing this process to a positive conclusion.

Thank you in advance for your consideration. Local governments in B. C. are standing on the brink of massive change in the way we conduct our daily business. Together we can make this a positive and beneficial change, not just for local governments, but more importantly, for the citizens we serve.

Gerald H. Kingston,



President,  
Local Government Management Association  
Of B. C.

***RECOMMENDATION: That the Regional District of Nanaimo endorse the Legislative Development process as put forward by the Local Government Management Association in respect to the development of the Community Charter.***



## LEGISLATIVE DEVELOPMENT PROCESS

### VISION

To participate in the development of a Community Charter for British Columbia is an exciting opportunity that deserves the full attention of everyone involved in leadership in Local Government.

### GOALS

To assist in the establishment of a process that will:

- Result in a Community Charter that meets the needs of all Local Governments across British Columbia;
- Ensure Local Governments participate in and develop a sense of ownership of the end result;
- Recognizes Local Government as a partner in the development of the Community Charter and future legislative changes affecting local governments.

### RECOMMENDATION TO LOCAL GOVERNMENTS

THAT British Columbia Local Governments write to the Union of B. C. Municipalities recommending adoption of an inclusive process, as outlined, in order to facilitate meaningful input by UBCM membership into the Community Charter development process and future legislative change.

### RECOMMENDED PROCESS

To create a means by which local governments, through the Union of B. C. Municipalities, with the assistance of the Local Government Management Association of B. C., will formulate clearly defined positions with respect to the development of the Community Charter and other future legislative changes through:

1. UBCM taking a proactive role, ensuring their Charter Council representatives have clearly defined positions on the issues under consideration in the Community Charter which represent the needs and concerns of the membership, and that UBCM Charter Council representatives advance these positions at the Charter Council table;
2. Facilitate a pro-active role by the Local Government Management Association of B. C. by utilizing the expertise and experience of local government staff throughout the Province to assist the UBCM in coordinating a membership driven response to legislative change proposed by the Provincial Government;
3. Establish a joint committee or task force consisting of U.B.C.M. staff and L.G.M.A. representatives whose mandate is to formulate clearly defined positions based on input from UBCM membership for consideration by the Board and discussion at the Charter Council table;
4. Ministry of CAWS staff continuing to play a key role in explaining Charter issues and providing background information, working with the joint committee/task force to ensure information provided to UBCM membership is clear, accurate and supports the creation of positions which will form the basis of discussions at the Charter Council table;
5. Upon release of the draft Community Charter the Province and UBCM cooperate in the distribution of the document and arrange new opportunities for discussion and formulation of positions with respect to the issues.

### CONCLUSION

It is very clear to everyone in local government today that we are part of an historic change in the direction and operation of local governments in British Columbia. To this end it is imperative the new "spheres of jurisdiction" and "basket of tools" we are in the process of creating address the needs of all local governments regardless of size, geography or population. In order to accomplish this goal it is important for local governments to create definitive positions with respect to what they want, what they need and what will be of most benefit to their community.

The UBCM represents the united voice of local government to the Province. The Local Government Management Association represents expertise and experience across all disciplines in local government. We therefore offer our services, as we do every day to our respective municipalities and regional districts, to the UBCM membership to assist in the formulation of their goals and objectives as we go forward into a new era of governance for local government in B.C.



REGIONAL DISTRICT OF NANAIMO			
NOV - 8 2001			
CHAIR	<i>[Signature]</i>	GMCrs	
CAO		GMDS	
GMCrs		GMES	
<i>Dist Correspondence</i>			

113.01  
118.01

October 18, 2001

All BC Municipalities  
Union of BC Municipalities  
North Central Municipal Association

**RE: FCM RESOLUTIONS**

On October 17<sup>th</sup> our Council forwarded two resolutions to the Federation of Canadian Municipalities. At Council's request, I am also forwarding copy of these resolutions to you with the request that they be considered and supported by your Council or Board.

The two resolutions are:

1. HIGH SPEED INTERNET SERVICE TO RURAL AND REMOTE COMMUNITIES TO IMPROVE HEALTH CARE SERVICES; and,
2. REDUCE PERSONAL INCOME TAXES.

Thank you for consideration and support of these resolutions.

Sincerely,

"Bill Beamish"  
Chief Administrative Officer

BB:lp

cc: Mayor and Council

# Resolution

## **SUBJECT OF RESOLUTION**

High Speed Internet Service to Rural Communities  
To Improve Health Care Services

**Submitted by:**  
District Of Houston

---

**WHEREAS** there is a shortage of doctors and health care services in rural and remote communities throughout Canada.

**AND WHEREAS** the national Broadband Taskforce has identified health care as a public service that can be improved, and in some cases, delivered through the deployment of high-speed broadband networks to rural and remote communities:

**THEREFORE BE IT RESOLVED** that the Federation of Canadian Municipalities urge the Federal Government to make the improvement and delivery of health care to remote and rural communities the number one priority and determinant for decisions to deploy high-speed broadband networks throughout Canada by 2004.

**Certified true copy of Federation of Canadian Municipalities resolution passed by council for the District Of Houston on Tuesday October 16, 2001.**

---

Bill Beamish  
Chief Administrative Officer

## Resolution

### **SUBJECT OF RESOLUTION**

Reduce Personal Income Taxes

**Submitted by:**

District Of Houston

---

**WHEREAS** in 2001 the government of the Province of British Columbia reduced personal income taxes payable to the Province by 25% in an effort to stimulate economic growth;

**AND WHEREAS** other provinces in Canada have taken similar initiatives to increase personal income and encourage spending and economic growth;

**AND WHEREAS** the Federal Government is projecting a budget surplus for 2001;

**THEREFORE BE IT RESOLVED** that the Federal of Canadian Municipalities urge the Federal Government to follow the lead of provincial governments, and in particular that of the Province of British Columbia, by reducing personal income taxes by 25% as a means to encourage and stimulate the economy.

**Certified true copy of Federation of Canadian Municipalities resolution passed by council for the District Of Houston on Tuesday October 16, 2001.**

---

Bill Beamish  
Chief Administrative Officer



REGIONAL DISTRICT OF NANAIMO			
DEC - 6 2001			
CHAIR		GMCS	
CAO		GMDS	
GMCS		GMES	
Board			✓

**MEMORANDUM**

**TO:** Pamela Shaw  
Manager, Community Planning

**DATE:** December 5, 2001

**FROM:** Susan Cormie  
Senior Planner

**FILE:** 3060 30 0121

**SUBJECT:** Proposed Signage for Development Permit Application No. 0121  
Owner / Applicant – Carman Fine Cars (formerly Lantzville Auto Services) / Yost  
Electoral Area 'D' – 7193 Lantzville Road

**PURPOSE**

To consider a freestanding sign for the property located at 7193 Lantzville Road in Lantzville.

**BACKGROUND**

As you may recall, at the Regular Board Meeting held November 13, 2001, the Board moved that the freestanding sign being proposed as part of the upgrading of the existing gas station use at 7193 Lantzville Road in Electoral Area 'D' be referred back to staff for more information (*see Attachment No. 1 for parcel location*). Since that time, the applicant has submitted a detailed proposal for 1 freestanding sign to be located on the east side of the subject property adjacent to Lantzville Road. This sign is to replace the existing freestanding sign in the same general location, but with an expanded sign area. The applicant is requesting a zero lot line setback from Lantzville Road (*see Schedule No. 1 for proposed signage*). As the property is within the Village Core Development Permit Area pursuant to the "Lantzville Official Community Plan Bylaw No. 974, 1995", a development permit for the sign is required.

As a variance is required pursuant to Bylaw No. 500 with respect to minimum setback requirements, notification pursuant to the *Local Government Act* was completed on October 30, 2001.

The Ministry of Transportation is required to review this application with respect to setbacks and any possible encroachment of the proposed freestanding sign.

**ALTERNATIVES**

1. To approve the freestanding sign in the size and location with variances as submitted by the applicant.
2. To approve the location and size of a freestanding sign as directed by the Board.
3. To deny the placement of the freestanding sign.

## DEVELOPMENT IMPLICATIONS

### *Proposed Signage Implications*

The applicant is proposing to replace the existing freestanding sign with one freestanding sign, internally lit, with a combined sign area of 13.76 m<sup>2</sup> or 6.88 m<sup>2</sup> per side which is approximately double the size of the existing freestanding sign.

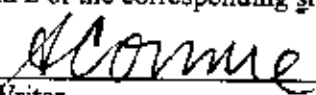
The Ministry of Transportation has approved the location of the sign provided there is no trespass, including an aerial trespass, into the highway right-of-way.

## SUMMARY

The Regional Board requested staff to provide additional information on the proposed freestanding sign as part of Development Permit Application No. 0121. The applicant has submitted proposed plans to locate the sign at a zero lot line setback to Lantzville Road, which requires a variance pursuant to Bylaw No. 500, 1987. Notification outlining the location of the freestanding sign was completed on October 30, 2001. Given the location of the existing building and gas pumps and that the freestanding sign is similar to existing freestanding signs on neighbouring properties, staff recommends Alternative No. 1 to approve the freestanding sign as submitted by the applicant as outlined in Schedule Nos. 1 and 2.

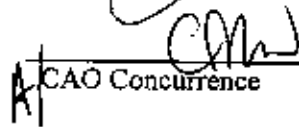
## RECOMMENDATION

That the proposed freestanding sign, as part of Development Permit No. 0121, submitted by Gunter Yost, on behalf of Carman Fine Cars (formerly Lantzville Auto Services), be approved, subject to the Schedules No. 1 and 2 of the corresponding staff report.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
General Manager Concurrence

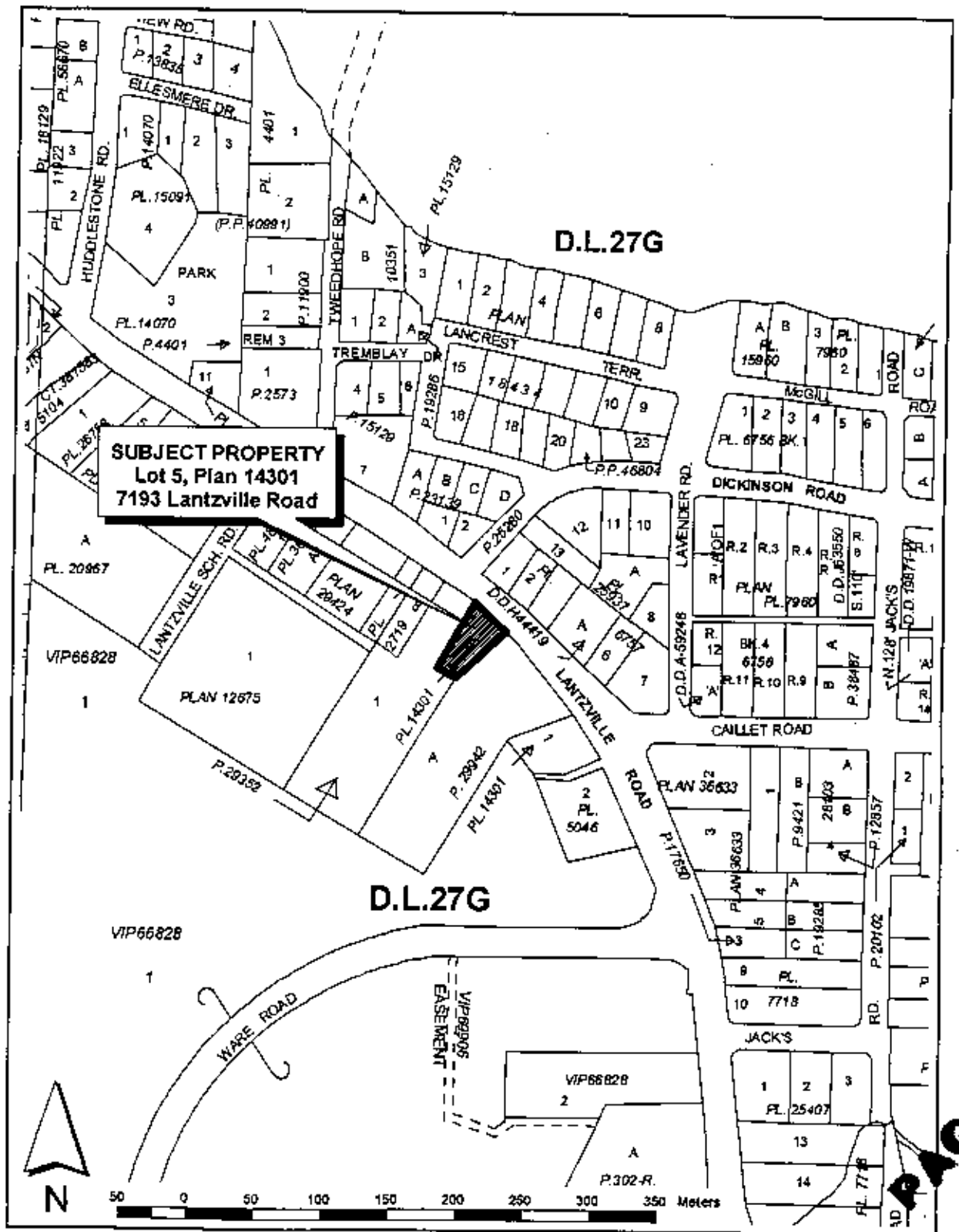
  
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence

## COMMENTS:

reports/development/2001/dp 3060 30 0121 de brd 7193 Lantzville Road.doc

ATTACHMENT NO. 1  
LOCATION OF SUBJECT PROPERTY



SCHEDULE NO. 1  
PROPOSAL FREESTANDING SIGN AS SUBMITTED BY APPLICANT



**Proposed Pylon Display**  
Lantzville, B.C.

- Total height - 6.2 metres
- Backlit Shell pecten on opaque white background
- 12" backlit price scrolls with remote
- 6" square pole, 3.2 metres
- Graphic Colours:  
Shell Gray, Shell yellow, Shell red
- Base modifications req.

Triad Sketch # Shell Lantz 21a  
Scale: Fit to printer  
Date: November 5, 2001  
Shell Contact: Ron Good



**TRIAD**  
*[Signature]*

Approval \_\_\_\_\_

**SCHEDULE NO. 2**

**CONDITIONS OF DEVELOPMENT PERMIT NO. 0121**

**With Respect to Freestanding Sign at 7193 Lantzville Road**

**Signage**

A maximum of one freestanding sign shall be permitted on the parcel as shown on Schedule No. 1 and provided it is fully contained within the subject property including no aerial trespass onto Lantzville Road. The freestanding sign may be internally lit.



**Carman Fine Cars**

Lantzville BC

Tel 250-751-0999

Fax 250-751-0299

To the Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo BC  
Fax 390-7511

Attention: Miss Susan Cormie

Re Carman fine cars/shell sign

As per our discussion and to follow up from the letter by department of highway ; we herewith confirm that we will construct a new footing for the sign .

Also the new sign will be situated within our property without any " aereal" overhang to the adjacent property or road allowance.

Please confirm that this will be acceptable.

Thank you for our assistance.

Yours truly,

Gunter Yost

On behalf of Corneliu Poarna

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THIS IS THE ONLY COPY YOU WILL RECEIVE UNLESS YOU REQUEST THE ORIGINAL.

File: 06 002 23759

November 21, 2001

Carman Fine Cars  
7193 Lantzville Road  
LANTZVILLE BC V0R 2H0

Attention: Gunter Yost

VIA FACSIMILE - 1 Page - (250) 751-0299

Re: Sign Placement on Business Property

Further to your letter today requesting the Ministry advise the Regional District of Nanaimo in writing on the sign placement for Carman Fine Cars.

Please be advised that the Ministry has no objections to the sign placement for Carman Fine Cars, provided the sign post is located within the business property and the sign face cannot have any aerial trespass on Lantzville Road right-of-way. In other words, the sign must be completely located on the business property.

Should you have any questions, please do not hesitate to call me at (250) 390-6291.

Yours truly,

Dear Anderson  
Sr. District Development Technician

DA/kp

Ministry of Transportation

Central Island District

Mailing Address:  
6475 Metral Drive  
Nanaimo, British Columbia  
V9T 2L9

Our Address:  
Telephone: (250) 390-8100  
Facsimile: (250) 390-6298  
Development Approvals  
Facsimile: (250) 390-6297

Web Address:  
[www.gov.bc.ca/irrn](http://www.gov.bc.ca/irrn)

Document

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## REGIONAL DISTRICT OF NANAIMO

### MINUTES OF THE DEVELOPMENT SERVICES COMMITTEE MEETING HELD ON TUESDAY, NOVEMBER 20, 2001, AT 7:30 PM IN THE CITY OF NANAIMO COUNCIL CHAMBERS, 455 WALLACE STREET, NANAIMO, BC

#### Present:

Director E. Hamilton	Chairperson
Director L. Elliott	Electoral Area A
Director B. Sperling	Electoral Area B
Director D. Haime	Electoral Area D
Director J. McLean	Electoral Area F
Director J. Stanhope	Electoral Area G
Director R. Quittenton	Electoral Area H
Alternate	
Director F. Demmon	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Director L. Sherry	City of Nanaimo
Director T. Krall	City of Nanaimo
Director D. Rispin	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director L. McNabb	City of Nanaimo

#### Also in Attendance:

K. Daniels	Chief Administrative Officer
B. Lapham	General Manager of Development Services
P. Shaw	Manager of Community Planning
S. Schopp	Manager of Inspection & Enforcement
C. Mason	General Manager of Corporate Services
N. Avery	Manager of Financial Services
W. Thexton	Senior Accountant
N. Tonn	Recording Secretary

#### DELEGATIONS

##### **Charlotte Caswell, Stan Wheat & Chuck Lang, re Horne Lake Park Management Plan.**

The delegation raised their concerns with respect to the possible loss of the leasing arrangement currently in place at Paradise Bay and at Scout Camp on Horne Lake. The current seasonal recreational occupants have invested a considerable sum in the upkeep of the area and requested that this be considered as part of the Horne Lake Park Management Plan and its implementation.

##### **Richard Varela, re Horne Lake Park Management Plan.**

Mr. Varela, Program Director for Horne Lake Cave Tours, provided an overview of past practices which allowed a number of educational programs held at the Horne Lake Caves and in the park under the auspices of Horne Lake Cave Tours and made available to area students. Mr. Varela also expressed his interest in participating as a member of the proposed Horne Lake Park Advisory Committee.

Director Quittenton joined the meeting.

**LATE ITEMS**

**DELEGATIONS**

MOVED Director McLean, SECONDED Director Haime, that the following delegations be permitted to address the Committee.

**Art Cowie, re ALR Exclusion - Wosk - 365 Meadow View Place - Area G.**

CARRIED

Mr. Cowie provided a short overview of his client's application for exclusion from the ALR and noted that the provincial government is considering a review of ALR policies and management as part of its Core Review. In consideration of this information, Mr. Cowie requested that the application for exclusion be approved or, failing that, that the application be deferred at this time.

**Jim Bowman, re 333 Malaspina Drive - Area B.**

Mr. Bowman noted his efforts to comply with building regulations and requested that the Committee not approve the filing against his property to allow him sufficient time to complete any changes required.

MOVED Director Stanhope, SECONDED Director Sherry, that the delegations be received.

CARRIED

**MINUTES**

MOVED Director Sherry, SECONDED Director Westbrook, that the minutes of the regular Development Services Committee meeting held October 16, 2001, be adopted.

CARRIED

**CORRESPONDENCE/COMMUNICATIONS**

**Charlotte Caswell, re Horne Lake Park Management Plan.**

MOVED Director Rispin, SECONDED Director Krall, that the correspondence received from Charlotte Caswell with respect to Paradise Bay and Scout Camp Area of Lot 40 on Horne Lake, be received for information.

CARRIED

**Tim Galavan, re Scout Camp - Block 40, Horne Lake.**

MOVED Director Rispin, SECONDED Director Krall, that the correspondence received from Tim Galavan with respect to the existing leasing policy in the area known as Scout Camp, be received for information.

CARRIED

**BUILDING INSPECTION**

**Section 700 Filings.**

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 Sherry, SECONDED Director Westbrook, that a notice be filed against the titles of the properties listed, pursuant to Section 700 of the *Local Government Act* and that if the infractions are not rectified within ninety (90) days, legal action will be pursued:

- (a) Lot 2, Section 13, Range 1, Plan 11269, Cedar Land District, 1960 Cedar Road, Electoral Area 'A', owned by Druid Holdings Ltd.;
- (b) Lot 4, Section 8, Range 3, Plan 30579, Cedar Land District, 2477 Enefer Road, Electoral Area 'A', owned by J. Vickers and P. Grandison;

- (c) Lot 62, Section 12, Plan 23619, Gabriola Island, Nanaimo Land District, 1150 Chappel Place, Electoral Area 'B', owned by W. Hamilton;
- (d) Lot 2, Section 6, Plan 42450, Gabriola Island, Nanaimo Land District, 2925 North Road, Electoral Area 'B', owned by J. Allen;
- (e) Lot 6, Block 9, Section 23, Plan 1673, Nanaimo Land District, 1034 Berry Point Road, Electoral Area 'B', owned by I. MacKay;
- (f) Lot 3, Section 21, Plan 23484, Gabriola Island, Nanaimo Land District, 333 Malaspina Drive, Electoral Area 'B', owned by M. and M. Bowman;
- (g) That part of Lot 1, District Lot 79, Plan 4877, Nanoose Land District, lying to the south east of a boundary parallel to and perpendicularly distant 100 feet from the North West boundary of said Lot, except part in Plan 41577, 2419 East Island Highway, Electoral Area 'E', owned by D. and S. Miller;
- (h) Lot A, District Lot 39, Plan VIP55692, Nanoose Land District, 2038 Rocking Horse Place, Electoral Area 'E', owned by 616393 BC Ltd.

CARRIED

## PLANNING

## AMENDMENT APPLICATIONS

**Application No. 0106 & Development Permit No. 0125 – Maibach Industries/Brown – 2093 South Wellington Road – Area A.**

MOVED Director Elliott, SECONDED Director Krall,:

1. That Development Permit Application No. 0125 submitted by Keith Brown, acting as agent for Maibach Industries, to allow for the authorized operation of outdoor display of heavy equipment and vary the signage requirements on the property legally described as Lot 1, Section 12, Range 7, Cranberry District, Plan 18166, be approved subject to notification procedures pursuant to the *Local Government Act* and subject to the conditions outlined in Schedule No. 1.
2. That Amendment Application No. 0106 to create a new Comprehensive Development (CD 11) zone by amending the text for a Commercial 4 (CM4) zone by removing "Outdoor Sales" as a permitted use and replacing it with "Heavy Equipment Display" for the property legally described as Lot 1, Section 12, Range 7, Cranberry District, Plan 18166 be given 1<sup>st</sup> and 2<sup>nd</sup> reading subject to the conditions outlined in Schedule No. 1.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.279, 2001" proceed to Public Hearing.
4. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.279, 2001" be delegated to Director Elliott or his alternate.

CARRIED

**Application No. 0107 – Bruce & Cindy Senini – Dickinson Road – Area D.**

MOVED Director Haime, SECONDED Director McNabb,:

1. That Amendment Application No. 0107, submitted by Bruce Senini and Cindy Senini, to rezone the subject property legally described as Lot 2, District Lot 37, Wellington District, Plan VIP64358, from Residential 2 (RS2), Subdivision District 'D' to Residential 1 (RS1), Subdivision District 'F' be given 1<sup>st</sup> and 2<sup>nd</sup> reading.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.280, 2001" be advanced to a public hearing subject to the conditions outlined in Schedule No. 1.

3. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.280, 2001" be delegated to Director Haime or her alternate.

CARRIED

#### DEVELOPMENT PERMIT APPLICATIONS

**Temporary Use Permit 0103 & Development Permit No. 0117 – Nanoose Harbour Holdings – 3500 Fairwinds Drive – Area E.**

MOVED Director Stanhope, SECONDED Director McLean, that Temporary Commercial Use Permit No. 0103 and Development Permit No. 0117 submitted by Nanoose Harbour Holdings Ltd. for the property legally described as Part of District Lot 78, Nanoose District to allow a temporary real estate office use, proceed to a public information meeting prior to the Board's consideration of these permits, subject to the conditions outlined in Schedule No. 1 and the notification requirements pursuant to the *Local Government Act*.

CARRIED

#### DEVELOPMENT VARIANCE PERMIT

**Application No. 0014– Inkahute – 2655 & 2665 East Island Highway – Area E.**

MOVED Director Stanhope, SECONDED Director Rispin, that Development Variance Permit Application No. 0014, submitted by Fern Road Consulting Ltd. on behalf of Inkahute Development Corporation, for the property legally described as Lot 2, Plan 14576, and the Remainder of Block B, Plan 1610, both of District Lot 79, Nanoose Land District, to vary the minimum setback requirements, maximum dwelling unit height, and minimum parcel size requirement as shown on Schedule No. 2, be approved, subject to notification requirements pursuant to the *Local Government Act*.

CARRIED

#### OTHER

**ALR Exclusion – Wosk – 365 Meadow View Place – Area G.**

MOVED Director Stanhope, SECONDED Director Westbrook, that the application for exclusion from the Agricultural Land Reserve for the property legally described as Lot G, District Lot 12, Nanoose District, Plan 30913 be denied and that the Land Reserve Commission be advised that the application is not proceeding.

MOVED Director Demmon, SECONDED Director Quittenton, that this item be deferred to allow for completion of the Growth Management Plan review.

DEFEATED

The question was called on the main motion.

The motion CARRIED.

**ALR Exclusion – Law & Devereaux – Godfrey Road – Area C.**

MOVED Director Sherry, SECONDED Director Westbrook,:

1. That the application for exclusion from the Agricultural Land Reserve for the property legally described as Lot 1, Section 10, Range 3 and of Section 11, Ranges 2 and 3, Cranberry District, Plan VIP60641 be denied.

2. That an application for a transfer of lands in the Agricultural Land Reserve for the property legally described as Lot 1, Section 10, Range 3 and of Section 11, Ranges 2 and 3, Cranberry District, Plan VIP60641 be referred to the Growth Management Review Process as an amendment consideration; therefore the referral of a resolution by the Board to the Land Reserve Commission as input for the LRC's decision will be withheld pending the results of the Growth Management Review Process.

CARRIED

**Noise Control Establishing and Regulatory Bylaws – Areas 'D' and 'H'.**

MOVED Director Haime, SECONDED Director Westbrook, that a Public Information Meeting be held on "Electoral Area 'D' Service Establishment Bylaw No. 1264, 2001" and "Electoral Area 'D' Noise Control Regulatory Bylaw No. 1265, 2001", to be chaired by Director Haime or her alternate, prior to the consideration of the bylaws by the Board.

CARRIED

MOVED Director Quittenton, SECONDED Director Westbrook, that a Public Information Meeting be held on "Electoral Area 'H' Service Establishment Bylaw No. 1266, 2001" and "Electoral Area 'H' Noise Control Regulatory Bylaw No. 1267, 2001", to be chaired by Director Quittenton or his alternate, prior to the consideration of the bylaws by the Board.

CARRIED

**Temporary Commercial Use Permit No. 0108 –Tower Fence Produces – 1882 Fielding Road – Area A.**

MOVED Director Elliott, SECONDED Director McNabb, that Temporary Industrial Use Permit Application No. 0108, submitted by Tower Fence Products for the parcel legally described as Lot A, Section 14, Range 6, Cranberry District, Plan 7057 be approved as outlined on Schedules No. 1 and 2 and subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

**Horne Lake Park Management Plan – Area H.**

MOVED Director Quittenton, SECONDED Director Rispin,:

1. That the Draft Terms of Reference for the appointment of a Parks Advisory Committee be received for information by the Board.
2. That the Board direct staff to proceed with the selection criteria for the appointment of a Park Advisory Committee to assist in the completion of the Horne Lake Park Management Plan.
3. That staff be directed to proceed with the completion of a draft Horne Lake Management Plan, to be presented to the public at a public information meeting prior to consideration by the Board.

CARRIED

**ADJOURNMENT**

MOVED Director Rispin, SECONDED Director McLean, that this meeting adjourn to provide for an in camera session.

CARRIED

TIME: 8:58 PM

**IN CAMERA**

MOVED Director Rispin, SECONDED Director McLean, that pursuant to Section 242.2(D)(e) of the *Local Government Act* the Committee proceed to an In Camera Development Services Committee Meeting to consider a matter of acquisition of land affecting the Local Government.

CARRIED

**Development Services Committee Minutes**

**November 20, 2001**

**Page 6**

The meeting reconvened at 9:21 pm.

**2002 Provisional Budget Presentation.**

The General Manager of Development Services presented a verbal summary of the services provided by the Building Inspection, Bylaw Enforcement and Community Planning departments including each department's service goals, key actions and major budget highlights.

MOVED Director Westbrook, SECONDED Director Holdom, that the 2002 Development Services provisional budget be approved.

**ADJOURNMENT**

CARRIED

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

**TIME: 9:43 PM**

CARRIED

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CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ENVIRONMENTAL SERVICES COMMITTEE MEETING  
HELD ON TUESDAY, NOVEMBER 27, 2001, AT 7:30 P.M. IN THE  
COUNCIL CHAMBERS OF THE CITY OF NANAIMO  
455 WALLACE STREET, NANAIMO, B.C.

Present:

Director L. Sherry	Chairperson
Director L. Elliott	Electoral Area A
Director B. Sperling	Electoral Area B
Director E. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
Director G. Holme	Electoral Area E
Director J. McLean	Electoral Area F
Director J. Stanhope	Electoral Area G
Alternate	
Director J. Pipes	Electoral Area H
Director J. Macdonald	City of Parksville
Director T. Westbrook	Town of Qualicum Beach
Director G. Korpan	City of Nanaimo
Director D. Rispin	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director T. Krall	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

K. Daniels	Chief Administrative Officer
J. Finnie	General Manager of Environmental Services
C. Mason	General Manager of Corporate Services
W. Moorman	Manager of Engineering & Utilities
C. McIver	Manager of Solid Waste
N. Avery	Manager of Financial Services
W. Thexton	Senior Accountant
N. Tonn	Recording Secretary

MINUTES

MOVED Director Krall, SECONDED Director Holme, that the minutes of the Environmental Services Committee meeting held on Tuesday, October 23, 2001 be adopted.

CARRIED

SOLID WASTE

Solid Waste Management Regulation Amendment Bylaw No. 894.14.

MOVED Director Holdom, SECONDED Director Westbrook,:

1. That "Regional District of Nanaimo Solid Waste Management Regulation Amendment Bylaw No. 894.14, 2001" be introduced and read three times.
2. That "Regional District of Nanaimo Solid Waste Management Regulation Amendment Bylaw No. 894.12, 2001" be adopted.

CARRIED

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**Backyard Composter Distribution – Program Termination.**

MOVED Director Westbrook, SECONDED Director Hamilton, that the back yard composter distribution program termination report be received for information.

CARRIED

MOVED Director Westbrook, SECONDED Director Pipes, that the back yard composter distribution program be terminated.

CARRIED

**Zero Waste Workplan and Budget.**

MOVED Director Westbrook, SECONDED Director Stanhope, that the Board receive the 2002 Zero Waste Workplan and Budget for information.

MOVED Director Korpan, SECONDED Director Rispin, that the proposed new graphic component be deleted from the budget.

DEFEATED

The question was called on the main motion.

The motion CARRIED

**Illegal Dumping Prevention Program Workplan and Budget.**

MOVED Director Krall, SECONDED Director Holdom, that the Board receive the 2002 Illegal Dumping Prevention Program workplan and budget for information.

A recorded vote was requested.

The motion CARRIED with Directors Holme, Hamilton, Westbrook, Sherry, Haime, Sperling, Macdonald, Holdom, McNabb, Elliott, Krall, Korpan, Rispin and Stanhope voting in the affirmative and Directors Pipes and McLean voting in the negative.

MOVED Director Korpan, SECONDED Director Westbrook, that staff bring forward a report to the next Environmental Services Committee meeting with a detailed breakdown of the illegal dumping files generated by Malaspina University/College and RDN Bylaw Enforcement Officers and how these details may be best publicized as a deterrent component of the illegal dumping prevention program.

CARRIED

MOVED Director Holme, SECONDED Director Stanhope, that a letter be sent to AVICC recommending a minimum fine of \$2,000 for illegal dumping under the Ministry of Water Land and Air Protection regulations.

CARRIED

**Waste Export Contract Renewal.**

MOVED Director Stanhope, SECONDED Director Hamilton,:

1. That the Board request a five-year renewal to the contract with the Greater Vancouver Sewerage & Drainage District to collect, transship and dispose of approximately 17,000 tonnes of RDN municipal solid waste annually.
2. That the Board request a five-year extension to the authorization from the Ministry of Water, Land and Air Protection for interim export of RDN waste.

CARRIED

**PRESENTATION**

**2002 Provisional Budget.**

The General Manager of Environmental Services presented a visual and verbal summary of the services provided by the Solid Waste, Liquid Waste and Engineering and Utilities departments within the Environmental Services area including their service goals, key activities and major budget highlights.

MOVED Director Westbrook, SECONDED Director Stanhope,

That \$100,000 be identified on the development cost charge reserve list for pump station upgrades and that a report be forwarded by staff identifying projects which would benefit or qualify for funds from the development cost charge reserve, and

That \$100,000 be used from the French Creek Pollution Control Centre Development Cost Charge Reserve Fund to reduce the 2002 tax requisition.

CARRIED

MOVED Director Westbrook, SECONDED Director Holme, that the Environmental Services 2002 Provisional Budget, as amended, be approved.

CARRIED

**ADJOURNMENT**

MOVED Director Holme, SECONDED Director Hamilton, that this meeting terminate.

CARRIED

**TIME: 9:03 PM**

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CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE CORPORATE & COMMUNITY SERVICES  
COMMITTEE MEETING HELD ON TUESDAY, DECEMBER 4, 2001,  
AT 7:30 P.M., IN THE CITY OF NANAIMO COUNCIL CHAMBERS,  
455 WALLACE STREET, NANAIMO, B.C.

**Present:**

Director J. Stanhope	Chairperson
Director L. Elliott	Electoral Area A
Director B. Sperling	Electoral Area B
Director E. Hamilton	Electoral Area C
Alternate	
Director B. Jepson	Electoral Area D
Director G. Holme	Electoral Area E
Director J. McLean	Electoral Area F
Director R. Quittenton	Electoral Area H
Director J. Macdonald	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Director L. Sherry	City of Nanaimo
Alternate	
Director R. Cantelon	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director D. Rispin	City of Nanaimo
Director T. Krall	City of Nanaimo
Director B. Holdom	City of Nanaimo

**Also in Attendance:**

K. Daniels	Chief Administrative Officer
N. Connelly	General Manager, Community Services
C. Mason	General Manager, Corporate Services
T. Osborne	Manager of Recreation & Parks
N. Avery	Manager of Financial Services
W. Thexton	Senior Accountant
N. Tonn	Recording Secretary

**DELEGATIONS**

**Don Levirs, re Twinning of District 69 Arena.**

Mr. Levirs voiced his concern with the limited number of options considered by the District 69 Arena Committee with respect to obtaining extra ice surface for District 69 and urged the Board to refer this item back to the Arena Committee for further investigation of options.

**Annette Tanner, re MacMillan Park in Cathedral Grove.**

Ms. Tanner provided a visual and verbal presentation with respect to the Provincial Government's proposed addition to MacMillan Park and stressed the need for a further addition of lands to the park to protect the remaining giant ancient Douglas firs in Cathedral Grove. The Board was urged to write to the Minister of Water, Land and Air Protection and request a cost benefit study regarding the expansion of MacMillan Provincial Park through the acquisition of additional lands.

**LATE DELEGATIONS**

MOVED Director Holme, SECONDED Director Westbrook, that the following delegations be permitted to address the Committee.

CARRIED

**Bob Sanders, re Twinning of the District 69 Arena.**

Mr. Sanders, Chairperson, District 69 Arena Committee, reviewed options discussed during Arena Committee meetings and urged the Board to approve the arena twinning proposal to go to referendum in 2002.

**Peter Kucey, re Twinning of the District 69 Arena.**

Mr. Kucey, Parksville Golden Oldies Sports Association provided a short history of the existing arena and its use by various groups and stressed the need for expansion to facilitate the ever growing number of interested groups in utilizing the existing recreational facility.

**Ian MacDonald, re Twinning of the District 69 Arena.**

Mr. MacDonald, representing Oceanside Minor Hockey, spoke in favour of the twinning proposal with respect to the District 69 Arena and noted that the major costs in expansion are not in the construction but in the operating expenses, thereby making the twinning proposal a very economically viable choice.

MOVED Director Holme, SECONDED Director Sherry, that the delegations be received.

CARRIED

**MINUTES**

MOVED Director Sherry, SECONDED Director Westbrook, that the minutes of the Corporate and Community Services Committee meeting held on October 2, 2001 be adopted.

CARRIED

**COMMUNICATIONS/CORRESPONDENCE**

**Shirley Hine, City of Parksville, re Twinning of the District 69 Arena.**

MOVED Director Rispin, SECONDED Director Macdonald, that the correspondence received from the City of Parksville with respect to the twinning of the District 69 Arena, be received.

CARRIED

**AVICC, re Resolutions for 2002 Annual General Meeting.**

MOVED Director Rispin, SECONDED Director Macdonald, that the correspondence received from AVICC with respect to submission of resolutions for the 2002 Annual General Meeting, be received.

CARRIED

**PAGE**  
**2**

**COMMISSION, ADVISORY & SELECT COMMITTEE**

**District 69 Recreation Commission.**

MOVED Director Macdonald, SECONDED Director Quittenton, that the minutes of the District 69 Recreation Commission meeting held November 15, 2001 be received for information.

CARRIED

***Twinned Arena Project:***

MOVED Director McLean, that the twinned arena approach be rejected, other suitable locations to construct an arena sheet within the District 69 area of the Regional District be researched and that staff report back to the Board.

The motion failed for lack of a seconder.

MOVED Director Macdonald, SECONDED Director Quittenton,:

1. That the twinned arena design proposal (option 1) that includes the addition of a second ice sheet and a leisure ice sheet to the existing arena at a \$7.5 million project cost be approved and advanced to referendum in District 69, subject to confirmation from the City of Parksville on their steps to provide for their consideration of site approvals and a 30 year lease arrangement in tandem with the Regional District's referendum, tentatively scheduled for March 2002.
2. That the Regional District strongly recommend that the City of Parksville make reductions as outlined in the report for development cost charges and identified off-site service upgrades, such as water, sewer and roads related to the District 69 arena twinning project.
3. That the Regional District confirm with the City of Parksville the City's intent to undertake a separate City referendum in tandem with the District's arena twinning project referendum to address a community park trust condition that provides for a five year limitation on a lease of the property, subject to a majority vote of the owners - electors of the City.

CARRIED

**Lantzville Parks & Open Space Advisory Committee.**

MOVED Director Jepson, SECONDED Director Sherry, that the minutes of the Lantzville Parks & Open Space Advisory Committee meetings held August 27, September 24 and October 29, 2001, be received for information.

CARRIED

**Nanoose Bay Parks and Open Space Advisory Committee.**

MOVED Director Holme, SECONDED Director Cantelon, that the minutes of the Nanoose Bay Parks and Open Space Advisory Committee meeting held October 1, 2001, be received for information.

CARRIED

**Electoral Area 'G' Parks, Recreation and Greenspace Advisory Committee.**

MOVED Director Holme, SECONDED Director Hamilton, that the minutes of the Electoral Area 'G' Parks, Recreation and Greenspace Advisory Committee meeting held November 7, 2001, be received for information.

CARRIED

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATION**

**MacMillan Park in Cathedral Grove.**

MOVED Director Westbrook, SECONDED Director Holdom,:

1. That the Board send a letter to the Honourable Joyce Murray, Minister of Water, Land and Air Protection, asking that the Minister initiate a cost benefit study regarding expanding MacMillan Provincial Park by acquiring approximately 500 hectares of private land from Weyerhaeuser, which includes both old growth and second growth forest to the south of the current park, instead of the 100 hectares currently being considered where the oldest and largest giants were logged one year ago.
2. That the Board send a letter to Weyerhaeuser requesting that they voluntarily suspend any logging in the 500 hectares adjacent to MacMillan Provincial Park for one year to give an opportunity to study and possibly acquire the lands for park expansion.

MOVED Director Sherry, SECONDED Director Westbrook, that these two items be dealt with in seriatim.

MOVED Director Holme, SECONDED Director McNabb, that this item be tabled for one month to allow staff to obtain further information from the parties involved.

CARRIED

**Island Medical Program.**

MOVED Director Holdom, SECONDED Director McNabb, that a letter of support be sent to the District's MLA and copied to AVICC with respect to the Island Medical Program to ensure that funding commitments remain to ensure the success of the program.

CARRIED

**NEW BUSINESS**

**BOARD APPOINTMENTS**

**Electoral Area 'A' Parks, Recreation & Greenspace Advisory Committee.**

MOVED Director Holme, SECONDED Director Quittenton, that Lynette Aldcroft, Judy Burgess, Frank Garnish, Kerri-Lynne Wilson and David G. Williamson be appointed to the Electoral Area 'A' Parks, Recreation & Greenspace Advisory Committee for a term ending December 31, 2003.

CARRIED

**Grants-in-Aid Committee.**

MOVED Director Holme, SECONDED Director Quittenton, that Deborah Bromley-Anvelt, J.P. Hugh Sproule and Frank Van Eynde be appointed to the Grants-in-Aid Committee for a term ending December 31, 2002.

CARRIED

**Performance Review Committee.**

MOVED Director Holme, SECONDED Director Quittenton, that Arthur Lightburn be appointed to the Performance Review Committee for a term ending July 2002.

CARRIED

**PRESENTATION**

**2002 Community Services Provisional Budget.**

The General Manager of Community Services presented a visual and verbal summary of the District 69 Arena, District 69 Recreation Coordination, Ravensong Aquatic Centre, Gabriola Island Parks and Recreation, Community Parks, Regional Parks, Transit and Regional Development services budgets including service goals, key actions and major 2002 budget highlights.

***District 69 Recreation Coordinating Budget.***

MOVED Director Macdonald, SECONDED Director Westbrook, that the District 69 Recreation Coordinating Provisional Budget tax requisition be increased by \$50,000 to raise the portion allocated to Grants-in-Aid.

CARRIED

***District 69 Arena Budget.***

MOVED Director Westbrook, SECONDED Director Quittenton, that the Board approve a 8% user fee increase effective September 2002 in addition to the 8% fee increase provided for on January 1, 2002 for the District 69 Arena.

CARRIED

MOVED Director Holme, SECONDED Director Krall, that the 2002 Community Services Provisional budget be approved as amended.

CARRIED

**2002 Corporate Services Provisional Budget.**

The General Manager of Corporate Services presented a visual and verbal summary of the service areas within the Corporate Services department including an overview of business plans, benchmarks and major budget highlights.

MOVED Director Rispin, SECONDED Director Holme, that the 2002 Corporate Services Provisional budget be approved.

CARRIED

**IN CAMERA**

MOVED Director Holme, SECONDED Director Rispin, that pursuant to Section 242.2(I)(a) of the *Local Government Act* the Committee proceed to an In Camera Meeting to consider a personnel issue.

CARRIED

**ADJOURNMENT**

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

CARRIED

**TIME: 9:50 PM**

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- CHAIRPERSON



**AVICC, re Offshore Oil & Gas Moratorium.**

MOVED Director Rispin, SECONDED Director Macdonald, that the correspondence received from AVICC with respect to a common initiative involving Coastal Communities in advancing the lifting of the Hecate Strait Oil and Gas Moratorium, be received.

CARRIED

**AVICC, re the Island Medical Program.**

MOVED Director Rispin, SECONDED Director Macdonald, that the correspondence received from AVICC with respect to the Island Medical Program, be received.

CARRIED

**ADMINISTRATION**

**Board Procedure Bylaw No. 1268.**

MOVED Director Westbrook, SECONDED Director Krall,:

1. That notice be provided to the public that, effective January 2002, Electoral Area Planning Committee meetings will be held at 4:00 pm and Committee of the Whole meetings will be held at 7:30 pm of the fourth Tuesday of each month.
2. That the "Regional District of Nanaimo Board Procedure Bylaw No. 1268, 2001" be introduced and read three times.
3. That the "Regional District of Nanaimo Board Procedure Bylaw No. 1268, 2001" be adopted.

MOVED Director Westbrook, SECONDED Director McLean that the Electoral Area Planning Committee meeting schedule be deferred back to staff.

CARRIED

MOVED Director McLean, SECONDED Director Westbrook, that Board Procedure Bylaw No. 1268 be amended to retain the current policy which allows recorded votes at Committee meetings.

DEFEATED

The question was called on the main motion as amended.

The motion CARRIED.

**Results of the Parkland Acquisition Referendum.**

MOVED Director Krall, SECONDED Director Sperling, that the official results of the Electoral Area 'B' Parkland Acquisition Referendum be received for information.

CARRIED

**FIRE PROTECTION**

**Fire Services Agreement – Dashwood Volunteer Fire Department.**

MOVED Director Holme, SECONDED Director Hamilton, that the Chairperson and General Manager, Corporate Services, be authorized to execute a service agreement with the Dashwood Volunteer Fire Department for a five year period ending December 31<sup>st</sup>, 2006.

CARRIED



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**Minutes for the Meeting held:  
Monday, November 19, 2001, 10:00 AM  
Tigh-Na-Mara Resort, 1095 East Island Highway, Parksville, BC**

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**Present:**

Bob Lapham, RDN  
Bill Huot, MCWAS  
Christina Thomas, RDN  
Cynthia Hawksworth, MCWAS  
David Coombe, CVIHR  
Gayle Jackson, Parksville

Neil Connelly, RDN  
Paul Butler, Qualicum Beach  
Roger Cheetham, LRC  
Sharon Erickson, MWLAP  
Sharon Fletcher, Nanaimo  
Terry Pollock, MT  
Wayne Moorman, RDN (for J.Finnie)

**Regrets:**

Dan Biggs, MF  
Ted Hall, MEM  
John Finnie, RDN

**Guest Presenters:**

Ken Balmer, RETHINK GROUP  
Brenda Clarke, RETHINK GROUP

# **Item**

**1. Call to order**

N. Connelly called the meeting to order at 10:15 AM.

**2. Minutes from the Meeting of October 18, 2001**

The minutes were approved as presented.

**3. Growth Management Plan Review 2001-2002**

***Public Workshops***

Ken Balmer, RETHINK GROUP, provided an update on the public consultation process for Phase 2 of the Growth Management Plan Review. An overview of the public consultation process undertaken to date was provided. It was noted that there was substantial public involvement in Phase 1 of the project in that 'specialists' attended comprehensive workshops related to parts of the Growth Management Plan (i.e. nodal development, economic development, environmental protection). Phase 2 of the project provided an opportunity for members of the general public to provide their perspectives on all aspects of the Growth Management Plan. The public was invited to provide input by attending one or more of the workshops conducted on October 24<sup>th</sup> and 25<sup>th</sup> and November 1<sup>st</sup> and 3<sup>rd</sup> and by completing the questionnaire contained in a discussion paper. The discussion paper questionnaire was mailed to over 300 individuals on the project mailing list. A draft report that is being prepared to document the results of the completed discussion paper questionnaires was circulated to IAC members for information and comment. Based on the results of the questionnaires, it would appear that there is a need to better address rural perspectives, that there is support for urban containment and the nodal development strategy, that the nodal development strategy could be different for rural versus urban areas, that the mobility policies could be adjusted to better reflect local government roles and responsibilities, that there is a need for better regional coordination of economic development activities, and that the approach to providing services to land (particularly as it pertains to the development potential of land) needs to be examined.

### ***Suggested Changes Submitted by IAC Members***

The letters submitted by the planners for the municipalities and electoral areas regarding suggested changes to the Growth Management Plan were reviewed by the Committee.

Gayle Jackson, City of Parksville, described the changes to the Growth Management Plan suggested by the City. The suggested changes involve the urban containment boundary, the City of Parksville Municipal Boundary Plan Study, the area of land designated as a regional industrial park in Electoral Area F, and a number of 'housekeeping' items (i.e. too much detail is provided in some areas of the Plan, such as specifications regarding native plants, and not enough information is provided about other topics, such as the node concept).

Committee comments and discussion included the following:

- The suggested change would result in the inclusion of land that is within the Agriculture Land Reserve (ALR) within the Urban Containment Boundary (UCB). This would be contrary to the criteria used in setting the location of the UCB.
- ALR land is more likely to be protected for agriculture if it is not included within the UCB.
- The Urban Containment Boundary and Fringe Area Management Implementation Agreement provides a good mechanism for decisions about what land should be included within the UCB. This agreement does not support the inclusion of land that is in the ALR inside the UCB.
- The then Ministry of Municipal Affairs funded the development of the City of Parksville Municipal Boundary Area Plan as a City document, not as a document done as a part of the Growth Management Plan.
- The City of Parksville Boundary Area Plan may be more of a governance, as opposed to a land use planning document.
- The Growth Management Plan focuses on planning rather than governance.
- Changes to the UCB to include land that is within the ALR within municipal UCBs may compromise agriculture because it may increase speculation about the possible future urban settlement use of the ALR land.
- There is a need to apply regionally consistent criteria to decisions about what land is inside and outside UCBs in order to provide investor confidence and certainty.
- The containment of urban development is probably one of the more successful aspects of the GMP. If we start making changes to the UCB the number of requests to change the UCB may "snowball". Rural land should not be considered to be land awaiting development, it should be considered more as lifestyle choice. Moving the UCB prematurely will compromise the development of higher density residential forms in the designated nodal areas and possibly compromise the intent and integrity of the GMP.
- The land that the City of Parksville would like added to the City and inside the Urban Containment Boundary is in the adjacent electoral areas.
- Decisions that might compromise the ability to use ALR land for agriculture, such as decisions to include ALR land inside UCBs, should not be taken lightly. Such decisions should take into account the long-term horizon, and the fact that although a lot of the food for residents in the region is presently imported, food may have to be produced in the region in the future due to other circumstances (i.e. cost of energy or transportation, availability, etc.).
- There was discussion about the differences between the official community plans for the Cities of Parksville and Nanaimo as they pertain to decisions about UCB adjustments. It was noted that the City of Nanaimo OCP and its regional context statement establishes an agreed upon method for local decisions about UCBs to be made every three years. If the proposed changes meet the

criteria of the Urban Containment and Fringe Area Management Implementation Agreement, it may result in an inconsistency with the GMP designated UCB until the GMP is reviewed.

Paul Butler, Town of Qualicum Beach, described the changes to the Growth Management Plan suggested by the Town. The suggested changes involve the urban containment boundary, the GMP land use designations for the West Qualicum Beach area, establishing consistency in regional context statements, and the servicing of public institutional uses outside of the urban containment boundary.

Committee comments and discussion included the following:

- There was discussion about whether the land in the West Qualicum Beach area is in the Forest Land Reserve (FLR) and or includes Crown land. (Some of the land in this area is Crown land, none is in the ALR or FLR).
- The reason for the differences between the regional context statements for municipalities and electoral areas is that they are required for municipalities, whereas all of the policies in official community plan for electoral areas must comply with the Growth Management Plan and, as such, regional context statements are not a required component of electoral area official community plans.
- The issue surrounding the difference of opinion regarding the level of development could be permitted in the industrial area in Electoral Area F may have been avoided if there were more stringent requirements for regional context statements in electoral area official community plans.
- The provision of services to public utility uses outside the UCB might compromise the urban containment objective of the GMP. Decisions to support the provision of services to some public utility uses outside the UCB and not others outside the UCB may need to be reviewed.

Sharon Fletcher, City of Nanaimo, described the changes to the Growth Management Plan suggested by the City. The suggested changes involve the area of land included within the urban containment boundary in Electoral Area F, regional context statements, the designation of additional nodes, recommended requirements for provincial decision making consistency with regional growth strategies, environmental protection policy changes to integrate local parks master plans as environmental protection tools, a watershed planning approach, improving mobility as it relates to development decisions and transit/train service, revising the economic development policies to reflect areas where the region can be proactive, and improving clarity around the level of development permitted in conjunction with the provision of services.

Committee comments and discussion included the following:

- It would be beneficial to examine the capacity of the region to support the level of development envisioned.
- Sewage disposal and water provision regulations were never intended to set the level of development that is appropriate for an area. These regulations are intended to deal with developments that have already been approved by the local government responsible for land use and community planning in the area. Approvals for sewage disposal and water provision under these regulations are considered on a site-by-site basis, and do not account for the cumulative impact of such approvals.
- Implementation agreements were intended to be the tool to coordinate decision-making among the various levels of government to establish consistency with regional growth strategies. The difficulty is that the different government ministries can only be bound to things they can legally do under their ministry's applicable legislation.
- Regional growth strategies should identify the issues that require coordination amongst the various levels of government.

- Over time, and with the advancement of technology, it is possible that all land could technically be developed (if no other land use regulation or planning was in place). Local governments need to decide what and how land should be developed through land use regulations and community planning.
- Changes to the zoning of land to reduce the development potential associated with the provision of services in areas not designated for additional development, but designated for the provision of services to address environmental or health issues, requires local community support. It is difficult to obtain this support. One incentive to obtain local support is that the provincial government will only provide cost sharing infrastructure grants for the extension of services if the provision of services does not result in urban level development in designated rural areas.
- In the future government issued permits may not be required for septic disposal approvals. Instead certification from qualified professionals may be required.
- It would be useful to have information regarding the costs of development (particularly servicing) under various scenarios (i.e. no or minimal restrictions on level and location of development vs. restrictions on level and location of development). The ability to present a financial argument, that the cost of servicing development in the pattern intended by the GMP is less expensive than other alternative forms of development, would be helpful.
- If there is too much development potential in the rural areas the nodal development strategy of the GMP will be compromised.
- The area of nodal development needs to be addressed. There is confusion about what a 'node' is. Nodes in rural areas may be different than nodes in urban areas. Village centre nodes are perceived to be urban, not rural, entities. It would be useful to establish a list of criteria for nodes. The City of Nanaimo Woodgrove Town Centre Plan may provide some useful information in this regard.
- Some of the nodes in Electoral Area F would appear to not really be nodes, but to be commercial centres.

Bob Lapham, RDN, described the changes to the Growth Management Plan that could be made to better meet the needs of planning in the electoral areas. The suggested changes involve minor changes to the UCB where no additional development would be facilitated, providing more clarity about nodal development particularly as it pertains to how nodal development might be different in rural areas than in urban areas, clarification regarding the amount of open space desired and what open space is comprised of, changes that might provide investor confidence in the longevity of urban containment boundaries and hence investments in land, increasing the amount of land designated industrial in Electoral Area A to match the proposal contained in the recently developed OCP for the area, policies regarding the level of development appropriate with the provision of services and when services should be provided, encouraging common servicing standards among jurisdictions, advocating agreements to simplify information and approval processes, and increasing the flexibility for member municipalities and electoral areas for those issues considered to be local community issues.

Committee comments and discussion included the following:

- The Land Reserve Commission is supportive of considering agreements with local governments regarding decision-making processes for ALR land, with the exception of decisions regarding the exclusion of land from the ALR.

Terry Pollock, Ministry of Transportation, indicated that the Ministry has no major comments on the current GMP. Suggestions were made regarding minor amendments that could be made as they pertain to development densities to support transit service.

Roger Cheetham, Land Reserve Commission, suggested that no major changes be made to the GMP and that the existing GMP is very supportive of agriculture and forestry. Areas where the GMP could be improved include the strategy to achieve nodal development and stronger advocacy for the implementation of OCPs to minimize the division of land into smaller parcels in the rural areas. It was also suggested that the GMP not support the development of "new towns".

***Suggested Changes Submitted by the Public***

C. Thomas described the changes to the Growth Management Plan submitted by the public. It was noted that the Regional District received 30 suggested changes to the GMP, 27 property-specific and 3 general in nature. Four key types of changes were suggested: [1] changes to support the provision of services to land outside the Urban Containment Boundary even though widespread health or environmental problems as required in the current policy context are not evident; [2] changes to support the maximum level of development possible under the current zoning where community services are provided; [3] changes to support the designation of land for more intensive development than that envisioned under the current land use designation; and [4] miscellaneous changes. Most of the changes submitted by the public involve requests to make changes to the Growth Management Plan to increase the development potential envisioned by the Plan for particular parcels or areas of land. Examples include suggestions to permit the designation of an additional node at Deep Bay, permit a residential golf course community at Boat Harbour, permit the development of a golfcourse by the City of Parksville, permit the development of a gas station on the new inland Island Highway in Electoral Area H, permit industrial use of gravel pit land in the Nanaimo River Road area, and to permit nodal developments at Stewart and Davenham Roads and near the Madrona area in Electoral Area E.

**4 Next Meeting**

The next meeting date was not set. It is anticipated that the next meeting will be in early February of 2002. At that time, the Committee will review options and recommendations for changes to the Plan.

**5 Adjournment**

N. Connelly adjourned the meeting at approximately 4:00 PM.

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Chair, N. Connelly



**REGIONAL  
DISTRICT  
OF NANAIMO**

REGIONAL DISTRICT OF NANAIMO		
NOV 23 2001		
CHAIR		GMCrS
CAO		GMDS
MEMBERS		NDIOMES
		<i>fld</i>

**TO:** D. Trudeau  
Manager, Liquid Waste

**DATE:** November 14, 2001

**FROM:** N. Avery  
Manager, Financial Services

**FILE:**

**SUBJECT:** License of Use – Nanaimo Wastewater Treatment Plant Greenhouses

**PURPOSE:**

To present and seek approval to enter into a license with the Nanaimo Foodshare Network Society to use the greenhouses located at the Nanaimo Wastewater Treatment Plant property on Hammond Bay Road.

**BACKGROUND:**

A non-profit organization has for several years been using the greenhouses at the Nanaimo Wastewater Treatment Plant for the purposes of training disadvantaged persons in greenhouse horticulture. Food raised is distributed through the society to families in need. The greenhouses are used in a passive way on a seasonal basis, with no significant electrical draw, nor is there any profit derived from the production. While the organization has added the Regional District as an insured under its liability insurance coverage, there has never been a formal agreement with the organization covering roles and responsibilities. The attached agreement has been drafted from a template provided by the Municipal Insurance Association and formalizes a framework for the organization to continue its current use of the greenhouses. The agreement has been drafted for a two year term, retroactive to January 1, 2001 and ending on December 31, 2002. As this is the first formal agreement with the Network and given both the previous history and the short term nature of the tenancy at this point, no rental fee has been proposed. Should it seem reasonable to continue permitting this use of the greenhouses, staff propose the negotiation of a reasonable fee.

**ALTERNATIVES:**

1. Enter into a two year agreement ending December 31<sup>st</sup>, 2002 with the Nanaimo Foodshare Network for the use of the greenhouses at Hammond Bay Rd.
2. Advise the organization that their use is no longer agreeable and ask them to vacate the premises by December 31<sup>st</sup>, 2001. The greenhouses would remain vacant.
3. Advertise the greenhouses publicly at a retail rental rate for such premises.
4. Advertise publicly for other non-profit organizations to present proposals to use the greenhouses.

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## FINANCIAL IMPLICATIONS:

### Alternative 1

Staff report that the members of the organization are well supervised and do not interfere with the normal operations of the plant. As noted above, the facilities are used primarily during the active growing season so that little or no electricity is consumed. There are no current plans to use the greenhouses for drying sludge, which was their original purpose. The primary concern surrounding the use is liability for personal injury. The Society has always identified the Regional District as an insured on its policy and will continue to do so under the agreement.

### Alternative 2

There are no financial implications associated with this alternative. The greenhouses would remain vacant with no current plans to convert them to alternative uses.

### Alternative 3

Staff have not actively investigated whether there would be opportunities for retail rental of the greenhouse premises. The current use is passive and non-intrusive. Staff believe that active retail rental management is not realistic given their primary responsibility to managing the treatment plant.

### Alternative 4

The current arrangement occurred relatively by chance and has proven to be a low impact use from a staff management point of view. Staff would have much the same concerns as under Alternative 3 about the impact on existing workloads if time and effort is directed towards more active management of these facilities and would recommend that the facilities be left vacant rather than pursue that direction.

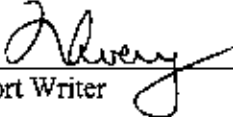
## SUMMARY/CONCLUSIONS:

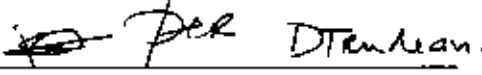
Members of the Nanaimo Foodshare Network have used the greenhouses at the Nanaimo Wastewater Treatment Plant for several years for training disadvantaged and unemployed persons in the basics of food horticulture. The produce is consumed by the individuals involved in the training program. It has come to staff's attention, that although the society has identified the Regional District as insured under its liability coverage, a formal license of use agreement is not in place. In consideration of the historical circumstances, the not for profit activities and the positive working relationship with the Society to date, staff propose a two year agreement retroactive to January 1<sup>st</sup>, 2001 (ending December 31<sup>st</sup>, 2002) with no rental fee for this period. The two year period provides time for both parties to explore the possibilities of a rental fee should the Board so direct and/or offers an opportunity to remove the greenhouses from any use so as to eliminate the necessity of actively managing potential competing demands. Accordingly, staff recommend the two year agreement at this time.

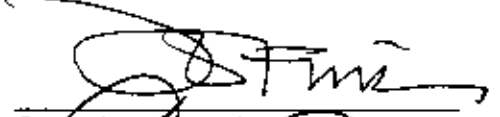


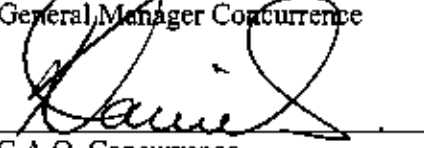
**RECOMMENDATION:**

That the General Manager, Environmental Services be authorized to enter into a two year agreement ending December 31<sup>st</sup>, 2002 with the Nanaimo Foodshare Network for the use of the greenhouses at Hammond Bay Rd.

  
\_\_\_\_\_  
Report Writer

~~per~~   
\_\_\_\_\_  
Manager Concurrence

  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
C.A.O. Concurrence

**COMMENTS:**

LICENSE TO USE OR OCCUPY

THIS LICENSE ISSUED the      day of,                      2001

BETWEEN:

REGIONAL DISTRICT OF NANAIMO  
6300 Hammond Bay Road  
Nanaimo, B.C.  
V9T 6N2

(hereinafter called the "Regional District")

OF THE FIRST PART

AND:

NANAIMO FOODSHARE NETWORK SOCIETY  
271 Pine Street  
Nanaimo, B.C.  
V9R 2B7

(hereinafter called the "Society")

OF THE SECOND PART

W H E R E A S:

The Regional District is the registered owner in fee simple of lands legally described as:

Lot 1, Plan 26263  
DL 51, Wellington Land District

(the "Lands").

Located at 4600 Hammond Bay Rd., Nanaimo, B.C. and more commonly known as the Nanaimo Pollution Control Center.

AND WHEREAS the Society wishes to use and occupy those portions of the facility known as the greenhouses, hereinafter called the "Premises".

NOW THEREFORE THIS in consideration of the rents, covenants, agreements and conditions to be performed and observed by the Society:

The Regional District hereby grants the Society a license to occupy and use the said Premises for the sole purposes of training in the use of greenhouse cultivation of domestic garden plants .

The Society agrees that it is the sole responsibility of the Society to determine the suitability of the Premises for its intended use and occupation.

The Regional District grants this license for a period of two (2) years from and including January 1, 2001 to and including December 31, 2002 (the "Term"), subject to the terms and conditions herein set forth.

#### **RENT AND RESPONSIBILITY FOR EXPENSES**

1. Yielding and paying therefor unto the Regional District upon the execution of this License, the rent of One Dollar (\$1.00) for the Term herein granted, the receipt of which is hereby acknowledged.
2. It is intended by the parties that the Premises be of no cost or expense to the Regional District during the Term and accordingly the Society agrees to pay, whether on its own behalf or on behalf of the Regional District, all costs of every nature and kind relating to the Premises and/or any improvements thereon, and the Society agrees to indemnify the Regional District from and against any such costs and expenses incurred by the Regional District directly.
3. The Society shall ensure that all attendees adhere strictly to all rules and regulations posted, instructions issued by employees of the Regional District and/or otherwise included in this License and to advise all attendees accordingly. Failure to adhere to, or comply with the provisions of this paragraph may result in the termination of this License and may include the invoicing of costs incurred by the Regional District.

#### **INSURANCE MAINTENANCE, RISK AND INDEMNITY**

4. The Society agrees to take out and keep in full force and effect throughout the Term and during such other time as the Society occupies or uses the Premises or any part thereof at the expense of the Society:

comprehensive general liability insurance, including without limitation non-owned automobile insurance, and tenant fire legal liability insurance, against claims for personal injury, death or property damage or loss upon, in or about the Premises or otherwise howsoever rising out of the operations of the Society or any person conducting business or activities from the Premises, to the limit as may be reasonably required by the Regional District from time to time but, in any case, of not less than Two Million (\$2,000,000.00) Dollars in respect to injury or death to a single person and in respect of any one accident concerning property damage.

5. The policy of insurance shall contain a clause providing that the insurer will give the Regional District thirty (30) days written notice in the event of cancellation or material change.
6. The Regional District shall be named as an additional insured under such liability policy or policies of insurance.
7. It shall be the sole responsibility of the Society to determine what additional insurance coverage, if any, including but not limited to Workers' Compensation and Participants Insurance, are necessary and advisable for its own protection and/or to fulfil its obligations under this License. Any such additional insurance shall be maintained and provided at the sole expense of the Applicant.

8. Any buildings, furniture, equipment, machinery, fixtures and improvements placed on the Lands or in or about the Premises by the Society shall be entirely at the risk of the Society.
9. The Society agrees to maintain the Premises and the improvements therein in good repair and in a neat and tidy condition, and to not do or permit any act or neglect which may in any manner directly or indirectly be or become a nuisance or interfere with the comfort of any person occupying land in the vicinity of the Premises.
10. The Society shall exercise the greatest care in the use and occupation of the said premises and adjacent facilities and shall provide a competent and trustworthy adult who will personally undertake to be responsible for the due observance of the rules and regulations governing the said premises.
11. The Society shall not permit liquor, beer or any other alcoholic beverages on or in the said Premises.
12. The Society shall not construct or place on the Lands any improvements without first obtaining the prior written consent of the Regional District and obtaining all required building or development permits.
13. The Society shall report all damages to Mr. Robert Swanson, Operations Supervisor, Liquid Waste.
14. The Society agrees to comply promptly at its expense with all laws, bylaws, regulations, requirements and recommendations, which may be applicable to the manner of use or occupation of the Premises, made by any and all federal, provincial, local government and other authorities or association of insurance underwriters or agents and all notices in pursuance of same, provided however that the Society shall have no liability to make any improvements, alterations or additions to the Premises which may be required by authorities or associations unless due to the use or occupation of the Premises by the Society.
15. The Society agrees to indemnify and save harmless the Regional District, its elected and appointed officers and employees, from any and all claims, suits, actions, costs, fees and expenses of any kind whatsoever brought against or incurred by the Regional District or its elected and appointed officers and employees in any way relating to the Society's use or occupation of the Premises during the Term of this License. Such indemnity shall extend to legal expenses incurred by the Regional District in defending against such liability or alleged liability or in enforcing this right of indemnity.

#### QUIET ENJOYMENT

16. The Regional District covenants with the Society for quiet enjoyment, for so long as the Society is not in default hereunder.

17. The Society shall permit the Regional District and its employees, servants and agents at all times, upon twenty-four (24) hours' notice in writing, specifying the time of inspection, during the Term of this License to enter the Premises and every part thereof to examine the condition thereof, and if any want or repair shall be found on such examination and notice thereof is given, the Society will, within ninety (90) days of the giving of that notice, well and truly repair in accordance with that notice.

#### **USE, ASSIGNMENT AND SUBLETTING**

18. The Society agrees to not use the Premises for any purpose other than as a community greenhouse.
19. The Society shall not permit any other person, group or organization not named in this License to use or occupy the said Premises without written authorization from Mr. Robert Swanson, Operations Supervisor, Liquid Waste. Authorization granted by Mr. Robert Swanson shall be attached to this License prior to any use of occupation of the Premises by any other person, groups or organization.
20. In no event shall any assignment, or sub-licensing to which the Regional District may have consented relicense or relieve the Society from its obligations to fully perform all the terms, covenants and conditions of this License on its part to be performed.
21. In the sublicense between the Society and an assignee or subtenant under any assignment or sublicense consented to by the Regional District, the Society shall require that the sublicensee or assignee agree to be bound by all of the Society's obligations under this License.

#### **HOLDING OVER**

22. If the Society continues to occupy the Premises with the consent of the Regional District after the expiration or other termination of the Term without any further written agreement, the Society shall be a monthly licensee subject always to all of the provisions of this License insofar as the same are applicable to a month-to-month tenancy and a tenancy from year to year shall not be created by implication of law; provided that nothing herein contained shall preclude the Regional District from taking action for recovery of possession of the Premises.

#### **APPROVALS**

23. No provision in this License requiring the Regional District's or the Society's consent or approval shall be deemed to have been fulfilled or waived unless the written consent or approval of the Regional District or the Society relating to the particular matter or instance has first been obtained and, without limiting the generality of the foregoing, no prior consent or approval and no condoning, excusing or overlooking by the Regional District on previous occasions when such a consent or approval was required shall be taken to operate as a waiver of the necessity of such consent or approval whenever required under this License.

#### **RELATIONSHIP OF PARTIES**

24. Nothing contained herein shall be deemed or construed by the parties hereto, nor by any third party, as creating the relationship of principal and agent or of partnership or of joint venture between the parties hereto, it being understood and agreed that neither the method of commutation of rent nor any other provision contained herein, nor any acts of the parties herein, shall be deemed to create any relationship between the parties other than the relationship of Licensor and Licensee.

#### SOLE AGREEMENT

25. This License sets forth all of the warranties, representations, covenants, promises, agreements, conditions and understandings between parties concerning the Lands and there are no warranties, representations, covenants, promises, agreements, conditions or understanding, either oral or written, express or implied, between them other than as set forth in this License.

#### REMOVAL OF IMPROVEMENTS

26. All improvements and all articles of personal property constructed, owned or installed by the Society at the expense of the Society on the Premises, shall remain the property of the Society and may be removed by the Society at any time until the end of the Term or earlier termination of this License. The Society agrees that it will, at its expense, repair any damage to the Premises caused by the construction, installation, existence, use or removal thereof (the "Restoration"). Before removing such property the Society shall notify the Regional District of its intention to do so and shall, if required by the Regional District, post a bond in an amount and form satisfactory to the Regional District as security for performance of the Society's obligations for the Restoration.
27. If the Society does not remove the property which is removable by the Society pursuant to Paragraph 26 prior to the end of the Term or the sooner termination of this License, such property shall, if the Regional District elects, be deemed to become the Regional District's property and the Regional District may remove the same at the expense of the Society, and the cost of such removal will be paid by the Society forthwith to the Regional District on demand.

#### DEFAULT AND EARLY TERMINATION

28. The Society further covenants with the Regional District that if the Society shall violate or neglect any covenant, agreement or stipulation herein contained on its part to be kept, performed or observed and any such default on the part of the Society shall continue for thirty (30) days after written notice thereof to the Society by the Regional District, then by law the Regional District may at its option forthwith re-enter and take possession of the Premises immediately and may remove any persons and property therefrom and may use such force and assistance in making such removal as the Regional District may deem advisable to recover at once full and exclusive possession of the Premises.

29. If during the Term hereof or any renewal therefor, any of the goods or chattels of the Society shall at any time be seized or taken in execution or attachment by any creditor of the Society or if the Society shall make any assignment for the benefit of creditors or commit any other act of bankruptcy or shall become bankrupt or insolvent or shall take the benefit of any bankruptcy or insolvency legislation or in the case that the Lands are used by any other person or for any other purpose than is herein provided without the written consent of the Regional District or if any other shall be made for the winding up or dissolution of the Society or it should otherwise cease to exist, then the Term hereof or any renewal thereof shall become forfeit and void, and it shall be lawful for the Regional District any time thereafter to re-enter into or upon the Premises or any part thereof in the name of the whole and the same to have again, repossess and enjoy as of its former estate, notwithstanding anything herein contained to the contrary and neither this License nor any interest therein nor any estate hereby created shall pass to or enure to the benefit of any trustee in bankruptcy or any receiver or any assignee for the benefit of creditors or otherwise by operation of law.
30. Either party to this Agreement may terminate the Agreement at any time upon thirty (30) days notice in writing to the other party. If the Regional District exercises this right of termination then it may recover possession of the Premises in accordance with paragraph 28.

#### **APPLICABLE LAW, COURT LANGUAGE**

31. This License shall be governed and construed by the laws of the Province of British Columbia.
32. The venue of any proceedings taken in respect of this License shall be at Nanaimo, British Columbia, so long as such venue is permitted by law, and the Society shall consent to any applications by the Regional District to change the venue of any proceedings taken elsewhere to Nanaimo, British Columbia.

#### **CONSTRUED COVENANT, SEVERABILITY**

33. All of the provisions of this License are to be construed as covenants and agreements. Should any provision of this License be or become illegal, invalid or not enforceable, it shall be considered separate and severable from this License and the remaining provisions shall remain in force and be binding upon the parties hereto and be enforceable to the fullest extent of the law.

#### **TIME**

34. Time shall be of the essence hereof.

#### **NOTICE**

35. All notices or payment from the Society to the Regional District shall be sent to the Regional District at the following address:

Regional District of Nanaimo  
6300 Hammond Bay Road

Nanaimo, B.C.  
V9T 6N2

Attention: Manager, Liquid Waste

and all notices from the Regional District to the Society shall be sent to the Society at the following address:

Nanaimo Foodshare Network Society  
271 Pine St.  
Nanaimo, B.C.  
V9R 2B7

Attention: Chairperson

or such other places as the Regional District and the Society may designate from time to time in writing to each other.

36. Any notice to be given hereunder shall be in writing and may be either delivered personally or sent by prepaid, registered or certified mail and, if so mailed, shall be deemed to have been given three (3) days following the date upon which it was mailed.
37. Any notice or service required to be given or effected under any statutory provision or rules of court from time to time in effect in the Province of British Columbia shall be sufficiently given or served if mailed or delivered at the addresses as aforesaid.
38. Any party hereto may at any time give notice in writing to any other of any change of address of the party giving such notice and from and after the second day after the giving of such notice, the address herein specified shall be deemed to be the address of such party for the giving of notices hereunder.

#### WAIVER

39. The failure of either party to insist upon strict performance of any covenant or condition contained in this License or to exercise any right or option hereunder shall not be construed as a waiver or relinquishment for the future of any such covenant, condition, right or option.



IN WITNESS WHEREOF the parties hereto have executed this License on the day and year first above written.

For the REGIONAL DISTRICT OF NANAIMO )

\_\_\_\_\_  
General Manager, Environmental Services )

For the NANAIMO FOODSHARE NETWORK SOCIETY )

\_\_\_\_\_  
Name )

\_\_\_\_\_  
Title )

\_\_\_\_\_  
Name )

\_\_\_\_\_  
Title )



REGIONAL DISTRICT OF NANAIMO			
DEC 3 - 2001			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMEs	
		<i>Brd</i>	<input checked="" type="checkbox"/>

**MEMORANDUM**

**TO:** Pamela Shaw  
Manager, Community Planning

**DATE:** November 29, 2001

**FROM:** Susan Cormie  
Senior Planner

**FILE:** 6480 00 EAA

**SUBJECT:** Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001  
Electoral Area 'A'

**PURPOSE**

To consider the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" for adoption.

**BACKGROUND**

The "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" was given 1st and 2nd reading on June 12, 2001. Following this, a public hearing was held on July 25, 2001 and the Board granted 3rd reading for this bylaw on August 14, 2001 after considering agency comments and the minutes of the public hearing.

The Bylaw was then submitted to the Ministry of Community, Aboriginal and Women's Services and was subsequently approved by the Minister on November 22, 2001. The Regional Board may now consider Bylaw No. 1240 for adoption.

**ALTERNATIVES**

1. To adopt Bylaw No. 1240, 2001.
2. To not adopt Bylaw No. 1240, 2001.

**VOTING**

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

**PUBLIC CONSULTATION IMPLICATIONS**

The Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001 is the result of an 18-month planning process involving public consultation with residents, property owners, stakeholders, municipal, provincial, and federal agencies. Throughout this process, community preferences and values were

**PAGE 74**

identified, clarified, and verified to ensure the Plan is not only reflective of community values, it also addresses the objectives and goals of the Growth Management Plan and the applicable government agencies. It is noted that a number of minor amendments were made to the Plan following the Public Hearing. These included the delayed implementation of Development Permit Area No. 5 (Streams, Nesting Trees, and Nanaimo River Floodplain) for a period of 2 years from the date of adoption. A proposed public education program for streamside protection for Electoral Area 'A' property owners and residents has been recommended as part of the 2002 work program.

### INTERGOVERNMENTAL IMPLICATIONS

The Bylaw was submitted to the Ministry of Community, Aboriginal and Women's Services together with the report of the public hearing and agency comments and was subsequently approved by the Minister on November 22, 2001. In accordance with the *Local Government Act*, the Board may now consider the adoption of Bylaw No. 1240.


### SUMMARY/CONCLUSIONS

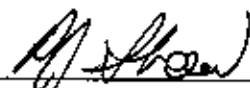
Following consideration of agency comments and the minutes of a public hearing held on July 25, 2001, the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" was given 3rd reading on August 14, 2001. The Bylaw was then forwarded to the Ministry of Community, Aboriginal and Women's Services and received approval by the Minister.

The following recommendation is provided for consideration by the Board.

### RECOMMENDATION

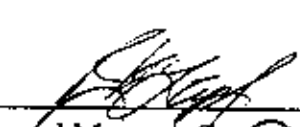
That "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" be adopted.

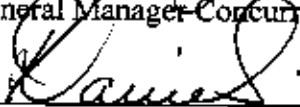
  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
Manager Concurrence

### COMMENTS:

*devevs/reports/2001/6480 00 EAA dec brd adopt.doc*

  
\_\_\_\_\_  
General Manager Concurrence

  
\_\_\_\_\_  
CAO Concurrence



REGIONAL DISTRICT OF NANAIMO		
DEC 3 - 2001		
CHAIR		GMCrS
CAO		GMDS
GMCrS		GMES
		DATE

MEMORANDUM

**TO:** Pamela Shaw  
Manager, Community Planning

**FROM:** Lindsay Chase  
Planner

**SUBJECT:** Temporary Use Permit 0301 & Development Permit No. 0117  
Electoral Area 'E' - 3500 Fairwinds Drive

November 30, 2001

FILE: 3360 50 0103  
3060 30 0117

PURPOSE

To receive the minutes of a Public Information Meeting and consider the issuance of Temporary Use Permit No. 0103 and Development Permit No. 0117 for a real estate office on Fairwinds Drive in Fairwinds.

BACKGROUND

As the Board may recall, the RDN considered an application in July 2001 to relocate the subject real estate office (through a temporary use permit) to a location on Andover Drive. After the Public Information meeting on the re-siting of the real estate office, the applicant requested that the application be held in abeyance in order to examine other sites and other options.

In November 2001, the Regional District received a revised temporary use permit application from Nanoose Harbour Holdings to allow the commercial real estate office to remain on the site on which it is currently located (thereby amending the previous application which requested consideration of relocating the real estate office to Andover Drive). The subject property is zoned Residential 1 (RS1) and is legally described as part of District Lot 78, Nanoose District. The proposed site is also located within a designated form and character development permit area (see Attachment 1 for Location of Subject Property and Attachment 2 for Site Plan as Submitted by Applicant).

A Public Information Meeting for this application was held on November 29, 2001 at Schooner Cove Resort. Four people attended this meeting. The summary is attached for the Board's consideration (see Attachment 3 - Summary of Proceedings of a Public Information Meeting).

The applicant is proposing to remain at the existing location of the Royal LePage Real Estate Office on Fairwinds Drive. The Royal LePage Office has been located on this site (as allowed by temporary use permits) for more than 10 years. The applicant has indicated that due to changes in ownership of Fairwinds' lands, their contract on this site will expire in February of 2003 and they do not anticipate remaining on the site after that date.

The applicant has also submitted a new site plan of the subject property and proposed use. The applicant is proposing to relocate the parking area and to plant a cedar hedge as illustrated on the revised site plan. The applicant is now proposing to provide 5 parking spaces, which will meet the requirements of Bylaw 500.

PAGE 7/6

Pursuant to the *Local Government Act*, a temporary use permit is valid for a period of 2 years and, at the end of 2 years, the applicant may apply to renew the permit for an additional 2 years.

### **ALTERNATIVES**

1. To approve Temporary Use Permit No. 0103 and Development Permit No. 0117.
2. To deny Temporary Use Permit No. 0103 and Development Permit No. 0117.

### **PUBLIC CONSULTATION IMPLICATIONS**

A Public Information Meeting was held on November 29, 2001 with respect to the proposed commercial realty office. At the public information meeting, citizens indicated that there were concerns about the exterior appearance of the realty office, and also indicated that, due to several renewals of the temporary use permit, the use had become permanent. Residents also indicated that they were concerned about multiple realty offices in the area. The applicant indicated that the contract with Fairwinds/Intracorp on the current site would expire in February of 2003; Fairwinds has already indicated that the contract will not be renewed.

At the Public Information Meeting it was apparent that residents are concerned with respect to temporary uses becoming permanent; however the applicant has indicated that the office will be removed in February of 2003. Residents indicated that a firm close date and ultimate removal of the building are important to them.

### **DEVELOPMENT IMPLICATIONS**

Temporary Use Permit No. 0103 conforms to the policies contained within the Fairwinds Land Use Designation within the "Nanoose Bay Official Community Plan Bylaw No. 1118, 1998" in that the OCP allows consideration of real estate offices as a temporary use.

The applicant has submitted a new site plan indicating that the parking area will be moved, and a cedar hedge will be planted on the western border of the property. The new site plans indicate that 5 parking spaces will be provided, which meets the required number of parking spaces as set out in Schedule '6B' of Bylaw 500.

Fairwinds has verbally indicated that the contract for this site will expire in February of 2003, that the contract will not be renewed and further, that the structure will be removed from the site at that time.

### **SUMMARY/CONCLUSIONS**

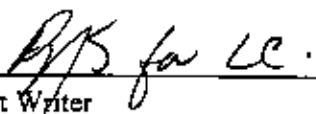
A Public Information Meeting with respect to Temporary Use Permit No. 0103 was held November 29, 2001. A summary of the proceedings of the Information Meeting is attached for the Board's consideration. Residents in the area voiced concerns regarding the exterior appearance of the realty office, and the 'permanence' of the use due to repeated renewals of the temporary use permit.

Fairwinds has verbally indicated that the contract for the current site expires in February of 2003 and it will not be renewed. The real estate office will be removed at that time.

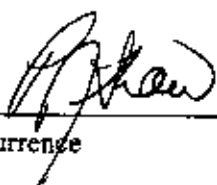
It is staff's assessment that this proposal for a temporary commercial real estate office is recognized in the Official Community Plan, meets the guidelines for Form and Character in Development Permit Area, and, as Fairwinds has indicated that the contract for the existing site will not be renewed, staff recommend that Temporary Use Permit No. 0103 be approved.

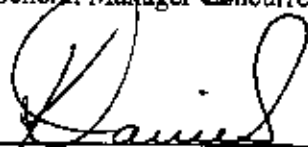
**RECOMMENDATION/S**

1. That the minutes for a Public Information Meeting held November 29, 2001 for Temporary Use Permit No. 0103 submitted by Frank Fairley, acting as agent for Nanoose Harbor Holdings, to locate a commercial realty office on the subject property legally described as Part of District Lot 78, Nanoose District be received for information.
2. That Temporary Use Permit No. 0103, submitted by Frank Fairley, acting as agent for Nanoose Harbor Holdings, to locate a commercial realty office on the subject property legally described as Part of District Lot 78, Nanoose District be approved.
3. That Development Permit No. 0117, submitted by Frank Fairley, acting as agent for Nanoose Harbor Holdings, to locate a commercial realty office on the subject property legally described as Part of District Lot 78, Nanoose District be approved.

  
\_\_\_\_\_  
Report Writer

  
\_\_\_\_\_  
General Manager Concurrence

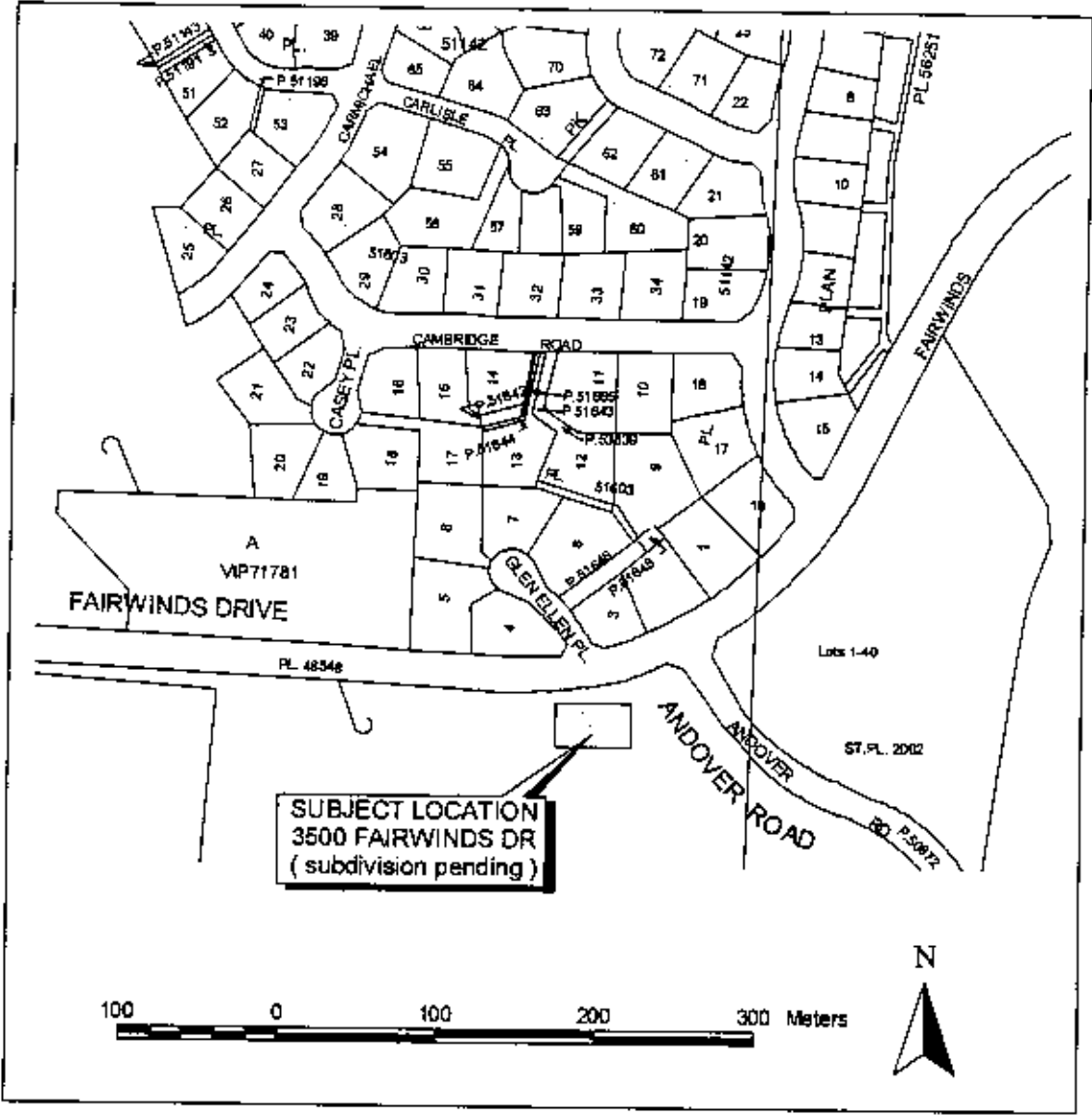
  
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Manager Concurrence

  
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CAO Concurrence

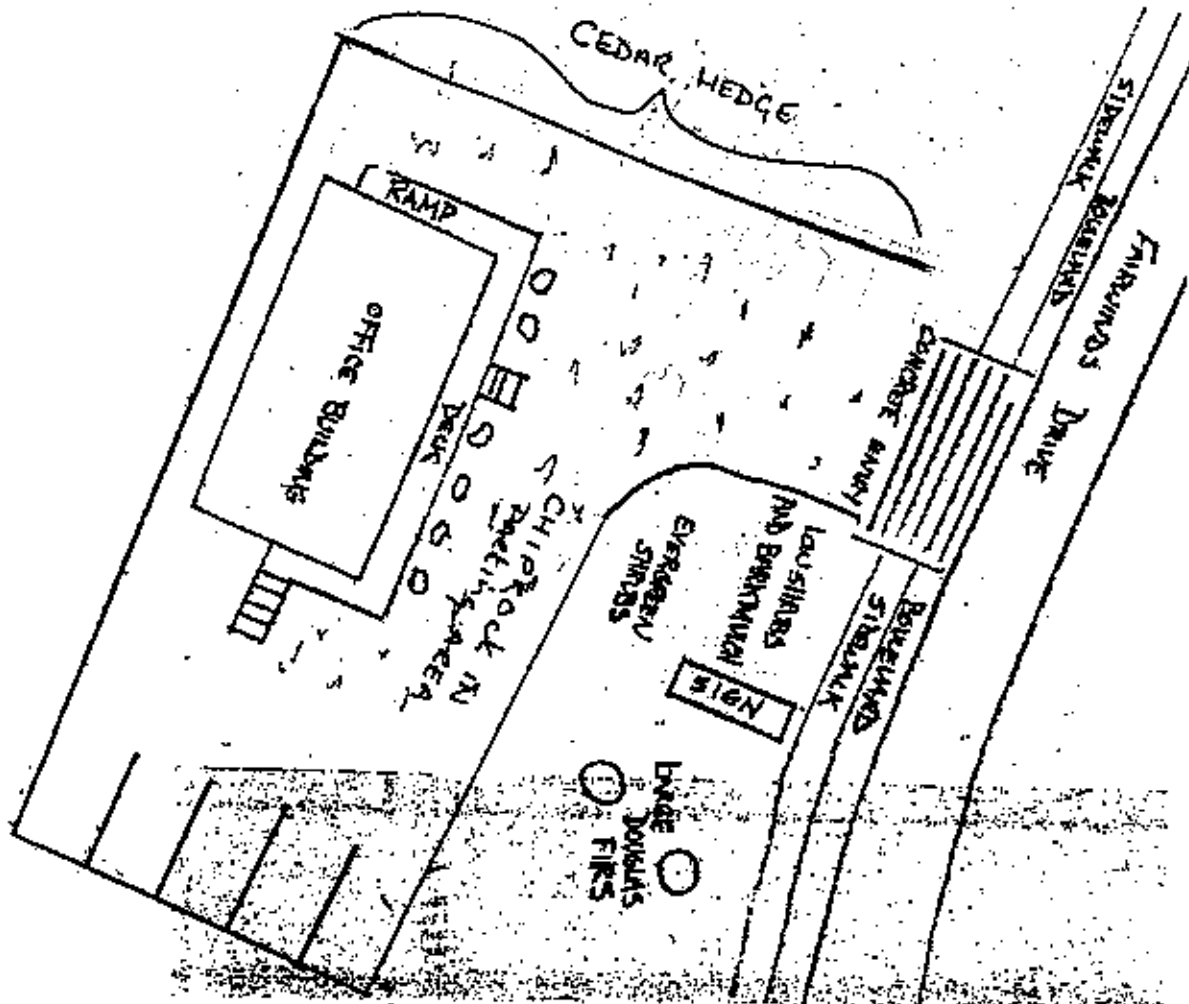
**COMMENTS:**

*devsvs/reports/2001/tup3360 30 0103.de fairwinds.doc*

**Attachment 1**  
**Subject Property Location**



Attachment 2  
New Site Plan as Submitted by Applicant





Attachment 3  
Public Information Meeting Minutes

**REGIONAL DISTRICT OF NANAIMO**

**SUMMARY OF PROCEEDINGS OF A PUBLIC INFORMATION MEETING HELD TUESDAY,  
NOVEMBER 29, 2001 AT 7:00 PM AT SCHOONER COVE RESORT TO CONSIDER TEMPORARY USE  
PERMIT 0103**

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

**Present:**

G. Holme	Director, Electoral Area 'E'
Frank Fairley	Nanoose Harbor Holdings
Lindsay Chase	Planner

There were approximately 4 people in attendance.

Director Holme opened the meeting at 7:00 pm and followed with greetings and an introduction of the head table.

Director Holme provided a general overview of the purpose of a public information meeting.

Frank Fairley provided a general overview and the reasons for the site on Fairwinds Drive being selected as the proposed location for the realty office. He also indicated that the proposed site plan had changed slightly and that a cedar hedge would be planted on the boundary of the property and that the parking area was being moved. In addition, the number of parking spaces was being decreased to 5 spaces.

Director Holme invited questions from the audience.

Tom McIver asked if the permit was for 2 years only.

Lindsay Chase responded that the initial permit was for 2 years, however the applicant could apply for a 2-year renewal of the permit.

Tom McIver asked how long Nanoose Harbour Holdings felt they would need to use the site for.

Frank Fairley indicated that it was unlikely they would use the site for longer than 2 years.

Tom McIver asked if any guarantees could be provided that the building would be removed after that time period and that no renewals would be considered.

Frank Fairley indicated that their contract with Fairwinds/Intracorp would expire in February of 2003.

Tony Ransom asked if the Development Services Committee had recommended that this application be approved.

George Holme indicated that the DSC had recommended the application be approved.

Tony Ransom asked when the previous permit had expired.

Lindsay Chase responded that it might have been in 2000, however she could not confirm this.

Tony Ransom indicated he believed the present permit had expired 2 and a half years ago, and that the realty office was in fact an illegal use since the previous permit had expired. Mr. Ransom further commented that the use had in fact become permanent. He then commented that Intracorp was constructing a similar office and that there would be sales of Fairwinds Properties through that office.

Gloria, a realtor commented that primarily the new office would be promoting new home sales by Intracorp, and that the new office will not be providing the same service as the old office.

Tony Ransom asked which properties the Intracorp office would be representing?

Gloria responded that they new office would not represent Bartrac (Nanoose Harbour Holdings), but would show those properties if required.

Tony Ransom commented about the proliferation of realty offices in the Fairwinds area. He further commented that the current realty office is not attractive, and that it does not conform to the covenants that are set on all residential parcels in the area. Mr. Ransom indicated that the 2 offices would be providing duplicate services.

Frank Fairley commented on the upgrades that were made to the realty office when it was initially located on the current site. He also commented that the office acts as an information centre for residents in terms of providing information on building schemes and covenants.

Tony Ransom indicated that he does not dispute that the office has been useful, but commented that what has been useful in the past may not be useful in the future. Mr. Ransom then asked what percentage of sales from the current office relate to Fairwinds properties and what percentage relate to properties outside of Fairwinds..

Frank Fairley indicated that 80% of sales were Fairwinds properties and the remainder were outside of Fairwinds. Mr. Fairley further commented that the Fairwinds office is a satellite office of the Parksville office.

Tony Ransom questioned the other realtors business.

Mr. McIver commented that the Intracorp office that will be constructed would be located on its site for more than 24 months.

Frank Fairley indicated that the Bartrac office would only be in its location for 14 months.

Dave Scott indicated that the trailer would have to be removed from the site after 14 months as the contract on the site would expire at that time.

Frank Fairley indicated that the agreement between Bartrac and Intracorp takes precedence over the temporary use permit in terms of how long the office would be located there.

Mr. McIver indicated he would like a firm date of removal for the trailer and no possibility of renewal.

Frank Fairley indicated this would be likely.

George Holme asked if there were any additional questions, and being none declared the public information meeting closed.

The meeting concluded at approximately 7:35 pm.



REGIONAL DISTRICT OF NANAIMO			
DEC 3 - 2001			
CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMES	
		Brd	✓

MEMORANDUM

**TO:** Pamela Shaw  
Manager of Community Planning

**DATE:** November 30, 2001

**FROM:** Susan Cormie  
Senior Planner

**FILE:** 3320 20 72809

**SUBJECT:** Request to Modify a Section 219 (Restrictive) Covenant  
Williamson & Associates, BCLS on behalf of Janet Limin  
Electoral Area 'A' - Akenhead Road and Huckleberry Way

PURPOSE

To consider a request to modify a section 219 (restrictive) covenant in order to facilitate the construction of a larger second dwelling.

BACKGROUND

The subject property, which is located at the corner of Akenhead Road and Huckleberry Way within Electoral Area 'A', is currently zoned Rural 4 (RU4) and is within Subdivision District 'D' pursuant to the RDN Land Use and Subdivision Bylaw No. 500, 1987 (see Attachment No. 1 for location). Pursuant to the Rural 4 zone, 2 dwelling units are permitted to locate on parcels greater than 2 ha in size however the zone restricts further subdivision by way of building strata. In this case, the subject parcel is capable of supporting 2 dwellings.

The parent parcel was recently subdivided and as part of the conditions of the subdivision, the applicant was in concurrence to limit the size of the second dwelling to 112 m<sup>2</sup> exclusive of garages and carports. The purpose of this restriction was to support the GMP policy of protecting the rural integrity of the Region's rural lands. The section 219 (restrictive) covenant was subsequently registered on title concurrently with the subdivision.

The applicant now has a purchaser for Lot 2 Section 14 Range 8 Plan VIP72809 Cranberry District, who wishes to modify the covenant agreement by amending the maximum size of the second dwelling from 112 m<sup>2</sup> to 158 m<sup>2</sup> in order to accommodate visiting family members. The purchaser has offered to restrict the size of the first dwelling to 186 m<sup>2</sup> in consideration of increasing the maximum size of the second dwelling. As the Regional District is the holder of the covenant, a modification to this document requires approval of the Regional Board.

ALTERNATIVES

1. To approve the request to modify the section 219 (restrictive) covenant to amend the second dwelling size from 112 m<sup>2</sup> to 158 m<sup>2</sup> for Lot 2.
2. To deny the request to modify the section 219 (restrictive) covenant.

PAGE 2

## DEVELOPMENT IMPLICATIONS

The purchaser of the subject property wishes to purchase the property for herself and her daughter with the intent to construct a larger ranch style second dwelling with enough space to accommodate visiting family members. The purchaser is aware that there is no opportunity to further subdivide the subject property in order to achieve separate titles for the proposed dwellings either through a fee simple subdivision or by a building strata subdivision. The impact of the additional floor area is considered minimal from the perspective of adjacent properties and the public roads. In addition, the size of the second dwelling unit will remain ancillary to the principal dwelling unit, thereby maintaining the intent of the original covenant.

While the offer from the purchaser to restrict the size of the first dwelling demonstrates the purchaser's desire to show good faith to uphold the intent of the covenant document, staff feels that limiting the size of the principal dwelling unit will not, in this instance, further promote or retain rural integrity in the area.

## SUMMARY

This is a request to modify an existing section 219 covenant (restrictive) document in order to allow the construction of a larger second dwelling on the parcel. In order for the applicant to proceed, the section 219 (restrictive) covenant document will have to be modified and re-registered at Land Title Office. The purchaser is aware that no further subdivision may occur on the property. Given that the proposal is still in keeping with the intent of the covenant to restrict the size of the second dwelling, staff supports the request to modify the covenant document.

## RECOMMENDATION

That the request from Williamson and Associates, BCLS, on behalf of Janet Limin, to modify Covenant Document No. ES87302, to amend the minimum second dwelling size from 112 m<sup>2</sup> to 158 m<sup>2</sup> for Lot 2 Section 14 Range 8 Plan VIP72809 Cranberry District be approved subject to all costs associated with the registration of the modified covenant to be paid by the applicant and to the satisfaction of the Regional District.



Report Writer



General Manager Concurrence



Manager Concurrence

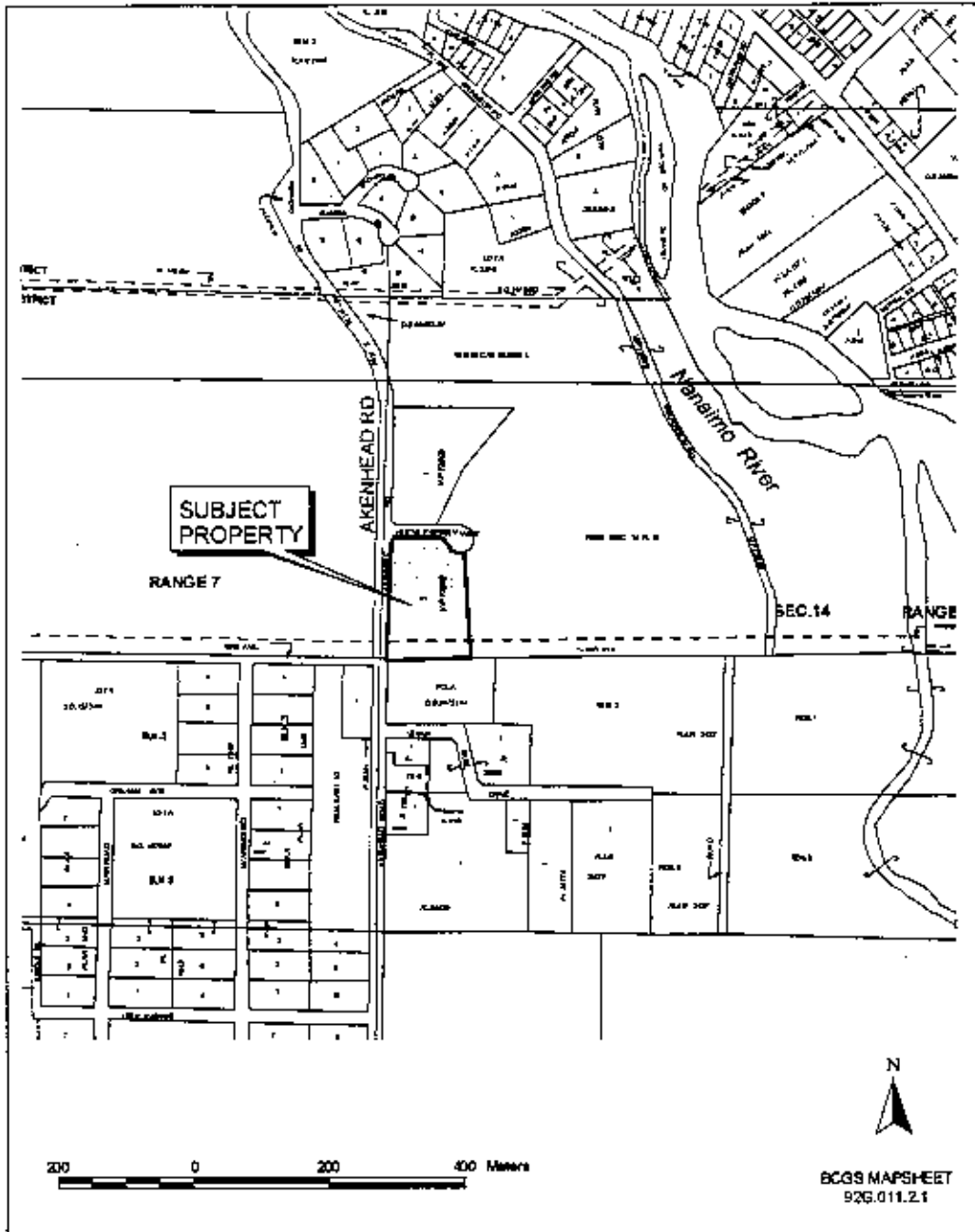


CAO Concurrence

## COMMENTS:

Devrsr/reports/2001/subd 3320 20 72809 de limin.doc

**ATTACHMENT NO. 1**  
**(location of subject property)**





REGIONAL DISTRICT OF NANAIMO		
DEC 3 - 2001		
CHAIR		GMCrS
CAO		GMDS
GMCrS		GMES
		<i>Etd</i> ✓

## MEMORANDUM

**TO:** Pamela Shaw  
Manager, Community Planning

**DATE:** December 3, 2001

**FROM:** Deborah Jensen  
Planner

**FILE:** 3360 30 0105

**SUBJECT:** Bylaw No. 500.278 – Valentim  
Lot 3, Section 6, Range 7, Cranberry District, Plan 10423 Except Parcel A (DD  
G95323), and Except Part in Plan 3590RW  
Electoral Area 'A' – 2651 Trans Canada Highway

### PURPOSE

To consider Bylaw No. 500.278 for adoption.

### BACKGROUND

Bylaw No. 500.278 was considered by the Board and given 1<sup>st</sup> and 2<sup>nd</sup> reading on October 9, 2001. A public hearing was held on November 7, 2001, and the Board granted the Bylaw 3<sup>rd</sup> reading on November 13, 2001.

Bylaw No. 500.278 would rezone the subject property from Rural 4 (RU4) to South Wellington Comprehensive Development 10 (CD10) to recognize the existing autobody facility and allow for an outdoor sales use (*see Attachment No. 1*).

As all conditions at 3<sup>rd</sup> Reading have been completed, the Bylaw may now be considered for adoption by the Regional Board.

### ALTERNATIVES

The following options are available for consideration:

1. To adopt Bylaw 500.278.
2. To not adopt Bylaw 500.278, and to give further direction to staff.

### VOTING

All directors except Electoral Area 'B' – one vote.

### INTERGOVERNMENTAL IMPLICATIONS

The Bylaw was submitted to the Ministry of Transportation for approval under the *Highways Act*; approval was received on November 29th, 2001. The Board may now consider the adoption of the Bylaw.

**SUMMARY/CONCLUSIONS**

"Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.278, 2001" was given 1<sup>st</sup> and 2<sup>nd</sup> reading on October 9, 2001. A Public Hearing was held on November 7, 2001, and the Bylaw was given 3<sup>rd</sup> reading on November 13, 2001. Approval from the Ministry of Transportation was received on November 29, 2001. As the conditions for adoption have been completed, the Bylaw can now be considered for adoption.

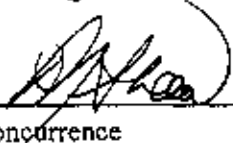
The following recommendation is provided for consideration by the Board.

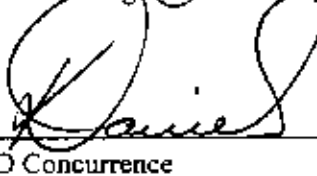
**RECOMMENDATION**

That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.278, 2001" be adopted.

  
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Report Writer

  
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General Manager Concurrence

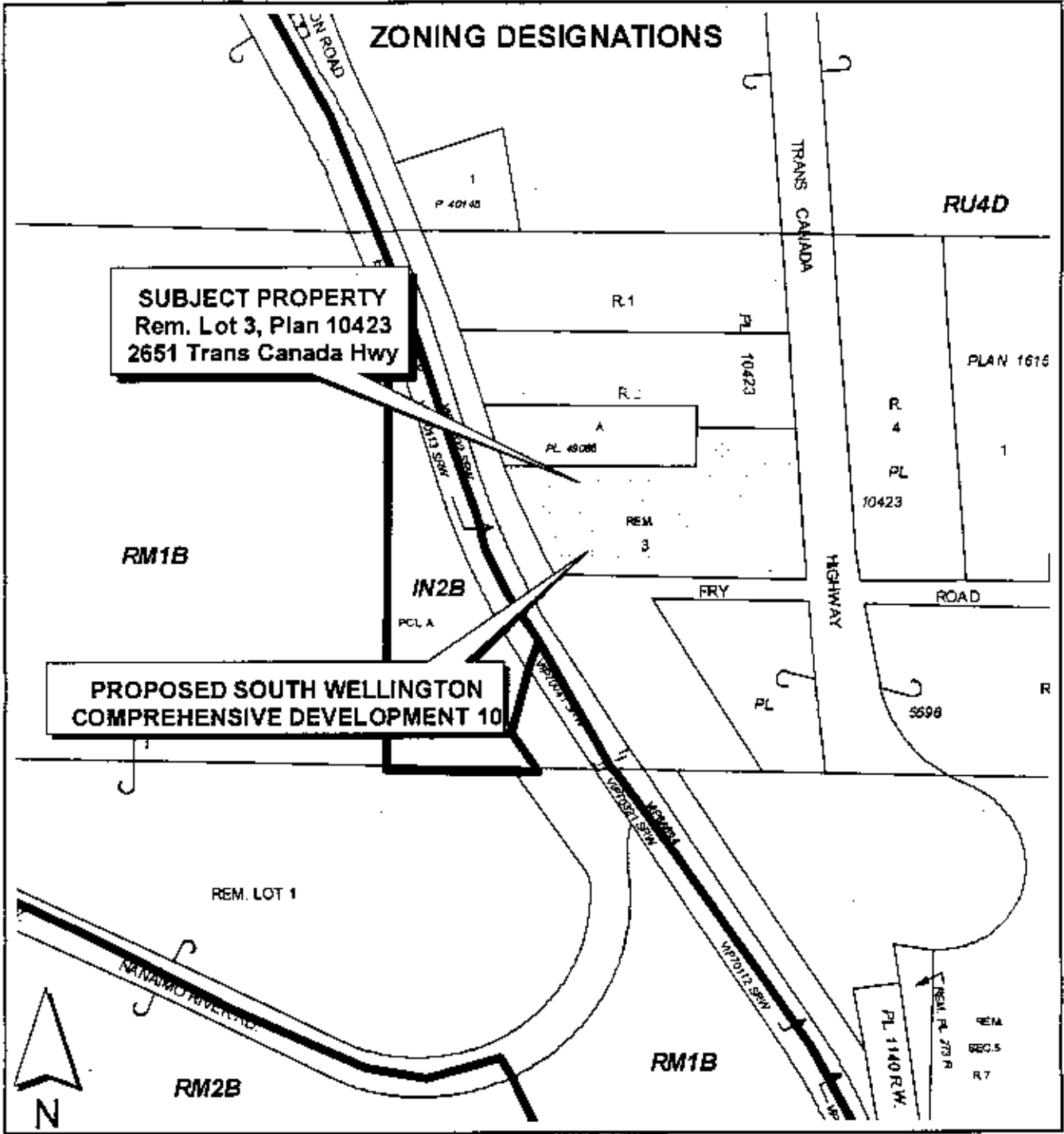
  
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Manager Concurrence

  
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CAO Concurrence

**COMMENTS:**

*reports/devs/s/2001/za3360 30 0105 de Valentim adopt.doc*

Attachment No. 1  
Subject Property Map







REGIONAL DISTRICT OF NANAIMO			
DEC 3 - 2001			
CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMES	
		Bed	✓

**MEMORANDUM**

**TO:** Pamela Shaw  
Manager of Community Planning

**DATE:** November 30, 2001

**FROM:** Susan Cormie  
Senior Planner

**FILE:** 3320 20 23859

**SUBJECT:** Request for Relaxation of the Minimum 10% Perimeter Requirement  
Fern Road Consulting Ltd. on behalf of Avorado Resort  
Electoral Area 'H' - 6050 East Island Highway

**PURPOSE**

To consider a request for the relaxation of the minimum 10% perimeter frontage requirement as part of a proposed two-lot subdivision.

**BACKGROUND**

The applicant's agent, Fern Road Consulting Ltd., has requested that the minimum 10% perimeter frontage requirement be relaxed for Proposed Lot A within the subdivision proposal located at 6050 East Island Highway within Electoral Area 'H' and legally described as Lot A, District Lot 20, Newcastle District and the Bed of Strait of Georgia, Nanaimo District, Plan VIP55017 (see Attachment No. 1 for location).

The subject property is currently split zoned Commercial 5 (CM5) and Rural 1 (RU1) and is within Subdivision Districts 'M' (1 ha without community services) and 'D' (2 ha without community services) pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. The Avorado Resort Vehicle Park is situated on proposed Lot 1. The applicant is proposing to subdivide the parent parcel into 2 lots - proposed Lot 1 being split zoned Commercial 5 Subdivision District 'M' and Rural 1 Subdivision District 'D' and proposed Lot 2 being zoned Rural 1. Proposed Lot 1 will be able to meet the minimum parcel size requirements for the individual subdivision districts areas and proposed Lot 2 will be able to meet the minimum parcel size requirements of Bylaw No. 500 (see Attachment No. 2 for proposed subdivision). The parcels are proposed to be serviced by individual private septic disposal systems and community water supplied by the local water authority.

Lot 2 is proposed to have a frontage of 77.3 metres or 9.3% of the perimeter. Therefore, as this proposed lot does not meet the minimum 10% parcel frontage requirement pursuant to Section 944 of the *Local Government Act*, approval of the Regional Board of Directors is required.

**ALTERNATIVES**

1. To approve the request for the relaxation of the minimum 10% frontage requirement for proposed Lot 2.
2. To deny the request for relaxation of the minimum 10% frontage requirement.

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## DEVELOPMENT IMPLICATIONS

### *Ministry of Transportation Implications*

The Ministry of Transportation has indicated that it has no concerns with respect to this request for 10% frontage relaxation. It is noted that access to proposed Lot 2 would be by reciprocal access through proposed Lot 1 as the gazetted right-of way has never been constructed and has been requested to be reserved for trail purposes for the RDN.

It is also noted that the Shaw Hill – Deep Bay Official Community Plan Bylaw No. 1007, 1996 designates a 'Potential Walkway / Trail' corridor in the vicinity of the gazetted road.

### *Official Community Plan Implications/ Environmentally Sensitive Areas Atlas*

The Shaw Hill – Deep Bay Official Community Plan Bylaw 1007, 1996 designates the subject property as being within the Qualicum Bay Village Development Permit Area. The subject property has a current development permit for the development of 50 additional camping spaces. As part of the development permit process, the applicant entered into a section 219 covenant for the protection of Black Brook, which crosses a portion of the subject property along the west property line. Under the terms of the covenant, no works may occur or removal of vegetation within 15 metres from the top of the bank of the brook. The applicant's agent has indicated in writing that no works or removal of vegetation will occur within the covenant area. As part of the subdivision review, staff will conduct a site visit to confirm that the terms of both the covenant and the development permit are being met.

Staff will also recommend to the Ministry of Transportation that the subdivision be evaluated in terms of the future internal road system with respect to the Village designation and the OCP policies.

The Regional District of Nanaimo Environmentally Sensitive Areas Atlas recognizes the foreshore area on the Strait of Georgia as environmentally sensitive. Staff comments, as part of the subdivision review to the Ministry of Transportation Approving Authority, will include reference to this information.


## SUMMARY


This is a request to relax of the minimum 10% perimeter frontage requirement as part of a two-lot subdivision development. The proposed parcel is adjacent to a gazetted right-of-way, which the Regional District has requested the Ministry of Transportation to reserve the right-of-way for trail purposes. As the gazetted road is not constructed, access to Lot 2 is proposed to be created by reciprocal access through proposed Lot 1. The parcel currently has a development permit in place for the form and character of the resort development and for protection of the watercourse (Black Brook). In addition, this portion of Black Brook is also protected by a section 219 covenant. The applicant's agent has indicated that no activity will be taking place within the covenant area. As part of the subdivision review, staff will conduct a site visit to confirm that the terms of the covenant and the existing development permit are being met. As the watercourse is protected by covenant and the Ministry of Transportation has no concerns with this request, staff recommends Alternative No. 1 to relax the minimum 10% frontage requirement, be approved.

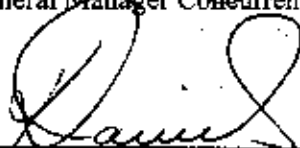
**RECOMMENDATION**

That the request submitted by Fern Road Consulting Ltd. on behalf of Avorado Resort Ltd. to relax the minimum 10% frontage requirement for proposed Lot 2, as shown on the plan of subdivision of Lot A, District Lot 20, Newcastle District and the Bed of Strait of Georgia, Nanaimo District, Plan VIP55017, be approved subject to the proposed access be secured by easement.

  
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Report Writer

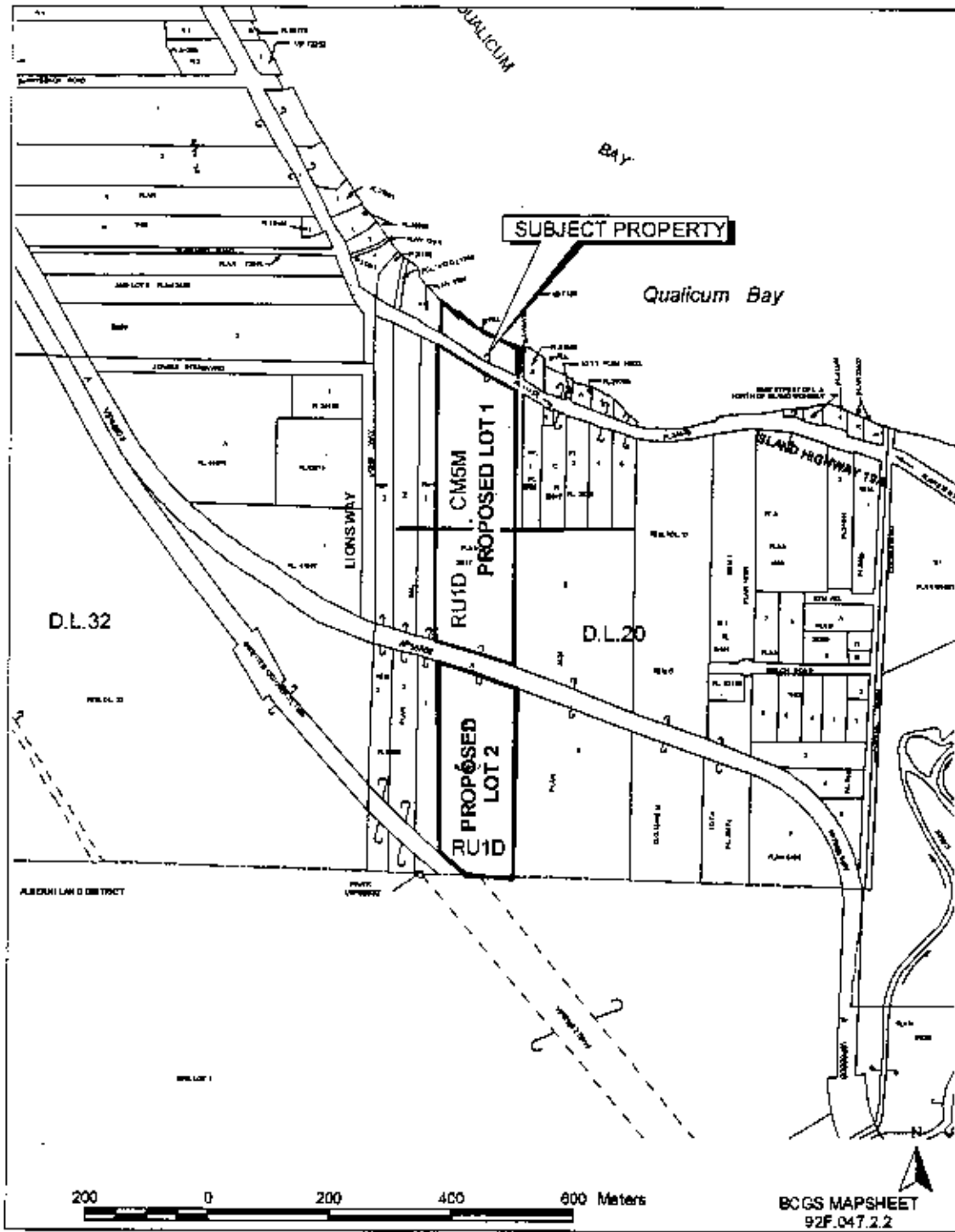
  
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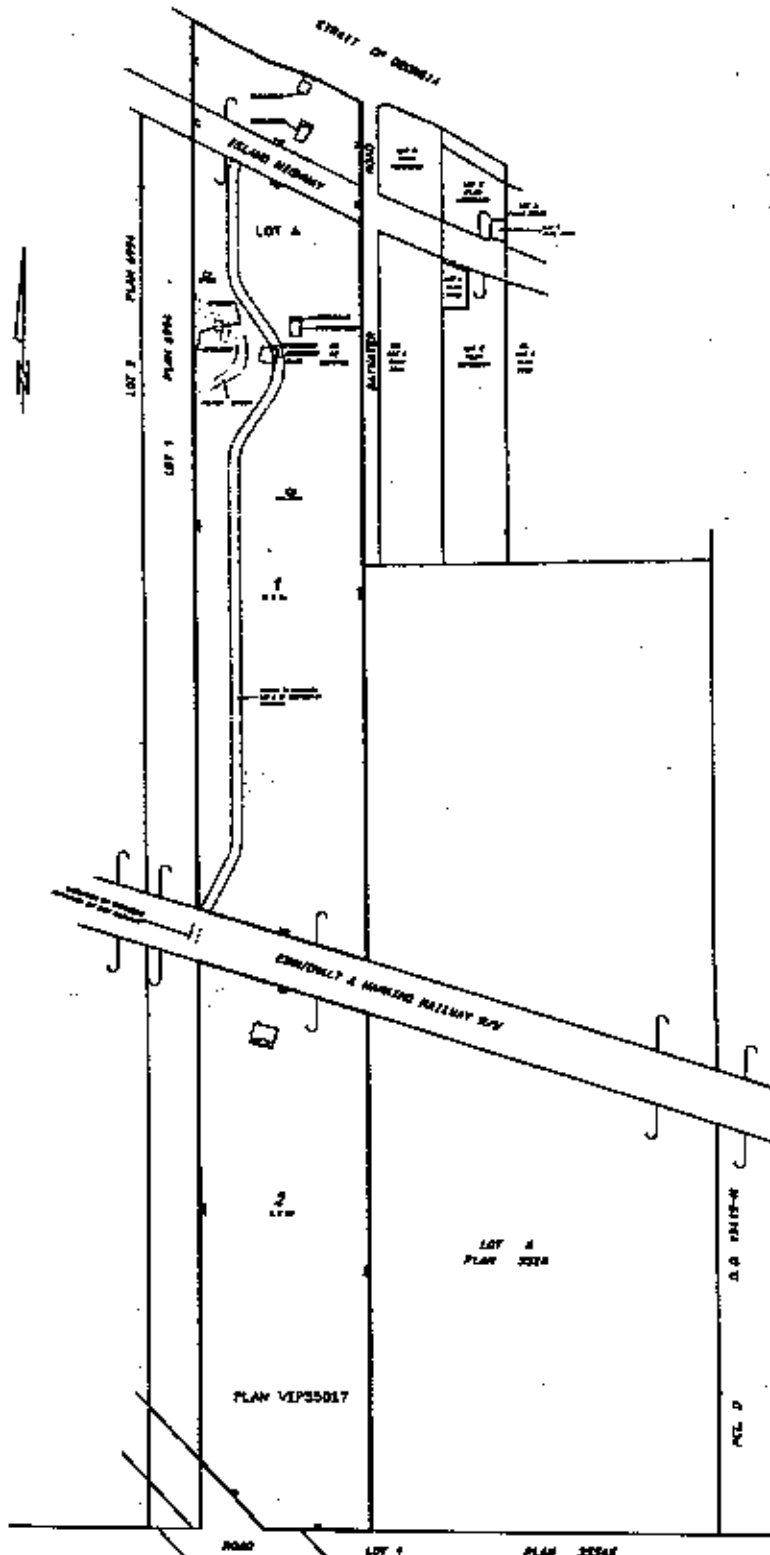
**COMMENTS:**  
*Devsr/reports/2001/frige de 3320 20 23859 Avorado/Fern Rd.doc*

### ATTACHMENT NO. 1 LOCATION OF SUBJECT PROPERTY



ATTACHMENT NO. 2

PROPOSED PLAN OF SUBDIVISION AS SUBMITTED BY APPLICANT



<p>PLAN OF PROPOSED SUBDIVISION OF LOT 4 PLAN VEP35017 S.L., RD. NEWCASTLE DISTRICT.</p>	<p>SCALE: 1:1250 BY: [Signature] DATE: [Date]</p>	<p>PLAN 33348</p>
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