

REGIONAL DISTRICT OF NANAIMO

**REGULAR BOARD MEETING
TUESDAY, MAY 8, 2001
7:30 PM**

(Nanaimo City Council Chambers)

A G E N D A

PAGES

- 1. CALL TO ORDER**
- 2. DELEGATIONS**
 - 7 **Mike Gray**, re Nanoose Bay Parks & Open Spaces Plan - Area E.
 - 7 **Ross Peterson**, re Nanoose Bay Parks & Open Spaces Plan - Area E.
 - 8 **Diane Aussem**, re Nanoose Bay Parks & Open Spaces Plan - Area E.
 - 9 **Ken Johnson**, re Development Permit Application No. 0106 Munro/Williamson -1790 Rena Road - Area E..
- 3. BOARD MINUTES**
 - 10-18 Minutes of the regular Board meeting held on Tuesday, April 10, 2001.
- 4. BUSINESS ARISING FROM THE MINUTES**
- 5. COMMUNICATIONS/CORRESPONDENCE**
 - 19-20 **J. Cardoso, Okanagan-Similkameen Regional Hospital District**, re Restoration of Health Care Funding and Local Government Cost Sharing.
- 6. UNFINISHED BUSINESS**
 - For Adoption.**
 - Bylaw No. 889.17** - Amendment to the Northern Community Sewer LSA - three properties from Surfside Sewer Local Service Area. (All Directors - One Vote)
 - 21-24 **Bylaw No. 500.273** - James - 2470 Apollo Drive - Area E. (All Directors except EA 'B' - One Vote)
- 7. STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS**
 - 7.(I) DEVELOPMENT SERVICES STANDING COMMITTEE**
 - 25-27 Minutes of the regular Development Services Committee meeting held April 17, 2001. (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 1, Section 10, Range 1, Plan 23681, Cedar Land District, 2223 Cedar Road, Electoral Area 'A', owned by R. and S. Margetish;*
- (b) *Lot 31, Section 14, Range 2, Plan VIP59885, Cedar Land District, 2350 Hemer Road, Electoral Area 'A', owned by J. Mihalj;*
- (c) *Lot B, Section 6, Gabriola Island, Plan 42450, Nanaimo Land District, 2925 North Road, Electoral Area 'B', owned by J. Allen;*
- (d) *Lot 12, Block 8, District Lot 88, Plan 1223, Newcastle Land District, 225 Cortes Road, Electoral Area 'G', owned by C. and P. Young.*

PLANNING

AMENDMENT APPLICATIONS

Application No. 0101 – Brown/Madsen – Timberlands Road – Area C. (Electoral Area Directors except EA 'B' - One Vote)

That the minutes for a Public Information Meeting held March 14, 2001 for Amendment Application No. 0101 submitted by Anders Madsen, acting as Agent for Nancy Brown, to rezone the subject property legally described as Lot B, Block 87, Bright, Douglas and Cranberry Districts (Lying Within Said Bright District), Plan VIP54950, from Resource Management 9 (RM9) to Resource Management 10 (RM10) be received for information.

That due to the fact that land conflicts will continue due to the close proximity of the residential areas, staff be directed to bring forward a report on options which may be available to reduce future conflicts and to address the sensitivity of the aquifer which underlies the area.

DEVELOPMENT PERMIT APPLICATIONS

Application No. 0106 – Munro/Williamson – 1790 Rena Road – Area E. (Electoral Area Directors except EA 'B' - One Vote)

That Development Permit Application No. 0106, to legalize an addition to an existing agricultural building within an Environmental Sensitive Area Development Permit Area, to approve works (relating to a proposed dwelling unit), to address drainage run-off on access roads and the impact of land clearing within a Watercourse Protection Development Permit Area on the property legally described as District Lot 32, Nanoose District, be approved subject to the conditions outlined in Schedule '1'.

Application No. 0020 – Boulton/Mill – 1345 Private Road – Area G. (Electoral Area Directors except EA 'B' - One Vote)

That Development Permit 0020 to establish a residential cabin on the property legally described as Lot 14, District Lot 51, Newcastle District, Plan 12041 be approved as outlined in Schedule '1', and subject to the notification requirements of the Local Government Act.

DEVELOPMENT VARIANCE PERMIT

Application No. 0103 – Lemke – 2211 Chelsea Place – Area E. (Electoral Area Directors except EA 'B' - One Vote)

Delegations wishing to speak to Application No. 0103.

That Development Variance Permit Application No. 0103, submitted by Ed Lemke, Agent on behalf of Beth Elaine Lemke, to legalize an existing wall constructed to facilitate the development of a single dwelling unit by varying the minimum setback requirement for an interior side lot line within the Residential 1 (RS1) zone from 2.0 metres (6.6 feet) to 0.9 metres (3.0 feet) for the property legally described as Lot 30, Plan 51142, District Lot 78, Nanoose Land District, be approved as submitted subject to notification requirements pursuant to the Local Government Act.

7.(II) ENVIRONMENTAL SERVICES STANDING COMMITTEE

7.(III) CORPORATE & COMMUNITY SERVICES STANDING COMMITTEE

28-31 Minutes of the regular Corporate and Community Services Committee meeting held May 1, 2001. (for information)

COMMUNICATIONS/CORRESPONDENCE

Jim Doyle, Minister, Ministry of Municipal Affairs, re Regional Growth Strategy Planning Grant. (All Directors - One Vote)

That the correspondence from the Ministry of Municipal Affairs with respect to the approval of a \$80,000 Regional Growth Strategy Planning Grant for the Regional District, be received for information.

UNFINISHED BUSINESS

Crime Prevention & Community Justice Support Service Establishment Bylaw No. 1233. (All Directors - One Vote)

That staff prepare a report on alternative means of providing funding support for community policing initiatives.

ADMINISTRATION

Application for a Temporary Change to a Liquor Licence – Cassidy Inn – Area A. (All Directors - One Vote)

That the Cassidy Inn's request for a temporary change to their Liquor Licence to provide for an extended patio area for their Show 'n Shine event scheduled for June 24, 2001 be approved.

FINANCE

RDN Security Issuing (City of Parksville) Bylaw No. 1238. (All Directors - Weighted Vote)

That "Regional District of Nanaimo Security Issuing (City of Parksville) Bylaw No. 1238, 2001" receive first three readings and be forwarded to Municipal Affairs for approval.

RECREATION AND PARKS

Nanoose Bay Parks and Open Space Plan. (All Directors - One Vote)

That the Nanoose Bay Parks and Open Space Plan be approved as a guiding document for parks and open space planning and management in Nanoose Bay, and that the Terms of Reference for the Nanoose Bay Parks and Open Spaces Advisory Committee be approved.

SPECIAL EVENT/SPECIAL OCCASION APPLICATIONS

(All Directors - One Vote)

That the Special Event and Special Occasion Application status reports be received for information.

TRANSIT

Transit Business Plan Update. (Electoral Areas A,D, E,G,H, Nanaimo, Parksville, Qualicum Beach - Weighted Vote)

That the Transit Business Plan Update be approved.

COMMISSION, ADVISORY & SELECT COMMITTEE

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

That the minutes of the Lantzville Parks & Open Space Committee meeting held April 2, 2001, be received for information.

Gabriola Island Parks and Recreation Commission. (All Directors - One Vote)

That the minutes of the Gabriola Island Parks and Recreation Commission meeting held April 9, 2001, be received for information.

That the minutes of the Gabriola Island Parks and Recreation Commission meeting held April 23, 2001 be received for information.

(EA's E, F, G H, Parksville & Qualicum Beach – Weighted Vote)

That the following Grants-in-Aid applications be approved:

Canvas Kidds	\$1,479.00
Earth Muffin Productions -- Disco Kids	850.00
After School Art	500.00
French Language Camp	400.00
Camp Miriam	1,000.00
Gabriola Friends of the Terry Fox Run	100.00
Gabriola Shotokan Karate Do	801.00
Karate Kids Summer Program	854.00
Tae Kwon Do	494.00
The Gathering Place	1,000.00
Aerobics	467.40
Gabriola Soccer Association	2,000.00
Huxley Park Association	4,860.00

ADDENDUM

COMMUNICATIONS/CORRESPONDENCE

Gwen Anders, re Crime Prevention. (All Directors - One Vote)

That the correspondence received from Gwen Anders with respect to the manner in which the recent proposal for Crime Prevention and Community Justice Support Service was handled, be received for information.

NEW BUSINESS

Land Exchange Proposal – Weyerhaeuser. (All Directors - One Vote)

That staff contact the appropriate ministry to obtain further information on the proposed land exchange and report back to the Board.

7.(IV) EXECUTIVE STANDING COMMITTEE

7.(V) COMMISSION

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

8. ADMINISTRATOR'S REPORT

32-72 Amendment Application No. 9630 - Horne Lake License Holders Association on behalf of Texada Land Corporation - Area H. (All Directors except EA 'B' - One Vote)

9. ADDENDUM

10. BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

11. NEW BUSINESS

12. BOARD INFORMATION (Separate enclosure on blue paper)

13. **ADJOURNMENT**

14. **IN CAMERA**

That pursuant to Section 242.2(1)(c) & (h) of the Local Government Act the Board proceed to In Camera meeting to consider matters related to personnel issues and legal actions regarding land use enforcement.

Michael J. Gray
1375 Madrona Dr.
Nanoose Bay, BC
V9P 9C9
Canada

Phone # 1 250 468-5662 Fax # 1 250 468-9933

Fax Memorandum

Date May 2, 2001

To: Linda Burgoyne

From: Mike Gray

Subject: RDN Board Meeting May 8, 2001

Per this mornings phone conversation, I am requesting 10 minutes of time for each of two people to address the issue of - Parks and Open Space Final Draft.

The speakers would be: Mike Gray
Ross Peterson

DIANE AUSSEM

Phone: (250) 248-9241

Fax: (250) 248-8375

FAX COVER NOTE

May 2, 2001

Please deliver the following pages to:

NAME: LINDA BURGOYNE
FIRM: REGIONAL DISTRICT OF NANAIMO
CITY: LANTZVILLE
FAX NO: (250) 390-4163
FROM: DIANE AUSSEM
RE: RDN Board Meeting: May 8, 2001

MESSAGE: I request to be put on the Agenda at the Regional District of Nanaimo Board Meeting of May 8th, 2001, to speak to the issue of the adoption of the Nanoose Bay Parks & Open Space Plan. My home address and phone number is: 3458 Blueback Drive, Nanoose Bay; 468-7596. I am a member of the Committee appointed by the RDN to assist in drafting the Plan.

Total number of pages being transmitted (inclusive of this page): 1

ORIGINAL OF THIS TRANSMISSION WILL:

- not follow**
 follow by mail
 follow by courier

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May 02, 2001.

Dear Mr. Ruggione:

This is my submission request, as per our conversation in the AM of May 02/01, to speak at the May 8/01 RDN meeting scheduled for 4:30 PM. My subject is directed at the development permit for DL32 in Nanose.

Thank you,

Ken Johnson
468-1717

Fax # 390-4163

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE REGULAR MEETING OF THE BOARD
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, APRIL 10, 2001, AT 7:35 PM IN THE
NANAIMO CITY COUNCIL CHAMBERS**

Present:

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

Also in Attendance:

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

BOARD MINUTES

MOVED Director Sherry, SECONDED Director Krall, that the minutes of the regular Board meeting held on Tuesday, March 13, 2001 and the Special Board meeting held on Tuesday, March 20, 2001, be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Shelagh Gourlay, Cedar School and Community Enhancement Society, re Cedar Heritage Centre.

MOVED Director McLean, SECONDED Director Holdom, that the correspondence from the Cedar School and Community Enhancement Society with respect to a request for support for financial assistance in the administration of the Cedar Heritage Centre be received.

CARRIED

Carol & Mel Gray, re Application No. 0105 – Heringa and Rajotte/Griffin – 781 Miller Road – Area G.

MOVED Director Stanhope, SECONDED Director Rispin, that the correspondence from Carol and Mel Gray with respect to Application No. 0105 be received.

CARRIED

Growth Management Plan 2000 Annual Report.

The Chairperson acknowledged four members of the Performance Review Committee in the audience and requested that this issue be brought forward at this time.

MOVED Director McLean, SECONDED Director Stanhope, that Dr. Terence Knight be permitted to speak.

CARRIED

Dr. Knight, representing the Performance Review Committee, provided the Board with a brief overview of the Growth Management Plan 2000 Annual Report.

MOVED Director Krall, SECONDED Director Stanhope, that the 2000 Annual Report on the Growth Management Plan be received.

CARRIED

UNFINISHED BUSINESS

Public Hearing – Bylaw No. 500.273.

MOVED Director McLean, SECONDED Director Sherry, that the Summary of Proceedings of the Public Hearing held March 26, 2001 as a result of public notification of “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.273, 2001” be received.

CARRIED

MOVED Director McLean, SECONDED Director Holdom, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.273, 2001” be given 3rd reading.

CARRIED

MOVED Director Stanhope, SECONDED Director McLean, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.273, 2001” be referred to the Ministry of Transportation and Highways for confirmation of access prior to 4th reading.

CARRIED

For Adoption.

Bylaw No. 1250 – Building Regulations and Fees Bylaw.

MOVED Director Stanhope, SECONDED Director Sperling, that “Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1250, 2001” be adopted.

CARRIED

Bylaw No. 500.265 – Burgess/Greaves – 1880 Claudet Road – Area E.

MOVED Director Sherry, SECONDED Director Krall, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.265, 2000” be adopted.

CARRIED

DEVELOPMENT SERVICES STANDING COMMITTEE

MOVED Director Holdom, SECONDED Director Stanhope, that the minutes of the regular Development Services Committee meeting held March 20, 2001, be received for information.

CARRIED

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UNFINISHED BUSINESS

From February 27, 2001 Development Services Committee

Section 700 Filing.

MOVED Director Holdom, SECONDED Director Haime, that a notice be filed against the title of the property listed, pursuant to Section 700 of the *Local Government Act* and that if the infraction is not rectified within ninety (90) days, legal action will be pursued:

Lot 2, Section 12, Range 3, Plan 38230, Mountain Land District, 3033 Jameson Road, Electoral Area D, owned by D. and P. Stalker.

CARRIED

CORRESPONDENCE/COMMUNICATION

Frank Haylock, re DVP Application No. 0102 – Richard Place – Area E.

MOVED Director Holdom, SECONDED Director McNabb, that the correspondence received from Frank Haylock with respect to approval of DVP Application No. 0102, be received for information.

CARRIED

Robert Hobson, UBCM, re Streamside Protection Regulation.

MOVED Director Sherry, SECONDED Director Holdom, that the correspondence received from UBCM with respect to new regulation under the Fish Protection Act to protect fish habitat in urban areas, be received for information.

CARRIED

BUILDING INSPECTION

Section 700 Filings.

The Chairperson advised that the following filing has been resolved:

Lot 1, Section 18, Range 2, Plan VIP67127, Mountain Land District, 3395 Richards Road, Electoral Area 'D', owned by R. and D. Brennan;

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

MOVED Director Holdom, SECONDED Director Rispin, 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 B, Section 13, Range 1, Plan 17697, Cedar Land District, 1978 Cedar Road, Electoral Area 'A', owned by L. and P. Case;
- (b) Lot 11, Section 12, Gabriola Island, Plan 23365, Nanaimo Land District, 464 Berg Road, Electoral Area 'B', owned by K. Ramsey and I. Harrison;
- (c) Lot 5, Section 6, Gabriola Island, Plan 29233, Nanaimo Land District, 1475 Peterson Road, Electoral Area 'B', owned by A. and C. Holland;
- (d) Lot 3, Sections 9 and 28, Gabriola Island, Plan 27119, Nanaimo Land District, 1985 Ferne Road, Electoral Area 'B', owned by G. McDonald;
- (e) Lot 1, District Lot 35, Plan 2230 except parts in Plans 8472, 142-R and VIP56073, Nanoose Land District, 2183 Morello Road, Electoral Area 'E', owned by B. and P. Kaspar;
- (f) Lot 8, District Lot 6, Plan 23588, Nanoose Land District, 2471 Schirra Drive, Electoral Area 'E', owned by R. and L. Phillips;

CARRIED

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PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Application No. 0103 – Frederick – 4781 Ocean Trail – Area H.

MOVED Director Quittenton, SECONDED Director Elliott, that Development Permit Application No. 0103, submitted by Gerald Frederick and Beverley Frederick, to facilitate the construction of a second storey to a single dwelling unit and vary the minimum permitted setbacks within the Residential 2 (RS2) zone from 8.0 metres to 6.6 metres for the front line and from 5.0 metres to 3.6 metres for the other lot line for the property legally described as Lot 73, District Lot 82, Newcastle District, Plan 31044, be approved subject to notification requirements pursuant to the *Local Government Act*.

CARRIED

Application No. 0104 – Derkach – 1051 Surfside Drive – Area G.

MOVED Director Stanhope, SECONDED Director Quittenton, that Development Permit Application No. 0104, as submitted by Linda Derkach, to facilitate the construction of a garage and second storey addition, and to vary the front lot line setback within the Residential 2 (RS2) zone from 8.0 metres to 4.5 metres for the property legally described as Lot 6, Block 1, District Lots 9 and 10, Newcastle Land District, Plan 15370, be approved subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

Application No. 0105 – Heringa and Rajotte/Griffin – 781 Miller Road – Area G.

MOVED Director Stanhope, SECONDED Director Quittenton, that this application be deferred for one month.

MOVED Director Rispin, SECONDED Director Quittenton, that Mr. Griffin be permitted to speak.

CARRIED

Mr. Griffin advised the Board that he had met with neighbours to discuss their concerns with the height variance and explained that the surveyor had made an error in his calculation and that he only required a variance of 2.6 metres.

Director Stanhope withdrew his motion to defer.

MOVED Director Stanhope, SECONDED Director Quittenton, that Development Permit Application No. 0105, submitted by Henry Griffin, Agent on behalf of Heringa and Rajotte, to facilitate the development of a single dwelling unit and vary the maximum permitted height within the Residential 1 (RS1) zone from 8.0 metres to 10.6 metres for the property legally described as Strata Lot 3, District Lot 28, Nanoose District, Strata Plan VIS4363 Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1, be approved as submitted subject to the notification procedures pursuant to the *Local Government Act*.

CARRIED

DEVELOPMENT VARIANCE PERMIT

Application No. 0101 – Kevin & Wendy May – Lambert Lane – Area A.

MOVED Director Elliott, SECONDED Director Haime, that Development Variance Permit Application No. 0101, submitted by Kevin and Wendy May to facilitate the development of a single dwelling unit and vary the maximum permitted height of a structure within the Rural 4 (RU4) zone from 9.0 metres to 10.6 metres for the property legally described as Lot 1, Section 5, Cedar District, Plan VIP57053, be approved as submitted subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

Application No. 0102 – Tad-Mar Resources Ltd. – Richard Place – Area E.

MOVED Director Haime, SECONDED Director Elliott, that Development Variance Permit Application No. 0102, submitted by Sims and Associates, Agent to facilitate the development of a single dwelling unit and vary the maximum permitted height of a structure within the Residential 3 (RS3) zone from 8.0 metres to 8.9 metres for the property legally described as Lot 7, District Lot 78, Nanoose District, Plan VIP56437, be approved as submitted subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

OTHER

New FM Radio Programming License – Central Island Broadcasting – Little Mountain – Area F.

MOVED Director Krall, SECONDED Director Holdom, that Central Island Broadcasting be advised that the Regional District has no objections to the new FM license application and is willing to grant an approval in principle to the proposal.

CARRIED

Replacement Lease – Weyerhaeuser – Northwest Bay – Area E.

MOVED Director Holdom, SECONDED Director Sherry, that the Regional District of Nanaimo support the referral request pending the application and issuance of a development permit.

CARRIED

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

Request for Provision of Park Land Dedication & Creation of Non-Contiguous Parcel – WR Hutchinson, BCLS on behalf of BOA Developments Ltd. – Nanaimo River Road & South Forks Road – Area C.

MOVED Director Krall, SECONDED Director Stanhope, that the request submitted by WR Hutchinson, BCLS on behalf of BOA Developments Ltd., to offer additional dedication of park land as part of the subdivision of District Lot 3, Douglas District, be accepted in the amount and location as outlined in the staff report.

CARRIED

MOVED Director Krall, SECONDED Director McNabb, that the request for the creation of a non-contiguous parcel be approved subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

Director Young rejoined the meeting.

CORPORATE & COMMUNITY SERVICES STANDING COMMITTEE

MOVED Director Stanhope, SECONDED Director Sperling, that the minutes of the regular Corporate & Community Services Committee meeting held April 3, 2001, be received for information.

CARRIED

ADMINISTRATION

RDN Officers Appointment and Delegation Amendment Bylaw No. 1204.01.

MOVED Director Stanhope, SECONDED Director Macdonald, that the RDN Officers Appointment & Delegation Bylaw No. 1204 be amended to provide the Chief Administrative Officer and the General Manager of Corporate Services the power and function to issue special occasion licenses.

CARRIED

MOVED Director Stanhope, SECONDED Director Haime, that the Electoral Area Director be notified prior to approval of a special occasion license for an event held in his/her area.

MOVED Director Stanhope, SECONDED Director Haime, that "Regional District of Nanaimo Officers Appointment and Delegation Amendment Bylaw No. 1204.01, 2001" be introduced and read three times.
CARRIED

MOVED Director Stanhope, SECONDED Director Sherry, that "Regional District of Nanaimo Officers Appointment and Delegation Amendment Bylaw No. 1204.01, 2001" be adopted.

CARRIED

REGIONAL GROWTH MANAGEMENT

Growth Management Plan Review 2001-2002 – Process to Consider Changes Suggested by Member Municipalities, Electoral Areas and the Provincial Government.

MOVED Director Stanhope, SECONDED Director Macdonald, that the process for considering for member municipalities', electoral areas', and the provincial government's suggested changes to the Growth Management Plan be incorporated into the Review project.

CARRIED

TRANSIT

2001/2002 Annual Operating Agreement – BC Transit/RDN.

MOVED Director Stanhope, SECONDED Director Rispin, that the 2001/2002 Annual Operating Agreement between BC Transit and the Regional District of Nanaimo for the provision of Conventional and Custom Transit services be approved.

CARRIED

HandyDART – Monthly Fare Pass.

MOVED Director Stanhope, SECONDED Director McNabb, that a HandyDART pre-paid monthly pass in the amount of \$75.00, effective May 1, 2001, be approved.

CARRIED

Status Report – Transit Business Plan.

MOVED Director Stanhope, SECONDED Director Krall, that the Status Report on the Transit Business Plan Update be received for information and forwarded to public consultation.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

Electoral Area A Parks, Recreation and Greenspaces Advisory Committee.

MOVED Director Stanhope, SECONDED Director Elliott, that the minutes of the Electoral Area A Parks, Recreation and Greenspaces Advisory Committee meeting held February 15, 2001, be received for information.

CARRIED

Gabriola Island Parks and Recreation Commission.

MOVED Director Stanhope, SECONDED Director Sperling, that the minutes of the Special meeting of the Gabriola Island Parks and Recreation Commission held March 5, 2001 and the regular meeting held March 19, 2001, be received for information.

CARRIED

District 69 Recreation Commission.

MOVED Director Stanhope, SECONDED Director McLean, that the minutes of the District 69 Recreation Commission meeting held March 15, 2001 be received for information.

CARRIED

MOVED Director Stanhope, SECONDED Director Macdonald, that the staff report on the Second Ice Sheet Review for District 69 be received and that the proposal from Vancouver Island Ice Sports Ltd. not be pursued and that further work be undertaken to advance the twinning of the District 69 Arena.

A recorded vote was requested.

The motion CARRIED with Directors Holme, Quittenton, Kruyt, Macdonald and Stanhope voting in the affirmative and Director McLean voting in the negative.

MOVED Director Stanhope, SECONDED Director Quittenton, that \$3,000 of Community Agreement funding be approved for the Deep Bay Yacht Club Junior Sail program and that the Community Agreement funds be used to purchase a Chase Boat and VHF Radios.

CARRIED

EXECUTIVE STANDING COMMITTEE

Executive Committee.

MOVED Director Stanhope, SECONDED Director Sherry, that the minutes of the Executive Committee meeting held on Tuesday, April 3, 2001 be received for information.

CARRIED

MOVED Director Sherry, SECONDED Director McNabb, that the revised Fax Machine and Personal Computer for Board members Policy be approved.

CARRIED

SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE

Performance Review Committee.

MOVED Director Krall, SECONDED Director Sherry, that the minutes of the Performance Review Committee meetings held March 8, March 15, March 29 and April 2, 2001, be received for information.

CARRIED

Intergovernmental Advisory Committee

MOVED Director Krall, SECONDED Director McNabb, that the minutes of the Intergovernmental Advisory Committee meeting held March 29, 2001, be received for information.

CARRIED

Selection Committee (from the meeting held April 3, 2001).

MOVED Director Sperling, SECONDED Director McLean, that an appointment not be made to the Gabriola Island Parks and Recreation Commission at this time due to restructuring of the recreation function.

CARRIED

ADMINISTRATOR'S REPORT

Liquid Waste Management – Annual Facilities Report – Permit Compliance.

MOVED Director Sherry, SECONDED Director Krall, that the summary of the annual sewage treatment facilities and permit compliance report be received.

CARRIED

Pump & Haul LSA Amendment Bylaw No. 975.22 – 1846 Ballenas Road – Area E and 2310 Alberni Highway – Area F.

MOVED Director Sherry, SECONDED Director Stanhope, that the following applications for inclusion into the pump and haul service be accepted:

Lot 24, DL 68, Plan 30341, NANOOSE LAND DISTRICT
1846 Ballenas Road
Timothy and Lorraine Davidson
Area E

Lot A, Salvation Army Lots, NANOOSE DISTRICT, Plan 1115, Except part in Plan 734 RW
2310 Alberni Highway
Donald S. Wood, Executor for Estate of Kristian Graaten (Old Country Market and Graaten Manufactured Home Park)
Area F

CARRIED

MOVED Director Sherry, SECONDED Director McLean, that “Regional District of Nanaimo Pump & Haul Local Service Area Amendment Bylaw No. 975.22, 2001”, be read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

Provincial Drinking Water Protection Plan.

MOVED Director Sherry, SECONDED Director McNabb, that the report on the BC Government Drinking Water Protection Plan be received for information.

CARRIED

MOVED Director Sherry, SECONDED Director McNabb, that staff be directed to prepare correspondence to the provincial government and UBCM indicating general support for the intent of the Drinking Water Protection Plan but also identifying concerns with the resource and financial issues associated with the proposed plan and requesting that before any of the plan components are legislated, thorough consideration be given to the implications for local government and its residents, and that senior government would need to provide financial assistance to communities to effectively undertake the plan.

CARRIED

ADDENDUM

Community Parks Amendment Bylaws No. 799.05 & 803.03.

MOVED Director Sperling, SECONDED Director Haime, that “Electoral Area B Community Parks Local Service Area Amendment Bylaw No. 799.05, 2001” be introduced for three readings and forwarded to Municipal Affairs for approval.

CARRIED

MOVED Director Stanhope, SECONDED Director Holdom, that "Electoral Area E Community Parks Local Service Area Amendment Bylaw No. 803.03, 2001" be introduced for three readings and forwarded to Municipal Affairs for approval.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Shelagh Gourlay, Cedar School & Community Enhancement Society, re Cedar Heritage Centre.

MOVED Director Elliott, SECONDED Director Holdom, that the Board provide a letter of support as requested in the correspondence from Shelagh Gourlay considered earlier in the meeting.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 8:20 PM.

CHAIRPERSON

GENERAL MANAGER, CORPORATESERVICES

Okanagan-Similkameen Regional Hospital District

101 Martin Street, Penticton, B.C. V2A 5J9

Telephone: (250) 492-0237

Fax: (250) 492-0063

Toll Free: 1-877-610-3737

REGIONAL DISTRICT OF NANAIMO			
APR 18 2001			
CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMES	
Board Communications			✓

File: OSRHD 110.01

March 29, 2001

The Honourable Corky Evans
Minister of Health
PO Box 9050 Stn Prov Govt
Victoria, BC V8W 9E2

Dear Minister Evans:

Re: Restoration of Health Care Funding and Local Government Cost Sharing

At the Regular Meeting of March 22, 2001, the Board of Directors, Okanagan-Similkameen Regional Hospital District, passed the following Resolution (HB29/01):

“that the Board forward a letter to the Ministry of Health supporting the Regional District of Nanaimo's concerns that the cost sharing formulas and cost sharing requirements have not been reconsidered in light of the reinstated health care funding the Province is receiving from the Federal government; and

that the Minister initiate a full review of the local government cost sharing requirements for all health care capital, in order to address the potential lack of fiscal capacity at the local level to respond to future health capital needs.

that the a copy of the letter be forwarded to the press. Carried.”

Yours truly,


J. Cardoso
OSRHD Board Chair

cc: R. McLean, OSRHD Board Vice-Chairman
V. Sutton, CAO
All Press
Regional District of Nanaimo

enc. (1)

G:\Administration\Hospital District\Board Chairman\2001\ChmEvansHealth Care Funding Mar29,01.doc

March 6, 2001

Page 2

We respectfully request that the Minister initiate a full review of the local government cost sharing requirements for all health care capital, in order to address the potential lack of fiscal capacity at the local level to respond to future health capital needs.

Sincerely,



N. Avery
Manager of Financial Services

cc: Regional Hospital Districts
Central Vancouver Island Health Region

Health capital cost sharing, Board follow up.doc



REGIONAL DISTRICT OF NANAIMO			
MAY - 2 2001			
CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMS	

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

DATE: April 30, 2001

FROM: Deborah Jensen
Planner

FILE: 3360 30 0102

SUBJECT: Bylaw No. 500.273 – James
Lot 36, District Lot 6, Plan 23588, Nanoose Land District
Electoral Area 'E' – 2470 Apollo Drive

PURPOSE

To consider Bylaw No. 500.273 for adoption.

BACKGROUND

Bylaw No. 500.273 was considered by the Board and given 1st and 2nd reading on March 13, 2001. A public hearing was held on March 26, 2001, and the Board granted the Bylaw 3rd reading on April 10, 2001.

Bylaw No. 500.273 would rezone the subject property from Residential 1 (RS1) to Commercial 7 (CM7) to allow for continued operation of a medical facility (see Attachment No. 1). An application for a development permit is running concurrently with this application for rezoning.

As the conditions of Schedule 1 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 500.273 and approve Development Permit No. 0101.
2. To not adopt Bylaw 500.273 and not approve Development Permit No. 0101, and to give further direction to staff.

VOTING

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

PUBLIC CONSULTATION IMPLICATIONS

Pursuant to the Local Government Act, Bylaw No. 500.273 was forwarded to the Ministry of Transportation and Highways for their review on April 20, 2001. Comments received April 24, 2001 from MOTH indicate the Ministry has no objection to the proposed rezoning as the applicant holds a valid access permit for the medical office, including provision for off-street parking.


SUMMARY/CONCLUSIONS

"Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.273, 2001" was given 1st and 2nd reading on March 13, 2001. A Public Hearing was held on March 26, 2001, and the Bylaw was given 3rd reading on April 10, 2001. As the conditions for adoption have been completed, the Bylaw can now be considered for adoption.

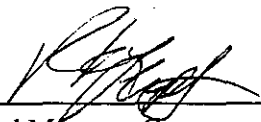
The following recommendation is provided for consideration by the Board.

RECOMMENDATION

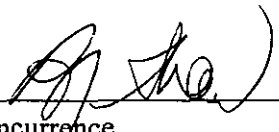
That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.273, 2001" be adopted and Development Permit No. 0101 be approved.



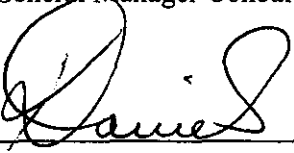
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

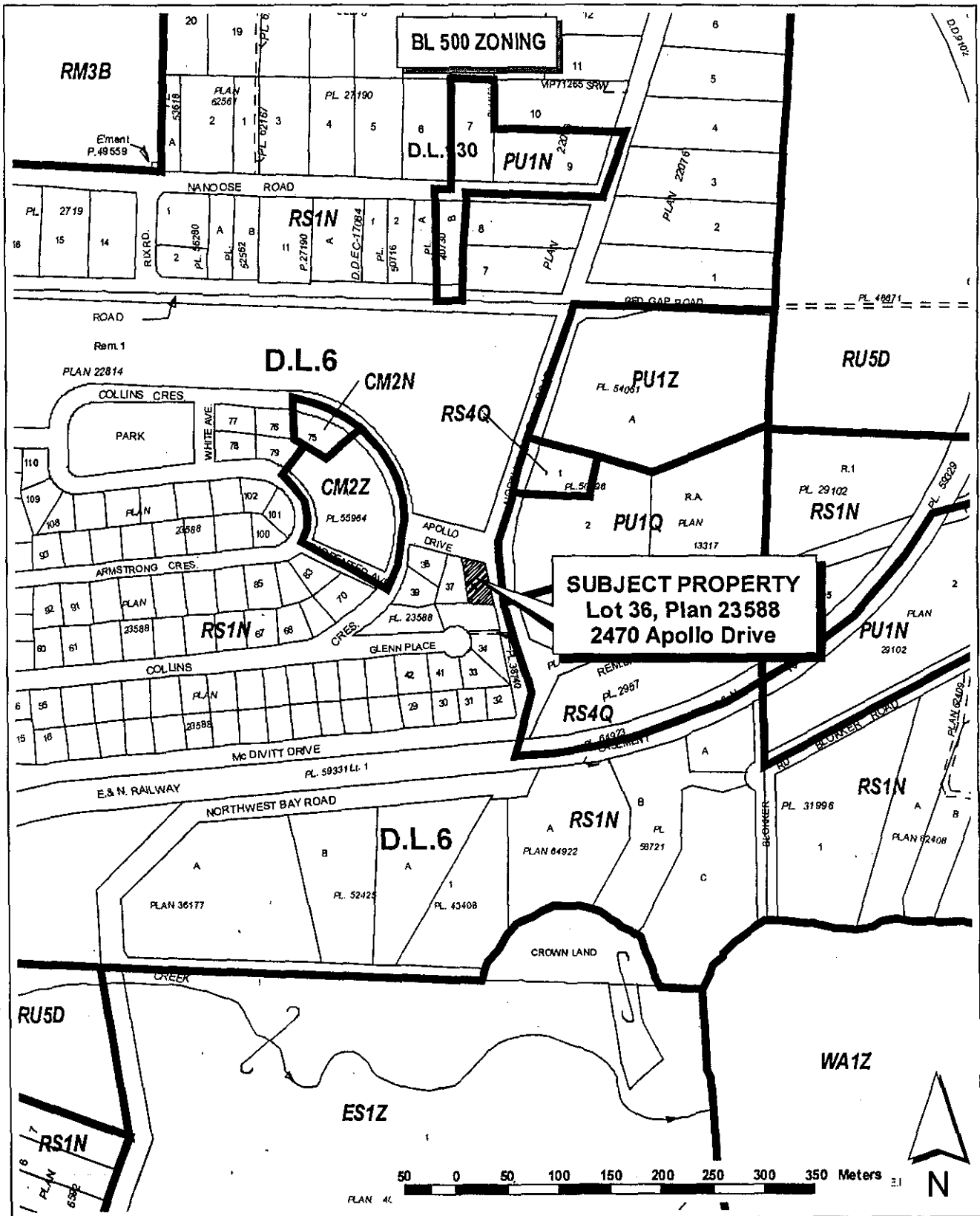
COMMENTS:
reports/devsys/2001/3360 30 0102 ma brd James adopt.doc

SCHEDULE NO. 1

**Conditions for Approval
Zoning Amendment Application No. 0102
Development Permit Application No. 0101
James**

1. Applicant to provide a valid access permit, with revised parking plan, from the Ministry of Transportation and Highways for the proposed use.
2. Vary the Regional District of Nanaimo Bylaw No. 993, 1995, "A Bylaw to Regulate Signs," by:
 - a. increasing the maximum number of allowable signs from two (2) to three (3) to allow for the existing freestanding sign and addition of two directional parking signs.
 - b. reducing the minimum setback from the front property line from 8.0 metres to 0.0 metres to allow for placement of the existing freestanding sign.
3. Vary the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 to:
 - a. Allow for two (2) off-street parking spaces located at the front of the building.
 - b. Reduce the minimum setback from the other lot line from 5.0 metres to 2.0 metres to allow for off-street parking requirements.

ATTACHMENT NO. 1



REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE DEVELOPMENT SERVICES COMMITTEE
MEETING HELD ON TUESDAY, APRIL 17, 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
Alternate	
Director B. Jepson	Electoral Area D
Director G. Holme	Electoral Area E
Director J. McLean	Electoral Area F
Director J. Stanhope	Electoral Area G
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
Director T. Krall	City of Nanaimo
Director G. Korpan	City of Nanaimo
Director D. Rispin	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

B. Lapham	General Manager, Development Services
S. Schopp	Manager, Inspection & Enforcement
P. Shaw	Manager, Community Planning
N. Tonn	Recording Secretary

MINUTES

MOVED Director McLean, SECONDED Director Sherry, that the minutes of the regular Development Services Committee meeting held on March 20, 2001, be adopted.

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 Rispin, 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:

Development Services Committee Minutes

April 17, 2001

Page 2

- (a) Lot 1, Section 10, Range 1, Plan 23681, Cedar Land District, 2223 Cedar Road, Electoral Area 'A', owned by R. and S. Margetish;
- (b) Lot 31, Section 14, Range 2, Plan VIP59885, Cedar Land District, 2350 Hemer Road, Electoral Area 'A', owned by J. Mihalj;
- (c) Lot B, Section 6, Gabriola Island, Plan 42450, Nanaimo Land District, 2925 North Road, Electoral Area 'B', owned by J. Allen;
- (d) Lot 12, Block 8, District Lot 88, Plan 1223, Newcastle Land District, 225 Cortes Road, Electoral Area 'G', owned by C. and P. Young.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Application No. 0101 – Brown/Madsen – Timberlands Road – Area C.

MOVED Director McNabb, SECONDED Director McLean, that the minutes for a Public Information Meeting held March 14, 2001 for Amendment Application No. 0101 submitted by Anders Madsen, acting as Agent for Nancy Brown, to rezone the subject property legally described as Lot B, Block 87, Bright, Douglas and Cranberry Districts (Lying Within Said Bright District), Plan VIP54950, from Resource Management 9 (RM9) to Resource Management 10 (RM10) be received for information.

CARRIED

MOVED Director Stanhope, SECONDED Director Korpan, that due to the fact that land conflicts will continue due to the close proximity of the residential areas, staff be directed to bring forward a report on options which may be available to reduce future conflicts and to address the sensitivity of the aquifer which underlies the area.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Application No. 0106 – Munro/Williamson – 1790 Rena Road – Area E.

MOVED Director Holme, SECONDED Director McNabb, that Development Permit Application No. 0106, to legalize an addition to an existing agricultural building within an Environmental Sensitive Area Development Permit Area, to approve works (relating to a proposed dwelling unit), to address drainage run-off on access roads and the impact of land clearing within a Watercourse Protection Development Permit Area on the property legally described as District Lot 32, Nanoose District, be approved subject to the conditions outlined in Schedule '1'.

CARRIED

Application No. 0020 – Boulton/Mill – 1345 Private Road – Area G.

MOVED Director Stanhope, SECONDED Director Krall, that Development Permit 0020 to establish a residential cabin on the property legally described as Lot 14, District Lot 51, Newcastle District, Plan 12041 be approved as outlined in Schedule '1', and subject to the notification requirements of the *Local Government Act*.

CARRIED

PAGE
26

DEVELOPMENT VARIANCE PERMIT

Application No. 0103 – Lemke – 2211 Chelsea Place – Area E.

MOVED Director Holme, SECONDED Director Westbroek, that Development Variance Permit Application No. 0103, submitted by Ed Lemke, Agent on behalf of Beth Elaine Lemke, to legalize an existing wall constructed to facilitate the development of a single dwelling unit by varying the minimum setback requirement for an interior side lot line within the Residential 1 (RS1) zone from 2.0 metres (6.6 feet) to 0.9 metres (3.0 feet) for the property legally described as Lot 30, Plan 51142, District Lot 78, Nanoose Land District, be approved as submitted subject to notification requirements pursuant to the *Local Government Act*.

CARRIED

IN CAMERA

MOVED Director Holme, SECONDED Director Stanhope, that pursuant to Section 242.2(1)(f) of the *Local Government Act* the Committee proceed to an In Camera Meeting to consider a matter of litigation or potential litigation affecting the Local Government.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 7:35 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE CORPORATE & COMMUNITY SERVICES
COMMITTEE MEETING HELD ON TUESDAY, MAY 1, 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
Director D. Haime	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
Director T. Krall	City of Nanaimo
Director D. Rispin	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director B. Holdom	City of Nanaimo
Alternate	
Director R. Cantelon	City of Nanaimo

Also in Attendance:

K. Daniels	Chief Administrative Officer
N. Connelly	General Manager, Community Services
C. Mason	General Manager, Corporate Services
N. Tonn	Recording Secretary

MINUTES

MOVED Director Sherry, SECONDED Director Hamilton, that the minutes of the regular Corporate & Community Services Committee meeting held on Tuesday, April 3, 2001 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Jim Doyle, Minister, Ministry of Municipal Affairs, re Regional Growth Strategy Planning Grant.

MOVED Director Krall, SECONDED Director McNabb, that the correspondence from the Ministry of Municipal Affairs with respect to the approval of a \$80,000 Regional Growth Strategy Planning Grant for the Regional District, be received for information.

CARRIED

UNFINISHED BUSINESS

Crime Prevention & Community Justice Support Service Establishment Bylaw No. 1233.

MOVED Director Rispin, SECONDED Director Westbrook, that "Regional District of Nanaimo Crime Prevention & Community Justice Support Service Establishment Bylaw No. 1233, 2001" be adopted.

A recorded vote was requested.

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

MOVED Director Holme, SECONDED Director Quittenton, that staff prepare a report on alternative means of providing funding support for community policing initiatives.

CARRIED

ADMINISTRATION

Application for a Temporary Change to a Liquor Licence – Cassidy Inn – Area A.

MOVED Director Hamilton, SECONDED Director McNabb, that the Cassidy Inn's request for a temporary change to their Liquor Licence to provide for an extended patio area for their Show 'n Shine event scheduled for June 24, 2001 be approved.

CARRIED

FINANCE

RDN Security Issuing (City of Parksville) Bylaw No. 1238.

MOVED Director Holme, SECONDED Director Cantelon, that "Regional District of Nanaimo Security Issuing (City of Parksville) Bylaw No. 1238, 2001" receive first three readings and be forwarded to Municipal Affairs for approval.

CARRIED

RECREATION AND PARKS

Nanoose Bay Parks and Open Space Plan.

MOVED Director Holme, SECONDED Director Krall, that the Nanoose Bay Parks and Open Space Plan be approved as a guiding document for parks and open space planning and management in Nanoose Bay, and that the Terms of Reference for the Nanoose Bay Parks and Open Spaces Advisory Committee be approved.

CARRIED

SPECIAL EVENT/SPECIAL OCCASION APPLICATIONS

MOVED Director McLean, SECONDED Director Sherry, that the Special Event and Special Occasion Application status reports be received for information.

CARRIED

TRANSIT

Transit Business Plan Update.

MOVED Director Sherry SECONDED Director McNabb, that the Transit Business Plan Update be approved.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE**Lantzville Parks & Open Space Committee.**

MOVED Director Haime, SECONDED Director Holme, that the minutes of the Lantzville Parks & Open Space Committee meeting held April 2, 2001, be received for information.

CARRIED

Gabriola Island Parks and Recreation Commission.

MOVED Director Sperling, SECONDED Director Haime, that the minutes of the Gabriola Island Parks and Recreation Commission meeting held April 9, 2001, be received for information.

CARRIED

MOVED Director Sperling, SECONDED Director Haime, that the minutes of the Gabriola Island Parks and Recreation Commission meeting held April 23, 2001 be received for information.

CARRIED

MOVED Director Sperling, SECONDED Director Haime, that the following Grants-in-Aid applications be approved:

Canvas Kidds	\$ 1,479.00
Earth Muffin Productions – Disco Kids	850.00
After School Art	500.00
French Language Camp	400.00
Camp Miriam	1,000.00
Gabriola Friends of the Terry Fox Run	100.00
Gabriola Shotokan Karate Do	801.00
Karate Kids Summer Program	854.00
Tae Kwon Do	494.00
The Gathering Place	1,000.00
Aerobics	467.40
Gabriola Soccer Association	2,000.00
Huxley Park Association	4,860.00

CARRIED

ADDENDUM**COMMUNICATIONS/CORRESPONDENCE****Gwen Anders, re Crime Prevention.**

MOVED Director Holme, SECONDED Director Rispin, that the correspondence received from Gwen Anders with respect to the manner in which the recent proposal for Crime Prevention and Community Justice Support Service was handled, be received for information.

CARRIED

NEW BUSINESS**Land Exchange Proposal – Weyerhaeuser.**

MOVED Director McLean, SECONDED Director Haime, that the Board support the area's opposition to a land exchange in Electoral Area 'F' between the Province and Weyerhaeuser Logging.

DEFEATED

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MOVED Director Sherry, SECONDED Director McNabb, that staff contact the appropriate ministry to obtain further information on the proposed land exchange and report back to the Board.

CARRIED

IN CAMERA

MOVED Director Holme, SECONDED Director Sherry, that pursuant to Section 242.2(I)(e) of the *Local Government Act* the Committee proceed to an In Camera Meeting to consider a matter regarding acquisition of land.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 8:08 P. M.

CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO			
APR 30 2001			
CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMES	

MEMORANDUM

TO: Kelly Daniels
Chief Administrative Officer

DATE: April 30, 2001

FROM: Robert Lapham
General Manager, Development Services

FILE: 3360 30 9630

SUBJECT: Amendment Application No. 9630 - Horne Lake License Holders Association on behalf of Texada Land Corporation
Portions of District Lots 251 and 251A and Block 40, Alberni District bordering Horne Lake - Electoral Area 'H'

PURPOSE

To consider an application to rezone a portion of the land surrounding Horne Lake from Resource Management 1 to a Comprehensive Development Zone to permit the ongoing use of the land as a recreational development.

BACKGROUND

The Development Services Committee received a report from staff on the amendment application submitted by the Horne Lake Licensee Holders Association (HLLHA) on behalf of Texada Land Corporation in January 2001. The report recommended that the application to create a new Comprehensive Development zone and zone the surface of Horne Lake (see Attachment No. 1) be approved subject to the preparation of a number of specific agreements related to the items outlined in Schedule No. 1.

ALTERNATIVES

- 1. That Bylaw No. 500.274 be given 1st and 2nd reading and be referred to a public hearing subject to the agreements and undertakings as outlined in the staff report.
2. That the application be denied.
3. That staff be directed to consider other issues as identified by the Board and report back to the next Development Services Committee meeting.

DEVELOPMENT IMPLICATIONS

From the outset of the application process, staff has advised the applicant of Board policies and referral agency concerns regarding the preparation of a proposed zoning amendment bylaw and development agreement that will achieve the goal of restricting development around Horne Lake to a recreational use. In order to maintain the recreational use of the cabins, the proposed comprehensive development zone and agreements will limit cabin size, restrict siting and height, ensure full collection of waste water and sewage by pump and haul, and regulate the length of occupancy.

The process to achieve a new flood construction elevation will be secured by the 'Terms of Agreement' in a court order and be implemented over a period of up to 3 years. Fisheries and Oceans must make application for the proposed changes, according to the agreement with Texada Land Corporation, and obtain approval from BC Environment. The flood control regulations included in the amendment bylaw

will result in continued restrictions on floor elevations at the existing flood construction level until the works are completed and the new elevation is approved.

REGIONAL GROWTH MANAGEMENT IMPLICATIONS

The 1999 GMP Interim Update added a new policy under the goal of 'Creation of a Vibrant and Sustainable Economy' that supports tourism activities on lands outside urban containment boundaries. The policy states that:

'Tourism activities that require a large area of land or water may be permitted in rural areas provided that the proposed tourism activity contributes to the economic well-being of the region, includes non permanent residential development, includes no commercial development that is not ancillary to the proposed tourism activity, complements the environment, and is compatible with the rural area.'

The amendment application at Horne Lake is not considered to be in conflict with the amended GMP.

LEGAL IMPLICATIONS

The present use of the lands is contrary to Regional District zoning regulations and development permit guidelines. The Board directed staff to work with the applicant, agencies and the public to bring forward a resolution that will potentially permit ongoing recreational use at Horne Lake.

Texada Land Corporation initiated legal action against the Department of Fisheries and Oceans and Ministry of Environment regarding damage to the foreshore of Horne Lake in an effort to obtain a resolution to flood control issues and permit the proposed development at Horne Lake. The litigation will be resolved as a result of the agreements to be secured with this application and adoption of the proposed amendment bylaw. The flood control provisions of Bylaw No. 500.274 are being established pursuant to Section 910 of the *Local Government Act* and will require the approval of the Minister of Environment Lands and Parks.

There is presently a conflict between an existing historic gazette for a trail (66 feet wide) and the location of a large number of existing cabin sites. The trail was filed by gazette in the early 1900s as route to Port Alberni. Within the subject property, the right-of-way is located along the north side of the Lake between Horne Lake Road and Block 40. Subsequent to the establishment of Horne Lake Caves Park, the Province secured Cave Road along the North side of the Lake as a new access route. Therefore, the applicant has asked that the gazette route be discharged. However, as a result of the published notice to close the route, concerns have been expressed about securing the route or an acceptable alternative trail corridor (*see RDN response – Attachment No. 2*). It is recommended that the resolution of this issue be included as an outstanding condition to be resolved or secured prior to consideration of the adoption of the proposed amendment bylaw.

ENVIRONMENTAL IMPLICATIONS

The applicant has completed a limited on-site inspection of environmentally sensitive and hazardous areas related to the present location of cabins, with representatives of Fisheries and Oceans Canada and BC Ministry Environment. There have been informal areas set aside between cabin sites in proximity to creeks running into the lake. However, the setbacks are in many cases, contrary to the current development permit guidelines and provincial and federal standards. It is difficult for staff to assess the impact of existing development on environmentally sensitive features on Horne Lake without a detailed biological or geotechnical review. It is proposed that a development permit, with general application for the protection of vegetation, lake front development and erosion protection, will be approved in consultation with the Ministry of Environment and Fisheries and Oceans Canada.

In addition, individual development permits will be required to consider specific variances requested by cabin owners to allow cabin additions, or relocations to occur, within the zoning setbacks and

development permit area. Existing cabins, within the zoning setback, will remain contrary to the zoning until such time as they are relocated or obtain variances.

PUBLIC CONSULTATION IMPLICATIONS

As part of the preparation of the draft bylaw, an open house and public information meeting was held on November 29, 2000 at the Qualicum Beach Community Hall. All Horne Lake license holders were direct mailed notification of the meeting and provided an opportunity to contact the Regional District to obtain information.

Bylaw No. 500.274 is subject to a public hearing pursuant to the *Local Government Act*. At the public hearing all persons who believe they have an interest in the subject application will have an opportunity to be heard or submit written submissions.

VOTING

All directors - one vote each except Electoral Area B.

SUMMARY/CONCLUSIONS

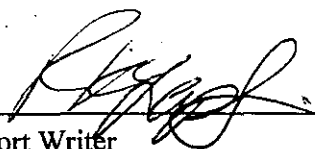
At the direction of the Board, staff has worked with the Horne Lake License Holders Association to prepare a draft comprehensive development zone and development agreements that are being submitted as an application to amend the zoning of a portion of the land surrounding Horne Lake as well as the surface of the Lake.

The application is to permit the recreational use of up to 400 cabins surrounding the lake as individually registered building leases with easements over defined lot areas. The balance of the subject properties will remain within the FLR and be managed as forest within the Resource Management zone. As part of the proposal, the applicant will transfer approximately 270 acres, included within Block 40, Alberni District, (including the existing campground) to the Regional District as Regional Park.

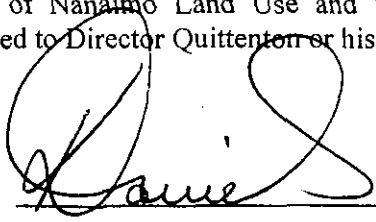
Staff recommends that the application be approved and that Bylaw No. 500.274 be given 1st and 2nd reading and referred to a public hearing, subject to completion of the agreements and undertakings as outlined in the staff report.

RECOMMENDATIONS

1. That Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.274, 2001 be given 1st and 2nd reading and proceed to a public hearing subject to completion of the agreements and undertakings as outlined in the staff report.
2. That the Public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.274, 2001" be delegated to Director Quittenton or his alternate.



Report Writer



CAO Concurrence

COMMENTS:

devsvs/reports/2001/3360 30 ma brd Horne Lake 1st 2nd.doc

Schedule No. 1

*Horne Lake License Holders Association on behalf
of Texada Land Corporation
Application ZA9630*

Agreements or undertakings to be secured prior to consideration of adoption of Bylaw No. 500.274.

1. The transfer of approximately 270 acres of land within Block 40, Alberni District to the RDN as regional park on the condition that specific uses and the operation of the park will be governed by a RDN park management plan, including provision for up to 200 campsites with an option for the HLLHA to assume the operation subject to the terms and conditions of the plan (*see Draft Agreement for Offer to Sell and Agreement for Option to Operate the Regional Park and Campground – Attachment No. 3*).
2. A provision for only 377 cabin sites unless evidence is provided that the additional 23 sites can be reasonably accommodated on the lands as determined by the RDN (*see Draft Land Use Covenant – Attachment No. 4*).
3. A new Water 4 Zone (WA4) over the surface of Horne Lake that would restrict uses to floating boat ramps and floating docks at a restricted size and height.
4. A new flood construction elevation to be established as part of the zoning with restrictive covenants recognizing the flood risk, establishing new minimum habitable floor elevations and setbacks, including a release and indemnity in favour of the Regional District and other government agencies.
5. A flood reconstruction definition determining the degree of reconstruction that will trigger relocation of existing cabins to the newly established elevation and setback and also ensuring that all new cabin construction meets these requirements.
6. A new local pump and haul service area and conditions for mandatory compliance over a 3-year implementation period according to agreed upon fees and charges (*see Draft Establishing Bylaw, Petition and Application for Pump and Haul Service – Attachment No. 5*).
7. The requirement for a development permit to protect environmentally sensitive and hazardous areas according to current development permit area guidelines and agency referral comments.
8. A letter of understanding agreeing to work toward providing public access opportunities through corridors to be licensed to the RDN (*see Attachment No. 6*).
9. Resolution of the outstanding conflict between the trail right-of-way (established by gazette) and the cabins located within the Comprehensive Development Zone. The applicant has requested the gazetted trail be discharged by the Ministry of Transportation and Highways (*see Attachment No. 2*).

ATTACHMENT NO. 1

Section 6.4.107

HORNE LAKE COMPREHENSIVE DEVELOPMENT ZONE 9

CD9

6.4.107.1 Permitted Uses

- (a) Recreational Residence
 - (b) Recreational Vehicle Storage Area
-

6.4.107.2 Maximum Number and Size of Buildings Structures and Uses

- (a) The maximum number of recreational residences permitted within the area as shown outlined on plan contained in Schedule CD9 'A', shall be:
 - (i) 400, where the regional park amenity referred to in subsection (e) is provided to the regional district; or
 - (ii) 2, where the regional park amenity has not be provided.
 - (b) Maximum Floor Area:
 - (i) cabin - 70 m² in total for all cabins within the CD9 zone subject to Sections 6.4.107.6 (a)(xi) and 6.4.107.6 (a)(xiii).
 - (ii) visitor recreational vehicle – 37m² in total for all visitor recreation vehicles in the CD9 zone.
 - (iii) accessory buildings - one 10 m² and one 6 m² for each recreational residence
 - (c) Maximum height (recreational residence):
 - (i) cabin – 6.1 m
 - (ii) accessory buildings and structures - 3.0 m
 - (d) Storeys
 - (i) The maximum number of storeys contained within a cabin must not exceed 2.
 - (ii) Where 2 storeys are provided within a cabin, the floor area of the storey with the highest elevation must not exceed 50% of the floor area of the lower storey not including internal stairways.
 - (e) The regional park amenity is the transfer to the regional district of the lands legally described as Block 40, Alberni District, Plan 691N, Except that part thereof shown outlined in Red on Plan 1339R and Except that part in Plan 46603 in substantially the same condition as such lands were as of May 31, 2001, to be operated and maintained by or on behalf of the regional district as regional park.
-

6.4.107.3 Minimum Parcel Area

Subject to Section 7.4.4, no parcel having an area less than the applicable subdivision district as stated in Section 7.1 may be created by subdivision, and for the purposes of this subsection, "parcel" includes a lot created by deposit of a strata plan under the **Strata Property Act** (British Columbia) and subdivision to which **Section 65 of the Real Estate Act** (British Columbia) applies.

6.4.107.4 Minimum Setback Requirements

All lot lines excluding Watercourses	- 5 m
Watercourses, excluding Horne Lake	- 15.0 m from the natural boundary or 15.0 metres of the top of bank which ever is greater.
Horne Lake	- 8.0 m from the natural boundary as shown on the survey plan prepared by Bruce Lewis, BCLS and dated March 15, 2000.

6.4.107.5 Flood Control

- (a) The following Lands are designated flood plain:
- (i) Until the works referred to in subsection (c) have been constructed,
- That part of Parcel A (DD33941) of District Lot 251, Alberni District except part in Plan 1735R and except part in Plan 46602; and
- That part of Parcel B (DD339331) of District Lot 251, Alberni District below 125.3 metres Geodetic Survey of Canada Datum.
- (ii) After construction of the works referred to in subsection (c),
- That part of Parcel A (DD33941) of District Lot 251, Alberni District except part in Plan 1735R and except part in Plan 46602; and
- That part of Parcel B (DD339331) of District Lot 251, Alberni District below 121.7 metres Geodetic Survey of Canada Datum.
- (b) Until the works referred to in subsection (c) have been constructed:
- (i) the flood level for the Horne Lake Lands described in subsection (a), shall, subject to subsection (c), be 125.3 metres Geodetic Survey of Canada Datum; and
- (ii) the structural support required to elevate a floor system above the flood level shall be constructed so that the underside of a floor of any habitable space, or in the case of a mobile home, the top of a concrete or asphalt pad on which it is located, is at least 125.3 metres Geodetic Survey of Canada Datum.
- (c) Despite subsection (b), the flood construction elevation under subsection (b) shall be 121.7 metres Geodetic Survey of Canada Datum where the following works have been designated and constructed and following undertakings, have been secured to the satisfaction of the Regional Water Manager of the Ministry of Environment, Lands and Parks.
- (i) Reconstruction of the Horne Lake Dam with a spillway crest at elevation 120.76 metres Geodetic Survey of Canada Datum;
- (ii) A slide gate controlled, rectangular section concrete conduit 12 feet wide and 10 feet tall to be constructed through the dam at invert elevation of 115.16 metres Geodetic Survey of Canada Datum;
- (d) Despite the designation of the Horne Lake Lands as flood plain and the restrictions contained in subsection (b) and (c), a person may construct a permitted minor addition to a building in the Horne Lake Comprehensive Development Zone.
- (e) Within the Horne Lake flood plain "a permitted minor addition" means one addition to a cabin located in the Horne Lake Comprehensive Development Zone having an area, which is the lesser of:
- (i) 25% of the floor area of the main floor of the cabin; or
- (ii) 100 square feet;
- provided the main floor area of the cabin does not exceed the maximum floor area of 70 m² specified in Section 6.4.107(b)(i) after the one addition.

6.4.107.6 Other Regulations

(a) For the purposes of this zone,

- (i) "*recreational residence*" means one cabin, or one cabin and one visitor recreational vehicle
- (ii) "*cabin*" means a building or recreational vehicle used for the temporary accommodation of one or more persons;
- (iii) "*visitor recreational vehicle*" means a tent or one recreational vehicle other than a mobile home located within 100 metres of a cabin, which provides for the accommodation of persons visiting the occupants of the cabin;
- (iv) a visitor recreational vehicle for a given cabin may be located on site for no more than 4 consecutive days within a week with the exception that one visit within a calendar year may extend up to 90 consecutive days;
- (v) "*temporary accommodation*" means the occupation of a cabin for fewer than 180 consecutive days in a calendar year and fewer than 240 days in total during the same calendar year;
- (vi) "*recreational vehicle storage*" means the storage of vehicles used for temporary seasonal accommodation during the periods of time when such vehicles are not in use.
- (vii) No more than 2.0235 hectares (5 acres) of land within the Horne Lake Comprehensive Development Zone 9 shall be used for recreational vehicle storage.
- (viii) The area of land used for recreational vehicle storage shall form one contiguous area and vehicle storage shall not take place in different locations within this zone.
- (ix) The area of land used for recreational vehicle storage shall not be closer than 30 metres from the natural boundary of Horne Lake, 30 metres from the top of a bank adjacent to a watercourse and 5 metres from any other lot line.
- (x) "*storey*" means that portion of a building situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of the floor and the ceiling above.
- (xi) up to 35m² floor area that is located on a second storey is permitted in addition to the maximum floor area specified in 6.4.107.2(b)(i), not including internal stairways;
- (xii) "*porch*" means a roofed open structure projecting from the exterior wall of a building and having at least 30% of the total areas of the vertical planes forming its perimeter, other than the exterior wall of the building, unobstructed in any manner except by insect screening;
- (xiii) up to 40 m² of floor area used for porches attached to a cabin is permitted in addition to the maximum floor area specified in 6.4.107.2(b)(i) provided the combined lot coverage "footprint" of the cabin, porch, deck or hard surfaced patio, other than a permitted minor addition of 10 m², does not exceed 93 m² within a setback of 15 metres from the natural boundary of Horne Lake;
- (xiv) Despite section 6.4.107.1(c), a cabin may be up to 8.0 metres in height, where the difference in height between 8.0 metres and 6.1 metres arises from the construction of raised foundations or other construction which does not enclose habitable or occupiable storage space;
- (xv) The keeping of animals for agricultural purposes is not permitted in this zone.

(b) In the event of inconsistency between any provision of Section 6.4.107 and any other provision of this Bylaw, the Section 6.4.107 provision will apply and the other provision will not apply to the extent of the inconsistency.

Section 6.4.94

WATER 4**WA4**

6.4.94.1 Permitted Uses and Minimum Site Area**Permitted Uses**

- (a) Dock
-

6.4.94.2 Maximum Number and Size of Buildings Structures and Uses**Maximum Area – Dock:**

- a) A maximum of 25 cabins permitted under the Horne Lake Comprehensive Development Zone 9 may have a maximum of 40 m² of dock area excluding access walkways or ramps that do not exceed 1.22 metres in width and the maximum dock area for all other cabins permitted under the Horne Lake Comprehensive Development Zone 9 shall not exceed 20 m² excluding access walkways or ramps that do not exceed 1.22 metres in width.

Height:

1.0 m above the surface of the water excluding diving boards and slides that are not contained within a building and do not exceed a height of 2.5 m above the surface of the water.

6.4.94.3 Minimum Setback Requirements

All Lot Lines: - 0.0 m

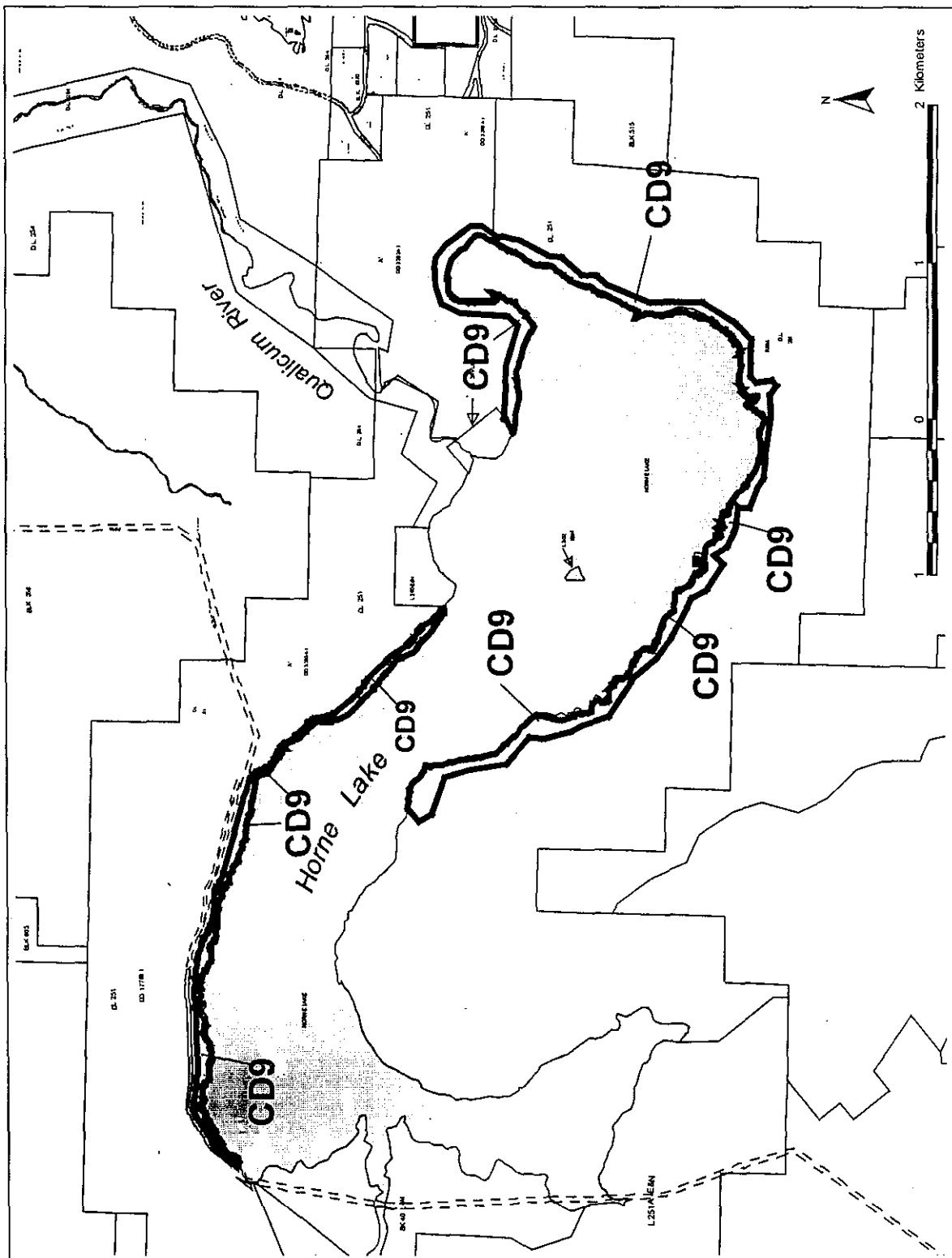
6.4.94.4 Other Regulations

- (a) For the purposes of this zone dock means a floating structure for the mooring of boats;
- (b) For the purposes of this zone no accessory uses, buildings or structures including fences under 2.0 m in height are permitted;
- (c) In the event of inconsistency between any provision of Section 6.4.94 and any other provision of this Bylaw, the Section 6.4.94 provision will apply and the other provision will not apply to the extent of the inconsistency.

Schedule '3' to accompany "Regional District of Nanaimo
Land Use and Subdivision Bylaw Amendment Bylaw
No. 500.274, 2001"

Chairperson

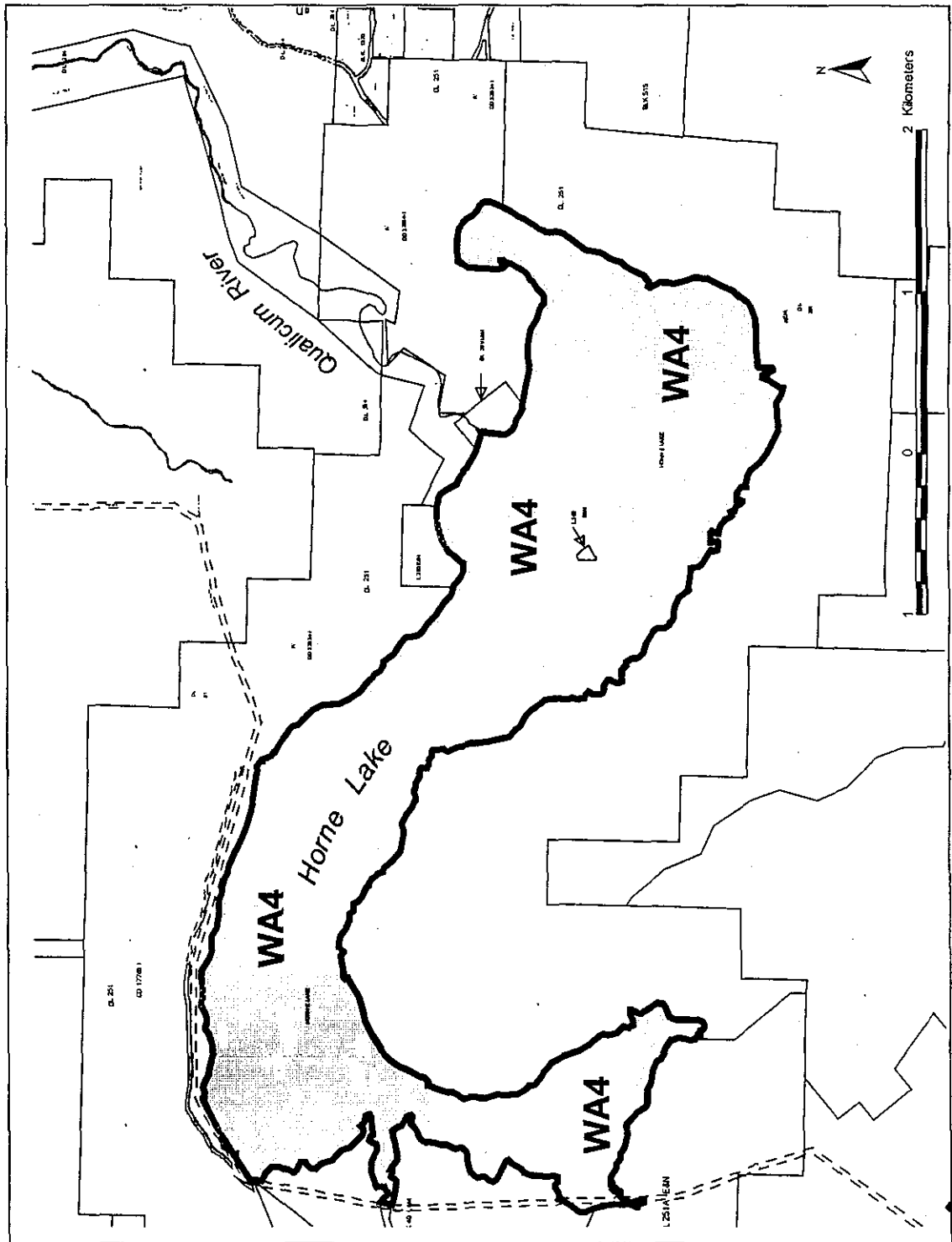
General Manager, Corporate Services



Schedule '4' to accompany "Regional District of Nanaimo
Land Use and Subdivision Bylaw Amendment Bylaw
No. 500.274, 2001"

Chairperson

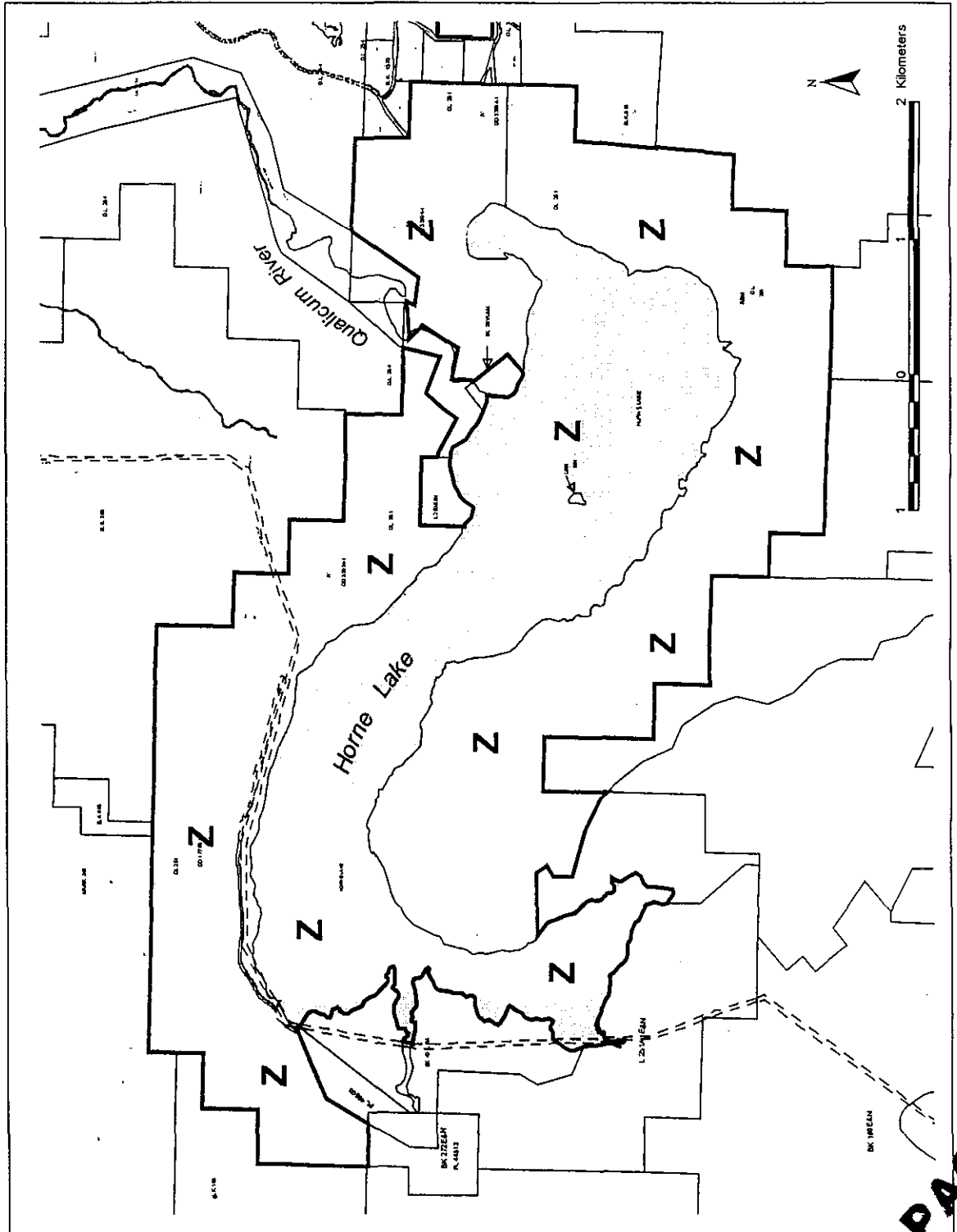
General Manager, Corporate Services



Schedule '5' to accompany "Regional District of Nanaimo
Land Use and Subdivision Bylaw Amendment Bylaw
No. 500.274, 2001"

Chairperson

General Manager, Corporate Services



ATTACHMENT NO. 2

April 5, 2001

Mr. Peter Wightman
Manager, Central Island Highway District
Ministry of Transportation and Highways
3rd Floor, 6475 Metral Drive
Nanaimo, BC V9T 2L9

Dear Mr. Wightman:

Re: Closing a Portion of the 1911 Gazetted Horne Lake Trail Lying within Parcel A(DD339341) of District Lot 251, Alberni District, Except Part in Plan 1735R and Except Part in Plan 46602

Please be advised that the Regional District of Nanaimo (RDN) objects to the closure of the above-noted portion of the 1911 Gazetted Horne Lake Trail, *if it is not possible to guarantee a three metre wide off-road multi-use trail on the inland side of the Caves Road public right-of-way*. Such a multi-use trail along the north shore of Horne Lake is an integral part of the Regional Trail System plan (see attached concept plan for Oceanside). An initial review of the existing roadway suggests that there should be the required room beside the paved Caves Road to accommodate a three metre wide multi-use trail on the inland side of the road, however this would need to be confirmed with survey data. If there is not sufficient room, the old Gazetted Trail should be brought into play in order to ensure full public trail passage along the north shore of Horne Lake. It is assumed that the existing Caves Road will be gazetted as a public right-of-way.

The RDN has been discussing a trail route along the north shore of Horne Lake with the Leaseholders, specifically Mr. Murray Hamilton. Attached is a copy of the February 2001 proposal the RDN put to the Leaseholders about trail in the vicinity of Horne Lake. Instead of a roadside trail along the Caves Road, Murray Hamilton has raised for discussion the possibility of a trail over their land, along the north shore of Horne Lake but up-hill from and parallel to the Caves Road (essentially along the Texada logging road). It is by no means clear however that the Leaseholders as a whole are in support of this upper trail. From the public's perspective, an upper trail would be far preferable to a Caves Road roadside trail. At minimum though, a three metre wide multi-use roadside trail along the Caves Road should be guaranteed before the 1911 Gazetted Horne Lake Trail is released.

Please call our office if any further information is required.

Sincerely,

Neil Connelly
General Manager of Community Services

Attachments

cc Robert Lapham, General Manager of Development Services
Tom Osborne, Manager of Recreation and Parks
Director R. Quittenton

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17 February 2001

Murray Hamilton
Project Manager
Horne Lake License Holders Association
719 Newcastle Ave.
Parksville, BC V9P 1G1

Dear Murray,

**Re: Proposed Trail Corridor
Horne Lake Area**

It was a pleasure to tour the Horne Lake area with you last month. It is indeed a beautiful spot. As requested, please find below a proposal for development and management of public trail in the area, as part of the RDN Trail System. I also include some comments in regard to the climbing cliffs.

Attached, for your information, is a background piece on the RDN Trail System, copies of our 1997 Trail System Implementation Plan, 1998-99 development reports for Top Bridge, Lighthouse Country and Parksville-Qualicum Links, in addition to copies of our new Trail System brochures. The *Concept Plan for Oceanside* pamphlet is of particular note in regard to the trail proposal outlined below.

A. Starting Point: Concept Plan for Trail System in Oceanside (D69)

The key concept of the Trail System is connecting our major parks with continuous and, where ever possible, multi-use trail corridor. Major parks offer high value as connection points because they are already well recognized staging grounds, and they come equipped with parking areas and washrooms that don't need to be built again along our trail. In the case of provincial parks, they also are also the beneficiaries of a large promotion machine.

Running off the main Trail System corridor will be any number of smaller community trails and trail networks. Some of these side trails may have restricted use, e.g., pedestrians only where the land is sensitive. These secondary community trails are not the focus of the RDN Trail System.

The main trail corridor is to be generally accessible, that is, open to pedestrians, cyclists and equestrians; no motorized vehicles are to be permitted. Type of trail will vary with location: urban trails might be paved and up to three metres wide; back-country trails might be no more than one and a half metre dirt footpaths. The Trail System relies on trail development manuals produced by the Ministry of Forests and BC Parks, in addition to standards and trail guides produced by parks organizations located throughout North America.

RDN Trail System trail is developed and managed by the RDN (Recreation and Parks Department), with the significant assistance of volunteer trail teams and community partnerships. I have provided you with the 1999 Top Bridge Trail partnership agreement as an example of our public-private approach to trail development. The RDN covers liability for agreed-upon and signed trail corridor.

B. Specific Trail Route Plan Proposed for Greater Horne Lake Area

In your area of interest, the plan has always been to see main trail corridor running up the Big Qualicum River and moving around Horne Lake with links to (a) Horne Lake Caves Provincial Park and north; (b) traditional trail routes across the range to the Alberni side; and (c) Cameron Lake with its connections to Cathedral Grove on the one side and Little Qualicum Falls Provincial Park on the other side.

Over the last two years, changes in area development (e.g., your project) and an agreement reached with Fisheries Canada over trail up the Big Qualicum have helped make it possible to flesh-out a more exact route for the proposed trail corridor in the Big Qualicum/Horne Lake/Spider Lake/Cameron Lake/Little Qualicum area. The *Concept Plan for Oceanside* pamphlet shows the current proposed route for main Trail System corridor in this large area. Specifically, the route would encompass:

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1. multi-use trail up the Big Qualicum from the 1950 Gazetted Highway to Horne Lake, all on Fisheries land. We will make use of existing trail where possible, and ensure environmentally sensitive trail within the riparian zone;
2. multi-use trail from the Fisheries lands around the north shore of Horne Lake to Horne Lake Caves Provincial Park and the new Regional Park (Block 40). Two options exist for the route, as previously discussed with you:
 - a) the inland side of the 66 foot-wide Caves Road road allowance, from the junction of the Fisheries corridor and Caves Road to the provincial and regional parks; or
 - b) a route parallel to Caves Road but further inland (say, Texada's logging road for a good part of the way) and located on Horne Lake Leaseholders property;
3. from Horne Lake Caves Provincial Park, multi-use trail running north along the Horne Lake Main Forestry Road, and ultimately connecting with Rosewall Creek Provincial Park and Wildwood Community Park;
4. from Horne Lake Caves Provincial Park and the new Regional Park at Horne Lake, multi-use trail corridor running across to Port Alberni, e.g., via Lacey Lake Road; specific route yet to be negotiated;
5. multi-use trail connecting the Fisheries lands by Horne Lake to Spider Lake Provincial Park – roadside trail within existing "road" allowance should suffice; and
6. trail connecting Spider Lake Provincial Park with the pass between Mts. Wesley and Horne, and with Cameron Lake and Cathedral Grove beyond; proposed route coming out of Spider Lake Provincial Park to run along eastern edge of Horne Lake Leaseholders' land before moving on to neighbouring properties.

Points 2, 5 and 6 will be the discussed further below, as they pertain directly to Horne Lake Leaseholders lands.

C. Implementing Trail Plans Around Horne Lake: Discussion

[Point 2] Multi-use Trail along the North Shore of Horne Lake

Option a -- Roadside Trail along the Caves Road

In the absence of any alternative, pedestrians, cyclists and equestrians will use public road as they move from one green space to another. Safe passage along public roads for non-vehicular users must be ensured by agencies responsible for roads and area parks. In the case of the Caves Road linking Fisheries green space with the parks at the west end of the Lake, the current narrow pavement width is such that an off-road roadside trail is required the length of the road in order to provide safe room for non-vehicular transit.

While survey and ground data would be required to confirm this, it appears that there should be sufficient room to create a roadside trail on the inland side of existing developed Caves Road. The roadside trail would likely be in the two metre width range and surfaced with a gravel-clay mix that packs well and doesn't travel like straight gravel. Some culverts and/or small bridges would be required along the way. A small detour off the road allowance may be required around the big rock where the tourists pose. For part of the way, the trail would run over the gas line.

A roadside trail is feasible and, barring alternate routing, will need to be developed. The roadside trail concept is not however particularly desirable from the perspective of the Horne Lake Leaseholders or potential trail users. As you have pointed out, people moving along a Caves Road trail have a clear and near view of lakeshore cottages, which is not ideal from a security perspective. While a security risk will always exist as long as public road runs so close to the cottages, routing a growing body of trail users along the way will not help to contain the risk. It would be possible to consider a vegetative barrier to hide the view of cottages, but given the road location and waterside topography, this would not be straightforward nor achieved in short order. Having roadside trail also complicates snow clearance.

there is no doubt that trail users would prefer to be in greener surroundings with human habitation out of sight and no vehicle exhaust for kilometres.

Option (b) – Trail Inland from Caves Road

You have suggested that an alternative to roadside trail along the Caves Road exists: access for public trail away from the Caves Road and removed from the lakeside cottages could be provided by the Horne Lake leaseholders themselves. The route of this proposed trail would follow approximately the line of a Texada logging road that runs along a shelf up the hillside from the Caves Road. The proposed trail would begin at the Fisheries corridor at the east end of Horne Lake and continue, in parallel to the Caves Road, all the way to the Provincial Park. This upper trail would serve to channel the recreation traffic that, in ever increasing numbers, is moving up the Big Qualicum from the ocean in order to see Horne Lake and its growing complex of public parks and recreation features. The upper trail would channel the recreation traffic away from lakeside residences. A trail up the way would also work well in respect of managing access to the climbing cliffs – a separate land use matter (see Section D below).

How might this work, a public trail over private land? A number of arrangements could be considered, from handshake to license to easement. The Bruce Trail in Ontario -- which has been operating for over 30 years, runs over 400 km in length, and is made up of about 50-50 public and private land – has a mixture in effect. It depends upon the situation.

In the case of trail along the north shore of Horne Lake, the RDN is concerned that a license arrangement would not provide sufficient security to the public. A not inconsiderable public investment will be required to blaze and improve the trail proposed. This investment would be lost should Leaseholders chose to cancel the license negotiated, and another major investment would have to be made to install roadside trail along the Caves Road.

It is noted that the unrestricted liability of licensees, here the RDN, is not completely clear in law. While the RDN would undertake a full signage program identifying trail condition as well as location, along with a trail monitoring/inspection program to ensure improvements are in good shape and no hazards exist, in the event of a law suit the grantor of the license could still be drawn into the fray. This is probably a quite small risk, and one that should diminish over time as the revised Occupiers' Liability Act is tested in the courts and landowners are clearly freed of liability in the case of publicly maintained recreational trail. In the meantime, it remains a consideration.

The RDN suggests a blanket easement over a generally specified swath of potential trail corridor from Fisheries land to the Provincial Park. The RDN would have full and unrestricted liability for the trail corridor as well as a registered interest in it. A blanket rather than specific easement is suggested for a couple of reasons: no survey would be immediately required (for which we certainly have no budget at this time), and over time the trail could be moved within the agreed-upon swath to accommodate logging of the land. If, over time, a location for the trail is found that is considered good for the long-term, the blanket easement could be converted to a fixed corridor easement.

Multi-use trail would be developed and managed by the RDN Trail System in cooperation with the project partnership. The partnership would include all relevant landowners (yourselves, Fisheries Canada, BC Parks, and the RDN), in addition to user groups such as climbing clubs, hiking groups, etc., and other groups or individuals with vested interest in and commitment to work on the trail project such as the Lighthouse Country Trail Team and the Qualicum First Nation. The RDN would be required to obtain all permits from regulatory agencies, e.g., Ministry of the Environment. The pace and nature of development would be worked out over time by the partnership and in keeping with available trail development resources and fundraising activities.

[Point 5] Multi-use Trail Connecting Fisheries Lands at Horne Lake with Spider Lake Provincial Park

Not all trail-park connections will face the same traffic. As you note, most people don't approach Spider Lake from Horne Lake but from the cut off further back towards the Highway. For the Horne Lake/Spider Lake connection, a roadside trail along existing throughway should serve adequately as trail corridor. It is assumed that the status of the road is and will remain public and that no legal arrangement between the RDN and the Leaseholders' is required here; an agreement may be required between the RDN and the Ministry of Transportation and Highways. It is also assumed that road width is typical and can safely

accommodate non-vehicular at road's edge. The edge of the road should suffice as a trail corridor for some time yet. Traffic of any type on the backroad to Spider Lake is not heavy now and is not expected to become considerable in the near to mid-term.

[Point 6] Trail along the Eastern Edge of Horne Lake Leaseholders Land

A low-traffic backwoods trail connecting Spider Lake Provincial Park and Cameron Lake/MacMillan Park (Cathedral Grove) is being pursued. The trail will likely appeal to day hikers staging at Spider Lake or Cathedral Grove. The long-term goal is a major trail loop connecting Little Qualicum Regional Park, Little Qualicum River Falls Provincial Park, MacMillan Park (Cathedral Grove) and Spider Lake.

Additional landowners are involved in this trail route from Spider Lake to Cameron Lake, and little discussion has so far taken place with them about it. This connector trail is not a high priority for development at this time. It won't be heavily used, compared to say the Horne Lake north shore trail, and involves some sensitive slopes as one heads down to Cameron Lake.

The RDN's goal at this time is to obtain some security of passage along the eastern edge of the Leaseholders' property so that it may continue to pursue the Spider Lake-Cameron Lake connector plan. The RDN would be satisfied in this case with a license to occupy and blaze a backwoods footpath along the eastern edge of the Leaseholders' property. The trail would not be publicized until connections are in place all the way to Cameron Lake. At that point, all regular trail development matters would move to the fore such as signage and maintenance. Planning and development would, as with the Horne Lake north shore trail, proceed under a partnership agreement among involved parties. In the meantime, the license to occupy arranged between the Leaseholders and the RDN could perform as an early version of a Spider Lake-Cameron Lake connector agreement.

D. The Climbing Cliffs: Some Recommendations

In the process of examining trail along the north shore of Horne Lake, it has become clear that the climbing cliffs, which are independent from the proposed trail, represent a significant management and liability issue for the Leaseholders. Potential liability arises not only because people are climbing the cliffs, but also because the limestone cliffs themselves may not be entirely stable. Further to our briefing Mr. Ron Lampard, BC Parks Strathcona District Manager, on our park and trail plans in the general area, it has also become clear that some interesting options exist for the handling of the cliffs.

First, it should be emphasized that the cliffs are a significant climbing attraction that has been well publicized over the years, and is well known and loved within the (fast growing) climbing community. To consider closing the cliffs to climbing would be an undertaking. It would also represent a loss of an outstanding recreation attraction and good revenue source.

While this is unrelated to the trail business, it is nevertheless recommended here that the Leaseholders consider a transfer of the cliff lands to BC Parks. BC Parks would then be drawn into the management agreement regarding recreational sites about Horne Lake, and would add its caves (along with the cliffs) to the bundle of assets to be managed for profit under the agreement. As noted above, BC Parks brings with it considerable resources not to mention park management experience, advice and the occasional materials. With the transfer of the cliff lands to BC Parks, the Leaseholders would maintain management control while passing financial liability for accidents at the cliff or the disaster of cliff failure to the Province.

The transfer of the cliff lands could take place in a number of ways. It could be carried out as a donation, in this case initiated by the Texada Land Corporation. The tax benefit earned by Texada could be used as a bargaining point by the Leaseholders. Alternately, cash or a land swap with Crown Lands could be pursued. The RDN would be pleased to assist in brokering negotiations with Crown Lands. It is our understanding that BC Parks has expressed some interest in acquiring the cliffs, and seeing them managed (along with the caves) as part of the overall Horne Lake recreational site management agreement.

I hope that this proposal offers you and your fellow leaseholders a viable plan to manage as well as exploit public recreation activities in the vicinity of Horne Lake, particularly as concerns trail. I would be pleased to meet with you and Board members to discuss the proposal and look forward to a happy trail relationship with the Leaseholders of Horne Lake.

Sincerely,

Joan Michel
RDN Trails Coordinator

Attach.

c.c. R. Lapham, Director of Planning, RDN
T. Osborne, Manager Recreation and Parks, RDN
R. Lampard, Strathcona District Manager, BC Parks

ATTACHMENT NO. 3
Draft Agreement for Offer to Sell

OFFER TO SELL
ACCEPTANCE AND INTERIM RECEIPT

THIS AGREEMENT DATED THE ___ DAY OF _____, 2001.

BETWEEN:

TEXADA LAND CORPORATION
(Inc. No. 583213)
11th Floor, 938 Howe Street
Vancouver, B.C.
V6Z 1N9

(hereinafter called the "Vendor")

OF THE FIRST PART

AND:

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

(hereinafter called the "Purchaser")

OF THE SECOND PART

WHEREAS:

1.0 LANDS

1.1 The Vendor is the registered owner of:

PID: 006-372-398

Block 40, Alberni District, Plan 691N, Except that part thereof shown outlined in Red on Plan 1339R and Except that part in Plan 46603

(hereinafter called the "Vendor's Land")

and hereby offers to sell to the Purchaser the Vendor's Land for the sale price of TEN DOLLARS (\$10.00) in lawful money of Canada payable on the Completion Date as hereinafter defined.

2.0 TITLE

2.1 Title to the Land shall be free of all charges and encumbrances save and except the Permitted Encumbrances listed in Schedule "A" to this Agreement, and reservations, limitations and provisos contained in the original grant thereof from the Crown, building, zoning or other municipal or governmental regulations.

3.0 DELIVERY OF CONVEYANCING DOCUMENTS

3.1 The Vendor shall deliver to the Purchaser on or before the Completion Date a conveyance in registrable form by way of a Transfer and other appropriate documents as may be necessary to register the Purchaser's interest under the provisions of the *Land Title Act* of British Columbia and to otherwise complete the said Purchase and Sale.

3.2 The Purchaser shall bear all costs of preparation and registration of the Closing Documents. The Vendor shall bear all costs of discharging any financial encumbrances from the title to the Land including payment of any and all bonuses, charges, expenses and penalties or otherwise with respect to such encumbrances. The Vendor shall also bear all costs of subdivision application fees.

4.0 SALE PRICE

4.0 The sale price of TEN (\$10.00) DOLLARS shall be payable:

By way of cash deposit of Five Dollars on the _____ day of _____, 2001 \$ 5.00

By the payment of cash subject to adjustments as set out in this Agreement on or before the Completion Date as defined in this Agreement: \$ 5.00

TOTAL: \$ 10.00

5.0 PROPERTY PURCHASE TAX AND GOODS AND SERVICES TAX

5.1 The Purchaser will pay the Property Purchase Tax and Goods and Services Tax if applicable in respect of the conveyance contemplated in this Agreement.

6.0 COMPLETION

6.1 The Completion Date shall be as at 5:00 o'clock p.m. on the day that the Vendor grants leases of buildings and lands described as Part of Parcel A (DD3394I) of District Lot 251, Alberni District except part in Plan 1735R and Plan 46602 and Part of Parcel B (DD33933I) District Lot 251, Alberni District to the Horne Lake Comprehensive Development Zone permitting 400 cabins and limited recreational vehicle storage of five acres (the "Lease Lands") pursuant to an agreement dated the ____ day of _____, 2001 between the Vendor and the Horne Lake License Holders Association.

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6.2 All documents required to transfer title to the Land shall be delivered by the Vendor to the Purchaser's solicitor in registrable form and shall be lodged for registration in the Land Title Office by the Purchaser's solicitor on or before the Completion Date and the balance of the Purchase Price shall be paid by the Purchaser's solicitor to the Vendor or to the solicitor or notary public representing the owner in accordance with this Agreement.

7.0 POSSESSION

7.1 The Vendor shall deliver vacant possession of the Land to the Purchaser at 5:00 o'clock p.m. on the Completion Date subject to the rights of the persons listed in Column 1 of Schedule B (the "Permitted Licensees") to remain in occupation of a portion of the Lands until the expiry of the licence shown in column 2 of Schedule B.

8.0 ADJUSTMENTS

8.1 Adjustment of taxes, insurance premiums, water, sewer, electrical and garbage rates, licence fees payable by Permitted Licensees and other items subject to adjustment shall be made as of the Completion Date.

8.2 All taxes (including penalty taxes), rates, local improvements and other charges of a like nature that are payable prior to the Completion shall be paid by the Vendor.

8.3 Where taxes may be imposed on the Lands as a result of the Vendor's use of the Lands, the adjustment under section 8.1 shall, for certainty, include such taxes or recapture of tax benefit payable by the Vendor in respect of the Lands under the *Forest Land Reserve Act* (the "Tax Liability").

8.4 If any amount is payable as a Tax Liability under section 8.3, the Vendor shall provide proof of payment to the Purchaser or shall post security in an amount equivalent to the amount of the Tax Liability by way of an irrevocable standby Letter of Credit or certified cheque (the "Security") in favour of the Purchaser which may be drawn down by the Purchaser to meet the amount of such Tax Liability.

8.5 If the Vendor pays the amount of the Tax Liability or if the amount of the Tax Liability is less than the amount of the Security then the Security or unused part of it shall be returned to the Vendor by the Purchaser, without interest, within 10 business days.

9.0 RISK

9.1 The Land shall be at the risk of the Vendor until 5:00 o'clock p.m. on the Completion Date and in the event of loss or damage to the same occurring before such date and time by reason of fire, tempest, lightning, earthquake, flood or other Act of God, explosion, riot, civil commotion, insurrection or war, the Purchaser may, at its option, cancel this Agreement and shall thereupon be entitled to the return of any monies paid hereunder. After 5:00 o'clock p.m. on the Completion Date, the Land shall be at the risk of the Purchaser.

10.0 REPRESENTATIONS

10.1 In this Agreement

"Contaminants" means any explosives, radioactive materials, asbestos materials, urea formaldehyde, underground or aboveground tanks, pollutants, contaminants, deleterious substances, dangerous goods or substances, hazardous, corrosive or toxic substances, special waste or waste of any kind, or any other substance, the storage, manufacture, disposal, handling, treatment, generation, use, transport, remediation or release into the environment of which is prohibited, controlled or regulated under Environmental Laws.

"Environmental Laws" means any and all statutes, laws, regulations, orders, bylaws, permits and other lawful requirements of any federal, provincial, local or other governmental authority having jurisdiction over the Land now or hereafter in force relating to the environment, health, occupational health and safety, product viability or transportation of dangerous goods, including all applicable guidelines and standards with respect to the foregoing as adopted by any of those governmental authorities from time to time and the principles of common law and equity.

"Forestry Practices Laws" means any and all statutes, laws, regulations, orders, bylaws, permits and other lawful requirements of any federal, provincial, local or other governmental authority having jurisdiction over the Land now or hereafter in force relating to timber harvesting, silviculture or the construction, maintenance, use or deactivation of roads on the Land.

10.2 There are no actions, proceedings, investigations or claims, pending or to the best of the Vendor's knowledge, threatened, that would interfere with the use and enjoyment of the Land or with respect to the Vendor which, if it decided adversely, could materially affect the ability of the Vendor to comply with its obligations, that relate to the breach by the Vendor of any Forest Practices Laws or to the presence of any contaminants in, on, under or migrating to or from the Land.

10.3 There are no representations, warranties, guarantees, promises or agreements except as set out herein all of which survive this sale.

11.0 INDEMNITY

11.1 The Vendor shall release, indemnify and save harmless the Purchaser from any action, causes of action, suits, demands, claims, costs or expenses of any kind arising from a breach by the Vendor of all Environmental Laws or Forest Practices Laws as defined in this Agreement

12.0 CONDITIONS OF THE VENDOR

12.1 All obligations of the Vendor under this Agreement are subject to the following conditions precedent:

- (1) adoption by the Board of the Regional District of Nanaimo on or before the ___ day of _____, 2001 of a bylaw rezoning the Lease Lands to the Home Lake Comprehensive Development Zone permitting 400 cabins and limited recreational vehicle storage of five acres.

- (2) Execution on or before the Completion Date of an agreement between the Horne Lake Licence Holders Association (the "Association") and the Regional District of Nanaimo:
- (a) granting the Association a right of first refusal for the operation of a regional park campground facility on the Land.
 - (b) permitting the Association to participate in an advisory committee for the Land to include participation by representatives of the Federal, Provincial and Regional District governments.

12.2 These conditions are for the sole benefit of the Vendor and may be waived by the Vendor at its sole discretion and unless so waived in writing this contract shall be null and void.

12.3 Should the conditions precedent set out above not be satisfied by the Completion Date, then the Vendor shall return the deposit with interest earned thereon to the Purchaser. Should the condition precedent be met by the Completion Date and the sale completed, any interest earned on the deposit shall be payable to the Purchaser in addition to the Purchase Price.

13.0 CONDITIONS OF THE PURCHASER

13.1 All obligations of the Purchaser under this Agreement are subject to the following conditions precedent:

- (a) That the Land is in substantially the same condition on the Completion Date as when viewed by a representative of the Purchaser on the 31st day of May, 2001 and, without limiting the generality of the foregoing, that the Vendor has not cut or damaged or removed any tree, shrub, vegetation or other natural or ecological feature of the Land, and the Vendor acknowledges that the purpose of the Purchaser is to acquire the Land for regional park.
- (b) That the Vendor register in the Land Title Office in Victoria at least two weeks prior to the Completion Date, an easement plan or explanatory plan satisfactory to the Registrar (the "Plan") defining the easement area limited to an area 8 metres in width for the purpose of Easement EJ083993 and a discharge of Easement EJ083993 except as to that part of the Land within the Plan.
- (c) The posting of any Security required under section 8.4 of this Agreement.

13.2 These conditions are for the sole benefit of the Purchaser and may be waived by the Purchaser at its sole discretion and unless so waived in writing this contract shall be null and void.

13.3 Should the conditions precedent set out above not be satisfied by the Completion Date, then the Vendor shall return the deposit with interest earned thereon to the Purchaser. Should the conditions precedent be met by the Completion Date and the sale completed, any interest earned on the deposit shall be payable to the Vendor in addition to the Purchase Price.

13.4 The conditions set out in subsection (a) shall not prevent the Vendor from carrying out remedial work on the Lands for the purpose of complying with Environmental Laws or Forestry Practice Laws.

14.0 COVENANTS OF THE VENDOR

14.1 The Vendor covenants and agrees to register in the Land Title Office in Victoria at least two weeks prior to the Completion Date, an easement plan or explanatory plan satisfactory to the Registrar (the "Plan") defining the easement area limited to an area 8 metres in width for the purpose of Easement EJ083993 and a discharge of Easement EJ083993 except as to that part of the Land within the Plan.

15.0 DOWNZONE LEASE LANDS

15.1 Should the transfer contemplated by this Agreement not occur within 90 days of the date of rezoning of the Lease Lands, the Vendor acknowledges and agrees that the Purchaser may in its discretion rezone the Lease Lands to the Resource Management Zone.

16.0 NOTICE

16.1 Any notices hereunder or documents or deliveries required hereby may be served or made on the Vendor and the Purchaser by delivery by hand or by sending by ordinary mail from within the Province of British Columbia to the following addresses:

To the Vendor:

Texada Land Corporation
11th Floor, 938 Howe Street
Vancouver, BC
V6Z 1N9

To the Purchaser:

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

17.0 TIME

17.1 Time shall be of the essence of this Agreement. Unless the cash payment is paid and the other terms of this Agreement complied with by the Purchaser within the times mentioned, the Vendor may, at its option, cancel this Agreement and in such event the deposit paid by the Purchaser may, at the option of the Vendor, be forfeited to the Vendor as liquidated damages, without prejudice to the Vendor's other remedies.

18.0 ACCEPTANCE

18.1 Upon acceptance by the Vendor, this Offer to Sell shall form an interim agreement for the sale and purchase of the Land upon the terms and conditions herein set forth, it being specifically contemplated by the parties hereto that this transaction will be

consummated and documented in the manner herein set forth. This said interim agreement shall enure to the benefit of and be binding upon the parties hereto and their respective heirs, executors, administrators, successors and assigns.

19.0 INTERPRETATION

19.1. Wherever the singular or masculine are used throughout this document, the same shall be construed as the plural or the feminine or neuter gender wherever the parties or the context so require.

EXECUTED BY THE VENDOR at Victoria, B.C., this ____ day of _____, 2001.

The Corporate Seal of **TEXADA LAND CORPORATION** was hereunto affixed in the presence of:

Name:)

Name:)

THIS OFFER TO SELL IS HEREBY ACCEPTED AND EXECUTED BY THE PURCHASER at Nanaimo, B.C., this ____ day of _____, 2001.

The Corporate Seal of the **REGIONAL DISTRICT OF NANAIMO** was hereto affixed in the presence of:

Chair)

Secretary)

THE VENDOR HEREBY ACKNOWLEDGES RECEIPT of the \$5.00 deposit this ____ day of _____, 2001.

The Corporate Seal of the **TEXADA LAND CORPORATION** was hereunto affixed in the presence of:

Name:)

Name:)

SCHEDULE "A"

1. Exceptions and Reservations M76300 in favour of Esquimalt and Nanaimo Railway Company;
2. Easement 150656G;
3. Statutory Right of Way EG63152 in favour of Centra Gas British Columbia Inc.;
4. Easement EJ83993 in favour of Texada Logging Ltd.

Agreement for Option to Operate the Regional Park and Campground

AGREEMENT

THIS AGREEMENT made this day of , 2001.

BETWEEN:

REGIONAL DISTRICT OF NANAIMO

6300 Hammond Bay Road
Nanaimo, B.C.
V9T 5N2

(the "Regional District")

OF THE FIRST PART

AND:

HORNE LAKE LICENSE HOLDERS ASSOCIATION

(#36758)

1981 Richardson Road
Nanaimo, B.C.
V9P 1C1

(the "Association")

OF THE SECOND PART

WHEREAS:

A. The Regional District intends to acquire lands legally described as:

P I D 006-372-309

Block 40, Alberni District, Plan 691N except that part thereof shown outlined
in red on Plan 133R and except that part in Plan 46603

(the "Regional District Land")

from Texada Land Corporation;

B. The Association intends to acquire lands adjacent to the Regional District Land
legally described as:

[*verify legal description*]

(the "Association Land")

from Texada Land Corporation;

- C. The Association has applied on behalf of Texada Land Corporation to rezone the Association Land to permit the continued use of the lands for cabins and other recreational use;
- D. The Regional District intends to prepare a park management plan for the Regional District Land ("Park Management Plan") and proposes to consult with the Association in the preparation of the Park Management Plan;
- E. The Association wishes to have an opportunity to participate in the operation of regional park campground, picnicking and boat landing facilities on the Regional District Land (the "Campground").

NOW THEREFORE in consideration of the premises and mutual covenants and agreements contained in this Agreement, the parties covenant and agree as follows:

PURPOSE OF AGREEMENT

- 1.0 The purpose of this Agreement is to facilitate:
 - (a) the transfer of the Regional District Land to the Regional District;
 - (b) the operation of a regional park including Campground facilities; and
 - (c) to provide a means for input into the operation of the regional park by the Association and an opportunity for the Association to operate a Campground within a regional park on the terms set out in this Agreement.

ADVISORY COMMITTEE

- 2.0 Insofar as it legally can, the Regional District agrees that it will establish an advisory committee for the purpose of seeking input and assistance in the development and operation of the Regional District Land as a regional park with a Campground with participation to include representation from the Regional District, the Association, B.C. Parks, B.C. Environment, the Department of Fisheries and Oceans and other parties to assist in the formulation of a Park Management Plan.

OPERATING AGREEMENT

- 3.0 The Regional District will not enter into an agreement with any party for the operation of a Campground on the Regional District Land unless it first provides to the Association the opportunity to operate the Campground for a five year period without cost to the Regional District under a Partnering Agreement.
- 4.0 Under the Partnering Agreement:
 - (a) the Association, as operator, would have the ability to receive and retain fees from users of the Campground provided that the Regional District would retain the right to approve fees proposed for use of the Regional District Land by the public which shall be consistent with other camping fees charged for use of similar campgrounds owned or operated by or on behalf of the Government of British Columbia;

- (b) the operation of the Campground will be subject to the terms, conditions and obligations prescribed in the Park Management Plan;
 - (c) at the end of the five year term, the Association would have the opportunity to transfer or assign for value any tenant's improvements or goodwill, if any, associated with the Association's operation of the Campground to a third party approved by the Regional District.;
 - (d) the Association will be responsible for taking out and maintaining a policy of public liability insurance in the name of the Regional District and the Association; and
 - (e) the Association as operator will indemnify and save harmless the Regional District from any claims, costs, losses, damages, actions or causes of action arising from the negligence of the Association in connection with the operation of the Campground.
- 5.0 The Regional District will consider exempting the Campground from real property taxation on an annual basis in accordance with the *Local Government Act*.

INTERPRETATION

- 6.0 A reference in this Agreement to:
- (a) the singular includes the plural and the plural includes the singular, unless the context otherwise requires;
 - (b) the masculine, feminine or neuter includes a reference to the masculine, feminine or neuter, unless the context otherwise requires.
- 7.0 The headings of paragraphs, articles and sections of this Agreement are for convenience of reference only, do not form part of this Agreement and are not to be used in the interpretation of this Agreement.
- 8.0 This Agreement is to be governed and construed in accordance with the laws of the Province of British Columbia.

MISCELLANEOUS

Severance

- 9.0 If any paragraph, article or section of this Agreement is declared or held invalid for any reason, the paragraph, article or section may be severed from the Agreement without affecting the validity of the remainder of the Agreement.

Limited Term

- 10.0 If any term of this Agreement is found to create a liability on the part of the Regional District in excess of five years, then this Agreement shall be interpreted as being limited to a term of five years from the date of execution.

Waiver

11.0 The failure at any time of either party to enforce any of the provisions of this Agreement or to require at any time performance by the other party of any such provision shall not constitute or be construed to constitute a waiver of such provision, nor in any way to affect the validity of this Agreement or any parts thereof, or the right of either party thereafter to enforce each and every provision of this Agreement.

Modification

12.0 No waiver, modification or amendment of any of the provisions of this Agreement shall be binding unless it is in writing and signed by the duly authorized representatives of both parties.

Statutory Power

13.0 Nothing in this Agreement is to be interpreted as affecting or restricting the exercise by the Regional District of any statutory power, duty or function, which may be fully exercised as if this Agreement had not been executed by the parties.

Survival

14.0 The articles, sections, subsections and paragraphs providing for the limitation of, waiver of, or protection against liability of the parties hereto shall survive termination, cancellation or expiration of this Agreement.

Time of the Essence

15.0 Time shall be of the essence of this Agreement.

Notices

16.0 All notices and demands required or permitted to be given hereunder shall be in writing and may be delivered personally, sent by facsimile or may be mailed by first class, prepaid registered mail to the addresses set forth below. Any notice delivered or sent by facsimile shall be deemed to have been given and received at the time of delivery. Any notice mailed as aforesaid shall be deemed to have been given and received on the expiration of 5 business days after it was posted, addressed as follows:

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

TO: Horne Lake License Holders Association
1981 Richardson Road
Nanaimo, B.C.
V9X 1C1

or to such other address or addresses as may from time to time be provided in writing by the parties hereto. If there shall be, between the time of mailing and the actual receipt of a notice, a mail strike, slow down or other labour dispute, which might affect the delivery of that notice by the mails, then the notice shall only be affected if actually received by the person to whom it was mailed.

Entire Agreement

17.0 This Agreement shall constitute the entire agreement between the parties and shall supersede all prior written or unwritten negotiations, understandings and agreements.

Assignment

18.0 The Association may with the written consent of the Regional District, which consent will not be unreasonably withheld, assign its interest in this Agreement.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year first above written.

The Corporate Seal of the)	
REGIONAL DISTRICT OF NANAIMO)	
as hereto affixed in the presence of:)	(seal)
of its authorized signatories)	
)	
_____)	
Chair)	
)	
_____)	
Officer Responsible for Corporate)	
Administration)	

The Corporate Seal of the HORNE LAKE)	
LICENSE HOLDERS ASSOCIATION)	
was hereto affixed in the presence of its)	
authorized signatories)	(seal)
)	
_____)	
Name:)	
)	
_____)	
Name:)	

ATTACHMENT NO. 4

Draft Land Use Covenant

Land Title Act (Section 219)
Province of British Columbia

FORM C

GENERAL DOCUMENT - PART 1

1. APPLICATION:

(applicant name & address here) applicant/solicitor or agent signature

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND:
PID: 006-372-678
Parcel A (DD33941) of District Lot 251, Alberni District except part in Plan 1735R and
except part in Plan 46602; and
PID: 008-947-066
Parcel B (DD339331) of District Lot 251, Alberni District

3. NATURE OF INTEREST:	DOCUMENT REFERENCE	PERSON ENTITLED TO INTEREST
DESCRIPTION Section 219 Covenant	(page & paragraph) Entire Document except paragraphs 17 & 18	Transferee
Priority Agreement	paragraphs 17 & 18	Transferee

4. TERMS: Part 2 of this instrument consists of (select one only):
(a) Filed Standard Charge Terms D.F. No.
(b) Express Charge Terms Annexed as Part 2
(c) Release There is no Part 2 of this instrument

A selection of (a) includes any additional or modified terms referred to in item 7 or in a schedule annexed to this instrument. If (c) is selected, the charge described in item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S): Texada Land Corporation (Inc. No. 583213), 11th Floor, 938 Howe Street, Vancouver, B.C. V6Z 1N9

6. TRANSFEREE(S): REGIONAL DISTRICT OF NANAIMO, 6300 Hammond Bay Road, Nanaimo, BC V9T 6N2

7. ADDITIONAL OR MODIFIED TERMS: N/A

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

Officer Signature EXECUTION DATE Transferor/Borrower/Party Signature(s)

REGIONAL DISTRICT OF NANAIMO
its authorized signatory(ies)

(Y/M/D)

K. Daniels, Chief Administrative Officer

(as to both signatures)

C. Mason, General Manager, Corporate Services



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

EXECUTIONS CONTINUED **FORM D** **PAGE 2 OF 4**

Officer Signature

EXECUTION DATE

Transferor/Borrower/Party
Signature(s)

applicant
its authorized signatory(ies)

(Y/M/D)

Name: _____

Name: _____

(as to both signatures)

OFFICER CERTIFICATION:

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

TERMS OF INSTRUMENT - PART 2

WHEREAS:

- A. The Transferor is the registered owner in fee simple of:

PID: 006-372-398

Parcel A (DD3394I) of District Lot 251, Alberni District except part in Plan 1735R and except part in Plan 46602; and

PID: 008-947-066

Parcel B (DD33933I) of District Lot 251, Alberni District

(hereinafter called the "**Lands**")
- B. The Transferor has agreed to restrict the use of the Lands by limiting the use to a multi-unit recreation development providing for not more than 400 recreational cabin sites with allowances for an additional seasonal visiting recreational vehicle on each site and a common recreational vehicle storage area.
- C. The Transferor wishes to grant and the Transferee accepts, the Section 219 Covenant contained in this Agreement over the Lands.

NOW THEREFORE, in consideration of the premises and the covenants herein contained and payment of the sum of \$1.00 by the Transferee to the Transferor and for other valuable consideration, receipt and sufficiency of which is hereby acknowledged, the parties hereto covenant and agree each with the other in accordance with Section 219 of the *Land Title Act* as follows:

- 1. The Transferor covenants and agrees with the Transferee to not to
 - (a) Construct or permit the building or placement of more than 377 cabins on the Land, or
 - (b) Use or permit the use of more than 377 cabins on the landexcept in strict accordance with this agreement.
- 2. Despite Section 1, the Grantor may construct or place and permit the use of up to 23 additional cabins on the Land when it has obtained the prior written approval as to the Grantee for the location of the cabins.
- 3. Approval of the Grantee will not be reasonably withheld where the Grantor demonstrates that the cabins can be reasonably accommodated on the Land.
- 4. Nothing contained or implied herein shall prejudice or affect the rights or powers of the Transferee in the exercise of its functions under any public or private statutes, bylaws, orders and regulations, all of which may be fully and effectively exercised in relation to the Lands as if this Agreement had not been executed and delivered by the Transferor.
- 5. The Transferor shall indemnify and keep indemnified the Transferee from any and all claims, causes of action, suits, demands, filings, penalties, costs or expenses or legal fees whatsoever which anyone has or may have against the Transferee or which the Transferee incurs as a result of any loss or damage or injury, including economic loss, arising out of or connected with the Transferor's breach of any covenant in this agreement.
- 6. The Transferor hereby releases and forever discharges the Transferee of and from any claim, cause of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which the Transferor can or may have against the Transferee for any loss or damage or injury, including

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economic loss, that the Transferor may sustain or suffer arising out of or connected with the Transferor's breach of any covenant in this agreement.

7. The Transferor covenants and agrees for itself, its heirs, executors, successors and assigns, that it will at all times perform and observe the restrictions and covenants herein before set out and they shall be binding upon the Transferor as personal covenants only during the period of the Transferor's ownership of any interest in the Lands.
8. The restrictions and covenants herein contained shall burden the Lands and shall run with the Lands and shall be perpetual and bind the successors in title to the Lands and shall be registered in the Victoria Land Title Office pursuant to Section 219 of the *Land Title Act* as covenants in favour of the Transferee.
9. An alleged waiver of any breach of this Agreement is effective only if it is an express waiver in writing of the breach in respect of which the waiver is asserted. A waiver of a breach of this Agreement does not operate as a waiver of any other breach of this Agreement.
10. If any part of this Agreement is held to be invalid, illegal or unenforceable by a Court having the jurisdiction to do so, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement remains in force unaffected by that holding or by the severance of that part.
11. This Agreement is the entire agreement between the parties regarding its subject.
12. This Agreement shall endure to the benefit of and shall be binding upon the parties hereto and their respective heirs, executors, successors and assigns.
13. Wherever the singular or masculine is used herein, the same shall be construed as meaning the plural, feminine or body corporate or politic where the context or the parties so require.
14. The Transferor must do everything reasonably necessary to give effect to the intent of this Agreement, including execution of further instruments.
15. By executing and delivering this Agreement each of the parties intends to create both a contract and a deed executed and delivered under seal.
16. This Covenant shall be registered as a first charge against the title to the Lands and the Transferor shall do all things necessary to ensure the registration of this covenant as a first charge against the title to the Lands, having priority over all other charges and encumbrances of a financial nature.
17. _____, the registered holder of a charge by way of a mortgage against the Lands which said charge is registered in the Land Title Office at Victoria, British Columbia under number * ___ * for and in consideration of the sum of one dollar (\$1.00) paid by the Transferee to the said charge holder (the receipt whereof is hereby acknowledged), agrees with the Transferee, its successors and assigns, that the Section 219 Covenant shall be encumbrance upon the Lands in priority to the said charge in the same manner and to the same effect as if it had been dated and registered prior to the said charge.

IN WITNESS WHEREOF the parties hereto hereby acknowledge that this Agreement has been duly executed and delivered by the parties executing Form C (page(s) 1 and 2) attached hereto.

ATTACHMENT NO. 5

Draft Establishing Bylaw, Petition and Application for Pump and Haul Service

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1218

**A BYLAW TO REGULATE SEWAGE DISPOSAL
IN THE HORNE LAKE SERVICE AREA**

WHEREAS Bylaw No. 1217 established a local service for the collection, conveyance, treatment and disposal of sewage within parts of Horne Lake Pump and Haul Service Area;

AND WHEREAS by Order in Council No. 1961, approved and ordered the 17th day of June, 1970, the Regional District of Nanaimo was granted by Supplementary Letters Patent the powers of a Municipal Council under Section 692 of the Municipal Act for all or part of the Regional District not within a municipality;

AND WHEREAS the Board may under Section 786(1)(c) make rules for the provision, operation and administration of a service and for the maintenance and management of property under the control of the Regional District, including the right to set conditions respecting access to and use of the property;

AND WHEREAS the Board is desirous of establishing regulations governing the collection, conveyance, treatment and disposal of sewage for the Horne Lake Pump and Haul Service Area;

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

1. **Short Title**

This bylaw may be cited for all purposes as the "Horne Lake Service Area Sewage Disposal Regulation Bylaw No. 1218, 2000".

2. **Interpretation**

(1) For the purposes of this bylaw, unless the context otherwise requires:

"Board" means the Regional Board of the Regional District of Nanaimo;

"Community Sewer System" means a system of sewage disposal which services two (2) or more parcels and which is owned, operated and maintained by a Municipality, a Regional District, or an agency of Her Majesty the Queen in Right of the Province of British Columbia;

"General Manager of Environmental Services" means the person appointed as such by the Board or any other person appointed by the Board to administer this bylaw;

"Health Act" means the Health Act, (British Columbia);

"Holding Tank" means a tank designed to store sewage on a parcel of land for a period of time before the sewage is transported to an approved disposal site or community sewer system located elsewhere;

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"Holding Tank System" means a system of sewage containment or disposal designed and intended to be used or actually used to hold, convey or dispose of sewage from, in or on a parcel;

"Officer" means a Municipal Sewage Control Officer appointed by the Board.

"On-Site" means on the parcel on which sewage is generated;

"Public Health Inspector" means a person so appointed under the Health Act;

"Regional District" means the Regional District of Nanaimo;

"Service Area" means the service area established in the Horne Lake Pump and Haul Service Establishment Bylaw No. 1217;

"Sewage" means human excretion or the water carried wastes from personal or domestic washing, food preparation and laundering, resulting from occupation of a building;

"Sewage Control Manager" means a sewage control manager appointed by the Regional District of Nanaimo, or a person appointed by the Board as his or her deputy, under the Waste Management Act;

"Sewage Disposal Regulations" means the Sewage Disposal Regulations, B.C. Reg. 411/85 under the Health Act;

3. **Application**

- (1) An owner or occupier of the land within the Horne Lake Local Service Area where:
 - (a) the estimated maximum daily sewage flows for the intended use do not exceed 750 litres per day (165 imperial gallons per day) per recreational lot.
- may apply for a holding tank sewage disposal permit under Section 4 (3).

4. **Administration**

- (1) The General Manager of Environmental Services is authorized to administer this bylaw.
- (2) The General Manager of Environmental Services, Sewage Control Manager, Officer, a Bylaw Enforcement Officer or a Public Health Inspector may enter upon any parcel to which this bylaw is applicable at all reasonable times to ascertain whether a requirement under this bylaw is being met or the regulations under this bylaw are being observed.
- (3) The application for a holding tank sewage disposal permit shall be submitted to the Regional District by the owner of a parcel within the Horne Lake Local Service Area or his agent, in prescribed form as shown in Schedule A;
- (4) No person shall interfere with or obstruct the entry of the General Manager of Environmental Services, Sewage Control Manager, Officer, or a Bylaw Enforcement Officer in the course of administering and enforcing this bylaw.

5. Prohibitions

- (1) No person shall commence the construction, installation, alteration or repair of a holding tank system or part thereof until a permit in prescribed form has been obtained from a Public Health Inspector.
- (2) No person shall do any work that is at variance with the descriptions, plans and specifications for the holding tank system for which a permit has been issued, unless the change has been approved by a Public Health Inspector.

6. On-Site Regulations

- (1) One (1) on-site holding tank shall be permitted per cabin located within the Service Area.
- (2) It is a condition of approval of use of Regional District of Nanaimo sewage treatment facilities that:
 - (a) A warning device approved in accordance with the terms and conditions of the permit issued by the Public Health Inspector shall be installed to provide the owner with an advance warning of the need to pump out the holding tank.
 - (b) All sewage generated by on-site be collected and contained within an approved holding tank or holding tank system.
 - (c) All on-site holding tanks and holding tank systems shall be designed, constructed, sited and approved in accordance with the terms and conditions of the permit issued by the Public Health Inspector.
 - (d) The owner of a parcel on which a holding tank system is installed pursuant to this bylaw shall pump out and maintain or cause the holding tank to be pumped out and maintained as required to ensure sewage does not exceed the permitted capacity.
 - (e) All holding tank systems shall be operated in a manner that does not cause unacceptable odours when discharged to Regional District sewage treatment facilities.
 - (f) All holding tank wastes be pretreated as described by the General Manager of Environmental Services, Sewage Control Manager or Officer prior to discharge to Regional District of Nanaimo sewage treatment facilities.

7. Off-Site Regulations

No person shall discharge effluent from a holding tank installed pursuant to this bylaw to any disposal facility except a septage disposal facility as defined in "Regional District of Nanaimo Trucked Liquid Waste Disposal Bylaw No. 988, 1995".

8. Remedial Powers

- (1) The Board may, in accordance with the provisions of the Local Government Act, authorize the demolition, the removal, or the bringing up to standard of any holding tank or required warning devices, in whole or in part, that is in contravention of the bylaw.
- (2) The Regional District, by its employees, contractors or others, may also undertake, pursuant to the Local Government Act, the pumping of sewage from holding tanks

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constructed pursuant to this bylaw that are maintained contrary to the prohibitions and regulations set out in Sections 5 and 6 of this bylaw in order to preserve public health or maintain sanitary conditions.

- (3) In accordance with the provisions of the Municipal Act, all necessary and incidental expenses connected with correcting an unsanitary condition under Subsection (2) shall be charged to the owner of the real property and, if unpaid on the 31st day of December in any year, shall be added to and form part of the taxes payable in respect of that real property as taxes in arrear.

9. **Penalties**

- (1) A person who contravenes this bylaw commits an offence and is liable upon conviction to the maximum penalty prescribed under the Offence Act.
- (2) For each day during which a contravention of this bylaw continues, a new and separate offence shall be deemed to occur.
- (3) Nothing in this bylaw shall prevent the Regional District from taking such other lawful action as it deems necessary to prevent or remedy any contravention of this bylaw.

10. **Severability**

If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this bylaw.

Introduced and read three times this_____.

Received the approval of the Provincial Health Officer this_____.

Adopted this_____.

Chairperson

General Manager, Corporate Services

Chairperson

General Manager, Corporate Services

REGIONAL DISTRICT OF NANAIMO

APPLICATION FORM

HOLDING TANK DISPOSAL PERMIT

1. Name of Property Owner: _____
2. Address of Property Owner: _____
3. Legal Description of Property for which application is made:
Lot: _____ Plan: _____ DL: _____ LD: _____
4. Civic address of property referred to in No. 3: _____

This form will be completed and submitted together with:

- a) a site plan drawn to scale and showing the proposed location of the holding tank in relation to the cabin and natural boundary of Horne lake and any other watercourse, collection lines, and elevation of the lower lip of the access hatch or other opening.
- b) An application fee of \$100.00 per holding tank sewage disposal system.
- c) A referral fee of \$200.00 per holding tank sewage disposal system related to the assessment of all on-site works by the Local Health Region.

Note:

The Local Health Region has jurisdiction for approval of on-site sewage disposal systems. Property owners will be responsible to obtain a permit for all on-site works and pay any applicable charges imposed by the Local Region for inspection or other purposes.

Application information will be forwarded to the Local Health Region for their approval. If they approve of the application, they will include tank installation and design requirements.

Property Owner(s)' Signature: _____

Date: _____

PETITION

The Board of Directors
Regional District of Nanaimo

Re: Petition to be included in the Horne Lake Regional District of Nanaimo Pump & Haul Service Area

We, the undersigned owner(s) of Parcel A (DD33941) of District Lot 251, Alberni District except part in Plan 1735R and except part in Plan 46602 and Parcel B (DD339331) of District Lot 251, Alberni District do hereby petition the Regional District of Nanaimo to establish the Horne Lake Pump and Haul Service Establishment Bylaw No. 1217.

The Service is for the purpose of providing treatment and disposal of sewage from holding tanks and regulating the collection and conveyance of sewage from holding tanks (the "service") within a defined portion of the Regional District of Nanaimo shown in outline on the plan attached to this petition.

I/we understand that:

- a) The annual costs for the service, net of grants and other revenue, shall be recovered:
 - (i) by the imposition of fees and other charges which may be fixed by separate bylaw; and
 - (ii) the balance, if any, by the requisition of money under Section 806 of the Local Government Act to be collected by a property value tax to be levied and collected under Section 806.1(1) of the Local Government Act.
- b) The amount that may be requisitioned under Section 806(1) of the Local Government Act for the annual cost of operating the Local Service will be \$66,504, which can increase annually by a maximum of 1.5 percent.
- c) Discharge fees at the French Creek Pollution Control Septage Facility will not apply to the trucked waste from the Horne Lake Pump and Haul Service Area for a period of three years.
- d) Despite Subsection (c) an annual charge of \$100.00 will be payable with respect to each cabin. Such charge will be payable prior to the establishing of Service for all existing cabins with holding tanks and for each new cabin constructed on the lands and shall be paid within 3 years of the date of adoption of the establishing bylaw with respect to all other cabins within the service area.
- e) A Restrictive Covenant shall be registered against the title to the land in question in accordance with Section 219 of the Land Title Act. The Restrictive Covenant shall require that the owners of the recreational lots maintains a contract at all times with a pump out company and that a current contract is always deposited with the Regional District of Nanaimo.

Property Owner(s)' Signature: _____

Phone _____

Property Owner Signature _____

Date: _____

ATTACHMENT NO. 6

HORNE LAKE LICENSE HOLDERS ASSOCIATION

c/o Horne Lake Recreation Management Ltd.

Murray Hamilton

719 Newcastle Ave., Parksville, B.C. V9P 1G1

250-951-0877 Fax 250-951-0878

Email: murray-hamilton@home.com

FAKED
Date: April 23, 2001

April 23, 2001

Regional District of Nanaimo,
Joan Michel,
RDN Trails Coordinator,
6300 Hammond Bay Rd.,
Nanaimo, B.C.
V9T 6N2

Dear Joan:

I am responding to your letter of February 17, 2001, "Proposed Trail Corridor, Horne Lake Area".


The Board of Directors of the Horne Lake License Holders Association are in favour of a pursuing a licensing program with the RDN to establish a trail above Cave Rd. from the Federal Fisheries Property to Block 40 and to work with the RDN to identify a trail route and license the same from Spider Lake to Mt. Horne.

The members of the Horne Lake License Holders Association will meet in Qualicum Beach on Sunday, April 29, 2001. At that meeting the Board will be asking for the members endorsement of this proposed trail licensing proposal.

I will forward the results of that meeting to you.

Should you have any questions, please don't hesitate to contact me.

Yours truly


Murray Hamilton

Cc: Robert Lapham, RDN Development Services