

**REGIONAL DISTRICT OF NANAIMO**  
**REGULAR BOARD MEETING**  
**TUESDAY, MARCH 12, 2002**  
**(Immediately following the Hospital Board meeting)**  
*(Nanaimo City Council Chambers)*

**A G E N D A**

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6. **UNFINISHED BUSINESS**
  - From the Board Meeting held February 12, 2002.**
  - 42-44 Unsightly Premises Regulatory Bylaw No. 1073, 1996 - E. Stenberg, H. O'Connor, A. Wallace - 1010 Descanso Valley Drive - Area B. (Report attached for information - verbal update to be provided)

**Bylaws For Adoption.**

**Bylaw No. 805.03** - Electoral Area 'G' Community Parks Local Service Requisition Amendment Bylaw. (All Directors - One Vote)

**Bylaw No. 804.02** - Electoral Area 'F' Community Parks Local Service Requisition Amendment Bylaw. (All Directors - One Vote)

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

**7.(I) ELECTORAL AREA PLANNING STANDING COMMITTEE**

45-48

Minutes of the regular Electoral Area Planning Committee meeting held February 26, 2002. (for information)

**CORRESPONDENCE/COMMUNICATIONS**

**Oceanside Development & Construction Association, re Proposed Amendment Bylaw No. 500.268.** (Electoral Area Directors except EA 'B' - One Vote)

*That the correspondence received from the Oceanside Development & Construction Association with respect to proposed Amendment Bylaw No. 500.268, be received for information.*

**PLANNING**

**DEVELOPMENT PERMIT APPLICATIONS**

**DP Application No. 0126 – Parksville Funeral Chapel Ltd./Stanhope – 1000 Allsbrook Road – Area F.** (Electoral Area Directors except EA 'B' - One Vote)

*That Development Permit Application No. 0126, to allow the enlargement of an existing irrigation pond in the Watercourse Protection Development Permit Area on the property legally described as Remainder Lot 3, District Lot 43, Nanoose District, Plan 2761, Except the Southerly 20 Chains thereof and Plans VIP52723 and VIP65740 be approved subject to conditions outlined in Schedule Nos. 1 and 2.*

**DP Application No. 0205 – Rennie – Admiral Tryon Boulevard – Area G.** (Electoral Area Directors except EA 'B' - One Vote)

*That Development Permit Application No. 0205 to vary the Watercourse Protection Development Permit Area setback from the natural boundary pursuant to the French Creek Official Community Plan Bylaw No. 1115, 1998 from 30.0 metres to 8.01 metres to permit the construction of a retaining wall, and to vary the DPA setback from 30.0 metres to 15.2 metres to permit the siting of a dwelling unit for the property legally described as Lot 16, District Lot 28, Nanoose District, Plan VIP62528 be approved subject to the conditions outlined in Schedule '1'.*

**DP Application No. 0206 – Nanoose Hill Station/Fern Road Consulting – 1660/1666 East Island Highway & 1642 East Island Highway – Area E.** (Electoral Area Directors except EA 'B' - One Vote)

*That Development Permit No. 0206 for the changes to the site plan of the gasoline service station/fast food outlet and for the placement of retention pond system and septic disposal system on the properties legally described as Lot 1, Plan 9428 Except Parcel A (DD80609-N) Thereof; and Except Part in Plan 19267 & Lot 2, Plan VIP65823, Both of Amended Lot 167 (DD66169-N), Nanoose District, be approved subject to the conditions and variances outlined in Schedule '1' of the staff report and the notification requirements pursuant to the Local Government Act.*

#### **DEVELOPMENT VARIANCE PERMIT**

**DVP Application No. 0204– Karasiuk – 3741 Mallard Place – Area E.** (Electoral Area Directors except EA 'B' - One Vote)

**Delegations wishing to speak to Application No. 0204.**

*That Development Variance Permit No. 0204, submitted by Ken Karasiuk and Janice Karasiuk, to facilitate the construction of an addition to an existing single dwelling unit by relaxing the maximum dwelling unit height from 8.0 metres to approximately 12.7 metres as per the submitted plans, and by varying the minimum setback requirement for an interior side lot line from 2.0 metres to 0.0 metres to legalize the existing deck and dwelling unit and for a front lot line from 8.0 metres to 0.7 metres to legalize the existing curport, and to discharge the Section 215 Covenant held by the Regional District of Nanaimo for the property legally described as Lot 6, District Lots 8 and 78, Nanoose District, Plan 28595 be approved as submitted subject to the notification requirements pursuant to the Local Government Act.*

**DVP Application No. 0205 – Sjostrom Industries & Donner Lake Contracting – Nanaimo River Road – Area C.** (Electoral Area Directors except EA 'B' - One Vote)

**Delegations wishing to speak to Application No. 0205.**

*That Development Variance Permit No. 0205, submitted by Dale Hodgins, Agent, acting on behalf of Sjostrom Industries and Donner Lake Contracting to facilitate the development of a single dwelling unit, barn and shop, and vary the minimum setback requirements for a building or structure within a Resource Management 4 zone from 20.0 metres (65.6 feet) to 0.0 metres (0.0 feet) for the south lot line for construction of a single dwelling unit, from 30.0 metres (98.4 feet) to 3.0 metres (9.8 feet) for the north lot line for construction of a barn, from 30.0 metres (98.4 feet) to 17.0 metres (55.8 feet) for the south lot line for construction of a barn, from 20.0 metres (65.6 feet) to 6.0 metres (19.7 feet) for the south lot line for construction of a shop, and from 20.0 metres (65.6 feet) to 14.0 metres (45.9 feet) for the north lot line for construction of a shop for the property legally described as That Part of Block 645, Douglas District, Included Within the Area Coloured Red on Plan 403 RW, be approved as submitted subject to the notification requirements pursuant to the Local Government Act.*

**DVP Application No. 0206 – Dickens/Sims – 3605 Collingwood Drive – Area E.**  
(Electoral Area Directors except EA 'B' - One Vote)

**Delegations wishing to speak to Application No. 0206.**

*That Development Variance Permit Application No. 0206, submitted by Helen Sims, Agent on behalf of Harold Dickens and Nora Dickens, to legalize existing retaining walls constructed to facilitate access to the single dwelling unit by varying the minimum setback from an interior side lot line from 2.0 metres to 0.0 metres and the front lot line setback from 8.0 metres to 0.0 metres within the Residential 1 (RS1) zone for the property legally described as Lot 10, District Lot 9, Nanoose District, Plan 51142, be approved as submitted subject to notification requirements pursuant to the Local Government Act.*

**DVP Application No. 0207 – Bailey – Redden Road – Area E.** (Electoral Area Directors except EA 'B' - One Vote)

**Delegations wishing to speak to Application No. 0207.**

*That Development Variance Permit No. 0207, submitted by Sandra Bailey and Warren Bailey, to facilitate the construction of additions to an existing dwelling unit by varying the maximum permitted height of a dwelling unit within the Residential 1 (RS1) zone from 8.0 metres to 12.5 metres for the property legally described as Lot 13, District Lot 78, Nanoose District, Plan VIP53134, be approved as submitted subject to notification requirements pursuant to the Local Government Act.*

**DVP Application No. 0208 – Zavislak/Sims – 6297 West Island Highway – Area H.** (Electoral Area Directors except EA 'B' - One Vote)

**Delegations wishing to speak to Application No. 0208.**

*That Development Variance Permit Application No. 0208 to vary the minimum setback requirement from 18.0 metres horizontal distance from the stream centerline of the back channel of Nash Creek to a minimum of 7.0 metres for a building envelope to locate a retaining device and dwelling unit; to vary the minimum setback distance from 18.0 metres horizontal distance from the stream centerline of the back channel of Nash Creek to 0 metres for the building envelope to locate a bridge crossing the back channel of Nash Creek; and to vary the minimum setback from 18.0 metres horizontal distance from the stream centerline of the main channel of Nash Creek to 0 metres for the building envelope to locate a bridge crossing the main channel of Nash Creek pursuant to the RDN's Land Use and Subdivision Bylaw No. 500, 1987 for the property legally described as Lot 10, District Lot 21, Newcastle District, Plan 11567 be approved subject to the requirements outlined in Schedule Nos. 1, 2 and 3 and subject to the applicant agreeing to enter into a restrictive covenant to not obstruct the main and back channel of Nash Creek or to divert the flow of the main and back channel of Nash Creek.*

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**Proposed Amendment Bylaw 500.268.** (Electoral Area Directors except EA 'B' - One Vote)

*That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.268, 2000" be abandoned.*

**7.(D) COMMITTEE OF THE WHOLE STANDING COMMITTEE**

49-57

Minutes of the regular Committee of the Whole Committee meeting held February 26, 2002. (for information)

**COMMUNICATIONS/CORRESPONDENCE**

**Oceanside Development & Construction Association, re Growth Management Plan Consultant.** (All Directors - One Vote)

*That the correspondence received from Oceanside Development & Construction Association with respect to the Growth Management Plan review project consultant selection, be received for information.*

**Hans Cunningham, UBCM, re Protocol on Consultation and Cooperation.** (All Directors - One Vote)

*That the correspondence received from UBCM with respect to a proposed agreement with the British Columbia Environmental Network, be received for information.*

**Sgt. Randy Churchill, Oceanside Detachment, RCMP, re Arrowsmith Search & Rescue Request for Support of Building Addition.** (All Directors - One Vote)

*That the correspondence received from the Oceanside Detachment, RCMP with respect to Arrowsmith Search & Rescue's request for an addition to the Coombs-Hilliers Fire Department Hall, be received for information.*

**B.A. Hawkshaw, City of North Vancouver, re Cancellation of the Subsidy for Seniors' Transit Passes on Translink.** (All Directors - One Vote)

*That the correspondence received from the City of North Vancouver with respect to the Provincial Government's cancellation of the subsidy for seniors' transit passes on TransLink, be received for information.*

**B.A. Hawkshaw, City of North Vancouver, re Audio Book Services.** (All Directors - One Vote)

*That the correspondence received from the City of North Vancouver with respect to the Provincial Government's cancellation of funding for the audio book program, be received for information.*

**John Van Beek, re E & N Right-of-Way. (All Directors - One Vote)**

*That the correspondence received from John Van Beek with respect to preservation of the E & N Right of Way as a corridor for use by cyclists and hikers, be received for information.*

**Ken Vance, UBCM, re Amendments to Contaminated Site Regulations. (All Directors - One Vote)**

*That the correspondence received from UBCM with respect to provincial amendments to the contaminated site regulations, be received for information.*

**Robert Hobson, UBCM Environment Committee, re Drinking Water Review Panel. (All Directors - One Vote)**

*That the correspondence received from the UBCM Environment Committee with respect to the twenty-six recommendations brought forward by the independent provincially appointed drinking water review panel, be received for information.*

**Barry O'Neill, President, CUPE BC Division, re Drinking Water Protection. (All Directors - One Vote)**

*That the correspondence received from the CUPE BC Division with respect to protection of British Columbia's drinking water, be received for information.*

**DEVELOPMENT SERVICES**

**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 15, Sections 18 and 19, Range 2, Plan VIP67150, Cedar Land District, 2395 Lindsey Road, Electoral Area 'A', owned by P Von Baich and M. Paradis;*
- (b) Lot 4, Section 1, Range 7, Plan 28685, Cedar Land District, 3537 Whiting Way, Electoral Area 'A', owned by M. Radcliffe and R. Schickerowsky;*
- (c) Lot 2, Section 19, Range 2, Plan VIP67150, Cedar Land District, 1380 Kurtis Crescent, Electoral Area 'A', owned by B. Porter and N. Velkjar;*
- (d) Lot 1, Section 17, Range 7, Plan VIP67939, Cranberry Land District, 1933 Balsam Road, Electoral Area 'A', owned by G. Maibach;*
- (e) Lot 41, Section 12, Plan 23190, Gabriola Island, Nanaimo Land District, 896 Pat Burns Avenue, Electoral Area 'B', owned by E. and R. Hoffmann;*
- (f) Lot 4, District Lots 30 and 78, Plan 22994, Nanoose Land District, 3393 Dolphin Drive, Electoral Area 'E', owned by P. Perry;*
- (g) Lot 18, Block A, District Lot 38, Plan 10777, Nanoose Land District, 1397 Marina Way, Electoral Area 'E', owned by H. and J. Goebel;*
- (h) Lot 22, District Lot 49, Plan 32604, Nanoose Land District, 1221 Ormonde Road, Electoral Area 'G', owned by R. Todd.*

## PLANNING

### **Liquor License Increased Occupancy Capacity Application – Wheat Sheaf Hotel – 1866 Cedar Road – Area A. (All Directors - One Vote)**

*That the application for an increase in occupancy capacity, as submitted by the Wheat Sheaf Inn, legally described as Lot A, Section 14, Range 1, Cedar District, Plan VIP67433, be supported, subject to the applicants meeting all zoning, building inspection and official community plan bylaw requirements.*

### **Request for Relaxation of the Park Land Provision Requirement – WR Hutchinson on Behalf of A. Long – Myles Lake Road – Area C. (All Directors - One Vote)**

*That the request to provide an easement for the purposes of providing public access to Myles Lake instead of providing park land or cash in conjunction for the proposed subdivision of The East 20 Chains of Section 9, Range 2, Cranberry District be refused and that the applicant be required to pay 5% cash in-lieu-of-park land pursuant to Section 941 of the Local Government Act.*

### **E & N Railway Closure and OCP/Zoning Bylaw Impacts. (All Directors except EA 'B' - One Vote)**

*That the Electoral Area 'A', Electoral Area 'C', Electoral Area 'D' Lantzville, Electoral Area 'E', Electoral Area 'G' Englishman River, Electoral Area 'G' French Creek, and Electoral Area 'H' Official Community Plans be amended to designate the E & N rail line as Transportation Corridor.*

*That "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" and "Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285" be amended to zone the E & N rail line as Institutional to allow for the railway use only.*

*That the Ministry of Transportation be requested to approach the owners of the E & N railway to discuss alternatives and possible partnerships for the acquisition of the entire railway corridor to provide future opportunities to use the land as a transportation corridor.*

## COMMUNITY SERVICES

## ADMINISTRATION

### **Green Landing Wharf. (All Directors - One Vote)**

- 1. That the Regional District of Nanaimo request from Public Works and Government Services Canada an extension of the temporary lease of the Green Landing Wharf from March 31, 2002 to September 30, 2002.*
- 2. That the Regional District request a written updated position from Public Works & Government Services Canada on the status of the Green Landing Wharf.*

## RECREATION & PARKS

### **Park System Plan Amendment.** (All Directors - One Vote)

*That the Official Regional Park Plan Designation Amendment Bylaw No. 921.02, 2002 be given three readings and forwarded to the Minister of Water, Air and Land Protection for approval.*

### **Revised Terms of Reference – Area G Parks, Recreation and Greenspaces Advisory Committee.** (All Directors - One Vote)

*That the revised Terms-of-Reference for the Electoral Area 'G' Parks and Open Space Advisory Committee be approved, that the current Board appointments to the Committee be dissolved, and that a call for members to the new Area 'G' Committee be made with the Board appointments having staggered terms set for the first year.*

### **Trail Study for Electoral Area 'A'.** (All Directors - One Vote)

*That the Terms of Reference for an Electoral Area 'A' Community Trail Study and Project Committee be approved.*

### **Park Inspection Policy.** (All Directors - One Vote)

*That the Park Inspection Policy be approved.*

### **Gabriola Island Regional and Community Park Acquisition.** (All Directors - Weighted Vote)

*That the Regional District approve the Agreement, under the terms outlined, with the Coastal Community Credit Union for the acquisition of their campground and land holding on Gabriola Island for community and regional park purposes.*

## TRANSIT

### **BC Transit – Service Hours Reduction.** (All Directors - One Vote)

*That the report on conventional Transit service reductions as required by BC Transit be received for information.*

### **Proposed Transit Fleet Changes for 2002.** (Nanaimo, Parksville, Qualicum Beach, Electoral Areas 'A', 'C', 'E', 'G', 'H' - Weighted Vote)

*That four new replacement Dennis Dart Buses be approved for delivery from BC Transit in 2002.*

## CORPORATE SERVICES

## ADMINISTRATION

### **Islands Trust – Election Services Agreement.** (All Directors - Weighted Vote)

*That the Chairperson and General Manager, Corporate Services be authorized to sign the 2002 Election Services Agreement between the Regional District of Nanaimo and the Islands Trust for the purpose of conducting the November 2002 Gabriola Island local trustee election on behalf of the Islands Trust.*



**General Local Election Bylaw No. 1292.**

(All Directors - One Vote)

1. *That "Regional District of Nanaimo General Local Election Bylaw No. 1292, 2002" be introduced and read three times.*

(All Directors - 2/3)

2. *That "Regional District of Nanaimo General Local Election Bylaw No. 1292, 2002" be adopted.*

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

*That the 2001 report on remuneration and expenses for Board and committee members be received.*

**Arrowsmith Search & Rescue – Addition to Coombs-Hilliers Fire Department Hall.** (All Directors - One Vote)

1. *That the Regional Board support in principle the request from the Arrowsmith Search & Rescue organization to construct an office, equipment storage and training facility as an addition to the Coombs-Hilliers Firehall #2.*
2. *That correspondence be sent to the Province seeking permission to amend the use of the site to accommodate premises for the Arrowsmith Search & Rescue organization.*
3. *That should permission be granted, the construction plans be reviewed and construction progress be inspected by the Regional District Building Inspection department.*

**ENVIRONMENTAL SERVICES**

**LIQUID WASTE MANAGEMENT**

**Annual Report – Liquid Waste Management Plan.** (All Directors - One Vote)

*That the 2000 Annual Report on the Liquid Waste Management Plan be received.*

**Northern Community Sewer LSA Boundary Amendment Bylaw No. 889.20.** (All Directors - One Vote)

*That "Regional District of Nanaimo Northern Community Sewer Local Service Area Boundary Amendment Bylaw No. 889.20, 2002" be introduced for first three readings and be forwarded to the participants for consent.*

**Sewer Use Regulatory Bylaw No. 1225.**

(All Directors - One Vote)

1. *That "Regional District of Nanaimo Sewer Use Regulatory Bylaw No. 1225, 2002" be introduced and read three times.*

(All Directors - 2/3)

2. *That "Regional District of Nanaimo Sewer Use Regulatory Bylaw No. 1225, 2002" having received three readings be adopted.*

#### **UTILITIES/ENGINEERING**

**Fairwinds Water LSA Conversion Bylaw No. 1288 – Area E.** (All Directors - One Vote)

*That "Fairwinds Water Service Area Conversion and Boundary Amendment Bylaw No. 1288, 2002" be granted first three readings and be forwarded to the Inspector for approval.*

**Arbutus Park Estates Water LSA Amendment Bylaw No. 930.02 – Area E.** (All Directors - One Vote)

*That "Arbutus Park Estates Water Local Service Area Amendment Bylaw No. 930.02, 2002" be granted first three readings and be forwarded to the Inspector for approval.*

#### **COMMISSION, ADVISORY & SELECT COMMITTEE**

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

*That the minutes of the Area A Parks, Recreation & Greenspaces Advisory Committee meetings held November 15, 2001 and January 17, 2002 be received for information.*

**Area G Parks, Recreation & Greenspaces Advisory Committee.** (All Directors - One Vote)

*That the minutes of the Area G Parks, Recreation & Greenspaces Advisory Committee meeting held February 7, 2002 be received for information.*

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

*That the minutes of the Nanoose Bay Parks & Open Space Advisory Committee meeting held February 11, 2002 be received for information.*

*That the Committee receive the report and that the RDN Tree Management Policy (C.1.1) not be amended.*

**District 69 Recreation Commission.**

(All Directors - One Vote)

*That the minutes as amended, of the District 69 Recreation Commission meeting held February 14, 2002 be received for information.*

(Parksville, Qualicum Beach, Electoral Areas 'E', 'F', 'G', 'H' - Weighted Vote)

*That the Electoral Area Grants be combined with Community Grants, and Youth Agreements be combined with Youth Grants, and that the two grant programs be administered tri-annually, with the funding of \$82,500 equally split between the two programs.*

(Parksville, Qualicum Beach, Electoral Areas 'E', 'F', 'G', 'H' - Weighted Vote)

*That the revised administrative guidelines for the Community Grants and Youth Grants programs be approved as presented in Attachment 1 with one amendment which is the deletion of item number 6 under Funding Criteria.*

*That the District 69 Recreation Fees and Charges policy not be amended to provide for prime and non prime time arena rental fees and that the District 69 Arena rental rates be reviewed as part of the 2003 Provisional Budget process.*

## **BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

### **Provincial Government Downsizing. (All Directors - One Vote)**

*That the Board support the City of Nanaimo's resolution with respect to the deep cuts to public services by the Province and resolve as follows:*

*Be it resolved that the Regional District of Nanaimo request the Provincial Government to ensure full community consultation on program reviews and funding reductions.*

*Be it further resolved that the Provincial Government not offload current Provincial Program responsibilities onto communities and families without ensuring program integrity and adequate funding.*

*And be it finally resolved that this resolution be submitted to the Union of BC Municipalities (UBCM), the Association of Vancouver Island Coastal Communities (AVICC) and to the area MLA's.*

### **7.(III) EXECUTIVE STANDING COMMITTEE**

### **7.(IV) COMMISSION**

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

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

58-61 Minutes from the Intergovernmental Advisory Committee meeting held Wednesday, February 6, 2002. (for information)

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

62-65 Minutes from the Performance Review Committee meeting held Wednesday, February 27, 2002. (for information)

**8. ADMINISTRATOR'S REPORT**

- 66-93 Noise Control Establishing and Regulatory Bylaws No. 1264 & 1265 - Area 'D' and Bylaws No. 1266 & 1267 - Area 'H'. (All Directors - One Vote)
- 94-95 Emergency Planning - Nanaimo Search & Rescue Society - JEPP Funding. (All Directors - Weighted Vote)
- 96-99 Contravention of RDN Building Regulation and Fees Bylaw No. 1250 - Dyck/Robertson - 1716 Cedar Road - Area A. (All Directors - One Vote)
- 100-101 Appointment of Animal Control Officers. (All Directors - One Vote)
- 102-106 OCP/Zoning Bylaw Amendment for E & N Railway Corridor.
- 107-111 Recreation Facilities & Sportsfield Usage Survey. (All Directors - One Vote)
- 112-123 Annual Budget Bylaw No. 1295. (All Directors - Weighted Vote)
- 124-128 Five Year Capital Expenditure Plan Bylaw No. 1296. (All Directors - Weighted Vote)

**9. ADDENDUM**

**10. BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**11. NEW BUSINESS**

**12. BOARD INFORMATION** (Separate enclosure on blue paper)

**13. ADJOURNMENT**

**14. IN CAMERA**

*That pursuant to Section 242.2 1(h) of the Local Government Act the Board proceed to an In Camera meeting to consider a matter of potential litigation.*

RDN  
ATT: LINDA  
390-7511

LINDA:

RAY FARMER

RC-817 ALLSBROOK RD PARKSVILLE

PROPOSED ZONING

THANKS



REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE REGULAR MEETING OF THE BOARD  
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON  
TUESDAY, FEBRUARY 12, 2002, AT 7:30 PM IN THE  
NANAIMO CITY COUNCIL CHAMBERS

**Present:**

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

**Also in Attendance:**

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

**DELEGATIONS**

**Lila & John Mandziuk, re DVP Application No. 0202 – Shetland Place – Area E.**

Mr. Mandziuk explained his reasons for applying for a variance on his property and requested that the Board approve his application.

**Don Levirs, Parksville and District Save the Park Committee, re District 69 Arena.**

Mr. Levirs outlined his concerns with respect to the arena proposal and asked the Board to look at all other alternatives.

**Howard Fowler, re ALR Exclusion No. 0115 – Virginia Road – Area F.**

Mr. Fowler requested favourable consideration of his application for exclusion of property from the Agricultural Land Reserve.

**LATE DELEGATIONS**

MOVED Director Westbrook, SECONDED Director Haime, that the following late delegations be permitted to address the Board.

CARRIED

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**Dexter Lindberg, re DVP Application No. 0202 – Mandziuk – Shetland Place – Area E.**

Mr. Lindberg voiced his opposition to the variance request and urged the Board to deny the application.

**Douglas Myers, re DVP Application No. 0202 – Mandziuk – Shetland Place – Area E.**

Mr. Myers advised the Board that he was in total opposition to the variance request.

**Arno Andreas, re DVP Application No. 0202 – Mandziuk – Shetland Place – Area E.**

Mr. Andreas spoke in opposition to this variance request.

**Jon Allsop, re DVP Application No. 0202 – Mandziuk – Shetland Place – Area E.**

Mr. Allsop outlined his concerns with this variance and noted the affect that the proposed roof height would have on his property.

**Patrick Hadley, re District 69 Arena Proposal.**

Mr. Hadley commended staff on the report for the District 69 arena proposal.

**Frank Horner, re District 69 Arena Proposal.**

Mr. Horner spoke in support of additional ice surfaces in the District 69 area if affordable and urged Board members to investigate all possibilities and to offer the options to the public by referendum.

**Gordon Cory, re Area 'F' Zoning Bylaw.**

Mr. Cory advised that some requests will be made for amendments on the proposed zoning for the Little Qualicum River Village in Area F.

**Red Williams, re Area 'F' Zoning Bylaw.**

Mr. Williams voiced his opposition with the proposed Area F zoning bylaw.

**Brian Henning, re Gabriola Island Parks & Recreation Committee.**

Mr. Henning requested the Board to commence development of a multi purpose sports field at Rollo McClay park.

**BOARD MINUTES**

MOVED Director Korpan, SECONDED Director McNabb, that the minutes of the regular Board meeting held on Tuesday, January 8, 2002 be adopted.

CARRIED

**COMMUNICATIONS/CORRESPONDENCE**

**A.D. Kemp, Thompson-Nicola Regional District, re Waste Export to the Cache Creek Landfill.**

MOVED Director Rispin, SECONDED Director Macdonald, that the correspondence from Thompson-Nicola Regional District with respect to waste export to the Cache Creek Landfill, be received.

CARRIED

**Honourable Joyce Murray, Minister of Water, Land and Air Protection, re Waste Export to the Cache Creek Landfill.**

MOVED Director Rispin, SECONDED Director Macdonald, that the correspondence from the Honourable Joyce Murray with respect to waste export to the Cache Creek Landfill, be received.

CARRIED

**Shirley Hine, City of Parksville, re Request for Reduction in Water Rates at the District 69 Arena.**

MOVED Director Rispin, SECONDED Director Macdonald, that the correspondence from the City of Parksville with respect to a request for a reduction in water rates at the District 69 Arena, be received.

CARRIED

**Honourable George Abbott, Minister of Community, Aboriginal and Women's Services, re Restructure Planning Grant for Gabriola Island Study.**

MOVED Director Rispin, SECONDED Director Macdonald, that the correspondence from the Honourable George Abbott with respect to a restructure planning grant for a Gabriola Island study, be received.

CARRIED

**Kirk Miller, Land Reserve Commission, re Improvements to BC's Land Reserve Commission.**

MOVED Director Rispin, SECONDED Director Macdonald, that the correspondence from the Land Reserve Commission with respect to improvements to the LRC, be received.

CARRIED

**Holly Cairns, Ministry of Community, Aboriginal and Women's Services, re Terms of Reference, Area 'F' Phase 1 Boundary Options Study.**

MOVED Director Rispin, SECONDED Director Macdonald, that the correspondence from the Ministry of Community, Aboriginal and Women's Services with respect to the final terms of reference for the Electoral Area 'F' Phase 1 Boundary Options Study, be received.

CARRIED

**Carol & Geoffrey Leyland, re DVP Application No. 0202 – Mandziuk – Shetland Place – Area E.**

MOVED Director Rispin, SECONDED Director Macdonald, that the correspondence from Carol & Geoffrey Leyland with respect to the pending application for a height variance on Lot 30 in the Schooner Ridge area of Fairwinds, be received.

CARRIED

**Dexter & Catherine Lindberg, re DVP Application No. 0202 – Mandziuk – Shetland Place – Area E.**

MOVED Director Rispin, SECONDED Director Macdonald, that the correspondence from Dexter and Catherine Lindberg with respect to Variance Permit Application No. 0202, be received.

CARRIED

**Arno & Christel Andreas, re DVP Application No. 0202 – Mandziuk – Shetland Place – Area E.**

MOVED Director Rispin, SECONDED Director Macdonald, that the correspondence from Arno and Christel Andreas with respect to an application to vary the height of the proposed dwelling on Shetland Place be received.

CARRIED

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**Werner Geurtsen, re DVP Application No. 0202 – Mandziuk – Shetland Place – Area E.**

MOVED Director Rispin, SECONDED Director Macdonald, that the correspondence from Werner Geurtsen with respect to an application to vary the height of the proposed dwelling on Shetland Place be received.

CARRIED

**Doug & Cheryl Myers, re DVP Application No. 0202 - Mandziuk - Shetland Place - Area E.**

MOVED Director Rispin, SECONDED Director Macdonald, that the correspondence from Doug and Cheryl Myers with respect to an application to vary the height of the proposed dwelling on Shetland Place be received.

CARRIED

**Terry Montgomery, re DVP Application No. 0202 - Mandziuk - Shetland Place - Area E.**

MOVED Director Rispin, SECONDED Director Macdonald, that the correspondence from Terry Montgomery with respect to an application to vary the height of the proposed dwelling on Shetland Place be received.

CARRIED

**Brad & Debbie Reimer, re DVP Application No. 0202 - Mandziuk - Shetland Place - Area E.**

MOVED Director Rispin, SECONDED Director Macdonald, that the correspondence from Brad and Debbie Reimer with respect to an application to vary the height of the proposed dwelling on Shetland Place be received.

CARRIED

**Norma Scoffield, re DVP Application No. 0202 - Mandziuk - Shetland Place - Area E.**

MOVED Director Rispin, SECONDED Director Macdonald, that the correspondence from Norma Scoffield with respect to an application to vary the height of the proposed dwelling on Shetland Place be received.

CARRIED

**Larry & Anita Annand, re DVP Application No. 0202 - Mandziuk - Shetland Place - Area E.**

MOVED Director Rispin, SECONDED Director Macdonald, that the correspondence from Larry and Anita Annand with respect to an application to vary the height of the proposed dwelling on Shetland Place be received.

CARRIED

**Dave Scott, re DVP Application No. 0202 - Mandziuk - Shetland Place - Area E.**

MOVED Director Rispin, SECONDED Director Macdonald, that the correspondence from Dave Scott with respect to an application to vary the height of the proposed dwelling on Shetland Place be received.

CARRIED

**Janet Fallis, re DP Application No. 0201 – Sort – 1105 Surfside Drive – Area G.**

MOVED Director Rispin, SECONDED Director Macdonald, that the correspondence from Janet Fallis with respect to an application to vary the height of the proposed dwelling at 1105 Surfside Drive be received.

CARRIED

**UNFINISHED BUSINESS**

**Public Hearing.**

**Minutes of the Public Hearing held January 23, 2002 with respect to Bylaw No. 500.279 – Maibach Industries/Brown – 2093 South Wellington Road – Area A.**

MOVED Director Elliott, SECONDED Director Hamilton, that the Summary of Proceedings of the Public Hearing held Wednesday, January 23, 2002 as a result of public notification of “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw 500.279, 2001”, be received.

CARRIED

MOVED Director Hamilton, SECONDED Director Stanhope, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.279, 2001”, be given 3<sup>rd</sup> reading.

CARRIED

MOVED Director Rispin, SECONDED Director Stanhope, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.279, 2001” be referred to the Ministry of Transportation for approval prior to consideration of adoption.

CARRIED

**Minutes of the Public Information Meeting held January 31, 2002 with Respect to Zoning Amendment Application No. 0107 – Senini – Dickinson Road – Area D.**

MOVED Director Haime, SECONDED Director Hamilton, that the minutes for a Public Information Meeting held January 31, 2002 for Amendment Application No. 0107 submitted by Bruce Senini and Cindy Senini, to rezone the subject property legally described as Lot 2, District Lot 37, Wellington District, Plan VIP64358 from Residential 2 (RS2), Subdivision District ‘D’ to Residential 1 (RS1), Subdivision District ‘F’ be received for information.

CARRIED

MOVED Director Haime, SECONDED Director Stanhope, that Amendment Application No. 0107, submitted by Bruce Senini and Cindy Senini, to rezone the subject property legally described as Lot 2, District Lot 37, Wellington District, Plan VIP64358, from Residential 2 (RS2), Subdivision District ‘D’ to Residential 1 (RS1), Subdivision District ‘F’ be given 1<sup>st</sup> and 2<sup>nd</sup> reading.

CARRIED

MOVED Director Haime, SECONDED Director Hamilton, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.280, 2001” be advanced to a public hearing subject to the conditions outlined in Schedule No. 1.

CARRIED

MOVED Director Haime, SECONDED Director Hamilton, that the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.280, 2001” be delegated to Director Haime or her alternate.

CARRIED

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

**ELECTORAL AREA PLANNING STANDING COMMITTEE.**

MOVED Director Hamilton, SECONDED Director Haime, that the minutes of the regular Electoral Area Planning Committee meeting held January 22, 2002, be received for information:

CARRIED

MOVED Director Stanhope, SECONDED Director Hamilton, that the reports under the Administrator's Report section of the agenda on Development Permit Application No. 0201 (Sort) and Development Variance Permit Application No. 0202 (Mandziuk) be brought forward and considered at this time.

CARRIED

**Development Permit Application No. 0201 – Sort – 1105 Surfside Drive – Area G.**

MOVED Director Stanhope, SECONDED Director Hamilton, that Development Permit Application No. 0201, as submitted by Sigmund Bering Sort and Barbara Day Sort, to facilitate the construction of a single dwelling unit within the Environmentally Sensitive and Hazard Land Development Permit Areas and to vary the maximum dwelling unit height within the Residential 2 (RS2) zone from 8.0 metres to 9.5 metres and to vary the minimum setback requirement for the front lot line from 8.0 metres to 2.75 metres for the property legally described as Lot A, District Lot 9, Newcastle District, Plan VIP54706, be approved subject to the conditions outlined in Schedule No. 1 and subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

**Development Variance Permit Application No. 0202 – Mandziuk – Shetland Place – Area E.**

MOVED Director Stanhope, SECONDED Director Quittenton, that Development Variance Permit No. 0202, submitted by John Mandziuk and Lila Mandziuk, to facilitate the construction of a dwelling unit within the Residential 1 (RS1) zone by varying the maximum height of the dwelling unit from 8.0 metres to 10.4 metres for the property legally described as Strata Lot 30, District Lot 78, Nanoose District, Plan VIS3393 Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1, be denied as submitted.

CARRIED

**DEVELOPMENT PERMIT APPLICATIONS**

**Application No. 0202 – Green – 1390 Madrona Drive – Area E.**

MOVED Director Hamilton, SECONDED Director Haime, that Development Permit Application No. 0202 to permit the removal of an existing retaining wall and to replace it with a new shoreline protection device on the property legally described as Lot 13, District Lot 68, Nanoose District, Plan 26680 be approved, subject to the conditions outlined in Schedule No. 1 of the corresponding staff report.

CARRIED

**Application No. 0203 – Klassen/Sims Associates – Crocus Corner – Area G.**

MOVED Director Hamilton, SECONDED Director Stanhope, that Development Permit No. 0203, submitted by Helen Sims, Agent, on behalf of Mike Klassen and Lene Klassen to permit the construction of a dwelling unit, fence and patio within a Watercourse Protection Development Permit Area pursuant to the "French Creek Official Community Plan Bylaw No. 1115, 1998", to vary the minimum setback requirement for a watercourse from 15 metres to 11 metres pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", and to amend a section 219 (restrictive) covenant on the property legally described as Lot 5, District Lot 29, Nanoose District, Plan 45632 be approved, subject to the conditions as outlined in Schedule No. 1 and subject to notification requirements pursuant to the *Local Government Act*.

CARRIED

**DEVELOPMENT VARIANCE PERMIT**

**Application No. 0201 – Mills – 2705 Shady Mile Way – Area D.**

MOVED Director Haime, SECONDED Director Hamilton, that Development Variance Permit Application No. 0201, submitted by Blair Dueck, agent on behalf of Larry Mills and Marie Mills, to facilitate the development of a single dwelling unit and vary the maximum permitted dwelling unit height for the “turret” portion only within the Rural 1 (RU1) zone from 9.0 metres (29.5 feet) to 11.3 metres (37.1 feet) for the property legally described as Lot 8, Section 15, Range 4, Mountain District, Plan VIP68509, be approved as submitted subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

**Application No. 0203 – Ronkainen/Earthy – 3452 Jingle Pot Road – Area D.**

MOVED Director Hamilton, SECONDED Director Haime, that Development Variance Permit Application No. 0203 submitted by William Earthy, agent on behalf of Derek Ronkainen, for the property legally described as a Portion of the Easterly 60 Acres of Section 16, Range 3, Mountain District Except That Part in Plan 29404, VIP68415, VIP68636 and VIP72060 to vary the minimum setback requirements of the Rural 1 (RU1) zone from 8.0 metres to 1.0 metre as shown on Schedule No. 1 be approved, subject to the conditions outlined in Schedule No. 2, and subject to notification requirements pursuant to the *Local Government Act*.

CARRIED

**COMMITTEE OF THE WHOLE STANDING COMMITTEE**

MOVED Director Stanhope, SECONDED Director Krall, that the minutes of the Committee of the Whole meeting held January 22, 2002, be received for information.

**COMMUNICATIONS/CORRESPONDENCE**

**Paula Barrett, Georgia Strait Crossing Pipeline Limited, re Pipeline Progress.**

MOVED Director Stanhope, SECONDED Director Sherry, that the correspondence received from Georgia Strait Crossing Pipeline Limited with respect to an update on the Georgia Strait Pipeline project, be received for information.

CARRIED

**Walter Gray, City of Kelowna, re Provincial Cycling Network Program.**

MOVED Director Stanhope, SECONDED Director Sherry, that the correspondence received from the City of Kelowna with respect to support for the Provincial Cycling Network Program, be received for information.

CARRIED

**Barry O'Neill, CUPE BC, re Community Charter.**

MOVED Director Stanhope, SECONDED Director Sherry, that the correspondence received from CUPE BC with respect to CUPE BC's submission to the Community Charter Council, be received for information.

CARRIED

**DEVELOPMENT SERVICES**

**BUILDING INSPECTION**

**Section 700 Filings.**

The Chairperson advised that the following filings have been rectified:

Lot 2, Section 16, Range 1, Plan 27225, Cedar Land District, 2022 Walsh Road, Electoral Area 'A', owned by W. Pirart;  
Lot 15, Section 9, Plan 30347, Gabriola Island, Nanaimo Land District, 1440 Hess Road, Electoral Area 'B', owned by P. Edge and L. Holbrook.

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 Hamilton, SECONDED Director Quittenton, 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 A, Section 6, Ranges 1 and 2, Plan VIP68448, Cedar Land District, 2683 Cedar Road, Electoral Area 'A', owned by G. and D. Laird;
- (b) Lot B, Section 19, Plan 33183, Gabriola Island, Nanaimo Land District, 900 Bertha Avenue, Electoral Area 'B', owned by C. and D. Guest;
- (c) Lot 21, Section 3, Plan 23540, Gabriola Island, Nanaimo Land District, 1815 Lackehaven Drive, Electoral Area 'B', owned by D. Rinaldi;
- (d) Lot 24, Section 21, Plan 24297, Gabriola Island, Nanaimo Land District, 280 Malaspina Drive, Electoral Area 'B', owned by C. O'Dell and D. Smith;
- (e) Lot 28, Section 9, Plan 30347, Gabriola Island, Nanaimo Land District, 1575 Hess Road, Electoral Area 'B', owned by R. Johannes and E. Foley;
- (f) Lot E, District Lots 1 and 181, Plan 10875, Nanoose Land District, 951 Shorewood Drive, Electoral Area 'E', owned by F. Ariello;
- (g) Lot 24, Block E, District Lot 38, Plan 13054, Nanoose Land District, 1392 Pilot Way, Electoral Area 'E', owned by C. Eggins;
- (h) Lot 7, Block 5, District Lot 11, Plan 1223, Newcastle Land District, 230 Cortes Road, Electoral Area 'G', owned by L. and A. Jensen.

CARRIED

#### BYLAW ENFORCEMENT

##### Land Use and Building Bylaw Contraventions – D. Dorman – 2220 Cedar Road – Area A.

MOVED Director Stanhope, SECONDED Director Elliott, that a Section 700 filing be placed on the title of the property legally described as Lot 1, Section 10, Range 2, Cedar District, Plan 26245 and should the outstanding land use and building bylaw concerns not be rectified by July 15, 2002, that staff be directed to proceed with the legal action necessary to ensure the property is in compliance with the requirements of both "Regional District of Nanaimo Land Use and Subdivision Bylaw 500, 1987" and "Regional District of Nanaimo Building Regulations & Fees Bylaw 1250, 2001".

CARRIED

#### PLANNING

##### ALR Exclusion No. 0115 - Fowler – Virginia Road – Area F.

MOVED Director Hamilton, SECONDED Director McLean, that a Board Resolution recommending the ALR exclusion application be considered for approval, subject to an amendment to the Growth Management Plan, be forwarded to the Land Reserve Commission and that zoning designation be addressed at the time of application for subdivision.

CARRIED

**COMMUNITY SERVICES**

**RECREATION & PARKS**

**Haslam Creek Bridge Funding – Trans Canada Trail.**

MOVED Director Stanhope, SECONDED Director Hamilton, that a reallocation of \$40,000 in capital from the Regional Parks budget for the construction of the Trans Canada Trail Haslam Creek Bridge by August 31, 2002, be approved.

CARRIED

**Parkland Acquisition Fund Bylaw No. 1282 – Old Errington School.**

MOVED Director Stanhope, SECONDED Director McLean, that "Parkland Acquisition Fund (Electoral Area F) Expenditure Bylaw No. 1282, 2002" receive three readings.

A recorded vote was requested.

The motion CARRIED UNANIMOUSLY.

MOVED Director Stanhope, SECONDED Director McLean, that "Parkland Acquisition Fund (Electoral Area F) Expenditure Bylaw No. 1282, 2002" having received three readings, be adopted.

CARRIED

**MacMillan Park in Cathedral Grove.**

MOVED Director Stanhope, SECONDED Director Haime, that the update report on the Western Canada Wilderness Committee request to the Board on the proposed expansion of MacMillan Provincial Park be received for information.

CARRIED

MOVED Director Stanhope, SECONDED Director Krall, that a letter be sent to the Honourable Joyce Murray, Minister of Water, Land and Air Protection, supporting a cost benefit study regarding expanding MacMillan Provincial Park by acquiring approximately 500 hectares of private land from Weyerhaeuser which includes both old growth and second growth forest to the south of the current park, instead of the 100 hectares currently being considered where the oldest and largest giants were logged one year ago.

CARRIED

MOVED Director Stanhope, SECONDED Director Krall, that a letter be sent to Weyerhaeuser supporting the request that they voluntarily suspend any logging in the 500 hectares adjacent to MacMillan Provincial Park for one year to give an opportunity to study and possibly acquire the lands for park expansion.

CARRIED

**Community Parks Local Service Amendment Bylaw No. 805.03 – Area G and Bylaw No. 804.02 – Area F.**

MOVED Director Stanhope, SECONDED Director Hamilton, that "Electoral Area 'G' Community Parks Local Service Requisition Amendment Bylaw No. 805.03, 2002" be given three readings and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Stanhope, SECONDED Director McLean, that "Electoral Area 'F' Community Parks Local Service Requisition Amendment Bylaw No. 804.02, 2002" be given three readings and forwarded to the Inspector of Municipalities for approval.

CARRIED

**ENVIRONMENTAL SERVICES**

**LIQUID WASTE MANAGEMENT**

**Newcastle Island – Transfer of a Fee Simple Interest to the City of Nanaimo.**

MOVED Director Sherry, SECONDED Director McNabb, that the Board approve the transfer of "That part of Newcastle Island, Nanaimo District, shown outlined in red on Plan 1172 RW" to the City of Nanaimo.

CARRIED

**SOLID WASTE MANAGEMENT**

**Amendments to Water, Sewer, Garbage and Recycling Collection User Fee Rates.**

**Bylaw No. 422.09.**

MOVED Director Krall, SECONDED Director Rispin, that "Regional District of Nanaimo French Creek Sewer Specified Area Regulation and Rates Amendment Bylaw No. 422.09, 2002" be introduced for first three readings.

CARRIED

MOVED Director Krall, SECONDED Director Rispin, that "Regional District of Nanaimo French Creek Sewer Specified Area Regulation and Rates Amendment Bylaw No. 422.09, 2002" having received three readings be adopted.

CARRIED

**Bylaw No. 524.11.**

MOVED Director Krall, SECONDED Director Rispin, that "Regional District of Nanaimo Nanoose Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 524.11, 2002" be introduced for first three readings.

CARRIED

MOVED Director Krall, SECONDED Director Rispin, that "Regional District of Nanaimo Nanoose Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 524.11, 2002" having received three readings be adopted.

CARRIED

**Bylaw No. 619.07.**

MOVED Director Krall, SECONDED Director Rispin, that "Regional District of Nanaimo French Creek Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 619.07, 2002" be introduced for first three readings.

CARRIED

MOVED Director Krall, SECONDED Director Rispin, that "Regional District of Nanaimo French Creek Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 619.07, 2002" having received three readings be adopted.

CARRIED

**Bylaw No. 700.08.**

MOVED Director Krall, SECONDED Director Rispin, that "Regional District of Nanaimo Surfside Properties Water Specified Area Regulations and Rates Amendment Bylaw No. 700.08, 2002" be introduced for first three readings.

CARRIED

MOVED Director Krall, SECONDED Director Rispin, that "Regional District of Nanaimo Surfside Properties Water Specified Area Regulations and Rates Amendment Bylaw No. 700.08, 2002" having received three readings be adopted.

CARRIED

**Bylaw No. 726.08.**

MOVED Director Krall, SECONDED Director Rispin, that "Regional District of Nanaimo Arbutus Park Estates Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 726.08, 2002" be introduced for first three readings.

CARRIED

MOVED Director Krall, SECONDED Director Rispin, that "Regional District of Nanaimo Arbutus Park Estates Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 726.08, 2002" having received three readings be adopted.

CARRIED

**Bylaw No. 727.08.**

MOVED Director Krall, SECONDED Director Rispin, that "Regional District of Nanaimo Madrona Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 727.08, 2002" be introduced for first three readings.

CARRIED

MOVED Director Krall, SECONDED Director Rispin, that "Regional District of Nanaimo Madrona Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 727.08, 2002" having received three readings be adopted.

CARRIED

**Bylaw No. 764.10.**

MOVED Director Krall, SECONDED Director Rispin, that "Regional District of Nanaimo Fairwinds Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 764.10, 2002" be introduced for first three readings.

CARRIED

MOVED Director Krall, SECONDED Director Rispin, that "Regional District of Nanaimo Fairwinds Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 764.10, 2002" having received three readings be adopted.

CARRIED

**Bylaw No. 765.08.**

MOVED Director Krall, SECONDED Director Rispin, that "Regional District of Nanaimo Fairwinds Sewerage Specified Area Regulations and Rates Amendment Bylaw No. 765.08, 2002" be introduced for first three readings.

CARRIED

MOVED Director Krall, SECONDED Director Rispin, that "Regional District of Nanaimo Fairwinds Sewerage Specified Area Regulations and Rates Amendment Bylaw No. 765.08, 2002" having received three readings be adopted.

CARRIED

**Bylaw No. 815.06.**

MOVED Director Krall, SECONDED Director Rispin, that "Regional District of Nanaimo West Bay Estates Water Local Service Area Regulations and Rates Amendment Bylaw No. 815.06, 2002" be introduced for first three readings.

CARRIED



MOVED Director Krall, SECONDED Director Rispin, that "Regional District of Nanaimo West Bay Estates Water Local Service Area Regulations and Rates Amendment Bylaw No. 815.06, 2002" having received three readings be adopted.

**Bylaw No. 886.05.**

CARRIED

MOVED Director Krall, SECONDED Director Rispin, that "Regional District of Nanaimo Wall Beach Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 886.05, 2002" be introduced for first three readings.

CARRIED

MOVED Director Krall, SECONDED Director Rispin, that "Regional District of Nanaimo Wall Beach Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 886.05, 2002" having received three readings be adopted.

CARRIED

**Bylaw No. 1097.03.**

MOVED Director Krall, SECONDED Director Rispin, that "Regional District of Nanaimo Decourcey Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1097.03, 2002" be introduced for first three readings.

CARRIED

MOVED Director Krall, SECONDED Director Rispin, that "Regional District of Nanaimo Decourcey Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1097.03, 2002" having received three readings be adopted.

CARRIED

**Amendments to Garbage and Recycling Collection User Fee Rates.**

MOVED Director Sherry, SECONDED Director Westbroek, that "Regional District of Nanaimo Garbage and Recyclable Materials Collection Rates Amendment Bylaw No. 1009.05, 2002" be introduced for first three readings.

CARRIED

MOVED Director Sherry, SECONDED Director Quittenton, that "Regional District of Nanaimo Garbage and Recyclable Materials Collection Rates Amendment Bylaw No. 1009.05, 2002" having received three readings be adopted.

CARRIED

**Illegal Dumping Prevention Program – Penalties and Program Publicity.**

MOVED Director Sherry, SECONDED Director Westbroek, that the Board receive the 2002 Illegal Dumping Program – Penalties and Program Publicity report for information and that as suggested by MWLAP Conservation Officer Service and the RDN Bylaw Enforcement staff, the Regional District will decline sending a letter to AVICC recommending a \$2,000 minimum fine for illegal dumping.

CARRIED

**UTILITIES/ENGINEERING**

**Morningstar Streetlighting LSA Boundary Amendment Bylaw No. 869.02 – Area G.**

MOVED Director Sherry, SECONDED Director Stanhope, that "Morningstar Streetlighting Local Service Area Boundary Amendment Bylaw No. 869.02, 2002" be introduced and read three times, and forwarded to the Inspector of Municipalities for approval.

CARRIED

**San Pareil Water Supply LSA Rates & Regulations Amendment Bylaw No. 1172.01 – Area G.**

MOVED Director Sherry, SECONDED Director Stanhope, that "San Pareil Water Supply Local Service Area Rates and Regulations Amendment Bylaw No. 1172.01, 2002" be introduced and read three times.  
CARRIED

MOVED Director Sherry, SECONDED Director Stanhope, that "San Pareil Water Supply Local Service Area Rates and Regulations Amendment Bylaw No. 1172.01, 2002" be adopted.  
CARRIED

**CORPORATE SERVICES**

**COMMISSION, ADVISORY & SELECT COMMITTEE**

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

MOVED Director Stanhope, SECONDED Director Haime, that the minutes of the Lantzville Parks & Open Space Advisory Committee meetings held November 26, 2001 and January 7, 2002 be received for information.  
CARRIED

MOVED Director Stanhope, SECONDED Director Haime, that the Board of the Regional District of Nanaimo write to the BC Assets and Land Corporation to expand on the rationale for the lands and request reconsideration for a portion of DL 105 to be provided for a staging area for recreational opportunities within the Lantzville Foothills.  
CARRIED

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

**Gabriola Island Parks and Recreation Commission.**

MOVED Director Sperling, SECONDED Director Macdonald, that the minutes of the Gabriola Island Parks and Recreation Commission meeting held December 13, 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 January 21, 2002 be received for information.  
CARRIED

MOVED Director Sperling, SECONDED Director Krall, that the staff report be received and that the Regional District enter into an agreement with School District No. 68 that provides for the upgrade of the Gabriola Elementary School field under the financial terms of four annual payments of \$5,000 and arrangements for community use and access to the field and school facility as specified in the report.  
CARRIED

MOVED Director Sperling, SECONDED Director Haime, that the staff report be received and that a water chlorination system be purchased and installed to service the washrooms and concession at Rollo McClay Community Park and that a temporary fence be placed around the perimeter of the wellhead.  
CARRIED

MOVED Director Sperling, SECONDED Director Haime,:

That the Board allow the community to commence development of a multi-purpose sports field at Rollo-McClay Park immediately.

That staff be directed to use recreation function dollars to upgrade the portable on Rollo-McClay park to office standards immediately.

That the Board allow the Gabriola Recreation Society use of the portable on Rollo-McClay park during the course of delivering recreation programming for Gabriola.

CARRIED

**District 69 Recreation Commission.**

MOVED Director Quittenton, SECONDED Director McLean, that the minutes of the District 69 Recreation Commission meeting held January 17, 2002 be received for information.

CARRIED

MOVED Director Stanhope, SECONDED Director Macdonald, that the two temporary part time Recreation Assistant positions involved with the delivery of direct youth recreation services be extended from April 1 to December 31, 2002.

CARRIED

**Growth Management Plan – Performance Review Committee.**

MOVED Director Sherry, SECONDED Director Holdom, that the minutes of the Growth Management Plan Performance Review Committee meeting held January 31, 2002 be received for information.

CARRIED

**ADMINISTRATOR'S REPORT**

**Unightly Premises Regulatory Bylaw No. 1073, 1996 – E. Stenberg, H. O'Connor, A. Wallace – 1010 Descanso Valley Drive – Area B.**

MOVED Director Sperling, SECONDED Director McNabb, that Mr. Ed Morgan be permitted to address the Board.

CARRIED

Mr. Morgan indicated that work had commenced on the clean up of the property.

MOVED Director Sperling, SECONDED Director Rispin, that this item be referred to the next meeting.

CARRIED

Director McLean requested that the Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285 and Electoral Area 'F' Official Community Plan Amendment Bylaw No. 1152.02 report be handled following the New Business section of the agenda.

**RDN Security Issuing (City of Parksville) Bylaw No. 1283.**

MOVED Director Holdom, SECONDED Director Macdonald, that "Regional District of Nanaimo Security Issuing (City of Parksville) Bylaw No. 1283, 2002" receive first three readings and be forwarded to the Inspector of Municipalities for approval.

CARRIED

**Provision of an Additional Ice Sheet in District 69.**

MOVED Director Macdonald, SECONDED Director Westbroek, that a Request for Proposals on a public-private partnership to provide for additional ice sheets in District 69 be initiated to allow for the consideration and approval of a final project decision and a potential May 25, 2002 referendum date on either a new proposal or the Twinned Arena project at the April 9, 2002 Regional District Board meeting.

MOVED Director McLean, SECONDED Director Stanhope, that the resolution be amended to add the words "or Ice Plex" following the word "partnership".

MOVED Director Quittenton, SECONDED Director McLean, that the resolution be amended to delete the words "on a public-private partnership or Ice Plex" from the resolution.

CARRIED

The question was called on the motion, as amended.

The motion CARRIED.

MOVED Director Macdonald, SECONDED Director Westbrook, that staff bring forward a report evaluating options and costs for alternative uses for the existing District 69 Arena in the event of a twinned ice facility being provided elsewhere.

CARRIED

#### NEW BUSINESS

##### **Director McLean – Conflict of Interest.**

Director McLean voiced his concerns with respect to a legal opinion that was obtained from legal counsel with respect to a possibility of his being in a conflict of interest situation with the Electoral Area 'F' Zoning issue.

MOVED Director McLean, SECONDED Director Haime, that the Board express non confidence in the Chair.

Chairperson Holme removed himself from the Chair and turned the meeting over to the Deputy Chairperson.

Director Holme left the meeting.

Considerable discussion took place with respect to the motion.

The question was called on the motion.

The motion was DEFEATED

Director Holme returned to the meeting and resumed the Chair.

##### **Treaty Regional Advisory Committee. (RAC)**

Director Hamilton advised that minutes from the recent RAC meeting had been circulated to every Board member.

##### **Benefit Premium Increases.**

Director Korpan read a press release from the City of Nanaimo with respect to the recent announcement made by the British Columbia Health Services Minister in regard to premium increases.

MOVED Director Korpan, SECONDED Director Stanhope, that the RDN analyze the cost implications of the recently announced MSP premium increases and voice their concerns to the Minister of Health.

CARRIED

**Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285 and Electoral Area 'F' Official Community Plan Amendment Bylaw No. 1152.02.**

Director McLean left the meeting.

Recorded votes were requested.

MOVED Director Stanhope, SECONDED Director Krall, that the staff report proposed "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" (Attachment No. 1) and "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Amendment Bylaw No. 1152.02, 2002" (Attachment No. 2), be received.

The motion CARRIED with Directors Holme, Hamilton, Quittenton, Westbroek, Sherry, , Holdom, McNabb, Krall, Korpan, Rispin and Stanhope voting in the affirmative and Directors Haime and Elliott voting in the negative.

MOVED Director Stanhope, SECONDED Director Krall, that the Electoral Area 'F' Official Community Plan Amendment Bylaw Consultation Strategy (Attachment No. 3) be endorsed.

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

MOVED Director Stanhope, SECONDED Director Krall, that "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Amendment Bylaw No. 1152.02, 2002" be introduced and given 1<sup>st</sup> reading and referred for consultation.

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

MOVED Director Stanhope, SECONDED Director Hamilton, that "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1155, 2001" be rescinded.

The motion was CARRIED UNANIMOUSLY.

MOVED Director Stanhope, SECONDED Director Krall, that "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" be introduced and given 1<sup>st</sup> and 2<sup>nd</sup> reading and be referred to a public hearing.

MOVED Director Westbroek, SECONDED Director Haime, the motion be amended to give the bylaw 1<sup>st</sup> reading only.

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

MOVED Director Holdom, SECONDED Director Stanhope, that the zoning bylaw be amended to require waste water collection services (community sewer) be supplied to a parcel in order for medium or heavy industrial uses to be allowed to reduce the potential for impact on groundwater from industrial development.

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

The question was called on the main motion.

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

Director McLean rejoined the meeting.

MOVED Director McLean, SECONDED Director Elliott, that the holding of the Public Hearing with respect to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" be delegated to Director McLean or Director Stanhope as his alternate.

The motion was CARRIED UNANIMOUSLY.

MOVED Director Krall, SECONDED Director Elliott, that "Regional District of Nanaimo Planning Services Fees and Charges Bylaw No. 1259, 2002" be introduced and given 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> readings.

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

MOVED Director Westbrook, SECONDED Director Krall, that "Regional District of Nanaimo Board of Variance Bylaw No. 1260, 2002" be introduced and given 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> readings.

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

MOVED Director Westbrook, SECONDED Director Holdom, that "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1261, 2002" be introduced and given 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> readings.

The motion was CARRIED UNANIMOUSLY.

MOVED Director Westbrook, SECONDED Director McNabb, that "Regional District of Nanaimo Impact Assessment Bylaw No. 1165, 1999" be introduced and given 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> readings.

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

MOVED Director Westbrook, SECONDED Director Krall, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.276, 2002" be introduced and given 1<sup>st</sup> and 2<sup>nd</sup> reading, and the Public Hearing be waived pursuant to Section 890(4) of the *Local Government Act* and the Bylaw be referred to Public Notification pursuant to the *Local Government Act*.

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

**IN CAMERA**

MOVED Director Sherry, SECONDED Director Rispin, that pursuant to Section 242.2 (a) and (i) of the *Local Government Act* the Board proceed to an In Camera meeting to consider personal information related to the selection of candidates to a Board appointment and to consider a legal matter.

CARRIED

**ADJOURNMENT**

MOVED Director Sherry, SECONDED Director Krall, that this meeting be adjourned to allow for an In Camera meeting.

CARRIED

TIME: 10:13 PM

The meeting reconvened at 10:27 PM

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

MOVED Director Haime, SECONDED Director Sherry, that Dean Harvey be appointed to the Lantzville Parks and Open Space Advisory Committee for a term ending December 31, 2003.

CARRIED

**Vote of Confidence.**

MOVED Director Sherry, SECONDED Director Holdom, that the Board express confidence in the Chief Administrative Officer and that the media be advised.

CARRIED

**Development Permit Application No. 86 – French Creek House Ltd. (John Moore) – 1055 Island Highway – Area G.**

MOVED Director Stanhope, SECONDED Director Hamilton, that Development Permit No. 86, submitted by French Creek House Ltd. (John Moore) be issued subject to the conditions for approval as approved by the Board on May 14, 1996.

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 10:27 PM

---

CHAIRPERSON

---

GENERAL MANAGER, CORPORATE SERVICES



Ottawa, Canada K1A 0H4

**RECEIVED**

FEB 11 2002

REGIONAL DISTRICT  
of NANAIMO

FEB - 6 2002

Ms. Maureen Pearse  
Manager of Administrative Services  
Deputy General Manager, Corporate Services  
Regional District of Nanaimo  
6300 Hammond Bay Road  
NANAIMO BC V9T 6N2

Dear Ms. Pearse:

I am writing in response to your letter of December 17, 2001, addressed to the Honourable Geoff Plant, Attorney General and Minister Responsible for Treaty Negotiations, Government of British Columbia, and to the Honourable Robert D. Nault, Minister of Indian and Northern Affairs Canada, concerning the Board of the Regional District of Nanaimo's motions that were passed at its meeting of December 11, 2001. Minister Nault has asked me to reply to you.

Minister Nault is encouraged to see the Board's resolutions to recommence involvement in the treaty process via treaty-related measures and to support the use of a mediator to work on issues of concern to local government.

At the same time, Minister Nault believes the Indian and Northern Affairs Canada representative in the negotiations, Chief Federal Negotiator John Langford, is the best conduit for the ongoing exchange of information, and can be relied upon to keep me abreast of all treaty-related developments in the Nanaimo area.

Thank you for taking the time to write, and Minister Nault looks forward to being kept apprised of developments and progress at the treaty table.

Yours sincerely,

Kevin Langlands  
Special Advisor (British Columbia)

c.c.: The Honourable Geoff Plant, M.L.A.

Canada

**PAGE**  
32





RECEIVED

FEB 15 2002

REGIONAL DISTRICT  
of NANAIMO

FEB 13 2002

Maureen Pearse  
Manager of Administrative Services  
Deputy General Manager, Corporate Services  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

Dear Maureen Pearse:

Thank you for your letter of December 17, 2001, and for providing me with the resolutions passed by the Board of the Regional District of Nanaimo (RDN) on December 11.

I welcome the RDN's decision to recommence participation in the Snuneymuxw treaty negotiations process and the regional governance Treaty-Related Measure. The Province understands the importance of the continuing involvement of local and regional government in the negotiation of any topics with implications for land use planning, servicing and the other local matters addressed in the position papers you provided me at our meeting on September 6, 2001. I have directed the provincial negotiation team to respond directly to the Regional District Board and staff on the positions and interests set out in those papers.

The Province also supports the proposal put forward by the Honourable Robert Nault, Minister of Indian Affairs and Northern Development, to hire a facilitator to assist local and regional governments and the Snuneymuxw First Nation to discuss issues of mutual concern.

I note your formal request for financial support to participate in the treaty process. Given current deficit pressures and budgetary restraints, the Province is unable to provide funding to the RDN for its participation in treaty negotiations with the Snuneymuxw First Nation.

.../2

However, I want to be clear that the Province is committed to consultation with local and regional governments. To that end, members of the negotiating team will be working with the RDN to ensure that a representative continues to be involved in negotiations as a member of the provincial team.

In addition to the RDN's involvement in discussions led by the facilitator, staff in the Treaty Negotiations Office will be exploring options for developing partnerships among First Nations and local and regional governments. The Treaty-Related Measure involving both the Snuneymuxw First Nation and the RDN could generate an appropriate and workable model for this purpose.

Again, thank you for writing.

Yours sincerely,



Geoff Plant  
Attorney General  
and Minister Responsible  
for Treaty Negotiations

pc: Honourable Robert Nault  
Minister of Indian Affairs and Northern Development



*From The Office of The Mayor*

3753-2ND AVENUE  
P.O. BOX 310  
SQUAMISH, B.C. CANADA  
V0N 1G0

REGIONAL DISTRICT OF NANAIMO	
FEB 15 2002	
CHAIR	GMCrs
CAO	GMDS
GMCms	GMES
<i>Don [Signature]</i>	
FAX: (604) 882-1082	

February 12, 2002  
File: 3010 25

Union of British Columbia Municipalities Members

Dear Members:

**Re: Proposed Squamish Nation "Wild Spirit Places"**

This letter is written in reference to correspondence dated February 6, 2002 which you have received or will shortly receive from Joe Foy, Director, Western Canada Wilderness Committee regarding Squamish Nation's proposed Wild Spirit Places.

The Lower Mainland Protected Area strategy has been determined and established by the previous Provincial Government. Additionally, the Sea to Sky Land and Resource Management Plan is in progress and the Squamish Nation is vetting its Land Use Plan. The area in question, although geographically west of Whistler, is not accessible from Whistler. In fact, the only road in is from Squamish. It is a Forest Service Road and the entire "Wild Spirit Places" falls within Tree Farm Licence No. 38, operated by Interfor who directly employ more than 250 people in Squamish.

The Western Canada Wilderness Committee and Mr. Foy have long been trying to have the area set aside. It appears they will now capitalize on the Squamish Nation's Land Use Plan.

We request that you do not support Mr. Foy's request. Thank you for considering our position on this issue, and if you have any questions please contact me at (604) 815-5005.

Yours truly,

Corinne Lonsdale,  
Mayor



# wilderness committee

8A(ii)

## WESTERN CANADA WILDERNESS COMMITTEE (WCWC)

227 Abbott Street, Vancouver, British Columbia, Canada V6B 2K7 Tel: 604-683-8220 Fax: 604-683-8229

E-Mail: [info@wildernesscommittee.org](mailto:info@wildernesscommittee.org) Home Page: [www.wildernesscommittee.org](http://www.wildernesscommittee.org)

Toll Free: 1-800-651-8453

February 6, 2002

FILED 230 of  
AGENDA YES  NO

CS:



Mayor and Councilors of Squamish  
PO Box 310  
Squamish, BC V0N 3G0

FEB 19 2002

Dear Mayor and Councilors:

Western Canada Wilderness Committee is Canada's largest membership-based citizen-funded wilderness conservation organization. We have about 40,000 members and supporters across Canada, with about 6,000 right here on BC's southwestern mainland.

From time to time we produce educational reports about western Canada's top conservation issues. I've enclosed several copies of our Winter 2001-2002 Education Report entitled *Saving the Stoltmann Wilderness - Valley by Valley*. As you may know, the Stoltmann Wilderness is southwestern BC's largest remaining wild area and is also largely unprotected. We've sent copies of this educational report to every mayor and council on the southwestern BC mainland, as well as to our many supporters and members of the general public.

I'd like to draw your attention to the section in the enclosed report about the Squamish Nation's proposed *Wild Spirit Places*. The Nation's conservation proposals for their traditional territory is truly innovative and - we believe - worthy of consideration by all levels of government, as well as by conservation groups and private enterprise. Western Canada Wilderness Committee fully supports the Squamish Nation's conservation proposal and we hope that after considering it, you will too. You can read full details of the Nation's proposed landuse plan on their web site at [www.squamish.net](http://www.squamish.net).

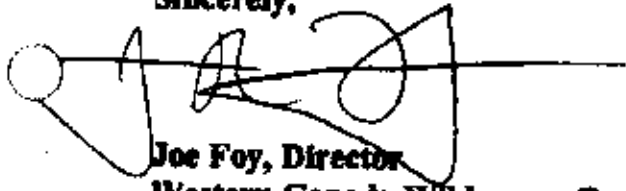
PAGE  
36

The community governments of the southwestern BC mainland now have a tremendous opportunity to work with First Nations' governments to help resolve the long-standing environmental conflict over the forests west of Whistler that has festered into a "war in the woods" between conservationists and timber companies for well over six years.

Successfully resolving this issue would help to protect our local environment for all to enjoy as well as safeguard local First Nations' cultural resources. The proposed Squamish Nation *Wild Spirit Places* are a unique form of protected area that could be a shining example of our region's outstanding natural environment and First Nation cultures to the many thousands of visitors expected to come here from around the World for the 2010 Winter Olympics.

I look forward to hearing from you regarding what your council is able to do to help see that the valleys of the Stoltmann Wilderness are given the protection they deserve.

Sincerely,



**Joe Foy, Director  
Western Canada Wilderness Committee**

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330 Gorge Road East  
600 Burrard St.  
Victoria, British Columbia  
Canada V8K 2P6  
Phone (250) 385-5257  
Fax (250) 385-5839  
www.bctransit.com

REGIONAL DISTRICT OF NANAIMO			
BC Transit			
FEB 26 2002			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	

copy for:  
D. G. Holme  
Board mty.  
correspondence.  
AC  
Feb 26/02.

February 25, 2002

Chair Holme and Directors  
Regional District of Nanaimo  
PO Box 40  
Lantzville, BC V0R 2H0

Dear Chair Holme and Directors:

**SUBJECT: BC TRANSIT BUDGET & SERVICE PLAN 2002 - 2005**

I'd like to introduce myself as the new Chair of the BC Transit Board of Directors. I'm looking forward to working with you on the challenges that face public transportation in British Columbia. I'm hoping to meet many of you during the course of business over the coming months and would welcome any comments or questions you have.

I'm pleased to report that the budget tabled in the legislature on Tuesday, 19 February 2002, maintains funding for public transit. The level of provincial funding for local transit systems has been protected for the 2002/03 fiscal year. We face challenges of increasing costs in future years, and in order to support the government in its goal of balancing the budget we will have to be diligent in seeking ways of delivering services in the most effective and efficient manner.

It's also my pleasure to draw your attention to BC Transit's Service Plan 2002 - 2005. This plan is a broad statement of BC Transit's commitment and action plan for this 3-year fiscal period. It is available online at [www.bctransit.com](http://www.bctransit.com). Follow the links to general information and news & media resources.

There are many exciting opportunities to develop public transit in the province and some considerable challenges. We look forward to working with local governments on the role of public transit in regions and community charter initiatives. New funding arrangements will also be assessed. I will ensure that these discussions take place in consultation with you and other local government partners in the transit program.

I look forward to enhancing our partnership for public transportation in B.C.

Yours truly,

Gregory A. Slocombe, Chair  
BC Transit Board of Directors

PAGE 2/2

Leslie Gail Marx  
2475 Moss Avenue  
Prince George, B.C. V2L 5H6  
PH: (250) 562-8427  
FAX: (250) 561-2829

March 5, 2002

Regional District of Nanaimo  
Development Services

FAX: (250) 390-7511

Attention: Debra Jensen

Re: Notice of development variance permit application No. 0204  
Lot 6, District Lots 8 and 78, Nanoose District, Plan 28595

I would like to strongly object to the above described application with regards to #3. Relaxing the maximum dwelling unit height from 8.0 metres to approximately 12.7 metres to facilitate the construction of an addition to the existing dwelling unit. My objection is made on the basis that any increase in the height restrictions will seriously impair the view from the lot I own; namely lot 16, Plan 28595, D.L. 78, Nanoose Land District. The house presently situated on the above described lot (lot # 6) is already a very unattractive obstruction to my potential view, and is a fine example why the restrictions should not have been relaxed to accommodate this dwelling in the first place. I feel that it would be most unfair to this neighbourhood to extend further considerations to the Owner's of lot 6, District Lots 8 and 78 Nanoose District Plan 28595 and also taking into account that this building is already non-conforming on several points.

I would like the board to seriously take into account that I have owned my lot for 20+ years. This lot was purchased for the purpose of a retirement home for my husband and myself. We have made considerable sacrifices over the years to enable ourselves to (a) purchase this lot and (b) to hang on to the lot over this time period when there have been substantial demands on our income. We have also needed to come up with thousands of dollars in taxes over this period of time. These taxes were established partly due to the view status, according to the assessment classification. It would be most distressing for us if we can no longer enjoy the use of this land in our retirement after the financial sacrifices and planning that we have done.

Please verify in writing that this letter has been received and passed on to the Board of the Regional District of Nanaimo. FAX: BACK (250) 561-2829

Sincerely,  
  
Leslie Marx

## Jensen, Deborah

---

From: Beetstra, Marion  
Sent: Wednesday, March 06, 2002 1:42 PM  
To: Jensen, Deborah  
Subject: FW: notice of variance permit application no. 0204

-----Original Message-----

From: Frank E. Pronk [mailto:fep@telus.net]  
Sent: Wednesday, March 06, 2002 10:09 AM  
To: Beetstra, Marion  
Subject: notice of variance permit application no. 0204

Dear Sir or Madam,

Thank you for your mailing of Feb 27 which we duly received on March 4 2002.

In response we like to comment as follows:

1) We would like the permit to be granted. The proposed renovation would add significantly to the appeal of Mallard Place.

We are pleased that the proposed addition would carry a roof line well below the existing roof top.

2) As pointed out to you and the chairman (person?) of the RDN, we are much less impressed with the current notice period of one week. It would seem appropriate to allow the potentially affected parties more opportunity to respond. If it is the board's intent to seek rather than avoid their input, how about three weeks?

YT,  
F.E. Pronk



6 March 2002

3429 Redden Rd.  
Nanoose B.C.

OR  
124 Woodhaven Cres. S.W.  
Calgary AB  
T2W 5R2

PLANNING DEPT  
-03-07-2002  
RECEIVED

Regional District of Nanaimo-Planning Department  
6300 Hammond Bay Road  
Nanaimo, B.C.  
V9T 6N2  
Attn: Lindsay Chase-Planner  
Fax 250-390-7511

Re: Your File 3090 30 0207  
Development Variance Permit Application No. 0207  
Proposed Changes to 3437 Redden Rd., Nanoose

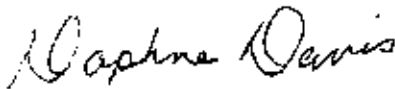
Dear Sirs:

We have reviewed the proposed architectural changes to 3437 Redden Rd., Nanoose (Development Plan VIP 53134, Lot 13) and wish to retract our previous support of the requested height variance. We had offered our approval on 20 February 2002 based on limited information and a very small scale drawing. The information we were provided did not fully convey the height increase that is proposed. The angle between the horizon and our line of sight to the existing roofline is about eighteen degrees. The information that was initially provided indicated a one-degree reduction. More detailed information that we have just received shows a reduction of over four degrees. The height variation also appears to be over a significant horizontal length.

We are deeply concerned about the effect these changes would have on our view, the precedent that will be set for future development of adjacent properties and the likely reduction in the value of our newly purchased residence at 3429 Redden Rd.

We request that you acknowledge receipt of this retraction of support. We can be contacted by phone at 403 281 0217 or by fax at 403 266 5525.

Yours very truly



Daphne A. Davis



Ronald M. Davis P.Eng.

PAGE  
41



REGIONAL DISTRICT  
OF NANAIMO

FEB - 5 2002

CHAIR		GMCrs	
CAO		GMDS	
GMCmS		GMES	

MEMORANDUM

**TO:** Stan Schopp  
Manager of Inspection and Enforcement

**DATE:** January 31, 2002

**FROM:** Maude Mackey  
Bylaw Enforcement Officer

**FILE:** 4020 20 01B225

**SUBJECT:** Unslightly Premises Regulatory Bylaw No. 1073, 1996  
Electoral Area 'B' - 1010 Descanso Valley Drive

**PURPOSE**

To obtain the Board's direction regarding ongoing property maintenance contraventions on the above property.

**BACKGROUND**

Property: 1010 Descanso Valley Drive  
Legal Description: Lot 106, Section 12, Gabriola Island, Nanaimo District, Plan 23619  
Property Owner: Ernest Stenberg & Helen O'Connor  
1010 Descanso Valley Drive  
Gabriola Island, B.C. V0R 1X0

Anne Wallace  
13419 - 98A Avenue  
Surrey, B.C. V3T 1C7

This property has a history of complaints regarding both property maintenance and zoning issues. Staff persistence on the part of both the Regional District and the Island Trust has generally been able to resolve these concerns informally. The property is leased to a Mr. Ed Morgan who periodically has other individuals stay with him as well. The property owners are absentee and have never responded to any attempts to discuss concerns regarding their property.

On November 5, 2001, a further complaint was received regarding the accumulation of derelicts and debris again on site. Mr. Morgan was again spoken with and agreed to do some clean up. A subsequent site check on December 6, 2001 indicated a decrease in the number of stored derelicts however tarps were spread about the property attempting to hide from view, a quantity of car parts and discarded materials. Correspondence was again forwarded to both Mr. Morgan and the property owners requiring bylaw compliance by January 16, 2002. A further site inspection followed on January 22, 2002 whereby Mr. Morgan and his intended roommate, Karen were spoken with. The property was noted to still contain a large quantity of discarded materials and several derelicts. Mr. Morgan and Karen again stated a desire to clean up the property to a community standard and further requested another month to do so. Staff responded encouraging their continued effort and indicating that given the history of the property, a report of the situation would go forward to the Regional Board for their consideration of further action.

## ALTERNATIVES

1. The owner not be directed to remove the identified items from the property.
2. The owner be directed to remove the identified items from the property.

## FINANCIAL IMPLICATIONS


If the Board directs the property owner to remove the identified items from the property, any costs incurred by the Regional District or its agent with respect to the removal, shall be recovered from the property owner.

## SUMMARY/CONCLUSIONS

This property is subject to a property maintenance Bylaw and the discarded materials and derelicts stored on site would be in contravention of this regulation. Staff has repeatedly attempted to achieve voluntary compliance without success. The absentee property owners have been non responsive and their tenant's clean up efforts have been insufficient to resolve the complainant's legitimate concerns.

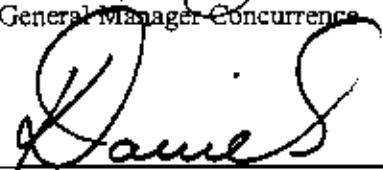
## RECOMMENDATION/S

That should the property maintenance concerns not be rectified by February 12, 2002 pursuant to the "Unsightly Premises Regulatory Bylaw No. 1073, 1996", the Board direct the owner of the above property to remove from the premises, those items as set out in the attached resolution within fourteen (14) days, or the work will be undertaken by the Regional District's agents at the owners cost.

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

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

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

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

COMMENTS:  
*devsvs/reports/2002/*

# REGIONAL DISTRICT OF NANAIMO

## RESOLUTION

### UNSIGHTLY PREMISES REGULATORY BYLAW NO. 1073, 1996

MOVED , SECONDED , that pursuant to the provisions of the *Unsightly Premises Regulatory Bylaw No. 1073, 1996* and amendments thereto, IT IS HEREBY RESOLVED that the owner(s)/occupier(s) of the respective premises set forth below be notified to remove the accumulation of the materials indicated and to take such remedial measures as are specified:

#### PROPERTY

DESCRIPTION: Lot 106, Section 12, Gabriola Island, Nanaimo District, Plan 23619

LOCATION: 1010 Descanso Valley Drive

OWNER: Ernest Stenberg and Helen O'Connor  
1010 Descanso Valley Drive  
Gabriola Island, BC V0R 1X0

Anne Wallace  
13419 - 98 A Avenue  
Surrey, BC V9T 1C7

#### UNSIGHTLY

ACCUMULATION: Derelicts, household debris and discarded materials

REMEDIAL MEASURES: To remove the accumulation of derelicts and discarded, disused materials, leaving the property clean and tidy.

AND BE FURTHER RESOLVED that the Bylaw Enforcement Officer of the Regional District of Nanaimo BE AND IS HEREBY AUTHORIZED in default of such removal or remedial measures being undertaken by the owner(s) or occupier(s) within fourteen (14) days of receipt of notice to do so, to carry out or have such work carried out and the expense charged to the owner(s) or occupier(s). If unpaid by December 31<sup>st</sup> in the year in which the work is done, the expenses shall be added to and form part of the taxes payable on that real property as taxes in arrears.

I hereby certify the foregoing to be a true and correct copy of a resolution passed by the Board at its regular meeting, held February 12, 2002.

DATED at Nanaimo, BC )  
this 12<sup>th</sup> day of February, )  
2002 )

\_\_\_\_\_  
*General Manager of Corporate Services*

**PAGE**  
**144**

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE  
MEETING HELD ON TUESDAY, FEBRUARY 26, 2002, AT 6:00 PM  
IN THE CITY OF NANAIMO COUNCIL CHAMBERS,  
455 WALLACE STREET, NANAIMO, BC

**Present:**

Director E. Hamilton	Chairperson
Alternate	
Director H. Kreiberg	Electoral Area A
Director B. Sperling	Electoral Area B
Director D. Haime	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

**Also in Attendance:**

C. Mason	General Manager of Corporate Services
B. Lapham	General Manager of Development Services
P. Shaw	Manager of Community Planning
N. Tonn	Recording Secretary

**MINUTES**

MOVED Director Holme, SECONDED Director McLean, that the minutes of the Electoral Area Planning Committee meeting held Tuesday, January 22, 2002 be adopted.

CARRIED

**CORRESPONDENCE/COMMUNICATIONS**

**Oceanside Development & Construction Association, re Proposed Amendment Bylaw No. 500.268.**

MOVED Director Holme, SECONDED Director McLean, that the correspondence received from the Oceanside Development & Construction Association with respect to proposed Amendment Bylaw No. 500.268, be received for information.

CARRIED

**PLANNING**

**DEVELOPMENT PERMIT APPLICATIONS**

**DP Application No. 0126 – Parksville Funeral Chapel Ltd./Stanhope – 1000 Allsbrook Road – Area F.**

MOVED Director McLean, SECONDED Director Haime, that Development Permit Application No. 0126, to allow the enlargement of an existing irrigation pond in the Watercourse Protection Development Permit Area on the property legally described as Remainder Lot 3, District Lot 43, Nanoose District, Plan 2761, Except the Southerly 20 Chains thereof and Plans VIP52723 and VIP65740 be approved subject to conditions outlined in Schedule Nos. 1 and 2.

CARRIED

**DP Application No. 0205 – Rennie – Admiral Tryon Boulevard – Area G.**

MOVED Director Stanhope, SECONDED Director Holme, that Development Permit Application No. 0205 to vary the Watercourse Protection Development Permit Area setback from the natural boundary pursuant to the French Creek Official Community Plan Bylaw No. 1115, 1998 from 30.0 metres to 8.01 metres to permit the construction of a retaining wall, and to vary the DPA setback from 30.0 metres to 15.2 metres to permit the siting of a dwelling unit for the property legally described as Lot 16, District Lot 28, Nanoose District, Plan VIP62528 be approved subject to the conditions outlined in Schedule '1'.

CARRIED

**DP Application No. 0206 – Nanoose Hill Station/Fern Road Consulting – 1660/1666 East Island Highway & 1642 East Island Highway – Area E.**

MOVED Director Holme, SECONDED Director Stanhope, that Development Permit No. 0206 for the changes to the site plan of the gasoline service station/fast food outlet and for the placement of retention pond system and septic disposal system on the properties legally described as Lot 1, Plan 9428 Except Parcel A (DD80609-N) Thereof; and Except Part in Plan 19267 & Lot 2, Plan VIP65823, Both of Amended Lot 167 (DD66169-N), Nanoose District, be approved subject to the conditions and variances outlined in Schedule '1' of the staff report and the notification requirements pursuant to the *Local Government Act*.

CARRIED

**DEVELOPMENT VARIANCE PERMIT**

**DVP Application No. 0204– Karasiuk – 3741 Mallard Place – Area E.**

MOVED Director Holme, SECONDED Director Stanhope, that Development Variance Permit No. 0204, submitted by Ken Karasiuk and Janice Karasiuk, to facilitate the construction of an addition to an existing single dwelling unit by relaxing the maximum dwelling unit height from 8.0 metres to approximately 12.7 metres as per the submitted plans, and by varying the minimum setback requirement for an interior side lot line from 2.0 metres to 0.0 metres to legalize the existing deck and dwelling unit and for a front lot line from 8.0 metres to 0.7 metres to legalize the existing carport, and to discharge the Section 215 Covenant held by the Regional District of Nanaimo for the property legally described as Lot 6, District Lots 8 and 78, Nanoose District, Plan 28595 be approved as submitted subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

**DVP Application No. 0205 – Sjostrom Industries & Donner Lake Contracting – Nanaimo River Road – Area C.**

MOVED Director Holme, SECONDED Director Stanhope, that Development Variance Permit No. 0205, submitted by Dale Hodgins, Agent, acting on behalf of Sjostrom Industries and Donner Lake Contracting to facilitate the development of a single dwelling unit, barn and shop, and vary the minimum setback requirements for a building or structure within a Resource Management 4 zone from 20.0 metres (65.6 feet) to 0.0 metres (0.0 feet) for the south lot line for construction of a single dwelling unit, from 30.0 metres (98.4 feet) to 3.0 metres (9.8 feet) for the north lot line for construction of a barn, from 30.0 metres (98.4 feet) to 17.0 metres (55.8 feet) for the south lot line for construction of a barn, from 20.0 metres (65.6 feet) to 6.0 metres (19.7 feet) for the south lot line for construction of a shop, and from 20.0 metres (65.6 feet) to 14.0 metres (45.9 feet) for the north lot line for construction of a shop for the property legally described as That Part of Block 645, Douglas District, Included Within the Area Coloured Red on Plan 403 RW, be approved as submitted subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

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**DVP Application No. 0206 – Dickens/Sims – 3605 Collingwood Drive – Area E.**

MOVED Director Holme, SECONDED Director Stanhope, that Development Variance Permit Application No. 0206, submitted by Helen Sims, Agent on behalf of Harold Dickens and Nora Dickens, to legalize existing retaining walls constructed to facilitate access to the single dwelling unit by varying the minimum setback from an interior side lot line from 2.0 metres to 0.0 metres and the front lot line setback from 8.0 metres to 0.0 metres within the Residential 1 (RS1) zone for the property legally described as Lot 10, District Lot 9, Nanoose District, Plan 51142, be approved as submitted subject to notification requirements pursuant to the *Local Government Act*.

CARRIED

**DVP Application No. 0207 – Bailey – Redden Road – Area E.**

MOVED Director Holme, SECONDED Director Haime, that Development Variance Permit No. 0207, submitted by Sandra Bailey and Warren Bailey, to facilitate the construction of additions to an existing dwelling unit by varying the maximum permitted height of a dwelling unit within the Residential 1 (RS1) zone from 8.0 metres to 12.5 metres for the property legally described as Lot 13, District Lot 78, Nanoose District, Plan VIP53134, be approved as submitted subject to notification requirements pursuant to the *Local Government Act*.

CARRIED

**DVP Application No. 0208 – Zavislak/Sims – 6297 West Island Highway – Area H.**

MOVED Director Quittenton, SECONDED Director Stanhope, that Development Variance Permit Application No. 0208 to vary the minimum setback requirement from 18.0 metres horizontal distance from the stream centerline of the back channel of Nash Creek to a minimum of 7.0 metres for a building envelope to locate a retaining device and dwelling unit; to vary the minimum setback distance from 18.0 metres horizontal distance from the stream centerline of the back channel of Nash Creek to 0 metres for the building envelope to locate a bridge crossing the back channel of Nash Creek; and to vary the minimum setback from 18.0 metres horizontal distance from the stream centerline of the main channel of Nash Creek to 0 metres for the building envelope to locate a bridge crossing the main channel of Nash Creek pursuant to the RDN's Land Use and Subdivision Bylaw No. 500, 1987 for the property legally described as Lot 10, District Lot 21, Newcastle District, Plan 11567 be approved subject to the requirements outlined in Schedule Nos. 1, 2 and 3 and subject to the applicant agreeing to enter into a restrictive covenant to not obstruct the main and back channel of Nash Creek or to divert the flow of the main and back channel of Nash Creek.

CARRIED

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS****Proposed Amendment Bylaw 500.268.**

MOVED Director Holme, SECONDED Director Stanhope, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.268, 2000" be abandoned.

CARRIED

**Planning Advisory Committees.**

MOVED Director Haime, SECONDED Director McLean, that the Electoral Area Planning Advisory Committees be re-activated.

DEFEATED

**ADJOURNMENT**

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

CARRIED

TIME: 6:21 PM

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CHAIRPERSON



## REGIONAL DISTRICT OF NANAIMO

### MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON TUESDAY, FEBRUARY 26, 2002, AT 7:30 PM IN THE CITY OF NANAIMO COUNCIL CHAMBERS, 455 WALLACE STREET, NANAIMO, BC

#### Present:

Director J. Stanhope Alternate	Chairperson
Director H. Kreiberg	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 Alternate	City of Parksville
Director A. Kruyt	Town of Qualicum Beach
Director L. Sherry	City of Nanaimo
Director G. Korpan Alternate	City of Nanaimo
Director S. Lance	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director L. McNabb	City of Nanaimo

#### Also in Attendance:

K. Daniels	Chief Administrative Officer
C. Mason	General Manager of Corporate Services
B. Lapham	General Manager of Development Services
J. Finnie	General Manager of Environmental Services
N. Connelly	General Manager of Community Services
P. Shaw	Manager of Community Planning
S. Schopp	Manager of Inspection & Enforcement
D. Trudeau	Manager of Liquid Waste
N. Tonn	Recording Secretary

#### DELEGATIONS

##### **S. Gourlay & N. Czerny, re Grant Application for a Preschool Playground Structure – Cedar Heritage Centre and Cedar Heritage Centre Upgrade.**

Ms. Gourlay stressed the need for the Heritage Centre and Playground for the residents of Cedar and the popularity of their recreational use to date.

Ms. Czerny outlined the progress of the ongoing projects and stressed the need for additional funding. Ms. Czerny also urged the Committee to approve an additional grant for the completion of the Cedar Heritage Centre building upgrades.

**Stephanie McDowall, BCGEU, re Provincial Government Downsizing.**

The delegation spoke with respect to the Provincial Government's downsizing of public service and cautioned the possible downloading of these services to local government without adequate funding.

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

CARRIED

**MINUTES**

MOVED Director Sherry, SECONDED Director Quittenton, that the minutes of the regular Committee of the Whole meeting held January 22, 2002, be adopted.

CARRIED

**COMMUNICATIONS/CORRESPONDENCE**

**Oceanside Development & Construction Association, re Growth Management Plan Consultant.**

MOVED Director Korpan, SECONDED Director McNabb, that the correspondence received from Oceanside Development & Construction Association with respect to the Growth Management Plan review project consultant selection, be received for information.

CARRIED

**Hans Cunningham, UBCM, re Protocol on Consultation and Cooperation.**

MOVED Director Korpan, SECONDED Director McNabb, that the correspondence received from UBCM with respect to a proposed agreement with the British Columbia Environmental Network, be received for information.

CARRIED

**Sgt. Randy Churchill, Oceanside Detachment, RCMP, re Arrowsmith Search & Rescue Request for Support of Building Addition.**

MOVED Director Korpan, SECONDED Director McNabb, that the correspondence received from the Oceanside Detachment, RCMP with respect to Arrowsmith Search & Rescue's request for an addition to the Coombs-Hilliers Fire Department Hall, be received for information.

CARRIED

**B.A. Hawkshaw, City of North Vancouver, re Cancellation of the Subsidy for Seniors' Transit Passes on Translink.**

MOVED Director Korpan, SECONDED Director McNabb, that the correspondence received from the City of North Vancouver with respect to the Provincial Government's cancellation of the subsidy for seniors' transit passes on TransLink, be received for information.

CARRIED

**B.A. Hawkshaw, City of North Vancouver, re Audio Book Services.**

MOVED Director Korpan, SECONDED Director McNabb, that the correspondence received from the City of North Vancouver with respect to the Provincial Government's cancellation of funding for the audio book program, be received for information.

CARRIED

**John Van Beek, re E & N Right-of-Way.**

MOVED Director Korpan, SECONDED Director McNabb, that the correspondence received from John Van Beek with respect to preservation of the E & N Right of Way as a corridor for use by cyclists and hikers, be received for information.

CARRIED

**Ken Vance, UBCM, re Amendments to Contaminated Site Regulations.**

MOVED Director Korpan, SECONDED Director McNabb, that the correspondence received from UBCM with respect to provincial amendments to the contaminated site regulations, be received for information.

CARRIED

**Robert Hobson, UBCM Environment Committee, re Drinking Water Review Panel.**

MOVED Director Korpan, SECONDED Director McNabb, that the correspondence received from the UBCM Environment Committee with respect to the twenty-six recommendations brought forward by the independent provincially appointed drinking water review panel, be received for information.

CARRIED

**Barry O'Neill, President, CUPE BC Division, re Drinking Water Protection.**

MOVED Director Korpan, SECONDED Director McNabb, that the correspondence received from the CUPE BC Division with respect to protection of British Columbia's drinking water, be received for information.

CARRIED

**DEVELOPMENT SERVICES**

**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.

It was noted that the following filing has been resolved:

Lot D, District Lot 51, Plan 7705, Nanoose Land District, 2020 Seahaven Road, Electoral Area 'E', owned by B. and E. Duke.

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

- (a) Lot 15, Sections 18 and 19, Range 2, Plan VIP67150, Cedar Land District, 2395 Lindsey Road, Electoral Area 'A', owned by P Von Baich and M. Paradis;
- (b) Lot 4, Section 1, Range 7, Plan 28685, Cedar Land District, 3537 Whiting Way, Electoral Area 'A', owned by M. Radcliffe and R. Schickerowsky;
- (c) Lot 2, Section 19, Range 2, Plan VIP67150, Cedar Land District, 1380 Kurtis Crescent, Electoral Area 'A', owned by B. Porter and N. Velkjar;
- (d) Lot 1, Section 17, Range 7, Plan VIP67939, Cranberry Land District, 1933 Balsam Road, Electoral Area 'A', owned by G. Maibach;
- (e) Lot 41, Section 12, Plan 23190, Gabriola Island, Nanaimo Land District, 896 Pat Burns Avenue, Electoral Area 'B', owned by E. and R. Hoffmann;
- (f) Lot 4, District Lots 30 and 78, Plan 22994, Nanoose Land District, 3393 Dolphin Drive, Electoral Area 'E', owned by P. Perry;
- (g) Lot 18, Block A, District Lot 38, Plan 10777, Nanoose Land District, 1397 Marina Way, Electoral Area 'E', owned by H. and J. Goebel;
- (h) Lot 22, District Lot 49, Plan 32604, Nanoose Land District, 1221 Ormonde Road, Electoral Area 'G', owned by R. Todd.

CARRIED

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**PLANNING**

**Liquor License Increased Occupancy Capacity Application – Wheat Sheaf Hotel – 1866 Cedar Road – Area A.**

MOVED Director Kreiberg, SECONDED Director McNabb, that the application for an increase in occupancy capacity, as submitted by the Wheat Sheaf Inn, legally described as Lot A, Section 14, Range 1, Cedar District, Plan VIP67433, be supported, subject to the applicants meeting all zoning, building inspection and official community plan bylaw requirements.

CARRIED

**Request for Relaxation of the Park Land Provision Requirement – WR Hutchinson on Behalf of A. Long – Myles Lake Road – Area C.**

MOVED Director Hamilton, SECONDED Director Sherry, that the request to provide an easement for the purposes of providing public access to Myles Lake instead of providing park land or cash in conjunction for the proposed subdivision of The East 20 Chains of Section 9, Range 2, Cranberry District be refused and that the applicant be required to pay 5% cash in-lieu-of- park land pursuant to Section 941 of the *Local Government Act*.

CARRIED

**E & N Railway Closure and OCP/Zoning Bylaw Impacts.**

MOVED Director Sherry, SECONDED Director Holdom, that the Electoral Area 'A', Electoral Area 'C', Electoral Area 'D' Lantzville, Electoral Area 'E', Electoral Area 'G' Englishman River, Electoral Area 'G' French Creek, and Electoral Area 'H' Official Community Plans be amended to designate the E & N rail line as Institutional.

MOVED Director Holdom, SECONDED Director Lance, that the motion be amended by replacing the word "Institutional" with the words "Transportation Corridor".

CARRIED

The question was called on the main motion as amended.

The motion CARRIED.

MOVED Director Sherry, SECONDED Director Holdom, that "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" and "Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285" be amended to zone the E & N rail line as Institutional to allow for the railway use only.

CARRIED

MOVED Director Sherry, SECONDED Director Kruyt, that the Ministry of Transportation be requested to approach the owners of the E & N railway to discuss alternatives and possible partnerships for the acquisition of the entire railway corridor to provide future opportunities to use the land as a transportation corridor.

CARRIED

**COMMUNITY SERVICES**

**ADMINISTRATION**

**Green Landing Wharf.**

MOVED Director Sperling, SECONDED Director Macdonald,:

1. That the Regional District of Nanaimo request from Public Works and Government Services Canada an extension of the temporary lease of the Green Landing Wharf from March 31, 2002 to September 30, 2002.
2. That the Regional District request a written updated position from Public Works & Government Services Canada on the status of the Green Landing Wharf.

CARRIED

**RECREATION & PARKS**

**Cedar Heritage Centre – Funding Request.**

MOVED Director Kreiberg, SECONDED Director Quittenton, that the Regional District enter into an Agreement with the Cedar School and Community Enhancement Society to provide for \$15,500 in funding as a grant for the proposed playground project and a \$38,000 loan for the completion of the building upgrades of the Cedar Heritage Centre.

MOVED Director McLean, SECONDED Director Haime, that this item be tabled until the next Committee of the Whole meeting.

CARRIED

**Park System Plan Amendment.**

MOVED Director Quittenton, SECONDED Director Holme, that the Official Regional Park Plan Designation Amendment Bylaw No. 921.02, 2002 be given three readings and forwarded to the Minister of Water, Air and Land Protection for approval.

CARRIED

**Revised Terms of Reference – Area G Parks, Recreation and Greenspaces Advisory Committee.**

MOVED Director Holme, SECONDED Director Hamilton, that the revised Terms-of-Reference for the Electoral Area 'G' Parks and Open Space Advisory Committee be approved, that the current Board appointments to the Committee be dissolved, and that a call for members to the new Area 'G' Committee be made with the Board appointments having staggered terms set for the first year.

CARRIED

**Trail Study for Electoral Area 'A'.**

MOVED Director Holme, SECONDED Director McNabb, that the Terms of Reference for an Electoral Area 'A' Community Trail Study and Project Committee be approved.

CARRIED

**Park Inspection Policy.**

MOVED Director Holme, SECONDED Director Quittenton, that the Park Inspection Policy be approved.

CARRIED

**Gabriola Island Regional and Community Park Acquisition.**

MOVED Director Sperling, SECONDED Director McLean, that the Regional District approve the Agreement, under the terms outlined, with the Coastal Community Credit Union for the acquisition of their campground and land holding on Gabriola Island for community and regional park purposes.

CARRIED

**TRANSIT**

**BC Transit – Service Hours Reduction.**

MOVED Director Holdom, SECONDED Director Kruyt, that the report on conventional Transit service reductions as required by BC Transit be received for information.

CARRIED

**Proposed Transit Fleet Changes for 2002.**

MOVED Director McNabb, SECONDED Director Sherry, that four new replacement Dennis Dart Buses be approved for delivery from BC Transit in 2002.

CARRIED

**CORPORATE SERVICES**

**ADMINISTRATION**

**Islands Trust – Election Services Agreement.**

MOVED Director Macdonald, SECONDED Director Hamilton, that the Chairperson and General Manager, Corporate Services be authorized to sign the 2002 Election Services Agreement between the Regional District of Nanaimo and the Islands Trust for the purpose of conducting the November 2002 Gabriola Island local trustee election on behalf of the Islands Trust.

CARRIED

**General Local Election Bylaw No. 1292.**

MOVED Director Hamilton, SECONDED Director Sherry,:

1. That "Regional District of Nanaimo General Local Election Bylaw No. 1292, 2002" be introduced and read three times.
2. That "Regional District of Nanaimo General Local Election Bylaw No. 1292, 2002" be adopted.

CARRIED

**Annual Report of Directors' and Committee Members' Remuneration and Expenses.**

MOVED Director Macdonald, SECONDED Director McNabb, that the 2001 report on remuneration and expenses for Board and committee members be received.

CARRIED

**Arrowsmith Search & Rescue – Addition to Coombs-Hilliers Fire Department Hall.**

MOVED Director McLean, SECONDED Director Holdom,:

1. That the Regional Board support in principle the request from the Arrowsmith Search & Rescue organization to construct an office, equipment storage and training facility as an addition to the Coombs-Hilliers firehall #2.
2. That correspondence be sent to the Province seeking permission to amend the use of the site to accommodate premises for the Arrowsmith Search & Rescue organization.
3. That should permission be granted, the construction plans be reviewed and construction progress be inspected by the Regional District Building Inspection department.

CARRIED

**ENVIRONMENTAL SERVICES**

**LIQUID WASTE MANAGEMENT**

**Annual Report – Liquid Waste Management Plan.**

MOVED Director Sherry, SECONDED Director McNabb, that the 2000 Annual Report on the Liquid Waste Management Plan be received.

CARRIED

**Northern Community Sewer LSA Boundary Amendment Bylaw No. 889.20.**

MOVED Director Holme, SECONDED Director Macdonald, that "Regional District of Nanaimo Northern Community Sewer Local Service Area Boundary Amendment Bylaw No. 889.20, 2002" be introduced for first three readings and be forwarded to the participants for consent.

CARRIED

**Sewer Use Regulatory Bylaw No. 1225.**

MOVED Director Sherry, SECONDED Director Kruyt,:

1. That "Regional District of Nanaimo Sewer Use Regulatory Bylaw No. 1225, 2002" be introduced and read three times.
2. That "Regional District of Nanaimo Sewer Use Regulatory Bylaw No. 1225, 2002" having received three readings be adopted.

CARRIED

**Maughan Road Sewerage Servicing Bylaw Nos. 1289, 1290 and 1291 – Duke Point Pollution Control Centre.**

This report will be brought forward at a future date.

**UTILITIES/ENGINEERING**

**Fairwinds Water LSA Conversion Bylaw No. 1288 – Area E.**

MOVED Director Holme, SECONDED Director Sherry,:

1. That "Fairwinds Water Service Area Conversion and Boundary Amendment Bylaw No. 1288, 2002" be granted first three readings.
2. That "Fairwinds Water Service Area Conversion and Boundary Amendment Bylaw No. 1288, 2002" be forwarded to the Inspector for approval.

CARRIED

**Arbutus Park Estates Water LSA Amendment Bylaw No. 930.02 – Area E.**

MOVED Director Holme, SECONDED Director Sherry,:

1. That "Arbutus Park Estates Water Local Service Area Amendment Bylaw No. 930.02, 2002" be granted first three readings.
2. That "Arbutus Park Estates Water Local Service Area Amendment Bylaw No. 930.02, 2002" be forwarded to the inspector for approval.

CARRIED

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**COMMISSION, ADVISORY & SELECT COMMITTEE**

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

MOVED Director Holme, SECONDED Director Hamilton, that the minutes of the Area A Parks, Recreation & Greenspaces Advisory Committee meetings held November 15, 2001 and January 17, 2002 be received for information.

CARRIED

**Area G Parks, Recreation & Greenspaces Advisory Committee.**

MOVED Director Holme, SECONDED Director Haime, that the minutes of the Area G Parks, Recreation & Greenspaces Advisory Committee meeting held February 7, 2002 be received for information.

CARRIED

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

MOVED Director Holme, SECONDED Director Hamilton, that the minutes of the Nanoose Bay Parks & Open Space Advisory Committee meeting held February 11, 2002 be received for information.

CARRIED

MOVED Director Holme, SECONDED Director McNabb, that the Committee receive the report and that the RDN Tree Management Policy (C.1.1) not be amended.

CARRIED

**District 69 Recreation Commission.**

MOVED Director Quittenton, SECONDED Director McNabb, that the minutes as amended, of the District 69 Recreation Commission meeting held February 14, 2002 be received for information.

CARRIED

MOVED Director Quittenton, SECONDED Director Macdonald, that the Electoral Area Grants be combined with Community Grants, and Youth Agreements be combined with Youth Grants, and that the two grant programs be administered tri-annually, with the funding of \$82,500 equally split between the two programs.

CARRIED

MOVED Director Quittenton, SECONDED Director Holme, that the revised administrative guidelines for the Community Grants and Youth Grants programs be approved as presented in Attachment 1 with one amendment which is the deletion of item number 6 under Funding Criteria.

CARRIED

MOVED Director Quittenton, SECONDED Director McNabb, that the District 69 Recreation Fees and Charges policy not be amended to provide for prime and non prime time arena rental fees and that the District 69 Arena rental rates be reviewed as part of the 2003 Provisional Budget process.

CARRIED

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**Provincial Government Downsizing.**

MOVED Director Korpan, SECONDED Director Holdom, that the Board support the City of Nanaimo's resolution with respect to the deep cuts to public services by the Province and resolve as follows:

Be it resolved that the Regional District of Nanaimo request the Provincial Government to ensure full community consultation on program reviews and funding reductions.



Be it further resolved that the Provincial Government not offload current Provincial Program responsibilities onto communities and families without ensuring program integrity and adequate funding.

And be it finally resolved that this resolution be submitted to the Union of BC Municipalities (UBCM), the Association of Vancouver Island Coastal Communities (AVICC) and to the area MLA's.

CARRIED

**IN CAMERA**

MOVED Director Holme, SECONDED Director Sherry, that pursuant to Section 242.2(I)(h) of the *Local Government Act* the Committee proceed to an In Camera meeting to consider a matter of potential litigation.

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 8:38 PM

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CHAIRPERSON



**Minutes for the Meeting held:  
Wednesday, February 6, 2002 @ 9:00 AM  
Tigh Na Mara Resort  
1095 East Island Highway, Parksville, BC**

**Present:**

Bob Lapham, RDN  
Neil Connelly, RDN  
Christina Thomas, RDN  
John Finnie, RDN  
Gayle Jackson, Parksville  
Paul Butler, Qualicum Beach  
Sharon Fletcher, City of Nanaimo

Wayne Haddow, MAFF  
Ted Hall, MEM  
Roger Cheetham, LRC  
Sharon Erickson, MWLAP  
Terry Pollock, MT  
Cynthia Hawksworth, MCWAS  
Audrey Ackah, Legislative Intern  
Ken Balmer, RETHINK GROUP

**Regrets:**

Bill Huot, MCWAS  
David Coombe, CVIHR  
Dan Biggs, MF

**# Item**

**1. Call to order.**

N. Connelly called the meeting to order at 9:00 AM.

**2. Minutes from the Meeting of November 19, 2001.**

The minutes of the meeting were approved.

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

**a) Schedule of Events for Phases III and IV**

K. Balmer, RETHINK GROUP, provided an overview of the process and events scheduled for Phases III and IV of the project. It was noted that:

- options are being developed to respond to the issues identified in Phases I and II of the project;
- the options will be presented to Regional Board members on February 19, 2002;
- a Special Report of the Regional Perspectives newsletter will be delivered to every household in the region in early March to provide information about the options being considered, public workshops to discuss the options, and how the public can express their opinions about the options;
- there will be specialized mailings to all Phase I workshop participants;
- updated information will be posted on the RDN web site;
- a series of public workshops will be conducted mid-March to obtain public feedback about the options;
- a possible Board forum in April, 2002;
- a Board briefing on the Phase III input at the end of April, 2002;
- Board consideration of a revised Growth Management Plan for 1<sup>st</sup> and 2<sup>nd</sup> reading on May 14, 2002.

**b) Update: Recommended Options to Respond to Phase I and II Issues**

C. Thomas provided an overview of the issues and the recommended options to respond to the Phase I and II issues. Committee comments provided on the options to address each of the issues listed are as follows:

- i. The lack of emphasis on rural, tourism and recreation themes in the vision statement, as well as the vision statement length.
  - The proposed revisions to the vision statement are positive.

- Perhaps the vision statement could be made even shorter
  - The vision statement should say something about supporting the rural economy (i.e. agriculture and forestry).
  - The words 'footloose' and 'tri-sector approaches' may not be widely understood.
  - The proposed revisions to the vision statement makes it easier to read.
- ii. The format of the goal statements;
- Support was expressed for the development of bonafide goal statements.
  - The statement for goal 7 might give the impression that all land should be serviced.
  - The statement for goal 5 should encompass minimizing automobile use through positive measures.
  - The statement for goal 3 should provide more clarity regarding the concept of rural economy, with a focus on agriculture and forestry.
  - The word 'contain' should be replaced with 'include' in the goal 2 statement.
- iii. The urban containment boundary location;
- The City of Nanaimo is committed to the Urban Containment Boundary (UCB) and supports using the criteria in the Urban Containment and Fringe Area Management Implementation Agreement to make decisions about the UCB. Changes to the UCB need to be carefully considered as they might compromise the integrity of the UCB.
  - The City of Parksville questions the Wosk property being in the ALR because it is approximately 90% surrounded by the City, fairly intensive urban uses are surrounding the property, the property is accessed through municipal roads, and the municipality is not likely to provide services to the land for farming purposes.
  - In many areas of the Province farmland is accessed through municipal roads and provided municipal services.
  - Concern was expressed regarding the principle of including land that is in the ALR within the UCB, citing that it might add to speculative pressure for non-farm uses. It was noted that while agricultural uses might not be easy to establish on a property, it is feasible to establish such uses with the willingness of the property owner
  - It was suggested that all amendments to the UCB should be justifiable pursuant to the criteria established in the Urban Containment and Fringe Area Management Implementation Agreement.
  - Concern was expressed regarding the approach to the consideration of changes to the UCB near the City of Parksville in light of the level of development proposed in rural areas such as Electoral Area F, and the fact that the Inland Highway provides a natural physical barrier between the City and the surrounding rural areas.
  - Consistency in decision-making about the location of the UCB is desirable to maintain the integrity of the concept.
- iv. The land use designation of the land within the Urban Containment Boundary north of Qualicum Beach;
- No concerns were expressed about the proposed options.
- v. What land outside the Urban Containment Boundaries should be provided services;
- vi. The level of development appropriate for land outside the Urban Containment Boundary that is provided services;
- It was noted that the provision of community water service to more land than currently supported in the Lantzville OCP (i.e. the designated Water Development Area) could result in public health hazards that necessitate the provision of community sewer service to areas not presently planned for such service.
  - Concern was expressed that where policies regarding the provision of services are made more flexible there may be pressure to increase the development potential of the land, thereby compromising the overall Growth Management Plan. As such, it was suggested that sometimes a definitive approach is more desirable.
  - Concern was also expressed that decision to provide services to more land outside the UCB which result in increased development outside the UCB also place incrementally more

demands on other costly services, such as roads and interchanges. Even if community sewer service connections are provided at the landowner's expense these expenses do not take into account expenses associated with the increased need for other services, such as roads.

- vii. New towns;
  - No concerns were expressed about the proposed options.
- viii. Decisions regarding what land should be in the Agriculture Land Reserve;
  - Support was expressed for both possible new methods of decision-making about what land should be in the ALR.
  - The idea of the RDN establishing an agricultural advisory committee was discussed.
  - The idea of a Provincial district agriculturalist providing advice to the RDN regarding soil capability as a part of the ALR decision making process was discussed.
  - The option that involves the RDN leaving decisions regarding what land should be in the ALR to the Province should indicate that the fact the RDN in doing so does not mean it supports or does not support agricultural land uses.
- ix. The Present Status Lands designation and the provision of community water service by the Lantzville Improvement District;
  - It was suggested that the policy option of allowing properties in the Lantzville Improvement District to be provided community water service and to develop to the maximum extent permitted by current zoning would not result in significant additional development. It would probably only result in limited additional units in the Lantzville Improvement District area.
- x. Regional environmental protection position/interests/objectives;
  - The wording of the possible policies should be altered to express the RDN perspective and what it requests or encourages the Province and other parties to do, rather than committing these other parties to particular actions, given that the RDN cannot require other parties to undertake particular actions.
  - References to specific regulations like the Streamside Regulation should be generalized to provide for applicability in situations where there is no such specific regulation.
  - The policies in this area might benefit from simplification.
- xi. The role of the RDN in improving mobility;
  - The possible policies should be compatible with the Province's shift to providing for transportation needs in partnership with the private sector.
  - Concern was expressed that the possible policies might have a financial impact on municipalities. (It was noted that programs could be provided for in the Regional Development Services budget).
  - It was suggested that the policy options support a collaborative approach and speak to encouraging the development of capital plans for transportation infrastructure.
- xii. The role of the RDN in economic development;
  - It was suggested that better examples could be provided in possible Policy 6D.
- xiii. The Industrial Areas land use designation;
  - Concern was expressed regarding the impact of the amount of land designated as Industrial Area in Electoral Area F on the distribution of industrial land and development in the rest of the region.
  - It was suggested that there would be no negative impacts on the distribution of industrial land in the region as result of the amount of Industrial Area in Electoral Area F and the zoning bylaw for that area given that the area had long been established as an industrial area in the region. In other words, the capacity for industrial development has been in Electoral Area F in the designated Industrial Areas all along. It was also noted that communities are less accepting of industrial uses in new areas now.
  - It was suggested that the amount of commercial development permitted in Electoral Area F be reduced so that the development of a regional retail node is not possible.
  - It was noted that the Growth Management Plan currently does not take a position regarding the level of commercial or industrial development in designated Urban Areas and Industrial Areas..

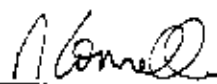
- It was suggested that the Growth Management Plan take a position regarding the level of commercial or industrial development in designated Urban Areas and Industrial Areas.
  - It was suggested that a policy be included that specifies there be no more big-box developments other than the existing Regional Retail Node at Woodgrove.
  - It was noted that if the Growth Management Plan took a position regarding the level of commercial or industrial development in designated Urban Areas and Industrial Areas this would establish new limitations in municipal and electoral areas. Currently 'big boxes' the size of 70,000 ft<sup>2</sup> can be constructed anywhere in the City of Nanaimo – such a change could restrict this.
- xiv. Certainty regarding the potential location of aggregate resource development sites;
- The policy options need to reflect the fact that the Province cannot be legally constrained in its decision making about gravel pit locations under the current legislation.
- xv. Absence of policy direction to support agriculture as an economic activity in the region;
- It was suggested that the RDN role in supporting agriculture be enhanced.
- xvi. Strength of policy direction to support tourism as an economic activity in the region;
- Concern was expressed that the policy options should not result in commitments regarding increased municipal contributions to fund programs.
- xvii. The servicing of Industrial Areas;
- Concern was expressed that the provision of services to Industrial Areas does not address all possible environmental issues associated with industrial activity.
  - Concern was expressed that the provision of services to Industrial Areas might facilitate industrial sprawl.
  - It was noted that the provision of services to Industrial Areas should not facilitate industrial sprawl because the areas are already designated for industrial use.
  - The provision of services to industrial areas would primarily address groundwater issues.
- xviii. The linkage of other regional services to growth management;
- No concerns were expressed about the proposed options.
- xix. Provincial government commitment to the Growth Management Plan;
- It was suggested that the possible policies better reflect the responsibilities of the IAC and its members.
- xx. Regional Context Statements;
- It was suggested that the policy option requiring regional context statements in all official community plans be amended (1) to specify that each regional context statement identify how the official community plan is consistent with each Growth Management Plan policy (2) how inconsistencies will be dealt with.
- xxi. Tri-sector cooperation;
- No concerns were expressed about the proposed options.
- xxii. Coordination of planning with First Nations.
- No concerns were expressed about the proposed options.

4. **Next Meeting**

The next meeting is scheduled for **Wednesday, May 1, 2002 @ 1:30 PM @** a location to be determined.

5. **Adjournment.**

The meeting was adjourned at 12:50 PM.

  
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Neil Connelly, Chair



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Minutes for the meeting held:  
Wednesday, February 27, 2002, 7:00 PM  
Ramada Inn at Long Lake, 4700 North Island Highway, Nanaimo, BC

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**Present**

Dennis Gell  
Arthur Lightburn  
Allan Armstrong  
George Legg  
Angus Weller  
Terrence Knight  
Felicity Adams  
Brian Anderson

Suzanne Andre  
Carmi Simpson  
Charles Gahr  
Frank Van Eynde  
Director George Holme

**Staff Present:**

Kelly Daniels, CAO  
Neil Connelly, Gen. Mgr. Com. Svcs.  
Christina Thomas, Senior Planner. Com. Svcs.

**Absent:**

Robert Jepson  
Ruth Matson  
Graham Shuttleworth

**# Item**

**1. Call to Order**

The Committee Chair, Director Holme, called the meeting to order at 7:00 PM.

**2. Minutes of the Previous Meeting (January 31, 2002)**

The minutes of the previous meeting were received as presented.

**3. Committee Comments on Role of Committee and Future Approaches to Monitoring the Growth Management Plan**

N. Connelly indicated that the purpose of the meeting was to provide an opportunity for the Committee to comment on the role of the Committee and the future approaches to monitoring the Growth Management Plan. Committee comments were requested and include the following:

- It would be unwise to disband the PRC because the purpose of the PRC is to give feedback to the Board. Periodic public meetings would be insufficient to get public feedback. There are insufficient staff resources to do the job.
- All of the communities in the region should have more direct contact with staff.
- Regarding the concept of subjective data being an oxymoron, it was cited that:
  - the PRC had recommended numerous times over the years an expanded approach to plan monitoring but no action was taken;
  - the number of potential indicators and the data for the indicators is vast;
  - indicator data provides information about the quality of life;
  - the PRC had recommended the formation of sub committees to investigate issues such as the economy and health of the region and that such sub-committees could be supplemented with experts in those fields, but no action was taken;
  - PRC sub-committee work with experts could have resulted in cost savings for the monitoring program

- Regarding the September and November 2000 workshops conducted with the PRC to select indicators for the monitoring program, it was cited that:
  - The workshops did not highlight the extensive indicator groundwork completed by the PRC in previous years;
  - Indicators regarding health and the environment were not sufficiently addressed;
  - The PRC had recommended that the inter-relationships between indicators be addressed, but no action was taken;
  - There is a need to develop indices that combine a number of indicators (i.e. GDP).
- Regarding the 2000 Annual Report on the Growth Management Plan it was noted that:
  - The PRC was not provided sufficient time to provide input regarding the composition of the report;
  - The PRC did not see the final report before it was published;
  - The low quality of the report is reflected in the low public demand for the report.
- Regarding the reassessment of monitoring program progress
  - Three members of the PRC had met with Neil Connelly in August of 2001 to discuss the role and function of the PRC and the PRC's achievements because they believed the PRC was not honouring its mandate pursuant to the PRC Terms of Reference and the Master Implementation Agreement. The members requested that the relationship between the PRC and the Board be reconsidered, to provide a stronger and more direct relationship between the two. No action was taken by staff as a result of this meeting.
- Regarding the interviews conducted by the Consultant
  - The interviews were not necessary as the answers are contained in the terms of reference for the PRC and the Master Implementation Agreement;
  - The interviewers had insufficient knowledge of plan monitoring and indicators, consequently the outcome of the interviews is of minimal value;
  - The interviews did not consider monitoring in terms of a total ecological approach, which is the contemporary way of monitoring;
  - Experience working with nongovernmental organization monitoring programs is not relevant and biased the survey.
- Regarding the options presented at the January 27<sup>th</sup> meeting for the future of the monitoring program:
  - The "Larger Role" option matches the current PRC Terms of Reference in the context of the Master Implementation Agreement and is what the PRC has consistently requested the resources to be able to do.
  - The "Status Quo" option matches up with the denigrated direction of the PRC.
  - The "Restructure" option means the dissolution of the PRC and is contrary to the PRC Terms of Reference and the Master Implementation Agreement. It would provide for a confusing approach, despite the efforts of the PRC to correct the situation. Professionalism is required to evolve all embracing indices of quality of life. Politicians shouldn't be involved in 'how' and 'what' is measured in monitoring programs -this is the role of the PRC. The PRC needs to be closely allied with the Board. PRC staff support is an issue that needs to be addressed.
- The PRC should pursue a full and meaningful role as per the existing Terms of Reference with alternative members of the RDN staff.
- The PRC has requested that data be collected for indicators of health, economy and education. (N. Connelly responded that the purpose of the monitoring program was to report specifically on progress towards the achievement of the Growth Management Plan, and that, to that end, a set of indicators directly related to the Growth Management Plan had been selected with the Committee at the September and November 2000 workshops and that data would be collected for these indicators. Discussion and work undertaken to date indicates that there is a vast number of indicators and data that could be collected about many indicators, but that the most efficient

approach is to collect data about indicators directly related to the Growth Management Plan and for indicators related to areas of RDN direct influence.)

- The PRC should be retained in the spirit of the Growth Management Plan. The PRC has completed three good annual reports. A strategy should be developed that includes the PRC. Some aspects of the PRC need to be addressed.
- A question was asked regarding whether the RDN is required to (a) monitor and report on progress towards the achievement of the Growth Management Plan; and (b) work with a citizen committee to prepare such reports. (C. Thomas responded that the Local Government Act requirements are as follows: "a regional district that has adopted a regional growth strategy must establish a program to monitor its implementation and the progress made towards its objectives and actions; and prepare an annual report on that implementation and progress". C. Thomas noted that the Local Government Act does not require the RDN to monitor such progress using indicators and indicator data or a citizen committee. The requirements of the Master Implementation Agreement are the same as the Local Government Act. The Master Implementation Agreement commits the RDN to "establish a program to monitor Plan implementation and prepare an annual progress report").
- Significant progress has been made the PRC in regard to developing and implementing a program to monitor the Growth Management Plan, despite the fact that the program is not everything every member of the Committee wants it to be. The PRC is a good mechanism for providing public feedback. It is a concern that the RDN has reports prepared on progress towards the vision and goals of its Growth Management Plan because of a Provincial requirement yet the Province makes decisions that are not consistent with the Plan. It would not be wise for the PRC to work more closely with the Board, as it would decrease the PRC's ability to provide independent advice. The PRC is a cross section of the region's population.
- The PRC should be retained because public feedback is needed. The PRC should take a more active, hands-on role. Public forums would only attract people with concerns and not provide opportunities for adequate dialogue like the PRC does.
- It has been difficult to discern what the role of the PRC is, and it would appear that the PRC has not accomplished much. Unless the benefits of participation on the PRC are evident the member indicated that he would not seek reappointment. It was noted that Committee attendance at the meetings is often low.
- The PRC is a good cross section of the public. The PRC has not being proactive regarding how to improve results. There is a Growth Management Plan in place but nobody is taking responsibility for achieving the Plan. It was suggested that initiatives such as coal exploration be discussed.
- A PRC is needed, although the membership provisions need to be changed to provide for a committee with better links to the broader community. Monitoring should only be a small part of the PRC work. The PRC could be the 'conscience' for the Board.
- Concern was expressed regarding whether the Board would want a PRC if the PRC made recommendations to the Board that the Board did not support. It was noted that the PRC is a "watchdog" type of committee with "watchdog" type responsibilities that could place it in disfavour with the Board. It was noted that the Growth Management Plan has been a success and that progress towards the vision and goals of the Plan has been effectively monitored by the PRC, despite challenges in obtaining sufficient resources to do the job.
- If the PRC were retained the terms of reference for the PRC would need to be adjusted. The terms of reference should be adjusted prior to appointing members to the PRC, and the current PRC should be provided an opportunity to help with the revision to the terms of reference.
- Once the PRC completed the task of identifying indicators of progress towards the Growth Management Plan vision and goals it is difficult to see what an appropriate role for the Committee would be. Indicator data can be obtained and analyzed by staff. Perhaps an appropriate role for the PRC is an ad-hoc one in which the PRC provides input regarding the modification of indicators. (N. Connelly indicated that the indicators for monitoring the Growth Management Plan had been



essentially set, through the September and November 2000 workshops, and that data needs to be collected at 1, 4 and 5 year intervals for the chosen indicators).

- Work on indicators never ends. Indicators can always be improved. Correct interpretations can only be achieved by combining indicators. The PRC shouldn't have put its name to the 2000 Annual Report since it didn't agree with how it was done. The PRC is important and justifiable. It performs a task no one else can do. The PRC's work needs to be better integrated with the Board's work. The PRC has been too insulated from the Board, citing that it should be a duty not an honour for the Committee to present its annual report to the Board. The PRC terms of reference should be modified to match what the PRC wants to do. The PRC should have a role in interpreting indicator data, not staff. The interpretation of data is guided by the quality of the data measurements and the interrelatedness of the indicators and their data. The RDN monitoring program does not match contemporary methods of plan monitoring.
- A recommendation was made that the PRC be retained, and that a workshop be conducted with the PRC to re-work the terms of reference for the PRC before the end of the current member's terms.

Director Holme noted that staff would prepare a report that would include options and recommendations for the future of the Growth Management Plan Monitoring Program for consideration by the Committee of the Whole on March 26<sup>th</sup> and the Board on April 9<sup>th</sup>, and that the Board would make the ultimate decision on the matter. Director Holme welcomed Committee members to attend and express their viewpoints at the March 26<sup>th</sup> meeting at 6:30 PM.

N. Connelly indicated that the staff report on the topic would be available on the Thursday preceding the March 26<sup>th</sup> meeting (i.e. March 21<sup>st</sup>), at the RDN offices and on the RDN web site.

#### 4. Adjournment

Director Holme adjourned the meeting at 8:20 PM.

Chair, Director George Holme



REGIONAL DISTRICT OF NANAIMO			
MAR - 4 2002			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
			<i>Bad</i>
		DATE:	

MEMORANDUM

TO: Pamela Shaw  
Manager of Community Planning

DATE: March 1, 2002

FROM: Geoff Garbutt  
Senior Planner

FILE: 3900 20 1264/5/6/7

SUBJECT: Noise Control Establishing and Regulatory Bylaws  
Electoral Areas 'D' and 'H'

PURPOSE

To consider introducing Noise Control Bylaws in Electoral Areas 'D' and 'H' through the adoption of an Establishing Bylaw and a Regulatory Bylaw written specifically for each Electoral Area.

BACKGROUND

Section 796 (1) of the *Local Government Act* gives Regional Districts the power to establish noise control regulations for land located within Electoral Areas. Noise control regulations consist of two Bylaws: an Establishing Bylaw that creates a service area for which the regulations apply, and a Regulatory Bylaw that outlines the noise issues to be regulated.

Over the past five years, RDN Bylaw Enforcement and the Area Directors have seen an increase in nuisance complaints about noise in Electoral Areas 'D' and 'H'. The majority of these calls are concerned with barking dogs and loud music. In addition to complaints, the Electoral Area Directors for Area 'D' and 'H' have received inquiries with respect to implementing noise control regulations.

During recent public consultation sessions regarding amendments to the Home Based Business (HBB) regulations, RDN Staff and the Area Directors received feedback from residents that indicated with expanded HBB provisions, the noise impacts on adjacent properties must be considered. In light of the input received, Director Haime and Director Quittenton both indicated that they would be interested in proposing noise bylaws in their Electoral Areas, subject to public consultation on this issue.

The Directors both indicated that any noise control bylaw must be fair, balancing commercial and community interests, it must be reasonable, easily understandable and the Bylaw must be written to address the specific noise issues raised by area residents. The Area Directors requested that Public Information Meetings be held to receive direct input on how to refine the proposed Bylaws, or to establish if a Noise Control Bylaw is needed in their Electoral Areas, prior to consideration by the Regional Board.

At the November 20, 2001 Development Services Committee Meeting it was moved that a *Public Information Meeting* be held on "Electoral Area 'D' Service Establishment Bylaw No. 1264, 2001" and "Electoral Area 'D' Noise Control Regulatory Bylaw No. 1265, 2001", to be chaired by Director Haime or her alternate, and that a *Public Information Meeting* be held on "Electoral Area 'H' Service Establishment Bylaw No. 1266, 2001" and "Electoral Area 'H' Noise Control Regulatory Bylaw No.

PAGE 10/1

1267, 2001", to be chaired by Director Quintenton or his alternate, prior to the consideration of the bylaws by the Board.

Based on consultation with the Area Directors, RDN Staff drafted Noise Control Bylaws for each Electoral Area and took these proposed bylaws out to the community at Public Information Meetings in January and early February 2002.

Two meetings were held in Electoral Area 'D' with the first on January 24<sup>th</sup>, 2002 at the Costin Hall in Lantzville. There were approximately 40 people in attendance. Residents raised a number of issues including removing the proposed general prohibition on noise and the general feeling was that the bylaw should be tightly focused on restricting evening and persistent noise. Several residents voiced concerns that the bylaw was not required, while others indicated that a bylaw is appropriate and should be implemented for the area. Other issues raised included noise associated with outdoor events and community halls. The second meeting for Electoral Area 'D' was held on February 7<sup>th</sup>, 2002 at the Mountain View School. There were 4 people in attendance and key issues that were raised included whether or not the bylaw could be enforced for crown lands, the cost of the service and if noise control was appropriate for the area. The minutes from these meetings identify the range of issues discussed and are attached as *Schedule 1*.

In Electoral Area 'H' the Public Information meeting was held February 13<sup>th</sup>, 2002 at the Lighthouse Community Centre in Qualicum Bay with approximately 65 people in attendance. The public raised a number of issues with respect to implementing noise control in the area. Several residents voiced concerns that the bylaw was not required, while others indicated that a bylaw is appropriate and should be implemented for the area. Those residents for noise control commented that the proposed bylaws should be reasonable, enforced where required and not overly intrusive. Those residents against noise control commented that the bylaw would not be enforceable and the bylaws were not required for a rural area. The minutes for this meeting identify the range of issues discussed and are attached as *Schedule 2*.

## ALTERNATIVES

1. Introduce and give 3 readings to the Noise Control Establishing and Regulatory Bylaws for Electoral Areas 'D' and 'H'.
2. Do not introduce Noise Control Establishing and Regulatory Bylaws for Electoral Areas 'D' and 'H' at this time.

## LAND USE IMPLICATIONS

In Electoral Areas 'D' and 'H', there is a broad mix of rural, residential, home based businesses and commercial developments that have been developed over the years. With this mix of uses there can be issues related to impacts on other properties. With the creation of noise control regulations, the community would have a dispute resolution mechanism. The community establishes specific types of noises that are a nuisance, establishes time periods when these nuisance noises are prohibited, and provides a level of certainty for property owners knowing that between specified times noises will be controlled. The noise control regulations represent an opportunity to protect private property from nuisance noises while at the same time allowing people or businesses to conduct themselves within established regulations.

For Electoral Area 'D', the key issues identified for the community have been barking dogs, mechanical noise and loud music. For Electoral Area 'H', the key issues identified for the community have been barking dogs, long idling commercial vehicles, mechanical noise and loud music. In both cases, these

nuisance noises currently stretch into the late hours of the evening or start in the very early morning hours. The Noise Control Bylaws have been drafted to address these issues specifically, while protecting the home based businesses, commercial operations and ensuring that community events may continue unimpeded. As in other Electoral Areas, the proposed Noise Control Bylaws are flexible and can be amended to meet changing community expectations and address additional nuisance noises as required. New uses can be added, others deleted and the Bylaw can be 'fine tuned' to work for each Electoral Area as uses or issues in the area evolve over time.

## **PUBLIC CONSULTATION IMPLICATIONS**

The intent of the proposed Noise Control Bylaws for Electoral Areas 'D' and 'H' is to provide a level of certainty for electoral area residents with respect to 'acceptable' noise. RDN Staff and the Area Directors have received input on issue areas for noise control and these comments have been used to draft the proposed Bylaws.

As identified above, public information meetings were held to discuss the issue of noise control and to get community input on the proposed noise control regulations. Out of the consultation process, the public made it clear that the proposed bylaws should be reasonable and tightly focused on specific issues. Based on public input the proposed bylaws for Electoral Area 'D' were amended as follows:

- Remove General Prohibition regulation in Bylaw No. 1265, 2002;
- Add Persistent Yelling and Shouting between the hours of 11:00 pm and 8:00 am as a matter to be regulated under Section 5, Schedule A of Bylaw No. 1265, 2002
- Add Auditory Signalling Device for Emergency Services as an exemption under Section 6, Schedule B of Bylaw No. 1265, 2002.

Based on public input the proposed bylaws for Electoral Area 'H' were amended as follows:

- Remove General Prohibition regulation in Bylaw No. 1267, 2002;
- Add noise associated with the operation of a provincially licensed shooting range within permitted hours as an exemption under Section 6, Schedule B of Bylaw No. 1267, 2002.

The proposed Electoral Area 'D' Noise Control Service Establishment Bylaw No. 1264, 2002 is attached as *Schedule 3*. The proposed Electoral Area 'D' Noise Control Regulatory Bylaw No. 1265, 2002 is attached as *Schedule 4*. The proposed Electoral Area 'H' Noise Control Service Establishment Bylaw No. 1266, 2002 is attached as *Schedule 5*. The proposed Electoral Area 'H' Noise Control Regulatory Bylaw No. 1267, 2002 is attached as *Schedule 6*.

## **FINANCIAL IMPLICATIONS**

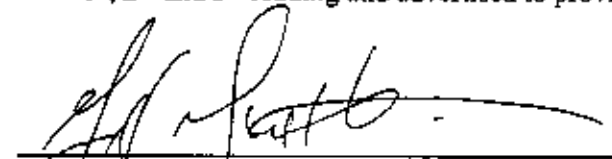
Noise Control is a regulatory service that is established and funded by direct taxation from Electoral Area residents. The Regional District, as required by the *Local Government Act*, has established a tax rate to fund the administration of this service. The Regional District has established that approximately \$5,000 must be raised within each Electoral Area to fund this service. For Electoral Area 'D', the property tax rate has been established at .013 cents per 1,000 of assessed value when applied to the net taxable value of land and improvements, which translates into a total of \$4,845. For Electoral Area 'H', the property tax rate has been established at .016 cents per 1,000 of assessed value when applied to the net taxable value of land and improvements, which translates into a total of \$5,076.


## SUMMARY/CONCLUSIONS

The *Local Government Act* gives Regional Districts the ability to establish noise control regulations on an area specific basis tailored to fit the needs of individual areas. A series of Public Information Meetings have been held to solicit input on the proposed noise control and regulatory bylaws for Electoral Area's 'D' and 'H' to ensure that the proposed bylaws are drafted with community input. Based on the input received at these meetings, the proposed bylaws have been amended to reflect each community's priorities and noise control issues. Having incorporated these amendments, staff recommend that these bylaws have merit to proceed to the Board for consideration.

## RECOMMENDATIONS


1. That "Electoral Area 'D' Service Establishment Bylaw No. 1264, 2002" be introduced and given 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading and referred to the Inspector of Municipalities for approval.
2. That "Electoral Area 'D' Noise Control Regulatory Bylaw No. 1265, 2002" be introduced and given 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading and advertised to provide notice of the Board's intent to adopt this bylaw.
3. That "Electoral Area 'H' Service Establishment Bylaw No. 1266, 2002" be introduced and given 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading and referred to the Inspector of Municipalities for approval.
4. That "Electoral Area 'H' Noise Control Regulatory Bylaw No. 1267, 2002" be introduced and given 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading and advertised to provide notice of the Board's intent to adopt this bylaw.


  
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Report Writer

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

### COMMENTS:

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General Manager Concurrence

  
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CAO Concurrence

**Minutes Of a Public Information Meeting**  
**Held at the Costin Hall**  
**7232 Lantzville Road, Lantzville, BC**  
**January 24, 2002 at 7:00 pm**  
**on**  
**Proposed Noise Control Bylaws No. 1264 and 1265**

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

There were approximately 40 persons in attendance.

**Present:**

Chairperson Denise Haime, Director, Electoral Area 'D'  
Geoff Garbutt, Senior Planner

Director D. Haime opened the meeting at 7:05 pm and outlined the agenda for the evening's meeting and introduced the head table. The Chair outlined why a public information meeting was being held to discuss implementing noise control regulations for Electoral Area 'D'. The Chair indicated that she had received a number of enquiries about having a noise bylaw for the area and that the comments she received indicated that the key matters to be regulated were barking dogs and loud parties. The Chair requested that the Senior Planner provide background information and an overview of the proposed bylaws.

The Senior Planner provided the rationale behind the proposed noise control regulations for Electoral Area 'D', including the justification for creating this regulatory bylaw for the electoral area. He then explained the matters to be regulated in the Noise Control Bylaw and exemptions to the Bylaw. The Senior Planner stressed that this Bylaw was drafted based on typical complaints received in the area and is focused on controlling excessive nuisance noise.

The Chair invited questions from the audience. There were a number of questions and statements made by the residents in attendance. The following provides an overview of the questions and statements.

A resident commented that the bylaw should include additional exemptions to allow for installation and repair of all utilities. When a well is put into production, there is typically a 24-48 hour pump test required and this may be prevented by the noise bylaw.

The senior planner explained that the bylaw was tightly focused to regulate excessive nuisance noise and it is not intended to stop the day-to-day workings of a community. The bylaw has been drafted to try and avoid unintended consequences and only to regulate specific noise producing activities between established times.

A resident commented that Schedule A(5) of the bylaw that regulates mechanical noise should be amended to be prohibited from 11:00 pm-7:00 am to allow for the summer construction season.

The resident also called for the removal of the general prohibition on noise in section 5. Feels that this is too broad and may be abused to stop all noise producing activities. Also, the resident commented that all outdoor celebratory events should be exempt from the bylaw.

The Chair commented that a general prohibition is not intended by the bylaw and feels that it should be removed in order that only specific matters are regulated.

The Senior Planner explained that this regulation is typically included in a Noise Control Bylaw to address the possibility of excessive nuisance noises that may arise in the future however, the purpose of the meeting is to get input on the regulations and this prohibition can be removed.

There was general discussion amongst the group regarding the general prohibition regulation. Some residents felt that having the general prohibition was important and others feeling that the regulation was not appropriate.

A resident said that he was in favor of the general prohibition and that in Schedule A (1) operation of electronic device should be restricted at all times as opposed to between 11:00 pm and 8:00 am.

A resident commented that she supports a noise bylaw for the area and due to her location in the vicinity of a kennel that the prohibition on barking dogs at all times is appropriate and important.

The owner of Del Norte Kennels spoke to the bylaw asking how this prohibition would affect his operation that employs 9 people in the area. The speaker commented that it is impossible to keep the dogs absolutely quiet at all times and he worried that this regulation would have a negative impact on his business.

The Senior Planner explained that regardless of a use on a property, reasonable steps must be taken by the owner to ensure that off site impacts of the use, like noise, are addressed. However, where uses are legally sited, RDN Bylaw Enforcement does not typically take action in these cases. Bylaw enforcement officers work with the community, both the landowner and the complainant to try and come to an agreement to solve the problem.

A resident commented that he is not in favor of the bylaw and he feels that permitted uses may be hurt by the general prohibition on noise.

Director Haime commented that she is not in favor of the general prohibition and that this regulation does not reflect the focus of the comments that she has received.

A resident commented that if the focus of the bylaw is on-going persistent noise then it should be stated in the bylaw. Also, unless the bylaw is actively enforced then there is no point in having a bylaw at all.

A resident commented that he doesn't feel that under Schedule 'B'(5) that the Costin Hall should be exempt from the noise bylaw. The facility has numerous events that have an impact on the adjacent properties. The problem is with people outside the building making noise. The resident

commented that the issue is not functions inside the building but when the doors are open or the fact that people must go outside to smoke creates a problem. Noise associated with this is extremely disturbing.

There was general discussion surrounding the issue of noise impacts from the Costin Hall.

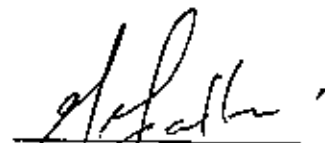
Director Haime explained that the bylaw should not limit the ability for community facilities to operate however, this appears to be a communication issue. A good solution would be to notify the Hall association that this is an issue and have them direct smokers etc. to congregate out the doors adjacent to the church and not the front entrance to the Hall.

A resident commented that the focus of the bylaw should be night time noise only and that persistent yelling and shouting at night should be addressed by the regulations. In addition, he felt that golf course equipment operation should be exempted by the Bylaw, they typically start at 5:00 am and this is definitely consistent noise that may be affected by the Bylaw.

The chair thanked the residents for taking the time to attend the meeting and provide input into the proposed noise bylaw. The chair asked if there were any other questions or comments.

Being none, the chair announced that the public information meeting was closed.

The meeting concluded at approximately 8:55 pm.

  
\_\_\_\_\_  
Geoff Garbutt  
Recording Secretary



**Minutes Of a Public Information Meeting**  
**Held at the Mountain View School**  
**2480 East Wellington Road, East Wellington, BC**  
**February 7, 2002 at 7:00 pm**  
**on**  
**Proposed Noise Control Bylaws No. 1264 and 1265**

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

There were 4 people in attendance.

**Present:**

Chairperson Denise Haime, Director, Electoral Area 'D'  
Geoff Garbutt, Senior Planner

Director D. Haime opened the meeting at 7:05 pm and outlined the agenda for the evening's meeting and introduced the head table. The Chair outlined why a public information meeting was being held to discuss implementing noise control regulations for Electoral Area 'D'. The Chair indicated that she had received a number of enquiries about having a noise bylaw for the area and that the comments she received indicated that the key matters to be regulated were barking dogs and loud parties. The Chair requested that the Senior Planner provide background information and an overview of the proposed bylaws.

The Senior Planner provided the rationale behind the proposed noise control regulations for Electoral Area 'D', including the justification for creating this regulatory bylaw for the electoral area. He then explained the matters to be regulated in the Noise Control Bylaw and exemptions to the Bylaw. The Senior Planner stressed that this Bylaw was drafted based on typical complaints received in the area and is focused on controlling excessive nuisance noise.

The Chair invited questions from the audience. The following provides an overview of the questions and statements.

**Robert Jepson, 7095 Vipond** – asked if the bylaw would apply to first nations lands, provincial crown lands, transportation right-of-ways, and federal crown lands?

The Senior Planner responded by explaining that first nations reserves are not formally part of the RDN structure and would not be affected by the bylaw. Statements by the Premier indicated that all crown corporations and government ministries must follow local government regulations therefore, the RDN believes that if matters that are regulated by the proposed bylaw take place on crown land, then they would be subject to the bylaw. Federal crown lands would not be affected by this bylaw, however, there is no federal crown land that we are aware of in the electoral area except for first nations reserves.

Mr. Jepson asked if the bylaw could be changed in the future and would there have to be public input? Could the bylaw say that public consultation would be required for any amendment?

The Senior Planner explained that the bylaw could be amended in the future and that there is no public consultation component required by the *Local Government Act* for a bylaw of this type. The RDN solicitor indicates that it is legally possible to require that public consultation happen for an amendment.

Mr. Jepson stated that he was concerned that this bylaw will just add to the rules and gradually get bigger and bigger, leading to the ability for neighbors to be vindictive. He asked what the cost of the bylaw would be?

The Senior Planner explained that the cost for the residents of the electoral area would be \$1.30 on \$100,000 of assessed property value.

**Charles Baker, 3520 Jingle Pot** – Commented that he doesn't think that this bylaw is required for the area. Felt that it should only be applied to the Lantzville portion of Electoral Area 'D'.

**Charlie Pinker, 2242 East Wellington** – Doesn't feel that a bylaw is needed, it is a rural area and due to the nature of the area no bylaw is required and doesn't meet the needs of the community. Mr. Pinker commented that the bylaw should exempt the horn for the East Wellington Volunteer Fire Hall. Mr. Pinker questioned how fast the bylaw is being implemented for the area.

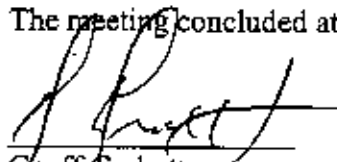
Director Haim explained that this process started in November of 2001 and that there has been notification in the local papers along with the issue being addressed in her column in the paper.

**Gordon Shoquist, 3545 Jingle Pot** – commented that the bylaw is not required and that people should talk to their neighbors if they have a problem.

There was general discussion amongst the residents about the need for a bylaw in the area. One resident commented that the Pane Sawmill needs to be protected and the noise regulations that prohibit the operation of a mechanical device between 10:00 pm and 6:00 am are too restrictive.

The chair thanked the residents for taking the time to attend the meeting and provide input into the proposed noise bylaw. The chair asked if there were any other questions or comments. Being none, the chair announced that the public information meeting was closed.

The meeting concluded at approximately 8:15 pm.

  
Geoff Garbutt  
Recording Secretary

**Minutes Of a Public Information Meeting**  
**Held at the Lighthouse Community Centre**  
**240 Lions Way, Qualicum Bay, BC**  
**February 13, 2002 at 7:00 pm**  
**on**  
**Proposed Noise Control Bylaws No. 1266 and 1267**

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

There were approximately 65 persons in attendance.

**Present:**

Chairperson Richard Quittenton, Director, Electoral Area 'H'  
Geoff Garbutt, Senior Planner

Director R. Quittenton opened the meeting at 7:05 pm and outlined the agenda for the evening's meeting and introduced the head table. The Chair outlined why a public information meeting was being held to discuss implementing noise control regulations for Electoral Area 'H' and requested that the Senior Planner provide background information and an overview of the proposed bylaws.

The Senior Planner provided the rationale behind the proposed noise control regulations for Electoral Area 'H', including the justification for creating this regulatory bylaw for the electoral area. He then explained the matters to be regulated in the Noise Control Bylaw and exemptions to the Bylaw. The Senior Planner stressed that this Bylaw was drafted based on typical complaints received in the area and is focused on controlling excessive nuisance noise.

The Chair invited questions from the audience. There were a number of questions and statements made by the residents in attendance. The following provides an overview of the questions and statements.

A resident questioned the purpose of the Bylaw and argued that neighbours could abuse the regulations in the Bylaw in order to cause trouble for other property owners. Implementing a Noise Bylaw could have unintended consequences for the area. The resident also asked how the ticketing process would work.

The Senior Planner explained that the Bylaw was tightly focused on specific uses in order to avoid the issue of neighbour conflicts. The Senior Planner explained the process as to how a noise complaint would be addressed by RDN Bylaw Enforcement. The Senior Planner stressed that a 'Ticket and Fine' is the last resort and explained that the majority of these issues are solved by good communication through our Bylaw Enforcement Officers.

A resident commented that that based on his experience as a former Bylaw Officer, the proposed Bylaw is too vague and could not be enforced.

The Senior Planner explained that the proposed Bylaw is simple by design and this model has been used and enforced successfully by the RDN in other electoral areas.

A resident commented that due to the large number of bears in the area, his dog is constantly barking at the animals and wondered how the Bylaw could account for this because barking dogs are prohibited at all times.

The Senior Planner explained that all actions by the RDN are complaint driven and given the situation nothing would happen unless a neighbour complained about excessive noise.

Representatives of the shooting range on Dorman Road argued that the shooting events at the range should be exempt from the Noise Bylaw. Representative feels that they are responsible firearms owners and they provide a community recreation facility.

Director Quittenton explained that he has received complaints about people shooting outside the permitted hours at the range. He explained further that a number of residences have been developed in the area and the shooting range had been in the community for a long time therefore it should be protected within reasonable hours.

The Senior Planner asked how the club operated the facility and how the site was laid out.

The representative said that the shooting hours were from 10:00 am to 3:30 pm on Sunday and Wednesday and in addition, they have 6 larger scale shoots per year that occur on the weekends. The association that operates the range bought the 38 acre property in 1965 and they have maintained a 177ft buffer around the property. The representative noted that the permit that they have from the Province allows for shooting from dawn till dusk, seven days a week and they have limited the shooting times to be compatible with their neighbours.

There was general discussion about the impact of noise from the gun range and some residents commented that although they have never complained to the RDN about the noise, that it disturbed them especially on summer evenings.

A resident from the South Bowser area spoke the need for a noise control bylaw to address loud music in the evening and feels that the proposed bylaw is appropriate for the area. He commented that over the past few years they have called the RDN on numerous occasions to complain about noise, at least 25 times. The resident presented a petition supporting a noise bylaw signed by 28 people.

A resident commented that in Area H, a noise bylaw was not worth the effort and he felt that the community can regulate themselves. Do not need a bylaw for a rural area. Felt that a bylaw might stop neighbours from talking to neighbours and would cause bad feelings.

A resident stated that we don't need this bylaw in Area H.

A resident commented that Area H does need a bylaw and currently the RCMP get an average of 4 complaints a week that they do not act on because there is not bylaw.

A number of residents from the Kopina Estates area spoke in support of the noise bylaw. One resident requested that due to the noise associated with the use of Jet Skis, that they be added as a prohibited noise in the Bylaw.

The Senior Planner responded to the statement by indicating that due to the location on the ocean and the boundary of Area H, it would be very difficult to enforce such a regulation.

There was general discussion by residents about the ability to enforce a noise bylaw. Some residents commented that they don't see the point of having a Bylaw in place if it can't be enforced, and that we don't need a bylaw.

A resident responded by saying that in their opinion, the bylaw will be useful to enforce rules for those who can't look after things themselves, like elderly people. The bylaw will provide a sort of insurance and they think the bylaw is a good idea.

A resident commented that there was more pressing needs in the community right now and the community doesn't need this bylaw.

There was general discussion about the appropriateness of having a bylaw and is it worth the effort. Discussion continued around the need for a bylaw with some parties pointing out that it would be difficult for the RDN to enforce.

Director Quittenton recognized that there had been a significant amount of discussion about the issue at the meeting and asked that a straw pole be taken. He asked those for the bylaw to raise their hands and then for those against the bylaw to do the same. Approximately 70% of those in attendance were against the bylaw.

Having taken this pole, the chair asked if there were any other questions or comments.

Being none, the chair thanked those in attendance and announced that the public information meeting was closed.

The meeting concluded at approximately 9:14 pm.

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Geoff Garbutt  
Recording Secretary

REGIONAL DISTRICT OF NANAIMO  
BYLAW NO. 1264, 2002

A BYLAW TO ESTABLISH CONTROL  
OF NOISE AS A SERVICE  
IN ELECTORAL AREA 'D'

WHEREAS under Section 796(1) of the *Local Government Act* a Regional District may, by bylaw under Section 800, establish and operate control of noise as a service;

AND WHEREAS the Board of the Regional District of Nanaimo wishes to establish and operate control of noise as a service in Electoral Area 'D';

AND WHEREAS a bylaw establishing a service must meet the requirements of Section 800.1 of the *Local Government Act*;

AND WHEREAS the consent of the Director for Electoral Area 'D' has been received;

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

1. Control of noise is hereby established as a service.
2. The service area is coterminous with the boundaries of Electoral Area 'D'.
3. Electoral Area 'D' is the only participating area for this service.
4. The annual costs for of the service shall be recovered by property taxes imposed in accordance with Section 803(1)(a) and collected under Section 806.1(1)(a) of the *Local Government Act*.
5. The maximum amount that may be requisitioned under Section 800.1(e) for the service shall be the greater of:
  - (a) five thousand dollars (\$5,000); or
  - (b) the property tax rate of one point three cents (\$0.013) per \$1,000 of assessed value when applied to the net taxable value of land and improvements, within the service area.
6. This bylaw may be cited as "Regional District of Nanaimo Electoral Area 'D' Noise Control Service Establishment Bylaw No. 1264, 2002".

Introduced and read three times this 12<sup>th</sup> day of March, 2002.

Received the approval of the Inspector of Municipalities this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES

REGIONAL DISTRICT OF NANAIMO  
BYLAW NO. 1265, 2002

A BYLAW TO REGULATE OR PROHIBIT  
OBJECTIONABLE NOISE WITHIN  
ELECTORAL AREA 'D'

WHEREAS the Regional District of Nanaimo has established an general service for noise control under Section 796 (1) of the *Local Government Act*;

AND WHEREAS the Board believes that:

- (a) certain sounds are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public; and
- (b) it is desirable to regulate or prohibit them;

AND WHEREAS it is not the intent of the Board to prevent or prohibit those sounds customarily emitted or usually associated with the normal conduct of reasonable daily activity at reasonable times;

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

1. **INTERPRETATION**

In this bylaw:

**"Board"** means the Board of Directors of the Regional District of Nanaimo.

**"Bylaw Enforcement Officer"** includes a Peace Officer and a person appointed by the Board as a Bylaw Enforcement Officer.

**"District"** means the Regional District of Nanaimo.

**"Highway"** means as defined within the *Local Government Act* to include a street, road, lane, bridge, viaduct and any other way open to public use, but does not include a private right of way on private property.

**"Motor Vehicle"** includes an automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways or other motor vehicles running only upon rails, or traction engine, farm tractor or self-propelled implement of husbandry.



**"Real Property"** means land other than a highway, together with all improvements which have been so affixed to the land as to make them in law a part of the land and includes land without improvements.

**"Residential Premises"** means land upon which is located a building or structure, including a mobile home used seasonally or permanently for human occupancy.

2. **TITLE**

This bylaw may be cited as the "Regional District of Nanaimo Electoral Area 'D' Noise Control Regulatory Bylaw No. 1265, 2002".

3. **JURISDICTION**

This bylaw is applicable to and enforceable within Electoral Area 'D'.

4. **OBJECTIONABLE AND DISTURBING NOISES**

The acts listed in Schedule 'A' to this bylaw are considered by the Board to cause noises or sounds which are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public in the neighbourhood or vicinity of those acts.

5. **PROHIBITION BY TIME OR PLACE**

No person shall commit, cause or permit the commission of an act listed in Schedule 'A' to this bylaw which results in the emission of a noise which is audible at a residential premises in the vicinity or in a public place during the period of time specified in respect of that act in Schedule 'A'.

6. **EXCEPTIONS**

The prohibitions contained in Sections 5 of this bylaw do not apply to the emission of sound in connection with an act listed in Schedule 'B'.

7. **INSPECTION AND ENTRY**

A Bylaw Enforcement Officer is hereby authorized to enter, at all reasonable times, on any property subject to the regulations or direction of the Board, to ascertain whether the regulations or directions of this bylaw are being observed.

8. **SCHEDULES**

Schedules 'A' and 'B' form a part of and are enforceable in the same manner as this bylaw.

9. **PENALTY**

- (a) A person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this bylaw, shall be liable on summary conviction for the first offence, to a penalty of not less than \$100 and not more than \$2,000, and for a second or subsequent offence, to a penalty of not less than \$250 and not more than \$2,000.
- (b) In the case of a continuing violation, each day that a violation continues to occur shall constitute a separate offence.

10. **SEVERABILITY**

If any provision of this bylaw is held to be beyond the power of the Regional District by any Court of competent jurisdiction, then the provision may be severed from the remainder of the bylaw without affecting the validity of any other provision.

Introduced and read three times this 12<sup>th</sup> day of March, 2002.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager, Corporate Services

**SCHEDULE 'A'**  
**PROHIBITIONS OF TIME**

<b>Act</b>	<b>Prohibited Period of Time</b>
1. The operation of an electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers, and designed for the production, reproduction or amplification of sound, including but not limited to radios, record players, compact disc players, televisions, receivers and audio and video tape players; and the playing of electric or electronic musical instruments or percussion instruments.	11:00 p.m. to 8:00 a.m.
2. The operation of an auditory signaling device, including but not limited to the ringing of bells or gongs and the blowing of horns or sirens or whistles, or the production, reproduction or amplification of any similar sounds by electronic means except where required or authorized by law.	10:00 p.m. to 8:00 a.m.
3. Persistent yelling and shouting.	11:00 p.m. to 8:00 a.m.
4. Persistent barking, calling, whining or other similar persistent sound made by a domestic pet, other animal or bird, kept or used for a purpose other than agriculture.	At all times
5. The operation of a motor vehicle other than on a highway, private road or for the purpose of traveling directly to and from a parking space in a parking lot.	11:00 p.m. to 8:00 a.m.
6. The operation of a mechanical device, including but not limited to power saws and compressors.	10:00 p.m. to 7:00 a.m.
7. The running of the engine of a stationary motor vehicle other than during a period of time required by an enactment for a particular type of motor vehicle.	11:00 p.m. to 5:00 a.m.

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Chairperson

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General Manager, Corporate Services

## **SCHEDULE 'B'**

### **EXCEPTIONS**

Sound emitted in connection with:

1. **Emergency Measures Undertaken**

- (a) for the immediate health, safety or welfare of any person or persons, or
- (b) for the preservation or restoration of property

unless the sound is of a longer duration or of a nature more disturbing than is reasonably necessary for the accomplishment of such emergency purpose.

2. **Works or activity associated with and necessarily incidental to:**

- (a) construction, erecting, reconstructing, altering, repairing or demolishing of buildings, structures or things;
- (b) excavating, grading or filling land;
- (c) installing, altering, repairing or removing public facilities or utilities;
- (d) repairing or raising a highway; or
- (e) well drilling.

between 7:00 a.m. and 10:00 p.m. on any day.

3. Traditional, religious or other activities listed below:
  - (a) fireworks;
  - (b) special events held under Regional District of Nanaimo Special Events Bylaw No. 1010, 1996;
  - (c) church bells.
4. Farm uses as outlined in the Farm Practices Protection (Right to Farm) Act.
5. Community Facilities zoned for public assembly and rented on a periodic basis for functions (i.e. community halls).
6. Auditory Signaling Device for Emergency Services including ambulatory and community fire fighting services.

REGIONAL DISTRICT OF NANAIMO  
BYLAW NO. 1266, 2002

A BYLAW TO ESTABLISH CONTROL  
OF NOISE AS A SERVICE  
IN ELECTORAL AREA 'H'

WHEREAS under Section 796(1) of the *Local Government Act* a Regional District may, by bylaw under Section 800, establish and operate control of noise as a service;

AND WHEREAS the Board of the Regional District of Nanaimo wishes to establish and operate control of noise as a service in Electoral Area 'H';

AND WHEREAS a bylaw establishing a service must meet the requirements of Section 800.1 of the *Local Government Act*;

AND WHEREAS the consent of the Director for Electoral Area 'H' has been received;

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

1. Control of noise is hereby established as a service.
2. The service area is coterminous with the boundaries of Electoral Area 'H'.
3. Electoral Area 'H' is the only participating area for this service.
4. The annual costs for of the service shall be recovered by property taxes imposed in accordance with Section 803(1)(a) and collected under Section 806.1(1)(a) of the *Local Government Act*.
5. The maximum amount that may be requisitioned under Section 800.1(e) for the service shall be the greater of:
  - (a) five thousand dollars (\$5,000); or
  - (b) the property tax rate of one point six cents (\$0.016) per \$1,000 of assessed value when applied to the net taxable value of land and improvements, within the service area.

6. This bylaw may be cited as "Regional District of Nanaimo Electoral Area 'H' Noise Control Service Establishment Bylaw No. 1266, 2002".

Introduced and read three times this 12<sup>th</sup> day of March, 2002.

Received the approval of the Inspector of Municipalities this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES

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REGIONAL DISTRICT OF NANAIMO  
BYLAW NO. 1267, 2002

A BYLAW TO REGULATE OR PROHIBIT  
OBJECTIONABLE NOISE WITHIN  
ELECTORAL AREA 'H'

WHEREAS the Regional District of Nanaimo has established a general service for noise control under Section 796(1) of the *Local Government Act*;

AND WHEREAS the Board believes that:

- (a) certain sounds are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public; and
- (b) it is desirable to regulate or prohibit them;

AND WHEREAS it is not the intent of the Board to prevent or prohibit those sounds customarily emitted or usually associated with the normal conduct of reasonable daily activity at reasonable times;

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

1. INTERPRETATION

In this bylaw:

“Board” means the Board of Directors of the Regional District of Nanaimo.

“Bylaw Enforcement Officer” includes a Peace Officer and a person appointed by the Board as a Bylaw Enforcement Officer.

“District” means the Regional District of Nanaimo.

“Highway” means as defined within the *Local Government Act* to include a street, road, lane, bridge, viaduct and any other way open to public use, but does not include a private right of way on private property.

“Motor Vehicle” includes an automobile, motorcycle and any other vehicle propelled or driven otherwise than by muscular power, but does not include the cars of electric or steam railways or other motor vehicles running only upon rails, or traction engine, farm tractor or self-propelled implement of husbandry.



**“Real Property”** means land other than a highway, together with all improvements which have been so affixed to the land as to make them in law a part of the land and includes land without improvements.

**“Residential Premises”** means land upon which is located a building or structure, including a mobile home used seasonally or permanently for human occupancy.

2. **TITLE**

This bylaw may be cited as the “Regional District of Nanaimo Electoral Area ‘H’ Noise Control Regulatory Bylaw No. 1267, 2002”.

3. **JURISDICTION**

This bylaw is applicable to and enforceable within Electoral Area ‘H’ as defined by Letters Patent.

4. **OBJECTIONABLE AND DISTURBING NOISES**

The acts listed in Schedule ‘A’ to this bylaw are considered by the Board to cause noises or sounds which are objectionable or liable to disturb the quiet, peace, rest, enjoyment, comfort or convenience of individuals or the public in the neighbourhood or vicinity of those acts.

5. **PROHIBITION BY TIME OR PLACE**

No person shall commit, cause or permit the commission of an act listed in Schedule ‘A’ to this bylaw which results in the emission of a noise which is audible at a residential premises in the vicinity or in a public place during the period of time specified in respect of that act in Schedule ‘A’.

6. **EXCEPTIONS**

The prohibitions contained in Sections 5 of this bylaw do not apply to the emission of sound in connection with an act listed in Schedule ‘B’.

7. **INSPECTION AND ENTRY**

A Bylaw Enforcement Officer is hereby authorized to enter, at all reasonable times, on any property subject to the regulations or direction of the Board, to ascertain whether the regulations or directions of this bylaw are being observed.

8. **SCHEDULES**

Schedules 'A' and 'B' form a part of and are enforceable in the same manner as this bylaw.

9. **PENALTY**

(a) A person who violates any of the provisions of this bylaw or who suffers or permits any act or thing to be done in contravention of this bylaw, or who refuses, or omits or neglects to fulfill, observe, carry out or perform any duty or obligation imposed by this bylaw, shall be liable on summary conviction for the first offence, to a penalty of not less than \$100 and not more than \$2,000, and for a second or subsequent offence, to a penalty of not less than \$250 and not more than \$2,000.

(b) In the case of a continuing violation, each day that a violation continues to occur shall constitute a separate offence.

10. **SEVERABILITY**

If any provision of this bylaw is held to be beyond the power of the Regional District by any Court of competent jurisdiction, then the provision may be severed from the remainder of the bylaw without affecting the validity of any other provision.

Introduced and read three times this 12<sup>th</sup> day of March, 2002.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
General Manager, Corporate Services

### SCHEDULE 'A'

#### PROHIBITIONS OF TIME

Act	Prohibited Period of Time
1. The operation of an electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electro-mechanical transducers, and designed for the production, reproduction or amplification of sound, including but not limited to radios, record players, compact disc players, televisions, receivers and audio and video tape players.	11:00 p.m. to 7:00 a.m.
2. Persistent barking, calling, whining or other similar persistent sound made by a domestic pet, other animal or bird, kept or used for a purpose other than agriculture.	At all times
3. The running of the engine of a stationary motor vehicle other than during a period of time required by an enactment for a particular type of motor vehicle.	Midnight to 6:00 a.m.
4. The operation of a mechanical device, including but not limited to power saws and compressors.	11:00 p.m. to 6:00 a.m.

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Chairperson

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General Manager, Corporate Services

## **SCHEDULE 'B'**

### **EXCEPTIONS**

Sound emitted in connection with:

1. Emergency Measures Undertaken
  - (a) for the immediate health, safety or welfare of any person or persons, or
  - (b) for the preservation or restoration of propertyunless the sound is of a longer duration or of a nature more disturbing than is reasonably necessary for the accomplishment of such emergency purpose.
2. Works or activity associated with and necessarily incidental to:
  - (a) construction, erecting, reconstructing, altering, repairing or demolishing of buildings, structures or things;
  - (b) excavating, grading or filling land;
  - (c) installing, altering, repairing or removing public facilities or utilities;
  - (d) repairing or raising a highway; or
  - (e) well drilling.between 6:00 a.m. and 11:00 p.m. on any day.
3. Traditional, religious or other activities listed below:
  - (a) fireworks;
  - (b) special events held under Regional District of Nanaimo Special Events Bylaw No. 1010, 1996;
  - (c) church bells.
4. Shouting in relation to games played in a community park.
5. The operation of a generator, at any time, for the purpose of generating electricity used in connection with the occupancy of a dwelling unit not served by BC Hydro.

6. Industrial, commercial or resource management operations at any time, where the use is permitted by the applicable zoning regulations.
7. The operation of electric transformer stations at any time.
8. The operation of marine engines on water at any time.
9. All operations conducted within the Agricultural Land Reserve, the Forest Land Reserve and on lands of four (4) hectares or larger at any time.
10. The operation of a motor or pump system used in connection with the occupancy of a dwelling unit.
11. Noise associated with the operation of a provincially licensed shooting range within permitted hours.



REGIONAL DISTRICT OF NANAIMO			
MAR - 4 2002			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS	<i>B.A.</i>	GMES	<input checked="" type="checkbox"/>

MEMORANDUM

TO: C. Mason  
General Manager, Corporate Services

DATE: March 4, 2002

FROM: M. Pearse  
Manager, Administrative Services

FILE:

SUBJECT: Emergency Planning - Nanaimo Search & Rescue Society - JEPP Funding

PURPOSE

To update the Board on the Joint Emergency Preparedness Program (JEPP) which provides for local authorities to apply for assistance in funding emergency preparedness projects and to endorse an agreement with Nanaimo Search & Rescue for the acquisition and use of a Mobile Emergency Operations Centre (EOC).

BACKGROUND

The JEPP program is a federal government cost-sharing initiative coordinated with the provinces and territories to encourage them to undertake emergency preparedness projects that support national objectives and priorities. JEPP is open to provincial government ministries, incorporated municipalities, regional districts and First Nations. To be eligible, municipalities and regional districts must have an emergency bylaw in place and an operational emergency plan. PEP is the sole agency within BC authorized to process JEPP applications and claims.

In October of 2001 PEP advised the RDN that the submission by the Regional District, on behalf of Nanaimo Search and Rescue, for the conversion of a donated bus into a mobile EOC had been approved up to a total project cost of \$26,891.75, of which \$13,445.87 was eligible as JEPP funding. The RDN advised Nanaimo Search and Rescue and the conversion on the bus was commenced. The proposed project included the construction and installation of cabinets, furniture and fixtures, electrical system for lighting and communications equipment, radio communication equipment, awnings with exterior walls and stairs to access the rear storage area.

During a recent meeting with PEP representatives the question of the ownership of the mobile EOC was discussed. PEP advised that the mobile EOC must be in the RDN name in order to meet the criteria for JEPP funding. Although Nanaimo Search and Rescue is a key part of the RDN's Emergency Plan, funding is not directly available to the society as an independent agency. The Mobile EOC must be in the RDN name.

As a result, RDN staff have met with Nanaimo Search and Rescue to discuss ownership of the vehicle. A suggested resolution is that the RDN take ownership of the Mobile EOC in order to qualify for the JEPP funding and that an agreement be entered into to lease the use of the mobile EOC back to Nanaimo Search and Rescue for a nominal cost of \$1. Nanaimo Search & Rescue have agreed to this resolution and an agreement has been prepared. The agreement proposes that the RDN pay the entire invoice for the conversion of the bus, and that Nanaimo Search and Rescue reimburse the Regional District for 50% of this cost. The Regional District would then submit the invoice to PEP and be reimbursed for the remaining 50%. Since the RDN would own the bus, insurance would be covered under the RDN fleet

management policy. Under the agreement, the Regional District would have access to the mobile EOC in the event of a disaster, Nanaimo Search and Rescue would have the exclusive use of the vehicle during all other periods and would be responsible for the storage, operation and maintenance of the vehicle.

#### ALTERNATIVES

1. That ownership of the Nanaimo Search and Rescue's mobile EOC be transferred to the Regional District of Nanaimo and that the General Manager of Corporate Services and the Chief Administrative Officer be authorized to enter into a five year agreement with Nanaimo Search and Rescue for the use of the mobile EOC.
2. That the Regional District not assume ownership of the Nanaimo Search and Rescue's mobile EOC.

#### FINANCIAL IMPLICATIONS

Under the first alternative, the only cost implication to the Regional District would be to cover the annual vehicle insurance for the mobile EOC. This cost is estimated at approximately \$1,000 per year.

If the Board does not support the acquisition of the mobile EOC, Nanaimo Search & Rescue will be unable to access JEPP funding and will need to secure alternative funding for the additional \$13,445.


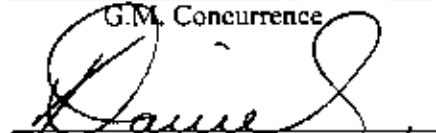
#### CONCLUSIONS

The Regional District has been advised that the conversion of the mobile EOC project, currently owned by Nanaimo Search and Rescue, will only be eligible for JEPP funding if the mobile EOC is owned by the RDN. Substantial work has already been completed and the project is at the risk of being cancelled if the JEPP funding is not made available. The only way that the criteria for JEPP funding can be met is to transfer ownership of the mobile EOC. In order to allow for the completion of the project, staff are recommending that the mobile EOC currently owned by Nanaimo Search and Rescue be transferred to the RDN and that an agreement be entered into to provide Nanaimo Search and Rescue the use of the mobile EOC.

#### RECOMMENDATION

That ownership of the Nanaimo Search and Rescue's mobile EOC be transferred to the Regional District of Nanaimo and that the General Manager of Corporate Services and the Chief Administrative Officer be authorized to enter into a five year agreement with Nanaimo Search and Rescue for the use of the mobile EOC.

  
Report Writer

  
G.M. Concurrence  
  
C.A.O. Concurrence



REGIONAL DISTRICT OF NANAIMO		
MAR - 4 2002		
CHAIR		GMCrs
CAO		GMDS
GMCS		GMES
		<i>Bed</i>

MEMORANDUM

**TO:** Stan Schopp  
Manager, Building Inspection and Enforcement

**DATE:** March 1, 2002

**FROM:** Maude Mackey  
Bylaw Enforcement Officer

**FILE:** 4020 20 02A011

**SUBJECT:** Contravention of Regional District of Nanaimo Building Regulation and Fees Bylaw  
1250, 2001 – Dyck/Robertson  
Electoral Area 'A' – 1716 Cedar Road

PURPOSE

To obtain Board direction regarding ongoing building bylaw contraventions on the above property.

BACKGROUND

Property: 1716 Cedar Road  
 Legal Description: Lot 4, Plan 23666, Section 15, Range 8, Cranberry Land District  
 Property Owner: Kenneth Dyck & Nicole Robertson  
 1716 Cedar Road  
 Nanaimo, B.C. V9X 1W1

On May 4, 1999, Building Permit No.22090 was issued to the then owner, Tana Parkin for construction of a single-family dwelling. Construction commenced and some initial inspections were called. In February 2000, the structure was noted to be occupied without an occupancy permit having been obtained. Building Inspection staff responded with repeated correspondence to Ms. Parkin requesting her cooperation with bringing her residence into compliance with bylaw requirements. This correspondence went unanswered until she was advised again in writing that the matter was being forwarded for consideration of a Section 700 filing. A staff inspection followed on August 8, 2001 in which a total of 21 'deficiencies' were identified including potential safety issues such an outstanding gas permit, electrical final and health approval.

The current owners obtained the house through a foreclosure sale and went on title in September 2001. The listing agent for the transaction had indicated to staff that Ms. Robertson and Mr. Dyck would be applying for a 'permit to complete' upon transfer of ownership. They have not done so and are continuing to occupy the premises.

A Section 700 filing was placed on the property title on November 16, 2001. The property owners were sent further correspondence on January 10, 2002 reiterating the outstanding bylaw contraventions and indicating the matter would now be referred for further legal consideration. This correspondence went without response. A site inspection on February 13, 2002 indicates the dwelling unit is continuing to be occupied. The property owners were spoken with and state that while they have a desire to bring their property into compliance with bylaw requirements, their current financial situation precludes them from doing so. They advise June as a possible month they maybe able to respond to this issue.



Since the Committee of the Whole reviewed this matter on February 26, 2002, the Manager of Building Inspection & Enforcement has been contacted by an agent for the property owners and discussed resolution to the file. The agent advises the owners have started to resolve the outstanding deficiencies and are prepared to initiate a Permit to Complete within the next week. The agent was also to proceed with obtaining the outstanding gas, health and electrical permits.

#### ALTERNATIVES

1. To proceed with action to order the outstanding deficiencies be brought up to a standard specified in the Bylaw pursuant to Section 698 of the *Local Government Act*.
2. To not proceed with a Bylaw pursuant to Section 698 of the *Local Government Act*.

#### FINANCIAL IMPLICATIONS

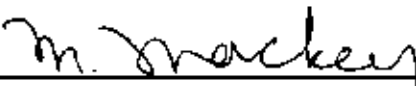
There are no initial financial implications involved as all costs incurred in a Section 698 action are charged back to the property owner, pursuant to the *Local Government Act* and *Rural Taxation Act*. However, if the property owner enters into an appeal to the Section 698 bylaw, then legal costs can quickly escalate. If the action ultimately results in the need to apply for an injunction, costs, including disbursements are estimated at \$3,000.

#### SUMMARY/CONCLUSIONS

The building permit for this dwelling unit has now expired and the structure is occupied with a number of deficiencies still outstanding. Some of these items relate to possible health and safety issues. The current owners were aware of the problems with the structure when it was purchased. The owners made no initial effort to resolve the outstanding concerns however are now expressing a more immediate intent to do so. Given the health and safety nature of some of the deficiencies, it is recommended the Sec. 698 Bylaw still be adopted. Should the owners or their agent follow through as promised, the Bylaw can be brought back before the Board and repealed.

#### RECOMMENDATION/S

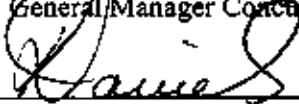
1. That "Regional District of Nanaimo Bring up to Standard Bylaw No. 1294, 2002" be introduced and given three (3) readings.
2. That "Regional District of Nanaimo Bring up to Standard Bylaw No. 1294, 2002", having received three (3) readings, be adopted.
3. That staff be authorized to proceed with legal action if necessary to ensure compliance with Bylaw 1294, 2002.

  
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 Report Writer

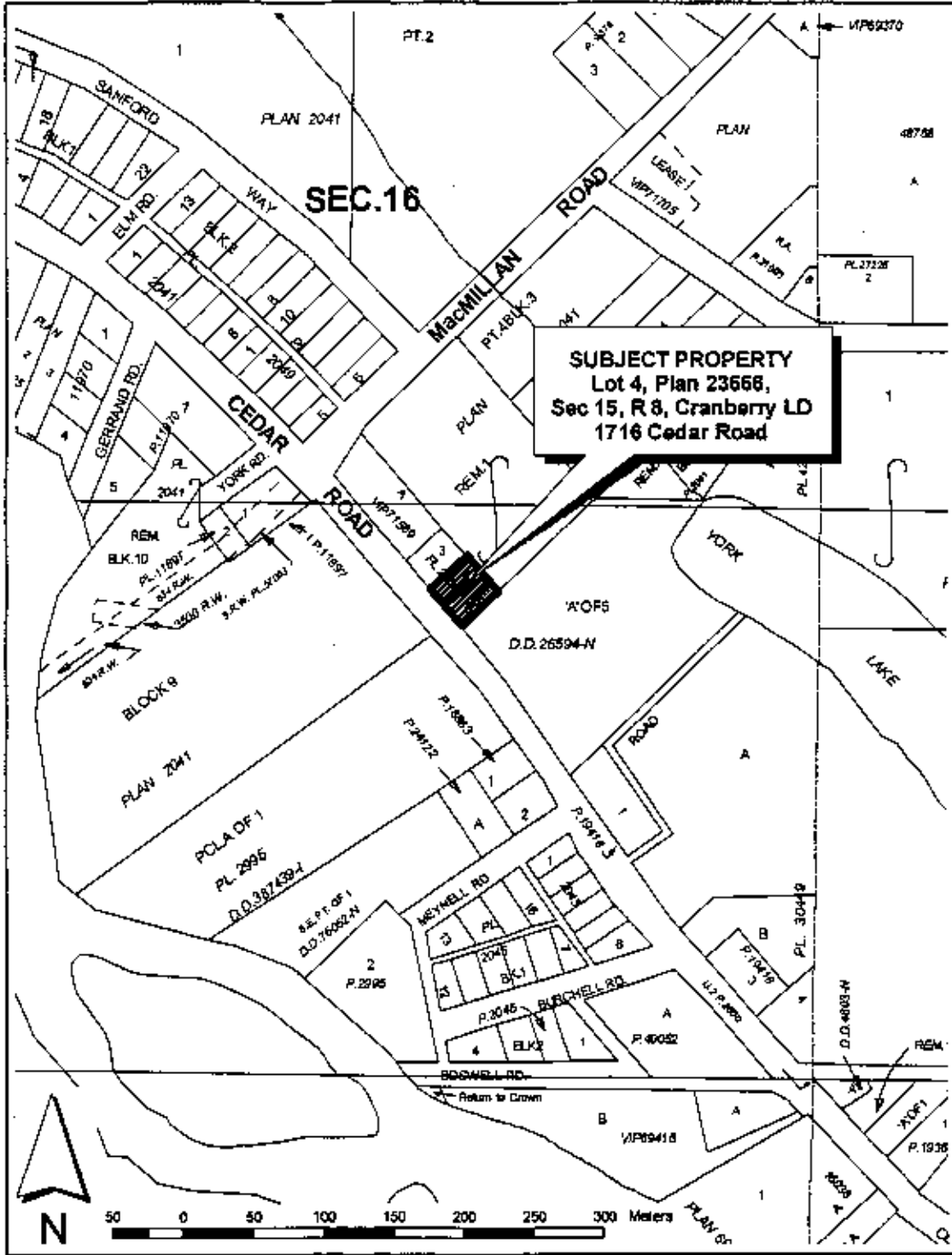
  
 \_\_\_\_\_  
 Manager Concurrence

COMMENTS:

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

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

Subject Property



**REGIONAL DISTRICT OF NANAIMO****BYLAW NO. 1294****A BYLAW TO AUTHORIZE THE BRINGING UP TO STANDARD OF AN  
ILLEGAL STRUCTURE**

WHEREAS Section 791(1)(b) of the Local Government Act authorizes the Regional Board to exercise the power contained in Section 698 of the Local Government Act, namely to authorize by bylaw the demolition, removal or bringing up to a standard specified in the bylaw of a building, structure or thing, in whole or in part that contravenes a bylaw, or that the Regional Board believes is in an unsafe condition;

AND WHEREAS the structure situated on Lot 4, Section 15, Plan 23666, Cranberry Land District, hereinafter called 'the Land', is in the opinion of the Regional Board, illegal due to having been occupied without an occupancy permit and with deficiencies in the construction of the structure.

AND WHEREAS Section 794(5) and Section 269 of the Local Government Act empowers the Regional Board to recover the expense of itself doing any work in default of a person or persons directed to do that work, together with costs and interest at the rate prescribed under Section 11(3) of the Taxation (Rural Act), in the same manner as municipal taxes;

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

1. This bylaw may be cited as "Regional District of Nanaimo Bring Up To Standard Bylaw No. 1294, 2002".
2. The structure situated on the Land is hereby declared illegal and the owners, pursuant to this bylaw, are hereby directed to obtain a *permit to complete* the structure and satisfy the deficiencies noted on the Building Inspection report of August 8, 2001.
3. The Board shall give 30 days notice of its intention to carry out the action contemplated by this bylaw by sending to the owner, tenant and occupier of the land by courier at the known address of each person, a copy of this bylaw and a copy of Section 698 of the Local Government Act in order to inform the owner of the right of appeal against this bylaw.
4. At the expiration of 30 days notice, if no appeal has been filed and the owner has failed to carry out the work directed to be done by this bylaw, the Board of the Regional District of Nanaimo is authorized to enter upon the land and to carry out the work by itself or by others at its direction, and the expense of the work, if unpaid by December 31<sup>st</sup> in the year in which the work was done, shall be added to and form that part of the taxes payable on the land designated in the notice.

Introduced and read three times this 12<sup>th</sup> day of March, 2002.

Adopted this 12<sup>th</sup> day of March, 2002.

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CHAIRPERSON

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SECRETARY

**PAGE**  
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**REGIONAL DISTRICT  
OF NANAIMO**

MAR - 4 2002

CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	

**MEMORANDUM**

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**TO:** Stan Schopp  
Manager, Building Inspection and Enforcement

**DATE:** March 5, 2002

**FROM:** Tom Armet  
Bylaw Enforcement Officer

**FILE:** 4000 01

**SUBJECT:** Appointment of Animal Control Officers

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**PURPOSE**

To appoint Bylaw Enforcement Officers employed by the SPCA and Nanaimo Animal Shelter for the purpose of enforcing Regional District of Nanaimo Animal Control and Licensing Bylaws only.

**BACKGROUND**

The enforcement of Animal Control and Licensing Bylaws for the Regional District of Nanaimo is carried out by the Nanaimo Animal Shelter Limited in District 68 and by the Parksville/Qualicum Beach & District SPCA in District 69. Employees of these contractors have similar specific duties and right of entry requirements as the Bylaw Enforcement Officers to enable them to carry out their duties as Animal Control Officers for the Regional District. Furthermore, Animal Control Officers must be appointed pursuant to Section 272 of the *Local Government Act* for the purpose of issuing violation tickets.

The Nanaimo Animal Shelter has five permanent Animal Control Officers. The most recent employee, Susan Hughes, has not yet been appointed as a Bylaw Enforcement Officer.

The SPCA has four permanent Animal Control Officers. The most recent employee, Jeffrey Peter Derksen has not yet been appointed as a Bylaw Enforcement Officer.

**ALTERNATIVES**

1. To appoint the Animal Control Officers pursuant to "Regional District of Nanaimo Bylaw Enforcement Officers Bylaw No. 857, 1992."
2. To not appoint the Animal Control Officers.

**FINANCIAL IMPLICATIONS**

There are no financial implications.

**LEGAL IMPLICATIONS**

All Animal Control Officers employed by our contractors actively investigate and enforce the provisions of our Animal Control and Licensing Bylaws. Failure to appoint an officer may result in a court ruling against the Regional District on the grounds that the Animal Control Officers had no authority to enforce Regional District of Nanaimo bylaws. The employees of the Regional District's contractors have been appointed as Bylaw Enforcement Officers since the beginning of the terms of the contracts, without

incident. The RDN requires the contractors to maintain general public liability insurance to indemnify the RDN from any claims of negligence that might arise from the performance of the contractors.

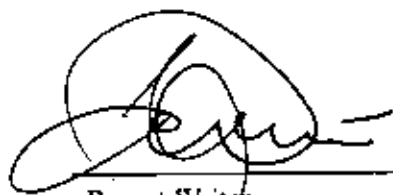
### SUMMARY/CONCLUSIONS

It is necessary to appoint Animal Control Officers employed by our contractors as Bylaw Enforcement Officers to ensure they have the ability to enforce animal control regulations, defend any legal challenge to their authority and maintain the integrity of the RDN animal control and licensing function.

### RECOMMENDATION

That the following persons be appointed as Bylaw Enforcement Officers for the specific purpose of enforcing Regional District of Nanaimo Animal Control and Licensing Bylaws.

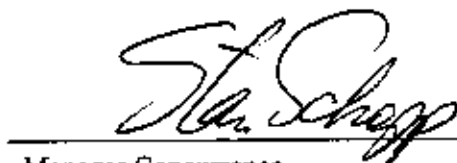
Susan M Hughes, Nanaimo Animal Shelter Limited  
Jeffrey Peter Derksen, Parksville/Qualicum Beach & District SPCA



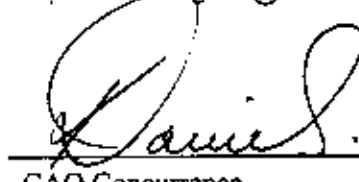
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:



# MEMORANDUM

REGIONAL DISTRICT OF NANAIMO			
MAR - 6 2002			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	

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

**DATE:** March 5, 2002

**FROM:** Geoff Garbutt  
Senior Planner

**FILE:** 6410 01 RAIL

**SUBJECT:** OCP/Zoning Bylaw Amendment for E&N Railway Corridor

## PURPOSE

To consider amending the Official Community Plan designation for the E&N Railway corridor in Electoral Areas 'A', 'C', 'D', 'E', 'G', and 'H' to Transportation Corridor, and further, to consider amending the zoning for the E&N Railway corridor to Public 3 (PU-3) in Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500 and T-2 (Institutional/Community Facility 2) in Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285.

## BACKGROUND

In November 2001, Rail America announced that it was suspending service on both the freight line linking Port Alberni and passenger service linking Victoria to northern Vancouver Island. Rail America has been operating the rail service since 1998 when it purchased the E&N Railway from Canadian Pacific. Based on information received by the RDN, Rail America operates the rail service and owns the rail right-of-way for the Port Alberni line, while on the Victoria to Courtenay line it leases the rail line from Esquimalt and Northern Railway Company, which is a subsidiary of Canadian Pacific.

The railway corridor is approximately 30 metres wide and runs through the Regional District of Nanaimo for approximately 90 km along the coast and for approximately 16 km west towards Port Alberni through Electoral Area 'F'. As a result of the potential change in use, approximately 318 ha of land in the Regional District could be affected. The railway corridor is currently divided into parcels as established by the original District Lot boundaries that were surveyed with the railway. There are 37 parcels situated within 6 electoral areas ranging from approximately 0.3 ha to 16.6 ha. Several of these parcels are likely further subdividable in accordance with the existing zoning regulations.

Currently, the E&N railway corridor is not specifically designated for transportation uses in any of the Regional District Official Community Plans and it is typically split zoned along the centre of the rail line reflecting adjacent zones. Recognizing the protection of the E&N railway as a regional transportation corridor the Board at the February 26, 2002 Committee of the Whole meeting of the Regional District of Nanaimo, moved that *the Electoral Area 'A', Electoral Area 'C', Electoral Area 'D' Lantzville, Electoral Area 'E', Electoral Area 'G' Englishman River, Electoral Area 'G' French Creek, and Electoral Area 'H' Official Community Plans be amended to designate the E & N rail line as Transportation Corridor.*

In addition, at the February 26<sup>th</sup> meeting the Board also moved that *"Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" and "Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285" be amended to zone the E & N rail line as Institutional to allow for the railway use only*

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## ALTERNATIVES

1. Receive the staff report and introduce Official Community Plan and Zoning Amendment Bylaws for the E&N rail line and proceed to public consultation as recommended by staff.
2. Receive the staff report and do not consider amending Official Community Plan designations and zoning for the E&N rail line at this time.

## OFFICIAL COMMUNITY PLAN IMPLICATIONS

An Official Community Plan (OCP) provides direction and guidance for the future development of lands in a community, including the provision of efficient transportation linkages. Land use planning principles identify the importance of linking land use, community development and the efficient movement of goods, services and people in a comprehensive way. Designating the E&N railway line as a transportation corridor will protect this corridor for future transportation uses and support development of communities and nodes in the Region.

None of the OCPs in the Regional District that include portions of the E&N rail line have land use designations that separately identify the E&N rail line for specific uses. However, there are a number of policies in place that provide direction as to the function of the lands as a transportation corridor throughout the Regional District. In order to implement these policies, the E&N rail corridor must be redesignated to reflect the current transportation use. It is noted that the Area F OCP allows land to be zoned according to its existing use despite the OCP designation therefore no amendment is required. The Official Community Plans for Electoral Area 'A', 'C', 'D', 'E', 'G' and 'H' are proposed to be amended as follows:

### *OCP Transportation Objectives*

- Protect the E&N railway line as a continuous linear transportation corridor by designating the lands as a transportation corridor.

### *OCP Transportation Policies*

- The E&N Railway corridor lands shall be designated Transportation Corridor with a minimum parcel size of 2 ha.

## ZONING IMPLICATIONS

In the RDN Land Use and Subdivision Bylaw No. 500 and the proposed Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, the E&N rail line does not have comprehensive zoning applied throughout the region. The current zoning includes primarily Resource Management, Rural and Residential zoning with small pockets of Industrial and Commercial zones. In order to restrict the use of the E&N rail line to transportation uses, the entire E&N rail corridor must be zoned to reflect the current transportation use. The Regional District of Nanaimo Amendment Bylaw No. 500.283 which creates the Public 3 (PU-3) will regulate the corridor as follows:

**Permitted Uses:** Railway, Railway Station

### **Maximum Number and Size of Buildings and Structures:**

Height	10 m
Parcel Coverage	10%

Amendment Bylaw No. 500.283 would also amend the Subdivision District to 'Z' (No further subdivision).

Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285 has been amended to add the T-2 (Institutional/Community Facility 2) zone which will regulate the corridor as follows:

<b>Permitted Uses:</b>	Railway, Railway Station
<b>Minimum Lot Size:</b>	2 ha
<b>Minimum Lot Frontage:</b>	70 m
<b>Maximum Lot Coverage:</b>	10%
<b>Maximum Building Height:</b>	10 m
<b>Minimum Setbacks :</b>	4.5 m from Front and Exterior Side Lot Lines 2 m from All Other Lot Lines

In addition, Bylaw No. 1285, 2002 has been amended to incorporate a minor housekeeping amendment based on a correction of information as provide by the Health Unit. The MHP-1.2 zone has been amended from 16 manufactured homes and 2 dwelling units to 20 manufactured homes only.

#### **PUBLIC CONSULTATION IMPLICATIONS**

To date, the public through various community meetings and the media have voiced their displeasure with the notion of losing the E&N Rail service throughout the Regional District. Some Electoral Area Directors have also received comments from the public supporting the retention of both passenger service and the use of the E&N rail line as a transportation corridor. At the February 26, 2002 Committee of the Whole meeting of the Regional District of Nanaimo, the Board of the Regional District considered public consultation issues related to these proposed amendments and received and approved the Consultation Strategy. Consultation will be undertaken based on this strategy.

#### **FINANCIAL IMPLICATIONS**

No new costs beyond those that would be required to notify and consult with the public would be incurred by the consideration of these Official Community Plan and zoning amendments.

#### **LEGAL IMPLICATIONS**

Based on information from the RDN's Solicitor, the E&N rail line is governed by the Federal *Railway Act* and as such land use regulations contained in the Official Community Plan and Zoning amendments cannot outline or include restrictions as to how the rail line is operated. However, land use regulations can outline the types of uses permitted on the lands affected by the OCP/Zoning. In this case, the rail line can be designated 'Transportation Corridor' and may be zoned for Railroad uses only.

#### **VOTING**

All Directors vote – one vote, except Electoral Area 'B' with respect to the proposed amendments to Official Community Plans.

Electoral Area Director only vote, except Electoral Area 'B' with respect to the proposed amendments to the Zoning Bylaws.



## SUMMARY/CONCLUSIONS

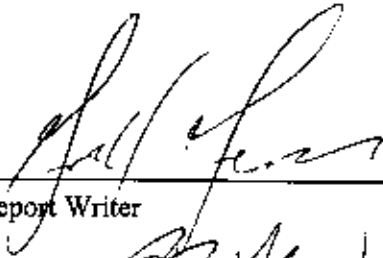
Most OCPs in the Regional District identify the E&N railway as a transportation feature and some OCPs, including those for Area E, Englishman River in Area G and Area H, speak directly to the rail line and include policies that encourage expanded future use of the railway as a service to the community. None of the OCPs speak to, or have policy that contemplates the closure of the railway or the possible alternatives for the use of the land.

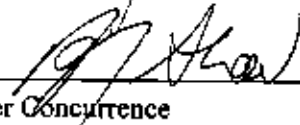
The E&N is an uninterrupted linear linkage that could provide future alternatives for greater mobility within individual electoral areas and the region as a whole. Protecting this corridor also has the potential to support many of the parks and recreation and transportation policies in the OCPs and goals outlined in the RDN Growth Management Strategy. Due to the range of zones and OCP designations that split the E&N rail line a comprehensive approach to land use regulation will be required to ensure that the corridor continues to function as a continuous linear transportation route throughout the region. Therefore staff recommends that common OCP designations and zones be applied to the existing railway corridor recognizing the existing use and to maintain the transportation corridor.

## RECOMMENDATIONS

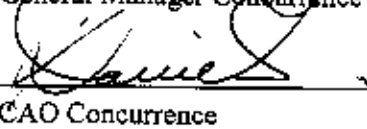
1. That "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Amendment Bylaw No. 1240.01, 2002", be introduced, given 1<sup>st</sup> reading and proceed to consultation.
2. That "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Amendment Bylaw No. 1148.02, 2002", be introduced, given 1<sup>st</sup> reading and proceed to consultation.
3. That "Regional District of Nanaimo Lantzville Official Community Plan Amendment Bylaw No. 974.02, 2002", be introduced, given 1<sup>st</sup> reading and proceed to consultation.
4. That "Regional District of Nanaimo Nanoose Bay Official Community Plan Amendment Bylaw No. 1118.03, 2002", be introduced, given 1<sup>st</sup> reading and proceed to consultation.
5. That "Regional District of Nanaimo Englishman River Official Community Plan Amendment Bylaw No. 814.07, 2002", be introduced, given 1<sup>st</sup> reading and proceed to consultation.
6. That "Regional District of Nanaimo French Creek Official Community Plan Amendment Bylaw No. 1115.02, 2002", be introduced, given 1<sup>st</sup> reading and proceed to consultation.
7. Introduce "Regional District of Nanaimo Shaw Hill-Deep Bay Official Community Plan Amendment Bylaw No. 1007.03, 2002", be introduced given 1<sup>st</sup> reading and proceed to consultation.
8. That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.283, 2002", be introduced, given 1<sup>st</sup> and 2<sup>nd</sup> reading and proceed to public hearing.
9. That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" be reintroduced as amended, be given 1<sup>st</sup> and 2<sup>nd</sup> reading and proceed to public hearing.
10. That the holding of the Public Hearing with respect to "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.283, 2002" be delegated to Director Stanhope or Director Holme as his alternate.

11. That the holding of the Public Hearing with respect to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" be delegated to Director McLean or Director Stanhope as his alternate.

  
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Report Writer

  
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Manager Concurrence

  
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General Manager Concurrence

  
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CAO Concurrence

COMMENTS:

*devs/reports/2002/6410 00 RAIL fe EN railway policies*



REGIONAL DISTRICT OF NANAIMO			
MAR - 7 2002			
CHAIR		GMCrS	
DAO		GMDS	
GMCmS		GMES	
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**MEMORANDUM**

**TO:** C. Mason  
General Manager, Corporate Services

**DATE:** March 4, 2002

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

**FILE:**

**SUBJECT:** Recreation Facilities and Sportsfields Usage Survey Results

**PURPOSE:**

To report on the results of the usage survey for recreation facilities and sportsfields and the 2002 budget implications.

**BACKGROUND:**

On completion of the Regional Services Review (2000), the Regional District entered into agreements with the City of Nanaimo, City of Parksville and Town of Qualicum Beach to share the costs of certain recreation facilities and sportsfields.

In School District 68, the City of Nanaimo, Electoral Areas A, B, C and D share in the operating costs of the City's four major recreation centers, ten City sportsfields and two Electoral Area sportsfields (Area B and Area C). In School District 69 the City of Parksville, Town of Qualicum Beach and Electoral Areas E, F, G and H share in the operating costs of two City of Parksville sportsfields and one Town of Qualicum Beach sportsfield. The jurisdiction which owns the facility is responsible for the capital cost of that facility.

The principles for cost sharing in both agreements are centered on the usage that each area makes of the facility. With respect to City of Nanaimo major recreation facilities (arenas & pools), usage is based upon 'public sessions attended' by each jurisdiction. With respect to sportsfields in both District 68 and District 69, usage is based upon team registration statistics using street addresses. In accordance with the service agreements, a consultant was engaged in August 2001 to undertake a statistically valid survey to establish the cost sharing percentages for the next three years. The results of the survey are shown below.

***District 68 Survey Results:***

The survey results for City of Nanaimo recreation facilities show that the rate of participation from the District 68 Electoral Areas is higher than originally identified in the survey results taken from 1994, which formed the basis of the initial cost sharing agreement. However, these results are generally consistent with the populations of the participating areas. The sportsfield survey data has generally remained the same as 2001.

**District 68 Recreation Facilities**

Participant	2001 % Share	2002 % Share	Current Census Population %	2001 Cost	2002 Cost	Change
City of Nanaimo	91.7	86.6	81.0	\$4,374,198	\$3,622,323	(\$711,875)
Electoral Area A	2.4	6.6	7.0	\$115,793	\$279,115	\$163,322
Electoral Area B	1.8	1.4	4.0	\$85,224	\$59,206	(\$26,018)
Electoral Area C	0.3	1.3	2.0	\$14,822	\$54,977	\$40,155
Electoral Area D	3.8	4.1	6.0	\$181,564	\$179,389	(\$8,175)
<b>Totals</b>				<b>\$4,771,800</b>	<b>\$4,229,010</b>	<b>(\$542,591)</b>

**District 68 Sportsfields**

Participant	2001 % Share	2002 % Share	2001 Cost	2002 Cost	Change
City of Nanaimo	85.0	85.0	\$764,958	\$813,521	\$48,563
Electoral Area A	7.7	7.7	\$69,295	\$73,695	\$4,399
Electoral Area B	0.4	0.4	\$3,600	\$3,828	\$228
Electoral Area C	0.8	0.8	\$7,200	\$7,657	\$457
Electoral Area D	6.1	6.1	\$54,897	\$56,382	\$3,485
<b>Totals</b>			<b>\$899,950</b>	<b>\$957,084</b>	<b>\$57,133</b>

Although the overall budget for facilities and sportsfields cost-sharing in 2002 is lower than in 2001, Electoral Area A has a significant increase in usage compared to the 1994 statistics used last year. The increase in usage from 2.4% to 4.6%, results in a \$167,731 increase in the Electoral Area A tax requisition for recreation services. Electoral Area C usage also increased by 1% which translates into a \$40,612 requisition increase for 2002.

**District 69 Survey Results:**

In District 69, 2001 survey data on team registration statistics has changed the distribution of costs significantly. Last year, usage data for Electoral Area F and G was primarily based on postal code information which may have under-reported usage for these two areas. This year membership lists were verified using street addresses from the Regional District's road index, which is a database used to confirm residence during local elections. As a result, members living in Electoral Areas F and G are accurately represented in the survey data shown below:

**District 69 Sportsfields**

Participant	2001 % Share	2002 % Share	Current Census Population %	2001 Cost	2002 Cost	Change
City of Parksville	40.3	30.8	27.0	\$147,731	\$110,110	(\$37,261)
Town of QB	31.9	22.4	19.0	\$116,596	\$80,080	(\$36,516)
Electoral Area E	10.3	10.5	13.0	\$37,781	\$37,538	(\$243)
Electoral Area F	10.7	14.6	15.0	\$39,032	\$52,195	\$13,163
Electoral Area G	5.1	17.3	18.0	\$18,515	\$61,848	\$43,333
Electoral Area H	1.6	4.4	8.0	\$6,005	\$15,730	\$9,725
<b>Totals</b>				<b>\$365,300</b>	<b>\$357,500</b>	<b>(\$7,800)</b>

During the Regional Services Review discussions, there was agreement that attempts would be made to limit the impact to any member which might be adversely affected by increased costs resulting from changes in the cost sharing formulas. In 2001, the Regional Parks budget was reduced by \$100,000 to help offset sportsfield and recreation facility cost sharing in the Electoral Areas. Municipal participation in the Regional Parks function also helped reduce overall Electoral Area costs.

For this year's budget, there may need to be consideration given to addressing Electoral Area A given the large impact to its share of the 2002 budget. A 'phase in' of this increase over two years would reduce the increase to Electoral Area A to \$84,000 in 2002, with the full charge being implemented in 2003.

#### ALTERNATIVES:

1. Amend the 2002 Annual Budget based upon the survey results in accordance with the Regional Services Cost Sharing Agreements.
2. Amend the 2002 Annual Budget based upon the survey results in accordance with the Regional Services Cost Sharing Agreements but request that the City of Nanaimo consider a 'phase in' of the increase for Electoral Area A over a two year period with the full charge being implemented in 2003.
3. Provide alternative direction to staff.

#### FINANCIAL IMPLICATIONS:

##### Alternative 1

Annual costs for 2002 are based on the prior year actual cost for each function. The final costs reported for 2002 cost sharing are as follows:

Function	2001 Budgeted	2002 (based on 2001 Actual)
D68 Recreation Facilities	\$4,771,600	\$4,229,010
D68 Sportsfields	\$899,950	\$957,084
D69 Sportsfields	\$365,300	\$357,500

Based upon the revised survey data, the impact of these changes to the Electoral Area on a cost per \$100,000 is summarized in the tables below.

##### District 68 Electoral Area Change

Participant	2001 Cost per \$100,000	2002 Cost per \$100,000	Change Per \$100,000
Electoral Area A	\$37.95	\$73.94	\$35.00
Electoral Area B	\$18.48	\$13.28	(\$5.19)
Electoral Area C	\$4.77	\$13.34	\$8.57
Electoral Area D	\$57.28	\$54.43	(\$2.76)

##### District 69 Electoral Area Change

Participant	2001 Cost per \$100,000	2002 Cost per \$100,000	Change Per \$100,000
Electoral Area E	\$5.76	\$5.59	(\$0.17)
Electoral Area F	\$8.34	\$10.83	\$2.50
Electoral Area G	\$2.91	\$9.59	\$6.68
Electoral Area H	\$1.55	\$3.55	\$2.01

Alternative 2

Under this alternative, with the City's concurrence, the change in Electoral Area A would be phased in over two years. This would mean that while there would be a reduction in 2002, the full impact of the reported survey results would be applied in 2003. Assuming 50% of the change is applied in 2002, the City of Nanaimo would receive about \$84,000 less than otherwise calculated and taxpayers in Electoral Area A would see about an 11% increase in Regional District taxes in 2002. Staff do not recommend a phase in for any other Electoral Area.

**OTHER SURVEY IMPLICATIONS:**

**Public Sessions Attended Data.** The original survey data used by the consultants for recommending cost sharing based upon usage for City of Nanaimo Recreation Facilities represented only 'public sessions attended'. The agreement between the Regional District and the City of Nanaimo states that usage will be based on public sessions attended. However, we are advised that a greater proportion of usage in recreation facilities, particularly in relation to arenas, is based on participation in team sports rather than public sessions. If this data were included in the survey results, the distribution amongst the jurisdictions would be as shown in the table below:

**Out of District Participant Data.** A second issue to be noted is that the language in the agreements for both District 68 and District 69 are unclear with respect to how to address usage from residents outside of the participating areas. Where out of district participation is particularly significant is in the use of recreation facilities in City of Nanaimo. Survey results indicate that a significant portion of usage is based upon attendees from outside of the City of Nanaimo and Electoral Areas A, B, C and D. A comparison of how this data affects the cost-sharing distribution is shown below:

Participant	2000 Usage (without 'other' data)	2001 Usage (without 'other' data)	2001 Usage (with 'other' data)	2001 Usage (with 'other' data grouped with Nanaimo)
City of Nanaimo	91.7%	87%	72.1%	88.8%
Electoral Area A	2.4%	6.6%	5.5%	5.5%
Electoral Area B	1.8%	1.4%	1.2%	1.2%
Electoral Area C	0.3%	1.3%	1.1%	1.1%
Electoral Area D	3.8%	4.1%	3.4%	3.4%
Other	*(8%) not factored into distribution		16.7%	

The 'other' component represents 16.7% of total attendees based upon public sessions attended in 2002. This component is significantly higher than the 8% out of district attendees that were determined in surveys undertaken by the City of Nanaimo in 1992 and 1994. The increase is likely due to the opening of the Nanaimo Aquatic Centre last summer. In the initial agreement, the 8% component was not included in the distribution formula.

The distribution formula for cost-sharing of the 2002 budget is consistent with the methodology used for cost-sharing in 2001. The 'other' data has been removed from the total sample size and the costs have been distributed amongst the participants based on the smaller sample size. If the 'other' data is added to the City of Nanaimo's share, the Electoral Area contributions would decline.

While the cost sharing agreement does not address the two issues raised above, staff recommend that these issues be the subject of future discussions. These items should be discussed by the parties either when the agreement comes up for renewal or, if the parties agree, prior to the application of next year's budget.

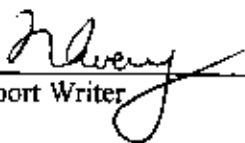
**CONCLUSIONS:**

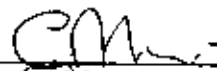
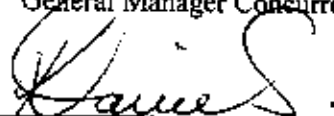
In accordance with the Recreation Facilities and Sportsfield agreements between the Regional District and its member municipalities, a survey was undertaken this year to establish current cost sharing percentages for these facilities. The results are generally consistent with the populations in each area – however, the recreation facility survey results are quite different than the 1994 data, which formed the basis for determining cost-share on recreation facilities.

As a result of applying the new survey data, Electoral Area A will experience a significant increase, amounting to about \$35.00 per \$100,000, if the changes are applied as reported in 2002. Alternatively, if the change in Electoral Area A were to be phased in over two years, with the full cost applied in 2003, the funds contributed to the City of Nanaimo would be reduced by approximately \$84,000. A phased approach in this particular instance would be consistent with the general agreement during the Review, that significant cost impacts would be implemented over a longer timeframe to avoid dramatic cost increases in a single year.

**RECOMMENDATION:**

1. That the survey results be received for information;
2. That the City of Nanaimo be requested to consider 'phasing in' the financial impact to Electoral Area 'A' over a two year period, with 50% of the total increase being applied in 2002 and the full cost of the increase being applied in 2003;
3. That the Regional District and City of Nanaimo staff meet to review the terms of the Agreement with respect to the following issues and report back to the Board with its recommendations:
  - the inclusion of participants in recreation facility user groups in the survey data;
  - the inclusion of participants from outside of the contributing area within the survey data.

  
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Report Writer

  
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General Manager Concurrence  
  
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C.A.O. Concurrence

**COMMENTS:**



MAR - 7 2002

CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMES	
		Bud	✓

MEMORANDUM

TO: C. Mason  
General Manager, Corporate Services

DATE: March 6, 2002

FROM: N. Avery  
Manager, Financial Services

FILE:

SUBJECT: 2002 Annual Budget Bylaw No.1295

PURPOSE:

To introduce for three readings and adoption "Regional District of Nanaimo 2002 Annual Budget Bylaw No. 1295, 2002".

BACKGROUND:

The Provisional Budget adopted by the Board in December 2001 provided for total taxation revenues of \$20,427,457. This amount included the following adjustments for new service levels presented during budget deliberations:

Function	Amount	Purpose
Regional Parks	\$100,000	Pursuant to Regional Services Review (2000) commitment to restore funding reduced to \$300,000 in 2001
District 68 Transit	\$22,764	Additional service hours
D69 Recreation	\$50,000	Additional funds for community grants in aid
Southern Community Wastewater	\$101,855	Programmed increase for future capital improvements
Community Parks - Area B	\$68,000	Debt costs for purchase of community park
Community Parks - Area F	\$36,391	Purchase and upgrades to Errington School building

To offset some of the impact of the above noted changes, the General Administration and Building Inspection budgets were reduced by \$47,600 and \$20,000 respectively.

The provisional budget also included increases in parcel taxes and user fees for garbage collection, water and sewer utilities of 2% with the exceptions of the Nanoose Bulk Water service which had a larger increase to account for new debt charges in 2002 and the French Creek Sewer service which required adjustments to balance the budget to continue meeting operating costs associated with the French Creek treatment plant.



The annual budget includes the following additional adjustments:

Function	Amount	Purpose
Southern Community Recreation	\$165,495	Reflects current usage statistics pursuant to Recreation Services agreement with City of Nanaimo
District 69 Recreation	\$65,977	Reflects current usage statistics for sportsfields pursuant to agreement with Parksville and Qualicum Beach
French Creek Sewer parcel taxes	(\$44,789)	Reflects flow information updated to December 31 <sup>st</sup> , 2001
Nanoose Bulk Water parcel taxes	\$42,120	To balance budget for lower surplus from 2001
Noise Control – Area D	\$4,500	New service proposal
Noise Control – Area H	\$4,500	New service proposal

The annual budget presented proposes total property and parcel taxes of \$20,662,860, an increase of 1.15% from the provisional budget.

#### ALTERNATIVES:

1. Approve the annual budget as presented and adopt Bylaw 1295.
2. Amend the annual budget and adopt Bylaw 1295 as amended.

#### FINANCIAL IMPLICATIONS:

##### Alternative 1

Appendix A attached to this report summarizes the changes to each member for the budget adjustments noted above. This schedule does not reflect the changes to the Nanoose Bulk Water and the French Creek Sewer parcel taxes – these flat per property taxes are in addition to the assessment based taxes summarized in Appendix A. Appendices B, B-1 and B-2 provide the details on the taxes raised for each service and the change since the provisional budget.

##### Alternative 2

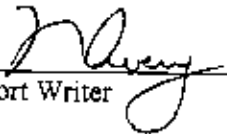
Staff seek direction from the Board for any other changes desired.


#### SUMMARY/CONCLUSIONS:

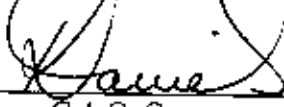
The provisional budget estimates have been changed to reflect the recreation facilities and sportsfield survey data referred to in earlier reports, as well as updated year end figures for sewage flows and debt servicing costs in the French Creek Sewer and Nanoose Bay Bulk Water functions. Additionally, two new Noise Control regulatory functions are proposed for Electoral Areas D and H, at a cost of \$4,500 each. Staff recommend the annual budget as presented herein.

**RECOMMENDATIONS:**

1. That "Regional District of Nanaimo 2002 Annual Budget Bylaw No. 1295, 2002" be introduced for three readings.
2. That "Regional District of Nanaimo 2002 Annual Budget Bylaw No. 1295, 2002" having received three readings be adopted.

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

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

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

**COMMENTS:**

**REGIONAL DISTRICT OF NANAIMO  
2002 ANNUAL  
BUDGET  
ANALYSIS OF CHANGES IN TAX REQUISITIONS**

Appendix A

	2002 Provisional Revised for Completed Roll	2002 Annual	Change for RDN Services
City Of Nanaimo	7,140,551	7,140,551	\$ - 0.00%
City Of Parksville	2,388,374	2,434,369	\$ 45,995 1.93%
Town of Qualicum Beach	1,562,488	1,560,513	\$ (1,975) -0.13%
Electoral Area A	738,011	902,166	\$ 115
Tax cost per \$100,000	172.84	207.20	\$ 34.36 19.88%
Electoral Area B	573,848	544,258	\$ (1,000)
Tax cost per \$100,000	126.96	132.90	\$ 5.94 4.68%
Electoral Area C	361,815	401,363	\$ (1,000)
Tax cost per \$100,000	80.53	88.90	\$ 8.37 10.39%
Electoral Area D	703,295	697,294	\$ 4,500
Tax cost per \$100,000	165.72	164.30	\$ (1.42) -0.86%
Electoral Area E	981,072	976,066	\$ (5,000)
Tax cost per \$100,000	146.34	145.60	\$ (0.74) -0.51%
Electoral Area F	828,201	841,394	\$ -
Tax cost per \$100,000	171.90	174.70	\$ 2.80 1.63%
Electoral Area G	1,099,418	1,142,676	\$ (495)
Tax cost per \$100,000	170.70	177.30	\$ 6.60 3.87%
Electoral Area H	683,715	697,747	\$ 4,499
Tax cost per \$100,000	154.40	157.70	\$ 3.30 2.14%
Assessment Based Property Taxes	17,060,787	17,338,396	\$ 45,639
Other Local Service Areas including Parcel Taxes	3,366,670	3,324,464	
2002 Overall Tax Revenues	20,427,457	20,662,860	
Change from Provisional Budget		1.15%	
2001 Overall Tax Revenues	19,633,380	19,633,380	
Change from Prior Year	4.04%	5.24%	

**REGIONAL DISTRICT OF NANAIMO  
SUMMARY OF PROPERTY TAX REVENUES  
2002 ANNUAL BUDGET**

Appendix B

	2002 PROV BUDGET	2002 ANNUAL BUDGET	\$ Inc(dec)	% Inc(dec)
<b>CORPORATE SERVICES</b>				
Administration	629,995	629,995	0	0.00%
Grants In Aid	65,221	65,221	0	0.00%
SD 68 Emergency 911	49,000	49,000	0	0.00%
SD69 Emergency 911	330,295	330,295	0	0.00%
Emergency Planning	35,120	35,120	0	0.00%
Electoral Areas	72,235	72,235	0	0.00%
Referendums	27,500	27,500	0	#DIV/0!
Feasibility Studies	10,000	5,000	(5,000)	#DIV/0!
	<u>1,219,366</u>	<u>1,214,366</u>	<u>(5,000)</u>	<u>-0.40%</u>
<b>COMMUNITY SERVICES</b>				
Regional Development	210,000	210,000	0	0.00%
Regional Parks - Electoral Areas	258,200	258,200	0	0.00%
- Municipal Agreements	141,800	141,800	0	0.00%
Recreation Coordinating - Recreation	645,500	645,500	0	0.00%
- Sportsfields	101,333	167,310	65,977	65.11%
District 69 Arena	447,555	447,555	0	0.00%
Ravensong Aquatic Center	1,134,635	1,134,635	0	0.00%
Gabriola Island Recreation Commission	55,000	55,000	0	0.00%
Southern Community Recreation - Facilities	405,350	566,685	161,335	40.60%
- Sportsfields	139,405	143,565	4,160	3.08%
Cultural Center Contribution (See below for details)	69,103	69,103	0	0.00%
Community Parks (See below for details)	382,930	382,930	0	0.00%
D 68 Transit	2,161,135	2,161,135	0	0.00%
D69 Conventional Transit	208,000	208,000	0	0.00%
D69 Custom Transit	48,835	48,835	0	0.00%
	<u>6,408,781</u>	<u>6,640,253</u>	<u>231,472</u>	<u>3.88%</u>
<b>DEVELOPMENT SERVICES</b>				
Planning - Electoral Areas	703,800	703,800	0	0.00%
- Municipal Agreements	93,920	93,920	0	0.00%
House Numbering	21,500	21,500	0	0.00%
Building Inspection	155,000	155,000	0	0.00%
	<u>974,220</u>	<u>974,220</u>	<u>0</u>	<u>0.00%</u>
<b>Bylaw Enforcement</b>				
Unsanitary Premises	13,180	13,180	0	0.00%
Hazardous Properties	3,250	3,250	0	0.00%
Animal Control Area F	11,000	11,000	0	0.00%
Animal Control - Area A, B, C, D	55,000	55,000	0	0.00%
Animal Control Area E, G, H	66,360	66,360	0	0.00%
Noise Control (See below for detail)	26,360	33,475	7,115	31.62%
	<u>175,150</u>	<u>182,265</u>	<u>7,115</u>	<u>4.07%</u>
	<u>1,149,370</u>	<u>1,156,485</u>	<u>7,115</u>	<u>0.59%</u>
<b>ENVIRONMENTAL SERVICES</b>				
D68 Wastewater Treatment	4,176,085	4,176,085	0	0.00%
D69 Wastewater Treatment	2,986,795	2,986,795	0	0.00%
Solid Waste Facilities	436,450	436,450	0	0.00%
	<u>7,599,330</u>	<u>7,599,330</u>	<u>0</u>	<u>0.00%</u>
<b>ASSESSMENT BASED PROPERTY TAX REVENUES</b>				
	<u>16,376,847</u>	<u>16,610,434</u>	<u>233,587</u>	<u>1.48%</u>
<b>OTHER LOCAL AREA TAXES (see below for details)</b>				
Duke Point Sewage Treatment	36,130	36,130	0	0.00%
Fire Local Service Areas	1,189,840	1,189,840	0	0.00%
Streetslighting Local Service Areas	45,454	45,450	(4)	-0.01%
Utility System Parcel Taxes	1,560,498	1,562,316	1,818	0.13%
	<u>2,831,922</u>	<u>2,833,736</u>	<u>1,814</u>	<u>0.07%</u>
<b>TAXATION FOR REGIONAL DISTRICT SERVICES</b>				
	<u>19,208,769</u>	<u>19,444,170</u>	<u>235,401</u>	<u>1.28%</u>
<b>TAXATION FOR OTHER JURISDICTIONS</b>				
Vancouver Island Regional Library	1,218,688	1,218,688	0	0.00%
<b>TOTAL FOR ALL</b>	<u>20,427,457</u>	<u>20,662,858</u>	<u>235,401</u>	<u>1.20%</u>

**PAGE**  
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**REGIONAL DISTRICT OF NANAIMO**  
**SUMMARY OF PROPERTY TAX REVENUES**  
**2002 ANNUAL BUDGET**

Appendix B-1

	2002 PROV BUDGET	2002 ANNUAL BUDGET	\$ Inc(dec)	% Inc(dec)
<b>DETAILS OF OTHER TAXES</b>				
<b>FIRE DEPARTMENTS</b>				
Errington Fire Volunteer	183,140	183,140	0	0.00%
Extension Fire Volunteer	74,000	74,000	0	0.00%
Coombs-Hilliers Fire Volunteer	86,000	86,000	0	0.00%
Nanoose Bay Fire Volunteer	267,310	267,310	0	0.00%
Dashwood Fire Volunteer	152,125	152,125	0	0.00%
Yellow Point Fire Contract	89,000	89,000	0	0.00%
Wellington Fire Contract	36,450	36,450	0	0.00%
Parksville ( Local ) Fire Contract	55,070	55,070	0	0.00%
French Creek Fire Contract	246,745	246,745	0	0.00%
	<b>1,189,840</b>	<b>1,189,840</b>	<b>0</b>	<b>0.00%</b>
<b>STREETLIGHTING</b>				
Fairwinds Streetlighting	11,000	11,000	0	0.00%
Rural Areas Streetlighting	12,000	12,000	0	0.00%
French Creek Village Streetlighting	4,404	4,400	(4)	-0.09%
Highway Intersections Streetlighting (French Creek)	1,425	1,425	0	0.00%
Morningstar Streetlighting	6,640	6,640	0	0.00%
Sandpiper Streetlighting	7,485	7,485	0	0.00%
Hwy # 4 ( Area F)	2,500	2,500	0	0.00%
	<b>45,454</b>	<b>45,450</b>	<b>(4)</b>	<b>-0.01%</b>
<b>NOISE CONTROL</b>				
Noise Control Area A	6,140	6,255	115	2.56%
Noise Control Area B	4,500	3,500	(1,000)	-22.22%
Noise control Area C	4,500	3,500	(1,000)	-22.22%
Noise Control Area D	0	4,500	4,500	#DIV/0!
Noise Control Area E	6,720	6,720	0	0.00%
Noise controla Area F	0	0	0	#DIV/0!
Noise Control Area G	4,500	4,500	0	0.00%
Noise Control Area H	0	4,500	4,500	#DIV/0!
	<b>26,360</b>	<b>33,475</b>	<b>7,115</b>	<b>31.62%</b>
<b>CULTURAL CENTER CONTRIBUTION (NANAIMO HARBOURFRONT CENTER)</b>				
Electoral Area A	12,642	12,642	0	0.00%
Electoral Area B	14,216	14,216	0	0.00%
Electoral Area C	11,589	11,589	0	0.00%
Electoral Area D	11,553	11,553	0	0.00%
Electoral Area E	19,103	19,103	0	0.00%
	<b>69,103</b>	<b>69,103</b>	<b>0</b>	<b>0.00%</b>
<b>COMMUNITY PARKS</b>				
Electoral Area A	75,000	75,000	0	0.00%
Electoral Area B	110,000	110,000	0	0.00%
Electoral Area C	9,005	9,005	0	0.00%
Electoral Area D	10,000	10,000	0	0.00%
Electoral Area E	85,000	85,000	0	0.00%
Electoral Area F	42,925	42,925	0	0.00%
Electoral Area G	29,000	29,000	0	0.00%
Electoral Area H	22,000	22,000	0	0.00%
	<b>382,930</b>	<b>382,930</b>	<b>0</b>	<b>0.00%</b>

**REGIONAL DISTRICT OF NANAIMO  
SUMMARY OF PROPERTY TAX REVENUES  
2002 ANNUAL BUDGET**

	2002 PROV BUDGET	2002 ANNUAL BUDGET	\$ Inc(dec)	% Inc(dec)	2002 PROV ANNUAL	2002 ANNUAL
<b>UTILITY SYSTEM PARCEL TAXES</b>						
<b>WATER UTILITIES</b>						
Madrona	74,000	74,000	0	0.00%	250	250
Fairwinds	90,896	90,896	0	0.00%	152	152
Surfside	14,274	14,274	0	0.00%	366	366
West Bay Estates	39,746	39,746	0	0.00%	238	238
Nanoose	249,494	249,494	0	0.00%	251	251
Arbutus Park Estates	52,923	52,923	0	0.00%	384	384
French Creek	102,180	104,447	2,267	2.22%	150	151
Nanoose Bulk Water	214,115	256,235	42,120	19.67%	97	116
French Creek Bulk Water	79,000	79,000	0	0.00%	35	35
Morningside Creek Water	3,325	2,325	(1,000)	-30.08%	475	332
Decourcy Water	2,825	2,825	0	0.00%	565	565
San Pareil Water	39,168	39,168	0	0.00%	136	136
	961,946	1,005,333	43,387	4.51%		
<b>SEWAGE COLLECTION UTILITIES</b>						
French Creek	401,064	356,290	(44,774)	-11.16%	206,306	181,281
Fairwinds	170,104	170,104	0	0.00%	284	284
Surside Sewer	9,135	12,340	3,205	35.08%	830	1,122
Pacific Shores	18,249	18,249	0	0.00%	231	231
	598,552	556,983	(41,569)	-6.94%		
<b>TOTAL UTILITY PARCEL TAXES</b>	1,560,498	1,562,316	1,818	0.12%		

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1295**

**A BYLAW TO ADOPT THE  
ANNUAL BUDGET FOR THE  
YEAR ENDING DECEMBER 31, 2002**

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

1. This bylaw may be cited as the "Regional District of Nanaimo 2002 Annual Budget Bylaw No. 1295, 2002".
2. Schedules 'A' and 'B' attached hereto and forming part of this bylaw represent the Annual Budget for the Regional District of Nanaimo for the year ending December 31, 2002.

Introduced and read three times this 12th day of March, 2002.

Adopted this 12th day of March, 2002.

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CHAIRPERSON

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GENERAL MANAGER, CORPORATE SERVICES



GENERAL REVENUE FUND  
2002 ANNUAL BUDGET

Chairperson

General Manager, Corporate Services

	CORPORATE SERVICES			COMMUNITY SERVICES			DEVELOPMENT SERVICES			ENVIRONMENTAL SERVICES			TOTAL REVENUE FUND		
	PV 2002	BV 2002	% VAR	PV 2002	BV 2002	% VAR	PV 2002	BV 2002	% VAR	PV 2002	BV 2002	% VAR	PV 2002	BV 2002	% VAR
REVENUES															
TAX REQUISITION	\$3,627,894	\$3,622,894	0%	\$6,408,781	\$6,540,253	4%	\$1,149,370	\$1,156,485	1%	\$9,241,412	\$9,243,226	0%	\$20,427,457	\$20,652,858	1%
GRANTS/OPERATING/OTHER	4,955,240	4,936,070	0%	\$7,717,730	\$7,829,019	1%	660,500	710,500	8%	8,487,602	8,543,498	1%	\$21,831,072	\$22,019,087	1%
RETAINED EARNINGS	599,864	977,946	63%	\$1,182,452	\$1,088,590	-6%	840,897	811,290	27%	2,714,717	3,012,095	11%	\$5,117,730	\$5,889,921	15%
<b>TOTAL REVENUES</b>	<b>9,182,998</b>	<b>9,536,910</b>	<b>4%</b>	<b>15,288,963</b>	<b>15,557,862</b>	<b>2%</b>	<b>2,450,587</b>	<b>2,678,275</b>	<b>9%</b>	<b>20,453,731</b>	<b>20,798,819</b>	<b>2%</b>	<b>47,376,258</b>	<b>48,571,866</b>	<b>3%</b>
EXPENSES															
ADMINISTRATION	\$637,544	\$587,915	-8%	\$1,847,375	\$1,657,950	1%	\$321,947	\$341,170	6%	\$993,445	\$992,725	0%	\$3,690,311	\$3,579,760	-1%
COMMUNITY GRANTS	65,221	66,187	1%	91,500	97,740	7%	0	0	0%	0	0	0%	\$156,721	\$163,937	5%
LEGISLATIVE	246,505	246,585	0%	0	0	0%	0	0	0%	0	0	0%	\$246,585	\$246,585	0%
PROFESSIONAL FEES	305,535	311,240	2%	113,850	165,030	45%	342,385	356,425	4%	485,060	479,960	-1%	\$1,312,655	\$1,312,655	0%
BUILDING OPS & MAINT	244,720	378,255	55%	425,175	431,985	2%	42,000	42,000	0%	317,286	355,781	12%	\$1,029,181	\$1,208,021	17%
VEH & EQUIP OPS & MAINT	101,791	87,511	-14%	1,840,610	1,878,110	2%	16,700	17,400	4%	985,050	991,425	1%	\$2,974,415	\$2,974,415	0%
EQUIP OPS & MAINT	72,660	68,360	-6%	58,310	57,032	-2%	13,178	13,780	5%	0	0	0%	\$144,146	\$139,172	-3%
OTHER OPERATING COSTS	92,845	17,305	-81%	342,550	366,450	7%	120,510	120,810	0%	0	0	0%	\$556,005	\$504,565	-9%
WAGES & BENEFITS	1,454,205	1,446,716	-1%	7,455,507	7,423,783	0%	1,383,248	1,383,248	0%	3,382,919	3,383,059	0%	\$13,675,879	\$13,635,786	0%
OPERATIONAL COSTS	0	0	0%	0	0	0%	0	0	0%	6,029,749	6,081,034	1%	\$6,029,749	\$6,081,034	1%
PROGRAM COSTS	0	0	0%	209,471	213,471	2%	0	0	0%	0	0	0%	\$209,471	\$213,471	2%
CAPITAL EXPENDITURES	370,800	433,275	17%	805,450	815,450	1%	62,000	68,750	45%	2,362,747	3,074,187	30%	\$3,800,997	\$4,412,662	23%
DEBT FINANCING-INTEREST	1,688,045	1,738,225	3%	353,370	353,370	0%	0	0	0%	1,798,305	1,796,790	0%	\$3,839,720	\$3,886,305	1%
DEBT FINANCING-PRINCIPAL	1,012,300	1,028,455	1%	137,535	137,535	0%	0	0	0%	1,342,020	1,340,565	0%	\$2,491,855	\$2,504,495	1%
DEBT FINANCING-EXCHANGE	13,650	30,700	125%	0	0	0%	0	0	0%	15,000	0	0%	\$28,650	\$30,700	7%
CONTINGENCY	0	0	0%	0	0	0%	0	0	0%	0	0	0%	\$0	\$0	0%
CONTR. TO RESERVE FUND	231,429	156,964	-32%	349,500	341,500	-2%	0	0	0%	1,137,890	1,168,720	3%	\$1,716,819	\$1,667,104	-3%
CONTR. FROM RESERVE FUND	0	0	0%	0	0	0%	0	0	0%	0	0	0%	\$0	\$0	0%
TRF TO OTHER GOV AGENCIES	2,218,893	2,400,888	8%	808,456	1,067,993	32%	0	0	0%	0	0	0%	\$3,027,349	\$3,468,861	15%
<b>TOTAL EXPENDITURES</b>	<b>\$8,756,323</b>	<b>\$8,994,591</b>	<b>3%</b>	<b>\$14,638,659</b>	<b>\$15,007,379</b>	<b>3%</b>	<b>\$2,302,166</b>	<b>\$2,364,583</b>	<b>3%</b>	<b>\$18,849,471</b>	<b>\$19,664,186</b>	<b>4%</b>	<b>\$44,546,519</b>	<b>\$46,030,739</b>	<b>3%</b>
<b>OPERATING SURPLUS (DEFICIT)</b>	<b>\$426,675</b>	<b>\$542,319</b>	<b>27%</b>	<b>\$650,304</b>	<b>\$550,483</b>	<b>-15%</b>	<b>\$148,401</b>	<b>\$313,692</b>	<b>111%</b>	<b>\$1,804,260</b>	<b>\$1,134,633</b>	<b>-29%</b>	<b>\$2,829,640</b>	<b>\$2,841,127</b>	<b>-10%</b>



REGIONAL DISTRICT OF NANAIMO  
2002 ANNUAL BUDGET  
SUMMARY OF REVENUES, EXPENDITURES AND SURPLUS

Chairperson

General Manager, Corporate Services

	TAXATION	OTHER REVENUES	PRIOR YEAR SURPLUS	EXPENDITURES	NET SURPLUS
<b>CORPORATE SERVICES</b>					
Administration	629,995	2,087,220	734,190	3,040,546	410,859
Emergency Planning	35,120	13,445	34,515	66,915	16,165
SD 68 Emergency 911	49,000		11,820	54,895	5,925
SD69 Emergency 911	330,295		61,120	299,220	92,195
Errington Fire	183,140		32,985	216,125	
Extension Fire	74,000		16,085	90,085	0
Coombs-Hilliers Fire	86,000		(15)	85,985	0
Nanoose Bay Fire	267,310	5,000	21,225	293,535	0
Dashwood Fire	152,125	500	8,245	160,870	0
Yellow Point Fire	89,000	15	2,350	89,490	1,875
Wellington Fire	36,450		970	37,420	0
Parksville ( Local ) Fire	55,070		2,895	56,165	1,800
French Creek Fire	246,745		(3,670)	243,075	0
Electoral Areas	72,235	17,225	54,255	130,215	13,500
Electoral Area Referendums	27,500			27,500	0
Electoral Area Feasibility Studies	5,000	25,000		30,000	0
Grants In Aid	65,221		976	66,197	0
Vancouver Island Regional Library	1,218,688			1,218,688	0
Municipal Debt Transfers		2,787,665		2,787,665	0
<b>COMMUNITY SERVICES</b>					
D69 Recreation Coordinating	812,810	173,380	15,720	992,453	9,457
District 69 Arena	447,555	330,640	58,790	836,984	1
D69 (Ravensong) Aquatic Center	1,134,635	440,550	64,945	1,580,595	59,535
Gabriola Island Recreation Commission	55,000		15,670	69,830	840
Community Parks					
Electoral Area A	75,000		154,900	115,753	114,147
Electoral Area B	110,000		(180)	66,532	43,288
Electoral Area C	9,005		8,285	8,829	8,461
Electoral Area D	10,000		29,275	17,673	21,602
Electoral Area E	85,000		9,700	58,648	36,052
Electoral Area F	42,925		3,740	44,104	2,561
Electoral Area G	29,000		9,510	35,698	2,812
Electoral Area H	22,000		48,265	31,684	38,581
Southern Community Recreation	710,250		(2,970)	707,280	0
Cultural Center Contribution					
Electoral Area A	12,642			12,642	0
Electoral Area B	14,216			14,216	0
Electoral Area C	11,589			11,589	0
Electoral Area D	11,553			11,553	0
Electoral Area E	19,103			19,103	0
Regional Parks	400,000	380,400	444,670	1,124,966	100,104
D 68 Transit	2,161,135	5,941,924	238,580	8,298,584	43,055
D69 Conventional Transit	208,000	378,600	72,315	602,690	56,245
D69 Custom Transit	48,835	73,525	(45)	122,314	1
Regional Development	210,000	110,000	(52,600)	223,659	13,741

REGIONAL DISTRICT OF NANAIMO  
 2002 ANNUAL BUDGET  
 SUMMARY OF REVENUES, EXPENDITURES AND SURPLUS

	TAXATION	OTHER REVENUES	PRIOR YEAR SURPLUS	EXPENDITURES	NET SURPLUS
<b>DEVELOPMENT SERVICES</b>					
Building Inspection	155,000	406,000	394,490	786,400	169,090
Planning	797,720	292,500	345,750	1,338,378	97,592
House Numbering	21,500			21,500	0
<b>Bylaw Enforcement</b>					
Unsanitary Premises(New)	13,180	2,500	15,870	21,680	9,870
Hazardous Properties	3,250	2,500	2,260	5,750	2,260
Animal Control Area F	11,000		12,210	14,965	8,245
Animal Control - Area A, B, C, D	55,000		22,155	63,600	13,555
Animal Control Area E, G, H	66,360	7,000	7,065	74,860	5,565
Noise Control Area A	6,255		35	6,290	0
Noise Control Area B	3,500		4,140	5,290	2,350
Noise control Area C	3,500		4,195	5,290	2,405
Noise Control Area D	4,500			4,500	0
Noise Control Area E	6,720		270	6,290	700
Noise Control Area G	4,500		2,850	5,290	2,060
Noise Control Area H	4,500			4,500	0
<b>ENVIRONMENTAL SERVICES</b>					
D68 Wastewater Treatment	4,176,085	174,650	1,409,040	5,316,050	443,725
D69 Wastewater Treatment	2,986,795	393,000	31,995	3,350,239	61,551
Duke Point Sewage Treatment	36,150	131,400	80,025	174,448	73,107
Solid Waste Facilities	436,450	5,431,300	389,100	6,029,853	227,497
Recycling & Garbage Collection	0	1,573,595	211,635	1,718,276	66,954
<b>Streetlighting</b>					
Fairwinds Streetlighting	11,000		6,230	12,675	4,555
Rural Areas Streetlighting	12,000		5,130	15,625	1,505
French Creek Village Streetlighting	4,400		280	4,275	405
Highway Intersections Streetlighting (Fr	1,425	940	50	2,355	60
Morningside Streetlighting	6,640		3,045	7,530	2,155
Sandpiper Streetlighting	7,485		370	7,725	130
Hwy # 4 ( Area F)	2,500		1,250	2,625	1,125
<b>WATER UTILITIES</b>					
Madrona	74,000	62,100	20,735	154,342	2,493
Fairwinds	90,896	73,400	156,860	309,435	11,721
Surfside	14,274	4,665	3,100	19,675	2,364
West Bay Estates	39,746	39,700	9,035	87,171	1,310
Nanoose	249,494	143,750	259,820	552,571	100,493
Arbutus Park Estates	52,923	24,239	32,675	102,240	7,597
French Creek	104,447	100,205	115,435	310,092	9,995
Wall Beach		4,100		4,100	0
Nanoose Bulk Water	256,235	450	63,900	320,585	0
French Creek Bulk Water	79,000		13,730	75,260	17,450
Morningside Creek Water	2,325		4,855	3,725	3,455
Decourcey Water	2,825	670	3,080	4,745	1,830
San Pareil Water	39,168	101,975	27,090	160,820	7,413

REGIONAL DISTRICT OF NANAIMO  
 2002 ANNUAL BUDGET  
 SUMMARY OF REVENUES, EXPENDITURES AND SURPLUS

	TAXATION	OTHER REVENUES	PRIOR YEAR SURPLUS	EXPENDITURES	NET SURPLUS
<b>SEWAGE COLLECTION UTILITIES</b>					
French Creek	356,290	232,760	29,425	586,445	32,030
Fairwinds	170,104	33,825	129,250	279,466	33,713
Surside Sewer	12,340	1,350	2,330	16,520	0
Pacific Shores	18,249		1,740	19,989	0
MacMillan Rd. (EA A)		3,425		3,425	0
Pump & Haul (Electoral Areas)		1,250	655	1,905	0
Pump & Haul - Home Lake		10,000		10,000	0
	<b>20,662,858</b>	<b>22,018,838</b>	<b>5,890,171</b>	<b>46,030,740</b>	<b>2,541,127</b>



REGIONAL DISTRICT OF NANAIMO			
MAR - 7 2002			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	
Bored			

**MEMORANDUM**

**TO:** C. Mason  
General Manager, Corporate Services

**DATE:** March 6, 2002

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

**FILE:**

**SUBJECT:** Capital Expenditure Plan 2002 to 2007

**PURPOSE:**

To introduce for three readings and adoption "Regional District of Nanaimo Capital Expenditure Program 2002 to 2007 Bylaw No. 1296,2002.

**BACKGROUND:**

The *Local Government Act* requires the annual development of a five year capital expenditure program. This document is intended to indicate the current year's expenditures and potential future years' costs and sources of funding. In particular the document is helpful in indicating time lines for borrowing which will influence future budget requirements. Five year capital plans may be amended from time to time during the fiscal year, usually in concert with updated OCP's, to reflect more current initiatives.

Due to its size the complete capital plan document is not attached to this report. Members have been given copies of the capital plan separately for their budget binders:

This capital plan contains the following highlights:

Service Area	Source of funding	Amount	Purpose
General Administration	Building Reserve	\$1,075,000	Boardroom/office addition
General Administration	Computer Reserve	\$95,000	Server replacements and expansion of network equipment for Boardroom/office addition
Errington Fire	Vehicle Reserve	\$41,500	Complete new vehicle acquisition approved in 2001
Nanoose Bay Fire	Operations	\$23,000	Truck bay ventilation system
Gabriola Island Recreation	Operations	\$9,000	Upgrade portable to office standard
Ravensong Aquatic Center	Operations	\$56,500	Initial funding for future Steam/Dry Sauna facility
Community Park – Area B	Borrowed Funds	\$100,000	First installment re: \$500,000 park purchase approved by referendum

**PAGE**  
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Community Park – Area F	Operations Reserve	\$25,000 \$75,000	Purchase of Errington School property
Regional Parks	Operations Grants and donations Operations	\$127,500 \$285,000 \$100,000	Bridge crossing projects Bridge crossing projects First installment re: \$500,000 purchase of park on Gabriola Island
Transportation Services	Operations/Prov of BC	\$50,000	Specialized lift for servicing Denis Dart buses
Nanaimo Treatment Plant	Operations Operations Reserve funds	\$1,260,000 \$280,000 \$3,090,000	Twin landfill portion of outfall HVAC upgrade Odour control works and biogas handling system upgrade
French Creek Treatment Plant	Development Cost Charges	\$164,000	Trickling filter and Bay Ave pump upgrades
Fairwinds Treatment Plant	Operations	\$32,000	To establish a capital reserve fund
Solid Waste Management	Operations  Reserve funds	\$775,000	Reserves for landfill gas system expansion and future closure Potential new transfer station site purchase
Fairwinds Water System	Operations Reserve funds	\$120,000 \$ 90,000	Connect constructed well to system
Nanoose Bay Water	Operations Bylaw funds on hand	\$115,000 \$185,000	Replace AC watermains Replace AC watermains
San Pareil Water	Borrowed funds	\$142,000	Complete new reservoir and system upgrades
Driftwood Water	Borrowed funds	\$240,000	New water service – borrowing approved by property owners

**ALTERNATIVES:**

1. Recommend that the capital plan and bylaw as presented be adopted.
2. Amend the capital plan and recommend adoption of the amended plan and bylaw.

**FINANCIAL IMPLICATIONS:**

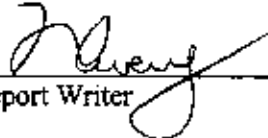
The annual budget incorporates all project listed above and reserves are on hand for those expenditures identified for this source of funding. Separate reserve fund expenditure bylaws will be presented at a later date as those projects proceed.

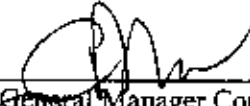
**SUMMARY/CONCLUSIONS**

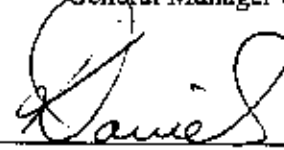
A five year capital expenditure plan is presented for approval in accordance with the *Local Government Act*. Highlights have been listed and briefly commented on above. Items highlighted for the current fiscal year form part of the 2002 annual budget.

**RECOMMENDATIONS:**

1. That the capital for the years 2002 to 2007 be approved.
2. That "Regional District of Nanaimo 2002 to 2007 Capital Expenditure Program Bylaw No. 1296, 2002" be introduced for three readings.
3. That "Regional District of Nanaimo 2002 to 2007 Capital Expenditure Program Bylaw No. 1296, 2002" having received three readings be adopted.

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

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

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

**COMMENTS:**

**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1296**

**CAPITAL EXPENDITURE PROGRAM**

**A PROGRAM TO ALLOW FOR CAPITAL EXPENDITURES  
FOR THE PERIOD 2002 TO 2007 INCLUSIVE**

The Board of the Regional District of Nanaimo in open meeting assembled enacts as follows:

1. Schedule 'A' attached hereto and made part of this bylaw is hereby declared to be the Capital Expenditure Program of the Regional District of Nanaimo for the years 2002 to 2007 inclusive.
2. This bylaw may be cited for all purposes as "Regional District of Nanaimo Capital Expenditure Program 2002 to 2007 Bylaw No. 1296, 2002".

Introduced and read three times this 12th day of March, 2002.

Adopted this 12th day of March, 2002.

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CHAIRPERSON

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GENERAL MANAGER, CORPORATE SERVICES

REGIONAL DISTRICT OF NANAIMO  
CAPITAL PLAN 2002 to 2007

Schedule 'A' to accompany "Regional District of Nanaimo Capital Expenditure Program 2002 to 2007 Bylaw No. 1296, 2002"

Chairperson

General Manager, Corporate Services

Interest rate

0.04

TOTAL FOR ALL FUNCTIONS

CURRENT OPERATIONS  
OPERATING LEASES  
OPERATING CAPITAL  
RESERVE FUND CONTRIBUTIONS  
RESERVE FUND USE  
BORROWED FUNDS  
BYLAW FUNDS ON HAND  
DEVELOPER FUNDED

	2002	2003	2004	2005	2006	2007	Total 2002-2007
CURRENT OPERATIONS	44,460	1,700	501,700	501,700	1,700	1,700	1,052,960
OPERATING LEASES	244,850	225,650	192,050	196,600	188,600	188,600	1,226,150
OPERATING CAPITAL	3,202,500	3,889,836	3,089,900	3,393,866	2,034,036	1,825,883	17,836,381
RESERVE FUND CONTRIBUTIONS	1,814,840	817,480	2,503,890	1,020,585	3,243,080	3,363,080	12,562,768
RESERVE FUND USE	5,330,000	1,517,500	167,500	2,544,000	4,200,000	1,390,000	16,148,000
BORROWED FUNDS	282,000	430,000	11,980,000	4,343,550	5,780,000	3,080,000	25,875,550
BYLAW FUNDS ON HAND	185,000	13,985	0	0	0	0	198,985
DEVELOPER FUNDED	285,000	1,195,000	0	1,000,000	0	0	2,480,000
	11,768,240	8,090,961	18,435,040	12,990,091	15,447,416	9,649,043	76,380,791

Expenditure summary by Category

General  
Water  
Sewer

General	4,988,860	2,221,036	9,948,445	2,133,471	9,135,018	2,372,933	30,800,761
Water	943,215	785,485	828,786	571,850	508,370	3,408,370	7,126,055
Sewer	5,835,165	5,104,480	7,657,810	10,184,770	5,804,030	3,867,740	28,453,976
	11,768,240	8,090,961	18,435,040	12,990,091	15,447,416	9,649,043	76,380,791

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