

REGIONAL DISTRICT OF NANAIMO

**REGULAR BOARD MEETING
TUESDAY, JANUARY 9, 2001
7:30 PM**

(Nanaimo City Council Chambers)

A G E N D A

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- 1. CALL TO ORDER**
- 2. DELEGATIONS**
 - 5-9 **Debbi & Scott Bigham, Capital City Kart Club**, re Operating Permits for Mountaineer Kart Circuit.
 - 10 **John McFaul**, re ALR 0006 Exclusion - 1712 Vowels Road - Area A.
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- 3. BOARD MINUTES**
 - 12-23 Minutes of the regular Board meeting held on Tuesday, December 12, 2000.
- 4. BUSINESS ARISING FROM THE MINUTES**
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 - 24 **Shirley Hine, City of Parksville**, re Arrowsmith Water Service Management Committee Appointment.
 - 25 **Shirley Hine, City of Parksville**, re District 69 Recreation Commission Appointment.
- 6. UNFINISHED BUSINESS**
 - From the December 5, 2000 Corporate and Community Service Committee Meeting.*
 - 26-28 **Growth Management Plan Review Terms of Reference.** (Terms of Reference included as a separate enclosure)
 - From the Board Meeting held December 12, 2000.*
 - 29-41 **Self Haul Tipping Fees.** (Supplemental report attached)
 - Public Hearing.**
 - 42-65 Minutes of the Public Hearing held December 6, 2000 with respect to Bylaw No. 500.268 - Land Use and Subdivision Bylaw Amendment. (All Directors except EA 'B' - One Vote)
 - 66-73 Minutes of the Public Hearing held December 14, 2000 with respect to Bylaw 500.265 - Land Use and Subdivision Bylaw Amendment. (All Directors except EA 'B' - One Vote)

For Adoption.

Bylaw No. 975.21 - Pump & Haul LSA Amendment Bylaw - Arbutus Crescent - Area E. (All Directors - One Vote)

Bylaw No. 1221 - San Pareil Water Security Issuing Bylaw - Area G. (All Directors - One Vote)

Bylaw No. 1226 - Nanoose Bay Bulk Water Supply Security Issuing Bylaw - Area E. (All Directors - One Vote)

Bylaw No. 1227 - RDN Security Issuing (City of Parksville) Bylaw. (All Directors - Weighted Vote)

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

7.(I) DEVELOPMENT SERVICES STANDING COMMITTEE

74-78

Minutes of the regular Development Services Committee meeting held December 19, 2000. (for information)

CORRESPONDENCE/COMMUNICATION

Brian Morgan, re Zoning Amendment Application – Yellowpoint and Cedar Roads – Area A. (All Directors - One Vote)

That the correspondence received from Brian Morgan with respect to the re-zoning of property for the proposed North Cedar Fire Department, be received for information.

Daryl Britt, re ALR 006 Exclusion – 1712 Vowels Road – Area A. (All Directors - One Vote)

That the correspondence received from Daryl Britt with respect to the ALR exclusion application for a property at 1712 Vowels Road, be received for information.

BUILDING INSPECTION

Section 700 Filings. (All Directors - One Vote)

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

- (a) Lot A, Section 16, Range 8, Plan VIP56538, Cranberry Land District, 1627 Cedar Road, Electoral Area 'A', owned by V. Johnson.;
- (b) Strata Lot 2, District Lot 78, Nanoose Land District, Strata Plan VIS4678 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1, 2421 Arbutus Crescent, Electoral Area 'E', owned by R. Chiste;
- (c) Lot 29, Block 668, Nanoose Land District, Plan 36481, 2601 Matthew Road, Electoral Area 'E', owned by P. and L. Nielsen.

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. 0012 – North Cedar Improvement District – on behalf of Agnes Cochran and Laura Sweeney – Yellow Point Road – Area A. (All Directors except EA 'B' - One Vote)

- 1. That the staff report be received and that Amendment Application No. 0012 submitted by the North Cedar Improvement District to rezone a portion of the property legally described as Lot 1, Plan VIP533334, Section 12, Range 1, Cedar District, from Residential 2 (RS2) to Public 1 (PU1) be advanced to a public hearing subject to the conditions outlined in Schedule No. 1 of the November 21, 2000 staff report.*
- 2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.271, 2000" be given 1st and 2nd reading and proceed to Public Hearing.*
- 3. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.271, 2000" be delegated to Director Elliott or his alternate.*

That the Public Hearing be postponed until the end of February or the beginning of March to allow for sufficient advertising.

DEVELOPMENT VARIANCE PERMIT

Application No. 0013 – Vinden – 2750 Boyd Drive – Area E. (All Directors except EA 'B' - One Vote)

Delegations wishing to speak to Application No. 0013.

That Development Variance Permit Application No. 0013, submitted by Gordon Waters, Agent on behalf of Mark and Suzanne Vinden, to facilitate the development of a single dwelling unit and vary the maximum permitted dwelling unit height within the Residential 1 (RS1) zone from 8.0 metres to 8.9 metres (29.2 feet) for the property legally described as Lot 8, District Lot 37, Nanoose District, Plan 30072, be approved as submitted subject to the notification procedures pursuant to the Local Government Act.

OTHER

ALR 0006 Exclusion – Pauline Kaur Judge and Aismore Angy Judge – 1712 Vowels Road – Area A. (All Directors except EA 'B' - One Vote)

That the Board of the Regional District of Nanaimo, in support of policies contained in the Regional Growth Management Plan, the Electoral Area 'A' Official Community Plan, Bylaw No. 1116, 1998, and regulations within Land Use and Subdivision Bylaw No. 500, 1987, recommend that the application for exclusion from the Agricultural Land Reserve for Lots 3 and 4, Plan 725, Section 1, Range 7, Cranberry District, Except Part in Plans VIP69195 and VIP69231, be refused.

7.(II) ENVIRONMENTAL SERVICES STANDING COMMITTEE

7.(III) CORPORATE & COMMUNITY SERVICES STANDING COMMITTEE

7.(IV) EXECUTIVE STANDING COMMITTEE

7.(V) COMMISSION

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

8. ADMINISTRATOR'S REPORT

79-80 Appointment of Bylaw Enforcement Officer. (All Directors - One Vote)

81-83 Planning Grant Payment Deadline Extension - Transportation Study. (All Directors - One Vote)

85-111 Regional Services. (All Directors - One Vote)

9. ADDENDUM

10. BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

11. NEW BUSINESS

12. BOARD INFORMATION (Separate enclosure on blue paper)

13. ADJOURNMENT

14. IN CAMERA

That pursuant to Section 242.1(h) of the Local Government Act the Board proceed to an In Camera meeting to consider a matter of litigation affecting the Regional District.

Capital City Kart Club

Debbi Bigham
President
PO Box 257
Duncan BC V9L 3X3

Telephone 250-656-6262
Fax 250-656-4299

December 18, 2000

TO: The Regional District of Nanaimo
FROM: Capital City Go Kart Club
Subject: Operating Permits for Mountaineer Kart Circuit

As you may know the Capital City Go Kart Club (C. C.K.C.) has been unsuccessful in relocating from our facility on Spruston road . This has been especially unfortunate for the children and youth involved in our sport, as there is no other sanctioned facility on Vancouver Island . Unlike the car clubs who have three other locations to choose from on the island, C. C. K. C. has been devastated by the lose of our track. Our club members have dwindled to 29 from well over 150 due to the fact that we were unable to provide a 2000 season for our members . Our club is a 33 year old non profit society and with money still owing on the Mountaineer track and no where to operate, we will go bankrupt if we do not get a few events in 2001. We have committed to move to the new outdoor recreation park in Cowichan but have been told by Mr. Allen that the facility will be at least two years in the making . With the lose of more than half our members since the closure of our facility, we will not survive financially to move anywhere unless we can begin functioning in the interim .

Even with the lack of a facility some of the more fortunate families in our club were able to travel off the island and among their many top achievements were two junior Canadian Champions. Unfortunately, the majority of our club are average and lower income working people and were all stranded with no place to enjoy their sport. This also makes the selling of their equipment impossible as there is no market when there is no place to go. Go Karting is a family sport which runs during the day, uses very small engines with mandatory silencers and mufflers .

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Children as young as eight years old must write a test and get a license to participate in this strict and disciplined sporting venue. Regulations for go karting are international and are strictly and unilaterally enforced across the country by our governing body, A. S. N. Canada. Our club, as well as go karters across Canada are committed to clean fair competition and with strong emphasis towards having no negative impact on our communities.

Hopefully you can sympathize with our position and will review our request for temporary operating permits with an open mind. We are dedicated to having no negative impact on the community and neighbours around us. We have received written support from the Vancouver Island Police's Rock Solid program and are seeking their help to oversee that no disruption to the community occurs due to our operation. Spruston Enterprises has offered C.C.K.C. use of the Mountaineer Kart Circuit if we can obtain the Regional Districts permission for use. This would be on an interim basis as they are listing the property for sale shortly.

So at this point we return on our knees to beg for your support in the form of temporary operating permits for our 2001 season. Hopefully with your support our club can recover to a healthy state and continue to supply a valuable source of recreation as well as a training facility for the youth and adults in our communities.

We feel if we work together we can keep our families on track and be part of growing future champions and responsible citizens who can respect each others needs and rights. We would like to ask to be included in the next RDN meeting and look forward for the opportunity to seek a resolve to our disparaging situation.

Yours Truly



Scott Bigham



1229 ESQUIMALT RD. VICTORIA BC CANADA V9A 3P1

PHONE: (250) 386-ROCK (7625) * FAX: (250) 386-0202 * EMAIL: rocksolidfdn@home.com

May 16, 2000

ATTN: CHAIRMAN - REGIONAL DISTRICT OF NANAIMO DIRECTORS

I am writing concerning the rejection of the KART application for 9 special event permits recently at a Directors meeting.

The Rock Solid Foundation has been up to the Nanaimo District on numerous occasions speaking to kids about violence and safe choices. As a police officer for 12 years I can attest to the old adage that "Idle time is the Devil's Playground" and busy productive kids do not often get into trouble.

The rejection of these permits on a very close vote - closes yet another positive option kids had to be active productive citizens. Our Foundation is all about community involvement and making pro-active differences. A go-cart race featuring youth is about as family an event as you could find anywhere.

Please do not take lightly your recent decision. We need to seriously take into account the ramifications this will have on go-carters as, unlike the oval car racers, this group has absolutely no alternative venue.

Sincerely,

Corporal Tom Woods
#64 Esquimalt Police Department
Executive Director - Rock Solid Foundation



1229 ESQUIMALT RD VICTORIA BC CANADA V9A 3P1
PHONE (250) 386-ROCK (7625) • FAX (250) 386-0202 • EMAIL: rocksolidfdn@home.com

The Rock Solid concept was initiated in October 1997 by a group of local law enforcement personnel and members of the Victoria Shamrocks Lacrosse Club who were concerned with escalation in both the amount and intensity of youth violence and crime. The term 'Rock Solid' is derived from the team name and is representative of the demeanor Canadians need to demonstrate when they are faced with issues of a violent or criminal nature. The Rock Solid Foundation was officially recognized as a non-profit Society in May 1998.

MISSION STATEMENT

"TO CHALLENGE APATHY AND ENCOURAGE ACTIVE INVOLVEMENT BY PRESENTING A CONSISTENT, POSITIVE MESSAGE TO CANADIANS TO STAND UP, BE HEARD AND MAKE A DIFFERENCE IN THEIR COMMUNITIES"

ROCK SOLID FOUNDATION PROGRAMS

- ◆ *The Rock Solid 'Interactive Youth Anti-Violence' Presentation* (viewed by 55,000 youth aged 10-18 in the Greater Victoria area since its inception in October of 1997) has received comprehensive media coverage. We utilize local athletes and youthful police officers to let people know that it is "cooler" to stand up, be heard and prevent a violent act or criminal offence than it is to remain silent and let it occur. The 'Rat Myth' and who a 'RAT' actually is, is an issue that we face head on and without compromise.
- ◆ *The Rock Solid 'W.I.T.S.' Program* is currently being piloted in school district #61 in partnership with the University of Victoria, Youth and Society Research Unit. Targeted at K-4, this program is designed to give younger children the information they need to make safe and positive choices when faced with situations involving threats, violence or aggressive behavior. Funding for a portion of this project was made possible by the generous donation from the Telus Employee's Committee Fund.
- ◆ *The Rock Solid Training Video and Interactive Manual* is designed to sensitize adults to the importance of responding to young people's requests for assistance or advice in dealing with peer violence, harassment and intimidation.
- ◆ *The Rock Solid C.R.U.D.E. (Crime Reduction Utilizing a Developing Economy)* is a project with youth working on economic development projects with a decidedly crime prevention focus. The Foundation plans on becoming self-sufficient and thus able to fund educational programs on an ongoing basis.
- ◆ *The Rock Solid 'Graffiti Beautification Initiative'*: a partnership with Youth Services Canada, an innovative concept using local youth "aerosol artists" to combat graffiti areas in Greater Victoria.

ROCK SOLID FOUNDATION OBJECTIVES

- ◆ Promote an atmosphere of non-violence in Society through innovative programs and initiatives;
- ◆ Promote a safer school and community environment and ensure that all children and youth live and are educated in a secure environment without intimidation or concern for safety from their peers or others;
- ◆ Provide all children and young people techniques for, and training in, responding to threats, aggression, intimidation, and violence in a positive non-confrontational manner;
- ◆ Provide training to institutions and adults on the importance of responding to children's and youth's request for assistance in dealing with peer violence, harassment and intimidation;
- ◆ Promote Community Economic Development as a vital tool for crime prevention;
- ◆ Develop pro-active programs and initiatives using well-known and respected members of the community, including law enforcement officers, to promote the above purposes; and
- ◆ Raise funds on an ongoing basis to support such programs and activities.

ROCK SOLID FOUNDATION AWARDS & ENDORSEMENTS

- ◆ Ministry of Attorney General - Regional Crime Prevention & Safety Award, for outstanding contribution towards crime prevention and community safety in British Columbia (1998).
- ◆ British Columbia Youth Police Network Award for outstanding contribution toward youth crime and violence prevention (1998).
- ◆ Lt. Governor - General's Award for outstanding contribution toward youth crime and violence prevention (1998).
- ◆ CFX 1070 Community Awards- Teamwork Award- in recognition of valuable combined contribution to an important community service (1998).
- ◆ British Columbia Chiefs of Police Association voted unanimously to endorse the Rock Solid Foundation.

Fax to: 390 - 4163

**Regional District of Nanaimo
6300 Hammond Bay Road
P. O. Box # 40antzville, B. C.
VOR - 2H0**

Attention : Maureen Pierce

Dear Ms. Pierce

**Re: ALR Exclusion Application for Remainder of Lots
3 and 4, Section 1, Range 7, Cranberry District,
Plan 725**

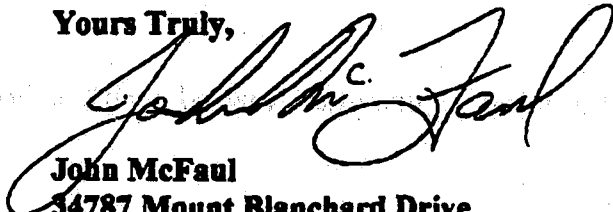
**DELEGATION:
January 9, 2001 Board Meeting**

This letter is to request approval to address the Board of the Regional District of Nanaimo as a delegation at their next scheduled meeting on January 9, 2001 as a Delegation regarding the above noted application on behalf of owners Pauline Kaur Judge and Aismare Angy Judge.

Please fax confirmation of being on the Agenda and a copy of the Agenda to John McFaul at 604 - 853 - 5646

Thank you ;

Yours Truly,


**John McFaul
34787 Mount Blanchard Drive
Abbotsford, B. C., V2S - 2Y2
Telephone # 604-853-6079
Fax. # 604-853-5646**

JAN. 02/2001

TO - MAUREEN PIERCE
REGIONAL DISTRICT OF NANAIMO

DEAR MAUREEN,

MAY I SUBMIT DIANNE BURT'S NAME AS A
SPEAKER, REPRESENTING THE DELEGATION FROM CASSIDY
THAT SPOKE AT THE DEVELOPMENT SERVICES COMMITTEE
MEETING OF DEC. 19/00 REGARDING THE APPLICATION
OF P: A JUDGE FOR AWR EXCLUSION.

MAY I ALSO BE LISTED AS AN ALTERNATE
SPEAKER IF DIANNE IS UNABLE TO ATTEND.

THIS REQUEST IS FOR THE RDN MEETING OF
JAN. 09/01

THANK YOU

JOHN GOLOBAR
245-2732

DIANNE BURT
245-7710

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE INAUGURAL MEETING OF THE BOARD
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, DECEMBER 12, 2000, 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 L. Sherry	City of Nanaimo
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 B. Holdom	City of Nanaimo

Also in Attendance:

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

CALL TO ORDER

The Administrator called the meeting to order and confirmed the notifications of representatives from the member municipalities for the year 2001/2002.

MOVED Director Stanhope, SECONDED Director Rispin, that the notification from the City of Nanaimo, City of Parksville and the Town of Qualicum Beach advising of their Council appointments to the Board for the year 2001/2002, be received.

CARRIED

INAUGURATION OF MUNICIPAL BOARD MEMBERS

The General Manager of Corporate Services conducted the inauguration proceedings.

ELECTION OF BOARD CHAIRPERSON

The Administrator called for nominations for the position of Chairperson for the year 2001.

Director Stanhope nominated Director Holme.

There being no further nominations, the Administrator declared Director Holme Chairperson for 2001.

ELECTION OF DEPUTY CHAIRPERSON

The Administrator called for nominations for the position of Deputy Chairperson for the year 2001.

Director McLean nominated Director McNabb.

There being no further nominations, the Administrator declared Director McNabb Deputy Chairperson for the year 2001.

DELEGATIONS

Terry Moore, re Self Haul Tipping Fees.

Mr. Moore urged the Board not to approve the increase in tipping fees.

Fred Taylor, re Self Haul Tipping Fees.

Mr. Taylor spoke in opposition of the proposed fee increase in self haul tipping fees.

Bill Earthy, re Amendment Application ZA0008 – Ronkainen/Earthy – 3452 Jingle Pot Road – Area D.

Mr. Earthy was unable to comment on his application since the public hearing had already been held.

Gail Adrienne, Gillian Butler, Ken Lyall, re Nanaimo Area Land Trust.

Mr. Lyall, Ms. Adrienne and Ms. Butler outlined the history of the Nanaimo Area Land Trust and explained their expanding role with the City of Nanaimo and the Regional District of Nanaimo with respect to environmentally sensitive lands. The Board was requested to consider financial assistance to NALT for administrative costs in the amount of \$13,000.

LATE DELEGATIONS

MOVED Director McLean, SECONDED Director Westbroek, that the following late delegations be permitted to address the Board.

CARRIED

Brenda Jager, re Gabriola Parks and Recreation Commission Business.

Ms. Jager voiced her opinion with respect to the lack of public process provided to the Commission when recommendations are amended and the Commission does not have the opportunity to discuss those amendments.

Ruth Loomis, re Gabriola Parks and Recreation Commission Business.

Ms. Loomis provided background information about the formation of the recreation function on Gabriola Island and expressed her concerns with respect to the future of recreation services on Gabriola. She also reiterated the concern of the former speaker with respect to the lack of public process.

BOARD MINUTES

MOVED Director McNabb, SECONDED Director Sherry, that the minutes of the regular Board meeting held on Tuesday, November 14, 2000, be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Sandra Keddy, Town of Qualicum Beach, re Appointment to District 69 Recreation Commission.

MOVED Director Stanhope, SECONDED Director Westbroek, that the correspondence from the Town of Qualicum Beach with respect to the District 69 Recreation Commission appointment, be received.

CARRIED

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UNFINISHED BUSINESS

For Adoption.

Bylaw No. 1224.

MOVED Director Macdonald, SECONDED Director McNabb, that "Regional District of Nanaimo Sewage Disposal Regulation Bylaw No. 1224, 2000" be adopted.

CARRIED

Public Hearing.

MOVED Director Sherry, SECONDED Director McNabb, that the minutes of the public hearing held on Wednesday, November 22, 2000, as a result of the public notification of "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.267, 2000", be received.

CARRIED

MOVED Director McNabb, SECONDED Director McLean, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.267, 2000" be referred back to staff for further investigation on the issues surrounding accreted lands.

CARRIED

MOVED Director Sherry, SECONDED Director McNabb, that staff be directed to meet with the representatives of the Parksville Construction and Development Association and the representatives of the Corporation of BC Land Surveyors to work together to achieve the intent of the bylaw which is to establish a zone and subdivision district boundary that recognizes that future accreted land do not automatically obtain the same land use zoning as the upland property and do not result in additional land area being added to the upland property for the purpose of subdivision.

CARRIED

DEVELOPMENT SERVICES STANDING COMMITTEE

MOVED Director Hamilton, SECONDED Director Krall, that the minutes of the regular Development Services Committee meeting held November 21, 2000, be received for information.

CARRIED

UNFINISHED BUSINESS

From the Board Meeting held November 14, 2000.

Section 700 Filings.

The Chairperson asked that if the property owners were in the audience and wished to address the Board, to come forward when their name was called.

MOVED Director Hamilton, SECONDED Director Krall, that a notice be filed against the title of the property listed, pursuant to Section 700 of the Local Government Act:

Lot 4, Section 26, Gabriola Island, Nanaimo Land District, Plan 34751, 1055 Canso Road, Electoral Area 'B', owned by R. and M.A. Larsen.

CARRIED

BUILDING INSPECTION

Section 700 Filings.

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 Krall, 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 171, Nanoose Land District, except part in Plan 19877 and 39893, 1888 Kaye Road, Electoral Area 'E', owned by Culverden Holdings Ltd.;
- (b) Lot 50, District Lot 116, Nanoose Land District, Plan 27229, 1148 Bowe Place, Electoral Area 'G', owned by D. Millen.

CARRIED

PLANNING

Memorandum of Understanding – Intergovernmental Partnership Agreement for the Protection of Environmentally Sensitive Areas.

MOVED Director Hamilton, SECONDED Director Korpan, that the Memorandum of Understanding, Intergovernmental Partnership Agreement for the Protection of Environmentally Sensitive Areas between the RDN, MELP, and DFO be approved.

CARRIED

NEW BUSINESS

Treaty Negotiations.

MOVED Director Hamilton, SECONDED Director Sherry, that staff be directed to investigate details of contributions made by the Province to ongoing treaty negotiations in other areas and instigate a process which could allow the District to obtain such funding.

CARRIED

ENVIRONMENTAL SERVICES STANDING COMMITTEE

MOVED Director Sherry, SECONDED Director Macdonald, that the minutes of the Environmental Services Committee meeting held November 28, 2000, be received for information.

CARRIED

LIQUID WASTE/UTILITIES

Bulk Water – Arrowsmith Water System 2001 Budget.

MOVED Director Stanhope, SECONDED Director Holme, that the Year 2001 Provisional Operating and Capital Budget as approved by the Management Committee on October 18, 2000 for a total of \$168,000.00 be approved by the Regional District of Nanaimo.

CARRIED

West Coast Reduction Limited Outfall Extension.

MOVED Director Sherry, SECONDED Director Macdonald, that staff be directed to proceed with the WCR proposal and submit application for the "Disposition of Crown Land" and prepare an agreement with WCR for the joint use of the outfall that protects the RDN's interests.

CARRIED

SOLID WASTE

2001 Illegal Dumping Prevention Program Workplan.

MOVED Director Sherry, SECONDED Director McNabb, that the report on the Illegal Dumping Prevention Program and the 2001 Workplan be received.

CARRIED

Self Haul Tipping Fees.

MOVED Director Stanhope, SECONDED Director McNabb, that this issue be deferred to the January Board meeting.

CARRIED

Director Korpan requested that staff include a report for the January Board meeting responding to comments of the delegates regarding the self haul tipping fees.

CORPORATE & COMMUNITY SERVICES STANDING COMMITTEE

MOVED Director Stanhope, SECONDED Director Krall, that the minutes of the regular Corporate & Community Services Committee meeting held on December 5, 2000, be received for information.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Association of Vancouver Island and Coastal Communities, re 2001 Resolutions.

MOVED Director Stanhope, SECONDED Director Krall, that the correspondence received from the Association of Vancouver Island and Coastal Communities with respect to the submission of resolutions to the AVICC Annual General meeting, be received for information.

CARRIED

Richard Arnold, re Little Qualicum River Watershed.

MOVED Director Stanhope, SECONDED Director Krall, that the correspondence received from Richard Arnold with respect to the need for a full watershed analysis on the Little Qualicum River before any timber is harvested, be received for information.

CARRIED

D. Daly and P.S. Babiak, re Little Qualicum River Watershed.

MOVED Director Stanhope, SECONDED Director Krall, that the correspondence received from D. Daly and P. Babiak with respect to the implementation of a watershed analysis of the Little Qualicum River Community Watershed, be received for information.

CARRIED

Nicola Cavendish, re Little Qualicum River Watershed.

MOVED Director Stanhope, SECONDED Director Krall, that the correspondence received from Nicola Cavendish with respect to support for a watershed assessment for the Little Qualicum River, be received for information.

CARRIED

Rhonda Murdock, re Little Qualicum River Watershed.

MOVED Director Stanhope, SECONDED Director Krall, that the correspondence received from Rhonda Murdock with respect to the need for Regional District plans and regulations to protect water and its associated resources, be received for information.

CARRIED

R.L. Drew-Brook, re Little Qualicum River Watershed.

MOVED Director Stanhope, SECONDED Director Krall, that the correspondence received from R. Drew-Brook with respect to the need for a full watershed assessment in the Little Qualicum River area before logging is considered, be received for information.

CARRIED

ADMINISTRATION

Nanoose Place Lease Agreement Renewal.

MOVED Director Stanhope, SECONDED Director Krall, that the Board approve the lease agreement between the Nanoose Bay Activities and Recreation Society and the Regional District of Nanaimo for the property legally described as Lot 2, District Lot 6, Nanoose District, Plan 50996 for a five year term expiring on October 31, 2005.

CARRIED

FINANCE

Regional District Undertaking Financing on Behalf of the City of Parksville.

MOVED Director Stanhope, SECONDED Director Holdom, that "Regional District of Nanaimo (City of Parksville) Security Issuing Bylaw No. 1227, 2000" receive first three readings and be forwarded to Municipal Affairs for approval.

CARRIED

FIRE PROTECTION

Fire Truck Purchase for the Dashwood Volunteer Fire Department.

MOVED Director Stanhope, SECONDED Director Westbrook, that the tender for a pumper fire vehicle be awarded to Superior Emergency Vehicles Ltd. pursuant to their submission dated October 10, 2000.

CARRIED

MOVED Director Stanhope, SECONDED Director Westbrook, that "Dashwood Fire Protection Reserve Fund Expenditure Bylaw No. 1228, 2000" be introduced for first three readings.

CARRIED

MOVED Director Stanhope, SECONDED Director Westbrook, that "Dashwood Fire Protection Reserve Fund Expenditure Bylaw No. 1228, 2000" having received first three readings, be adopted.

CARRIED

RECREATION AND PARKS

Thelma Griffith Park – Application for a Crown Grant.

MOVED Director Stanhope, SECONDED Director Elliott, that the Regional District apply to the BC Assets and Lands Corporation for a Free Crown Grant of the land currently occupied by Thelma Griffith Park in South Wellington (Electoral Area 'A').

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

Area 'A' Parks, Recreation and Greenspace Advisory Committee.

MOVED Director Stanhope, SECONDED Director Elliott, that the minutes of the Area 'A' Parks, Recreation & Greenspace Advisory Committee meeting held October 19, 2000, be received for information.

CARRIED

District 69 Recreation Commission.

MOVED Director Stanhope, SECONDED Director McLean, that the minutes of the District 69 Recreation Commission meeting held November 2, 2000, be received for information.

CARRIED

MOVED Director Stanhope, SECONDED Director McLean, that the following Grant-in-Aids be approved:

Electoral Area Grants:

Coombs Hilliers Recreation Community Organization	\$	225
Errington Co-op Preschool		200
Silver Spurs Riding Club		200

Community Grants:

Beacon Christian School	\$	500
Coombs Halloween Candy Walk		500
Neighbours of Little Qualicum River		150

Youth Grants:

Arrowsmith Lodge (Youth and Seniors Group)	\$	400
Beacon Christian School		450
District 69 Youth Floor Hockey		500
Nanoose Bay Activities and Recreation Society		600
Oceanside Radio Communications Association		300
Oceanside Youth Football Association		300
		CARRIED

MOVED Director Stanhope, SECONDED Director McLean, that the report (Youth Recreation Services Plan) be received and approved as a guide to the Department's delivery of recreation services to youth. CARRIED

MOVED Director Stanhope, SECONDED Director McLean, that the minutes of the District 69 Recreation Commission meeting held on November 16, 2000 be received for information. CARRIED

Gabriola Island Parks and Recreation Commission.

MOVED Director Stanhope, SECONDED Director Sperling, that the minutes of the Gabriola Island Parks and Recreation Commission meeting held November 20, 2000 be received for information. CARRIED

MOVED Director Stanhope, SECONDED Director Sperling, that the minutes of the Gabriola Island Parks and Recreation Commission meeting held November 23, 2000 be received for information. CARRIED

MOVED Director Stanhope, SECONDED Director Sperling, that the Gabriola Island Recreation Services report and the recommendations of the Commission be received for information and that Alternative No. 2 of the "Gabriola Island Recreation Service" staff report be implemented. CARRIED

MOVED Director Stanhope, SECONDED Director Sperling, that the recommendation from the Gabriola Island Parks and Recreation Commission with respect to the Chamber of Commerce office agreement be received and that steps be taken to implement Alternative No. 3 in the "Gabriola Island Chamber of Commerce Office Agreement" staff report. CARRIED

MOVED Director Stanhope, SECONDED Director Sperling:

That staff indicate the Board's desire to sublet the current office space and initiate actions to rent on a month to month basis other available space to facilitate the continuation, in the short term, of current staffing arrangements.

That the minutes of the Gabriola Island Parks and Recreation Commission meeting held on November 27, 2000, be received for information.

That the update report on the portables be received for information.

CARRIED

MOVED Director Stanhope, SECONDED Director Sperling, that the Gabriola Park Plan Review report be received for information and that staff be instructed to send the current draft of the parks plan to the Islands Trust for review and comment.

CARRIED

MOVED Director Stanhope, SECONDED Director Sperling, that the recommendation from the Gabriola Island Parks and Recreation Commission on the 2001 provisional budget, be received for information.

CARRIED

SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE

Gabriola Island Parks & Recreation Commission.

MOVED Director Stanhope, SECONDED Director Sperling, that Veronica Hartman, Andre Lemieux and Glen Murphy be appointed to the Gabriola Island Parks and Recreation Commission for terms ending January 1, 2003.

CARRIED

Lantzville Parks Advisory Commission.

MOVED Director Stanhope, SECONDED Director Haime, that Harriet Rueggsberg be appointed for a term ending December 31, 2001 and that Brenda McConachie be appointed for terms ending December 31, 2002 to the Lantzville Parks Advisory Commission.

CARRIED

Electoral Area 'A' Parks, Recreation & Greenspaces Advisory Committee.

MOVED Director Stanhope, SECONDED Director Elliott, that Gay Cunningham and Margaret Johnson be appointed to the Electoral Area 'A' Parks, Recreation & Greenspaces Advisory Committee for terms ending December 31, 2002.

CARRIED

Grants in Aid Committee.

MOVED Director Stanhope, SECONDED Director Krall, that Kay Burgoyne, J.P. Hugh Sproule and Frank Van Eynde be appointed to the Grants in Aid Committee for terms ending December 31, 2001.

CARRIED

NEW BUSINESS

Little Mountain – Request to Province.

MOVED Director Stanhope, SECONDED Director Sherry, that given the extreme danger and the tragedies at this location in recent years, the Board request the appropriate Provincial Ministry to fence off the cliff area on Little Mountain as soon as possible to prevent further tragedies from occurring.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Little Qualicum River.

MOVED Director Stanhope, SECONDED Director Holdom, that staff be instructed to report on the implications involved in conducting watershed assessments at the Little Qualicum River.

CARRIED

SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE

District 69 Recreation Commission.

MOVED Director Stanhope, SECONDED Director Holdom, that the minutes of District 69 Recreation Commission meeting held December 6, 2000 be received for information.

CARRIED

MOVED Director Stanhope, SECONDED Director Quittenton, that Community Agreement funding of \$4,500 in 2000 and \$12,500 in 2001 (subject to program budget approval) totaling \$17,000, be approved for the Ballenas Secondary School south field reconstruction project.

CARRIED

MOVED Director Stanhope, SECONDED Director Macdonald, that the staff report on the second ice sheet review be received.

CARRIED

MOVED Director Stanhope, SECONDED Director Macdonald, that the Arena Committee Terms of Reference that provide for the review of ice sheet options for consideration by the District 69 Recreation Commission be approved and that the Committee provide an initial report back to the Commission by the end of February.

CARRIED

MOVED Director Stanhope, SECONDED Director Macdonald, that the City of Parksville be requested to enter into an agreement with the Regional District to provide for the lease of additional land in the community park for a twinned arena facility, subject to the issues of park impacts and costs being addressed to the satisfaction of both parties.

CARRIED

ADMINISTRATOR'S REPORT

Amendment Application ZA0008 – Ronkainen/Earthy – 3452 Jingle Pot Road – Area D.

MOVED Director McNabb, SECONDED Director Haime, that the Summary of Proceedings of the Public Hearing held November 30, 2000 as a result of public notification of "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.269, 2000", be received.

CARRIED

MOVED Director Haime, SECONDED Director Westbroek, that the conditions of the restrictive covenant be amended to add the exclusion of chemical fertilizers and to implement a water conservation program.

CARRIED

MOVED Director Krall, SECONDED Director Haime, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.269, 2000" be given 3rd reading.

CARRIED

Development Permit No. 0021 – Fairwinds Recreation Centre – Area E.

MOVED Director Stanhope, SECONDED Director Sherry, that Development Permit Application No. 0021 to develop a recreation center within the Comprehensive Development 8 (CD8) zone on the property legally described as the Remainder of District Lot 78, Nanoose District, be approved.

CARRIED

Englishman River OCP Text and Map Amendment – San Pareil Coastal Properties – Area G.

MOVED Director Stanhope, SECONDED Director Macdonald, that the proposed public consultation strategy for the amendment to the Englishman River Official Community Plan be approved.

CARRIED

MOVED Director Stanhope, SECONDED Director Macdonald, that “Regional District of Nanaimo Englishman River Official Community Plan Bylaw Amendment Bylaw No. 814.06, 2000” amending Section 8 Development Permit Areas by adding Development Permit Area No. 4 – San Pareil Coastal and amending Map No. 3 Development Permit Areas to include the San Pareil coastal area within Development Permit Area No. 4, be given 1st reading and proceed to a public information meeting.

CARRIED

MOVED Director Stanhope, SECONDED Director Macdonald, that, pursuant to Section 929 of the Local Government Act, staff be directed to bring any building permit, which may be in conflict with the proposed bylaw, forward to the Board to potentially be withheld pending consideration of this amendment bylaw.

CARRIED

Disposal of Crown Parcels in Area F.

MOVED Director McLean, SECONDED Director Korpan,:

That the BC Assets and Land Corporation be requested to consider that Lot 14, District Lot 10, Plan 1891 and District Lot 104 in Electoral Area ‘F’ be retained for park and public uses in conjunction with the Regional District of Nanaimo, and that the parcels not be sold by the Province.

That the Regional District’s position be forwarded to the Province, including the Minister of Agriculture, Fisheries and Food, who is responsible for BCALC.

CARRIED

Regional Services Review AIP Recommendations.

MOVED Director Krall, SECONDED Director Quittenton, that the Regional District of Nanaimo Board and the City of Nanaimo, City of Parksville, and Town of Qualicum Beach Councils support the recommendations of the Steering Committee as presented, with a septage charge of \$0.12 in 2001 and \$0.16 in 2002.

CARRIED

MOVED Director Krall, SECONDED Director Stanhope, that the necessary bylaws be brought forward to the January 9, 2001 Board meeting for introduction and first three readings.

CARRIED

MOVED Director Krall, SECONDED Director Stanhope, that a Committee of the Electoral Area Directors be formed to develop and implement a public consultation process based upon the Board Public Consultation Framework Policy to undertake public consultation during January – February 2001.

CARRIED

MOVED Director Krall, SECONDED Director Macdonald, that input from the public consultation process be brought forward to the March Board meeting with the bylaws and service agreements for consideration.

CARRIED

MOVED Director Haime, SECONDED Director Westbrook, that as part of the Regional Services Review recommendation package the regional parks budget be reduced to \$300,000 for 2001.

A recorded vote was requested.

The motion CARRIED with Directors Holme, Hamilton, Westbrook, Sherry, Sperling, Macdonald, Haime, Holdom, Elliott, Krall, Korpan, Rispin and Stanhope voting in the affirmative and Directors Quittenton and McLean voting in the negative. Director McNabb was not in attendance.

MOVED Director Holdom, SECONDED Director Krall, that the Board commit to restore the regional parks budget to \$400,000 in 2002.

A recorded vote was requested.

The motion CARRIED with Directors Holme, Hamilton, Westbrook, Sherry, Haime, Sperling, Macdonald, Holdom, Elliott, Krall, Korpan, Rispin and Stanhope voting in the affirmative and Directors Quittenton, Haime and McLean voting in the negative. Director McNabb was not in attendance.

PROVISIONAL BUDGETS

Development Services Provisional Budget.

MOVED Director Krall, SECONDED Director Hamilton, that the 2001 Development Services provisional budget be adopted as presented.

CARRIED

Environmental Services Provisional Budget.

MOVED Director Sherry, SECONDED Director Hamilton, that the 2001 Environmental Services provisional budget be adopted as presented.

CARRIED

Community Services Provisional Budget.

MOVED Director Stanhope, SECONDED Director Haime,:

That the aquatic center provisional budget be adjusted to provide for the Saltwater Filtration System upgrade to take place in 2001 using an increase in the tax requisition to fund the revenue shortfall.

That the 5-year capital budget be amended as follows: steam/dry sauna be funded in 2002 (\$80,000), leisure pool water feature be funded in 2002 (\$35,000), multipurpose room to be funded in 2003 (\$91,000), patio/BBQ deck be funded in 2004 (\$40,000).

That the Wellness Centre be shifted to 2004 in the capital plan.

That the District 69 Arena provisional budget be adopted as presented.

That the District 69 Recreation Coordination provisional budget be adopted as presented.

That the Community Services 2001 Provisional Budget be approved as amended.

A recorded vote was requested.

The motion CARRIED with Directors Holme, Hamilton, Quittenton, Westbrook, Sherry, Haime, Sperling, Macdonald, Holdom, Elliott, Krall, Korpan, Rispin and Stanhope voting in the affirmative and Director McLean voting in the negative. Director McNabb was not in attendance.

Corporate Services Provisional Budget.

MOVED Director Stanhope, SECONDED Director Hamilton,:

That the Electoral Areas provisional budget be increased to provide for the inclusion of \$10,000 for the purpose of enhancing the electoral area pages on the RDN website.

That the Public Consultation provisional budget be increased to provide for the access to full Agendas on the Regional District website at a budget cost of \$5,000.

That the Electoral Area 'H' provisional budget be increased by \$1,500 to provide for a community survey.

That the 2001 Corporate Services provisional budget be approved as amended.

CARRIED

Provisional Budget Bylaw No. 1229.

MOVED Director Stanhope, SECONDED Director Hamilton, that "Regional District of Nanaimo 2001 Provisional Budget Bylaw No. 1229, 2000" be introduced and read three times.

CARRIED

MOVED Director Stanhope, SECONDED Director Holdom, that "Regional District of Nanaimo 2001 Provisional Budget Bylaw No. 1229, 2000" be adopted.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Nanaimo Area Land Trust.

MOVED Director Holdom, SECONDED Director Korpan, that a report be prepared to consider the request from the Nanaimo Area Land Trust (NALT) for financial funding.

CARRIED

IN CAMERA

MOVED Director Sherry, SECONDED Director McNabb, that pursuant to Section 242.2(e) and Section 242.2(h) of the Local Government Act, the Board proceed to an In Camera meeting to consider a matter of acquisition of land and a matter of litigation affecting the Regional District.

CARRIED

ADJOURNMENT

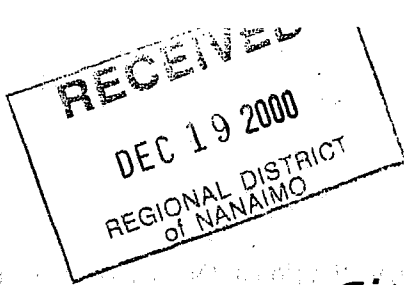
MOVED Director Sherry, SECONDED Director McNabb, that this meeting terminate.

CARRIED

TIME: 9:10 PM.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES



City of PARKSVILLE

PO Box 1390, 194 Memorial Avenue, Parksville, BC, V9P 2H3

Telephone: (250) 248-6144 Fax: (250) 248-6650

December 6, 2000

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

Town of Qualicum Beach
P.O. Box 130
Qualicum Beach B.C. V9K 1S7

Dear Sir/Madam:

Subject: Year 2001 Council Voting Representative Appointment
Our File: 0920-20

At the regular meeting of Council held on December 4, 2000 Councillor Jim Banks was appointed Council voting representative to the Arrowsmith Water Service Management Committee for the year 2001.

Councillor Banks may be contacted at City Hall or at:

Councillor J. W. Banks
239 James Street
Parksville B.C. V9P 1H4

248-3871 (h)
e-mail: jaibee@island.net

Yours very truly,

SHIRLEY E. HINE, CMC
Director of Administrative Services

/lk
c.c. Councillor Jim Banks



City of PARKSVILLE

PO Box 1390, 194 Memorial Avenue, Parksville, BC, V9P 2H3
Telephone: (250) 248-6144 Fax: (250) 248-6650

REGIONAL DISTRICT OF NANAIMO			
DEC 20 2000			
CHAIR	MEMBERS		<input checked="" type="checkbox"/>
CAO	EMDS		
CMC/MS	CMES		

December 6, 2000

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

Attention: Mr. Kelly Daniels

Dear Mr. Daniels:

Subject: Year 2001 Council's Voting Representative – District # 69 Recreation Commission
Our File: 0230-20

At the regular meeting of Council held on December 4, 2000 Councillor Fred Demmon was appointed Council voting representative to the District #69 Recreation Commission for the year 2001.

Councillor Demmon may be contacted at City Hall or at:

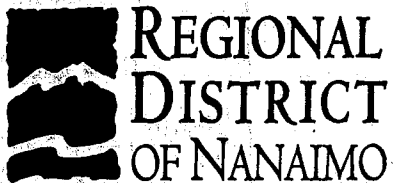
Councillor F. G. Demmon
691 Woodburn Street
Parksville B.C. V9P 2M1

248-0589 (h)
248-8539 (f)
e-mail: demmon@home.com

Yours very truly,

SHIRLEY E. HINE, CMC
Director of Administrative Services

/lk
c.c. Councillor Fred Demmon



REGIONAL DISTRICT OF NANAIMO	
NOV 23 2000	
CHAIR	GMDrS
CAO	GMDs
GMDrS	GMES
CSC ✓	

MEMORANDUM

TO: Neil Connelly
General Manager, Community Services

DATE: November 23, 2000

FROM: Christina Thomas
Senior Planner

FILE: 6780 30 RGMP

SUBJECT: GROWTH MANAGEMENT PLAN REVIEW
TERMS OF REFERENCE

PURPOSE

To approve Terms of Reference for the Growth Management Plan (GMP) Review and to direct staff to apply to the Ministry of Municipal Affairs for a planning grant for the project.

BACKGROUND

The Growth Management Plan (GMP) is to be reviewed for possible amendments in 2001-2002 since it was adopted as a regional growth strategy in 1997. The purpose of the review is to provide an opportunity to consider amendments to the GMP to enhance the region's ability to achieve its vision and goals.

The Terms of Reference (*Attachment 1*) for the review of the GMP were developed over a three-month period. The Intergovernmental Advisory Committee, the committee appointed to assist in the development and implementation of the GMP, provided guidance in the drafting of the Terms of Reference. The Performance Review Committee, the citizen committee appointed to provide advice on GMP monitoring, reviewed and commented on the Terms of Reference (in particular, the Consultation Plan part) as well.

The Terms of Reference provide for a four-phase research and consultation process, as outlined below:

Phase	Research Focus	Consultation Focus
1: Building Regional Awareness	<ul style="list-style-type: none"> ▪ Collection and analysis of new information about the following topics to consider the implications for the GMP: <ul style="list-style-type: none"> - population and demographics, - the regional land inventory - targets for indicators - tools available to protect the environment - Regional transportation study - development opportunities arising from infrastructure implementation and planning 	<ul style="list-style-type: none"> ▪ Provision of information about the GMP and the review project and invitation for initial comments. ▪ Special consultations during specific research projects.

Phase	Research Focus	Consultation Focus
1: Building Regional Awareness (cont.)	<ul style="list-style-type: none"> ▪ Collection and analysis of existing information about the following topics to consider the implications for the GMP: <ul style="list-style-type: none"> - aggregate resources, - the Vancouver Island Highway Implementation Agreement, - the Urban Containment and Fringe Area Management Implementation Agreement - industrial land supply and demand - regional economic development opportunities 	
2 Information and Idea Sharing	<ul style="list-style-type: none"> ▪ Sharing information and ideas about what the information obtained in Phase 1 means in the context of the GMP 	<ul style="list-style-type: none"> ▪ Provision of information about the Phase 1 technical information. ▪ Request for feedback about the Phase 1 technical information.
3 Developing Options for Responding to New Information	<ul style="list-style-type: none"> ▪ Developing options regarding possible changes to the GMP, based on information obtained in Phase 1 and the ideas about the information obtained in Phase 2 	<ul style="list-style-type: none"> ▪ Provision of information about the implications of the technical information for the GMP and recommended changes to respond to these implications ▪ Obtaining ideas about changes that could be made to the GMP to respond to the technical information.
4 Official Legislative Requirements	<ul style="list-style-type: none"> ▪ Writing a bylaw to give formal status to a revised GMP 	<ul style="list-style-type: none"> ▪ Bylaw readings ▪ Holding a public hearing ▪ Obtaining approval from the 3 member municipalities and 3 adjacent regional districts.

The Terms of Reference establish a budget of \$123,000 for direct costs, over two years, for the project. Approximately half of the budget is to be spent on consultation activities and half on research and analysis. It is proposed that the cost of the project be shared with the Ministry of Municipal Affairs through a planning grant in the amount of \$80,000 that the RDN would obtain by applying to the Ministry.

ALTERNATIVES

1. To approve the Terms of Reference and direct staff to apply to the Ministry of Municipal Affairs for a planning grant.
2. To amend the Terms of Reference.

FINANCIAL IMPLICATIONS

The Community Services Provisional Budget provides for budgetary requirements of the project in 2001. a Ministry of Municipal Affairs planning grant is expected, but flexibility exists in the project to accommodate the various tasks within the program budget. The Community Services Budget for 2002 will need to provide for the budgetary requirements of the project at that time.

GROWTH MANAGEMENT PLAN IMPLICATIONS

The project will result in a stronger Growth Management Plan, and ultimately, a Plan that better provides for the achievement of the regional vision established in the Plan.

CONSULTATION IMPLICATIONS

The Terms of Reference include a Consultation Plan that provides for the fulfillment of the consultation and communication requirements of the "Coordinated Public Consultation/Communication Framework 2000" endorsed by the Regional Board in October of 2000.

SUMMARY/CONCLUSIONS

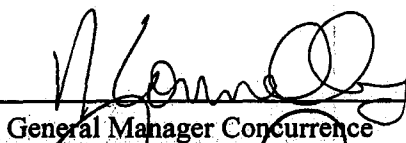
The Growth Management Plan (GMP) is to be reviewed for possible amendments in 2001-2002 since it was adopted as a regional growth strategy in 1997. Terms of Reference for the GMP Review that have been developed by staff in consultation with the Performance Review Committee and Intergovernmental Advisory Committee are provided.

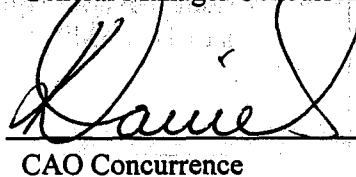
RECOMMENDATIONS

1. That the Terms of Reference for the Growth Management Plan Review be approved.
2. That an application be submitted to the Ministry of Municipal Affairs for a planning grant in the amount of \$80,000 for the Growth Management Plan Review.



Report Writer


General Manager Concurrence


CAO Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO

JAN 2 2001

MEMORANDUM

CHAIR	GMCRS
CAO	GMDS
COMS	GMES

Bed

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

DATE:

January 2, 2001

FROM: Carey McIver
Manager, Solid Waste

FILE:

5360-00

SUBJECT: Solid Waste Management
Self-Haul Tipping Fees

PROBLEM

The fee structure for self-haul loads of garbage is creating a revenue shortfall for the solid waste function.

BACKGROUND

In December 2000 the Board considered a recommendation from the Environmental Services Committee (report attached) that the fee structure for self-haul customers at regional disposal facilities be changed from the current vehicle-based rate to a weight-based rate. This recommendation responded to the fact that the current vehicle-based rates are discretionary, unfair and do not provide full cost recovery. The Board deferred consideration of this recommendation to their January meeting to allow for further public consultation.

On December 20, 2000 the Chairman, the Electoral Area G Director and staff met with representatives from residents associations in Nanoose, Parksville and Qualicum Beach to discuss this issue. At this meeting, participants agreed that the fee structure should be changed to provide for fuller cost recovery. With respect to self-haul garbage, participants concurred that the proposed fee of \$4.00 for small loads of garbage up to 100 kg was fair and reasonable. Under this rate structure a load of 125 kg of garbage would cost \$4.00 for the first 100 kg and 9 cents per kg (\$90/tonne) for the remaining 25 kg for a total of \$6.25.

However, with respect to yard waste, there was consensus that although the proposed fee of \$4.00 for small loads was reasonable, the weight limit was not. Given that yard waste, unlike garbage, is not currently collected at the curb and that backyard burning is banned in several communities, the participants at this meeting believed that the weight limit for small loads of yard waste should be increased from 100 to 200 kg. Under this rate structure a load of 225 kg of yard waste would cost \$4.00 for the first 200 kg and 4.5 cents per kg (\$45/tonne) for the remaining 25 kg for a total of \$5.12. Given that 90 percent of self-haul yard waste loads are less than 200 kg, the vast majority of customers will only pay \$4.00 per load.

ALTERNATIVES

1. Amend the fees for garbage to charge \$4.00 for the first 100 kg and 9 cents per kg (\$90/tonne) for the remainder and for yard waste to charge \$4.00 for the first 200 kg and 4.5 cents per kg (\$45/tonne) for the remainder effective February 1, 2001.
2. Do not amend the fee structure for residential self-haul loads of garbage and yard waste and raise the tipping fee from \$85.00 to \$95.00 per tonne effective February 1, 2001.

PAGE 20

FINANCIAL IMPLICATIONS

Under Alternative 1, customers with small loads of garbage (≤ 100 kg) and yard waste (≤ 200 kg) will pay a flat rate of \$4.00. Charging customers the full rate for any garbage over 100 kg and yard waste over 200 kg will mean that the tipping fee for 2001 will only need to be raised from \$85 to \$90 per tonne. Under Alternative 2, if the current fee structure for self-haul is not changed, the tipping fee for 2001 will need to be raised to \$95.00 per tonne. This fee increase is required not because of budget increases or cost overruns but because of the significant revenue shortfall caused by the current fee structure (\$817,000 in 2000 or 15% of expenditures). This shortfall will be even more serious when the RDN moves to a full export system.

SUMMARY

In December 2000 the Board considered a recommendation from the Environmental Services Committee that the fee structure for self-haul customers at regional disposal facilities be changed from the current vehicle-based rate to a weight-based rate. This recommendation responded to the fact that the current vehicle-based rates are discretionary, unfair and do not provide full cost recovery. The Board deferred consideration of this recommendation to their January meeting to allow for further public consultation. As a result of this consultation staff recommends that the proposed fee structure be changed to increase the load limits for yard waste from 100 to 200 kg.

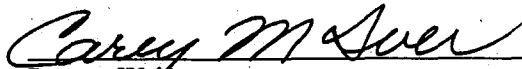
RECOMMENDATION

(All Directors – weighted vote)

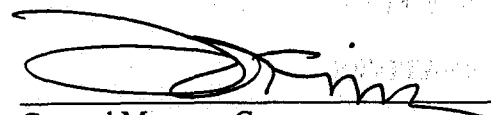
1. That the fee structure for self-haul loads be changed from a flat rate based on vehicle type to a flat rate based on weight.
2. That the fee structure for garbage be amended to charge \$4.00 for the first 100 kg and 9 cents per kg (\$90/tonne) for the remainder effective February 1, 2001.
3. That the fee structure for yard waste be amended to charge \$4.00 for the first 200 kg and 4.5 cents per kg (\$45/tonne) for the remainder effective February 1, 2001.
4. That the "Regional District of Nanaimo Solid Waste Management Regulation Amendment Bylaw 894.13, 2001" be introduced and read three times; and,

(All Directors – one vote – 2/3)

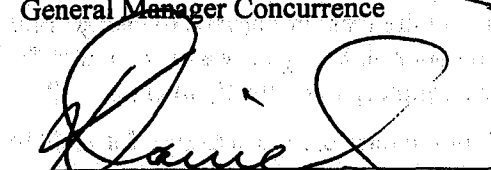
5. That the "Regional District of Nanaimo Solid Waste Management Regulation Amendment Bylaw 894.13, 2001" be adopted.



Carey M. Sauer
Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:

PAGE
30

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 894.13

**A BYLAW TO AMEND THE
RATES FOR SOLID WASTE DISPOSAL**

WHEREAS Bylaw No. 894 authorized the Board to provide for the regulation of Solid Waste Management Facilities and establish a scale of charges payable for depositing refuse at a disposal site;

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

1. Schedule 'A' of Bylaw No. 894.11 is hereby repealed and the attached Schedule 'A' is substituted therefor.
2. This bylaw may be cited as "Regional District of Nanaimo Solid Waste Management Regulation Amendment Bylaw No. 894.13, 2001".

Introduced and read three times this 9th day of January, 2001.

Adopted this 9th day of January, 2001.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager, Corporate Services

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 894.13

Schedule 'A'

Charges and Procedures for use of Solid Waste Management Facilities effective February 1, 2001

1. Solid Waste, excluding Controlled Waste

- | | | |
|----|--|-------------------|
| a) | 0 – 100 kg | \$ 4.00 flat rate |
| b) | 101 kg or greater – <i>first 100 kg
charged \$4.00 and remainder charged</i> | \$ 90.00/tonne |
| c) | 101 kg or greater containing gypsum or
recyclable cardboard or paper or metal
or tires | \$ 180.00/tonne |
| d) | Compactor bins delivered to Cedar Road
Solid Waste Management Facility
from School District No. 69 | \$ 81.00/tonne |
| e) | Weighing service | \$ 10.00 each |
| f) | Improperly covered or secured load | Double Charge |

2. Controlled Waste

- | | | |
|----|--|-------------------|
| a) | Asbestos, dry or slurry | \$ 180.00/tonne |
| b) | Food processing waste | \$ 180.00/tonne |
| c) | Large dead animals | \$ 180.00/tonne |
| d) | Steel cables | \$ 500.00/tonne |
| e) | Biomedical waste | \$ 180.00/tonne |
| f) | Construction/Demolition waste | |
| | (i) 0 – 100 kg | \$ 4.00 flat rate |
| | (ii) 101 kg or greater – <i>first 100 kg
charged \$4.00 and remainder charged</i> | \$ 140.00/tonne |
| | (iii) 101 kg or greater containing gypsum
or recyclable cardboard or paper or
metal or tires | \$ 280.00/tonne |
| g) | Contaminated soil | \$ 90.00/tonne |

3. Gypsum at Church Road Transfer Station \$ 140.00/tonne

4. Recyclable Material

- a) Garden waste:
 - (i) 0 – 200 kg \$ 4.00 flat rate
 - (ii) 201 kg or greater – *first 200 kg charged \$4.00 and remainder charged* \$ 45.00/tonne
- b) Scrap Metal (including appliances):
 - (i) 0 - 500 kg (including maximum of 4 appliances) \$ 2.00 flat rate
 - (ii) 501 kg or greater – *the first 500 kg charged \$2.00 and remainder charged* \$ 45.00/tonne
- c) Mattresses (maximum 4) \$ 2.00 flat rate
- d) Newspaper, glass and metal food and beverage containers \$ 2.00 flat rate
- e) Tires:
 - (i) Up to 25" or 65 cm in diameter
 - Up to 4 tires \$ 2.00 flat rate
 - Greater than 4 tires \$ 150.00/tonne
 - (ii) Larger than 25" or 65 cm in diameter \$ 500.00/tonne
- f) Corrugated cardboard
 - (i) Less than 50 kg \$ 2.00 flat rate

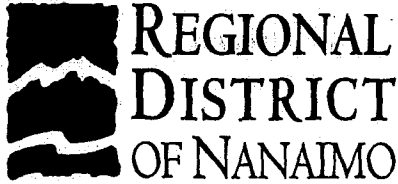
5. Loads containing Prohibited Waste (excluding gypsum or recyclable cardboard or paper or metal or tires) will be charged at the rates above plus all costs associated with any special handling or removal of the Prohibited Waste.

6. In the event that the scales provided are not operational, weight shall be estimated by the Scale Clerk employed by the Regional District of Nanaimo.

7. All charges payable under this bylaw shall be paid prior to leaving the site.

8. Where the charge is based on weight, it shall be based on the difference in weight between loaded weight and the empty weight of the vehicle.

9. Tipping fees may be waived in hardship cases at the discretion of the General Manager of Environmental Services.



REGIONAL DISTRICT OF NANAIMO			
NOV 22 2000			
CHAIR		CMCrs	
CAC		CMDS	
CMDS		CMES	
ESL ✓			
DATE:			

MEMORANDUM

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

DATE: November 10, 2000

FROM: Carey McIver
Manager, Solid Waste

FILE: 5360-00

SUBJECT: Solid Waste Management
Self-Haul Tipping Fees

PROBLEM

Self-haul tipping fee structure is creating a solid waste program revenue shortfall.

BACKGROUND

In April the Board considered a recommendation from the Environmental Services Committee that the fee structure for self-haul customers at regional disposal facilities be changed from the current vehicle-based rate to a weight-based rate. This recommendation responded to the fact that the current vehicle-based rates are discretionary, unfair and do not provide full cost recovery. The Board referred this recommendation back to staff for further review.

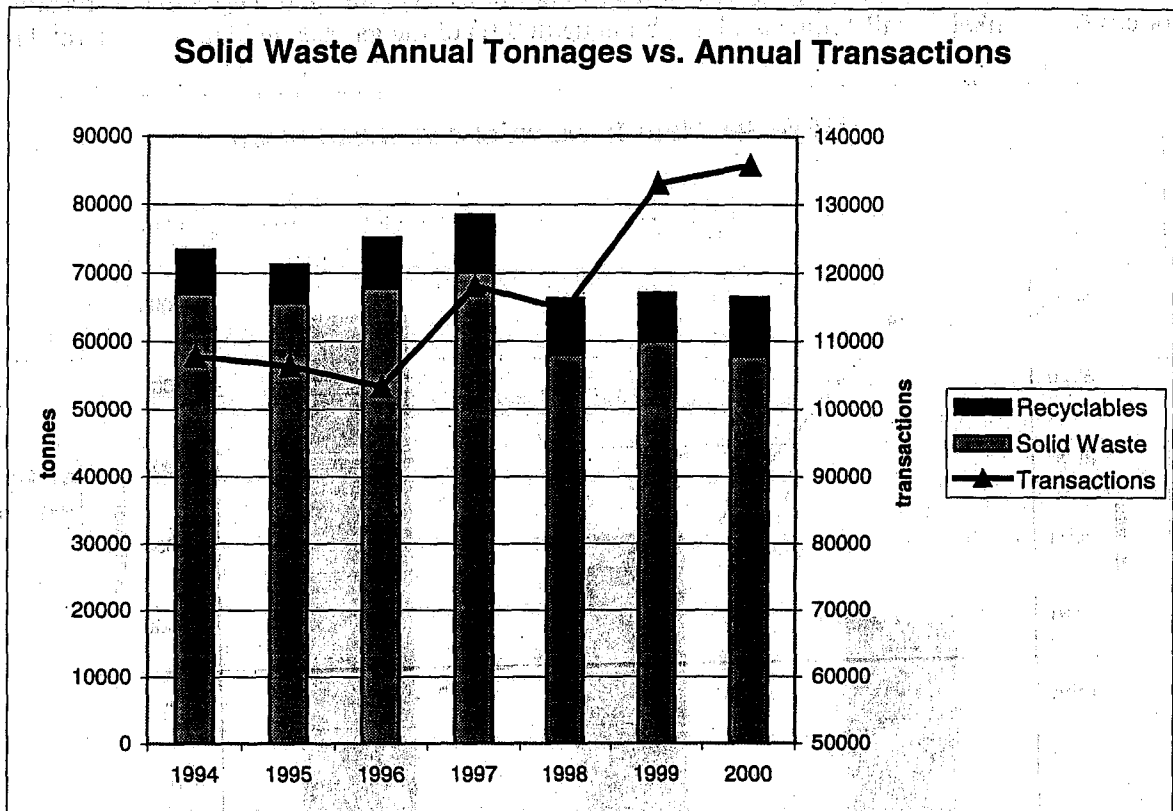
The RDN Board has been extremely progressive regarding funding for solid waste management. Rather than fund garbage recycling, collection and disposal through taxes, the Board has adopted a user-pay approach to promote waste reduction and recycling. Currently 95% of the cost of solid waste disposal services is recovered from tipping fees. This policy is consistent with a recent telephone survey of RDN residents where 75% of those surveyed believe that there should be a user fee at disposal facilities based on the amount of garbage being dumped.

The only inconsistency in Board policy has been with respect to the fees charged to self-haul customers. Concerned that self-haul customers would dump their garbage illegally if the fees were too high, in 1991 the Board subsidized self-haul rates by providing four free dumping days per year. In 1998, responding to concerns that free days created unacceptable risks to public safety and environmental protection, the Board eliminated free days and reduced the rates for residential self-haul customers to a flat rate of \$2.00 per car or van and \$4.00 per pick-up.

Tonnage v.s. Traffic

Although there is evidence that low rates do not discourage illegal dumping, they do encourage increased use of our facilities. In 1999 car and truck traffic at solid waste facilities increased by 25 percent over 1998 levels. This trend has continued in 2000. The following chart illustrates that while transactions at our facilities have gone up dramatically since 1998, actual tonnes of garbage disposed has not gone up by the same rate. What has happened, however, is that there has been a shift of tonnage between commercial and residential self-haul garbage. For example, in 1999 5,375 tonnes of garbage came in as residential self-haul and 31,121 tonnes as commercial. Based on tonnages to the end of October, staff projects that in 2000, 8,418 tonnes will come in as residential self-haul and 26,713 tonnes as commercial.

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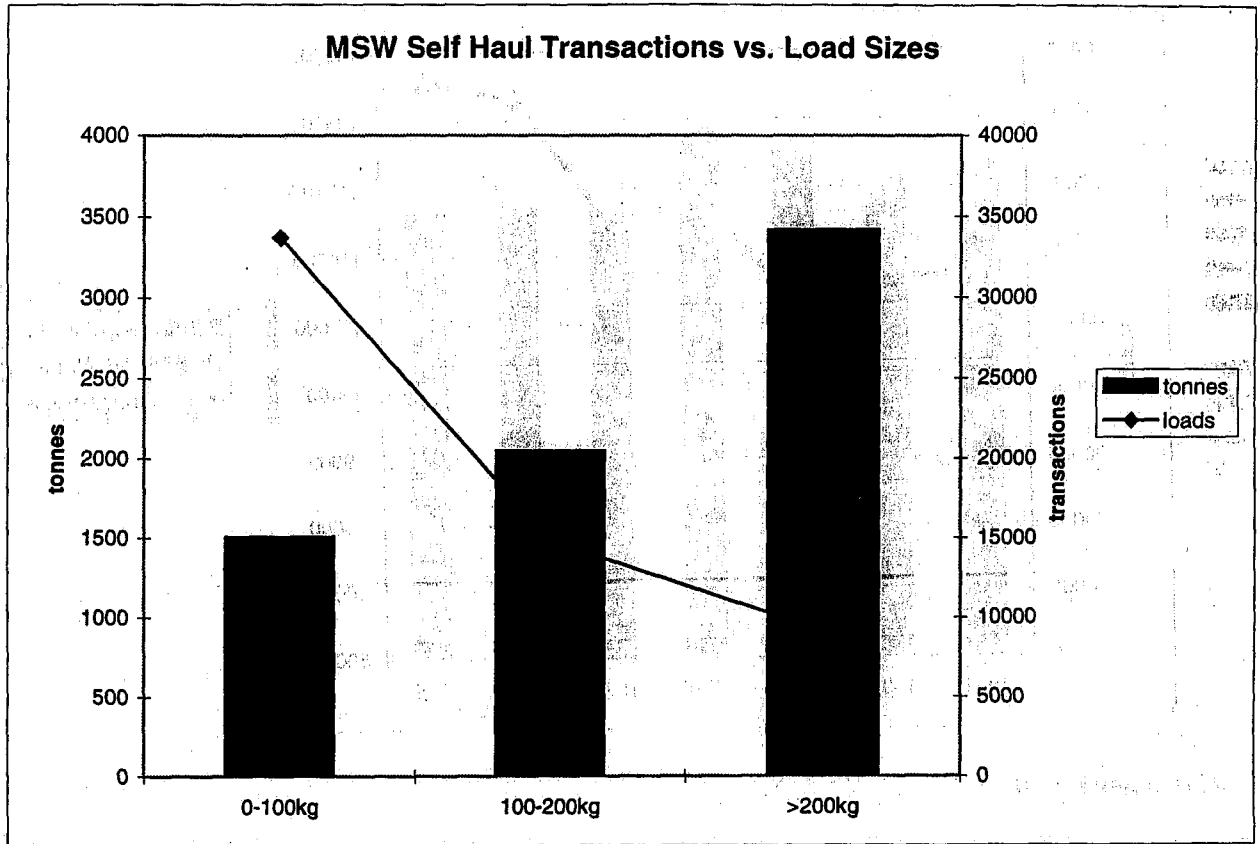
Customer Profile

In August staff commissioned a telephone survey to examine garbage disposal and composting habits among residents of the RDN. To understand just who was using the facilities, all 400 respondents were asked how often in the past year they used the landfill or transfer station. While 35% of respondents said they never used the landfill or transfer station, 34% said that they had used the facilities once or twice in the past year. This means that 69% of residents use the facilities once or twice a year or not at all. Only 10% of respondents said that they used the facilities more than six times per year. These results are similar to those from a recent survey of RDN Garbage Collection and Recycling program customers where 70% of 2200 respondents said that they use the facilities once or twice a year or not at all.

Consequently, if 70% of residents aren't frequent users of the facilities, why has traffic increased so dramatically? Staff believes that these increases are due to several factors. The change in garbage collection service from weekly to bi-weekly in the City of Nanaimo during 1999 and part of 2000 accounts for some of the increase. Also, it is much cheaper for residents to bring their extra garbage to the landfill than put it out at the curb for \$2.00 per can or bag. This counteracts the waste reduction incentive associated with can limits. More significantly, however, staff believes that the biggest component of the increase can be attributed to small businesses that have more garbage than average. This is because the current rates encourage small commercial generators to bring their garbage in as residential at \$4.00 per truckload rather than pay the full tipping fee of \$85.00 per tonne. Facility staff supports this observation.

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The following chart illustrates the relationship between self-haul transactions versus load sizes. It is clear that 60% of customers are bringing 20% of the garbage in loads of under 100 kg while the remaining 40% of customers, likely small commercial, are bringing in 80% of the garbage in loads of over 100 kg.



Revenue Shortfall

As a result the fees received from self-haul customers do not cover the full cost of service. In March staff projected that there would be a revenue shortfall of \$413,000 if the current fee structure continued. As of the end of October, the shortfall is \$680,900 and will likely be \$817,000 for the entire year. This represents a revenue loss of 15%. Cost recovery for so-called residential self-haul customers is \$27 per tonne for garbage, \$16 per tonne for construction demolition waste and \$21 per tonne for yard waste. Commercial customers pay the full cost of \$85, \$130, and \$42.50 per tonne respectively for the same materials.

Although this revenue loss will be offset by an equal reduction in expenditures for the 2000 budget year, if the Board wishes to maintain the current self-haul fee structure the tipping fee will need to be raised from \$85 to \$95 per tonne in 2001 to subsidize these self-haul rates.

If the Board does not want to subsidize self-haul customers by raising the rates for commercial customers, then staff believes that the first step towards reducing the shortfall is to introduce weight-based rates for self-haul. These rates would not distinguish between commercial and residential, or between car and truck, but would simply be based on the weight of garbage delivered.

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ALTERNATIVES

1. Amend the fees to \$4.00 for small loads from 0 to 100 kg and \$90.00 per tonne for loads of greater than 100 kg effective January 1, 2001.
2. Do not amend the fee structure for residential self-haul loads and raise the tipping fee to \$95.00 per tonne effective January 1, 2001.

FINANCIAL IMPLICATIONS

Under Alternative 1, customers with small loads will pay a flat rate of \$4.00. This fee will not only cover the \$3.00 cost to process each transaction, but will encourage customers to use their curbside collection program and purchase \$2.00 tags for extra garbage. Although \$4.00 for 100 kg represents a subsidy, since the full price would be \$9.00, it does discourage frequent small loads. This should result in a decrease in traffic, particularly on the weekends.

Charging customers the full rate for any garbage over 100 kg will mean that the tipping fee for 2001 will only need to be raised from \$85 to \$90 per tonne. Not only will this save money for businesses that contract for garbage disposal services, it will also mean savings to City of Nanaimo and RDN curbside garbage collection and recycling customers. Also, a \$90.00 per tonne tipping fee with full cost recovery from self-haul customers will mean that the 2001 Provisional Budget will have a surplus which could be allocated to building a reserve for final closure of the landfill.

Under Alternative 2, if the current fee structure for self-haul is not changed, the tipping fee for 2001 will need to be raised to \$95.00 per tonne. This will mean higher costs for businesses that contract for garbage disposal services as well as curbside garbage collection customers throughout the region. It is ironic that these customers pay the full cost of service when they put their garbage out at the curb but pay a subsidized rate if they bring their garbage to our facilities. Given that 70% of residents use the facilities once or twice a year or not at all, City of Nanaimo and RDN curbside garbage collection customers are paying for a subsidy that they don't use.

ENVIRONMENTAL IMPLICATIONS

The current fee structure sends mixed messages to residents regarding garbage disposal. Low fees do not support waste reduction and recycling efforts. Furthermore, by encouraging increased trips to the landfill rather than using curbside collection services, these low fees increase greenhouse gas emissions, which contribute to global warming. In BC 28 percent of greenhouse gas emissions come from the transportation sector. Of that figure, some 54 percent can be attributable to passenger cars, light trucks and sport-utility vehicles. To be sustainable RDN policies should not be encouraging increased vehicular traffic.

With respect to illegal dumping, there is no evidence to support the claim that low self-haul tipping fees may discourage this activity. Experience here and elsewhere has demonstrated that convicting illegal dumpers is the most cost-effective way to deal with this problem. To seriously address illegal dumping, funds should go into enforcement and not into subsidizing tipping fees. The 2001 Illegal Dumping Prevention Program is designed to do just that.

PUBLIC RELATIONS IMPLICATIONS

Based on discussions with customers complaining about the current fee structure, a fee structure that is measurable, non-discretionary, equitable and simple will be well received by the public. As stated above, 70% of residents use the facilities less than twice per year or not at all. Also, 75% of residents support full user fees not subsidies, particularly when the beneficiaries would seem to be small businesses.

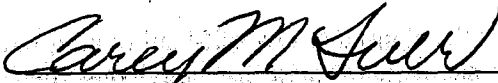
SUMMARY

In April the Board considered a recommendation from the Environmental Services Committee that the fee structure for self-haul customers at regional disposal facilities be changed from the current vehicle-based rate to a weight-based rate. This recommendation responded to the fact that the current vehicle-based rates are discretionary, unfair and do not provide full cost recovery. The Board referred this recommendation back to staff for further review.

Under the current fee schedule residential self-haul customers pay a flat rate of \$2.00 per car or van and \$4.00 per pick-up truckload. This has resulted in a subsidy to residential self-haul customers that will approach roughly \$817,000 in 2000 and require a tipping fee increase from \$85 per tonne to \$95 per tonne in 2001. To reduce the revenue shortfall, limit the tipping fee increase in 2001 to \$90 per tonne and eliminate the discretionary nature of the current system, staff recommends that the fee structure be changed from the current vehicle-based rate to a weight-based rate.

RECOMMENDATION

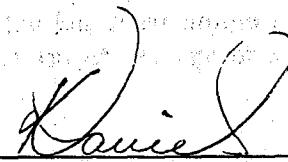
1. That the fee structure for self-haul loads be changed from a flat rate based on vehicle type to a flat rate based on weight.
2. That the fee structure be amended to \$4.00 for small loads less than 100 kg and \$90 per tonne for loads greater than 100 kg effective January 1, 2000.
3. That the "Regional District of Nanaimo Solid Waste Management Regulation Amendment Bylaw 894.13, 2000" be introduced and read three times; and,
4. That the "Regional District of Nanaimo Solid Waste Management Regulation Amendment Bylaw 894.13, 2000" be adopted.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 894.13

**A BYLAW TO AMEND THE
RATES FOR SOLID WASTE DISPOSAL**

WHEREAS Bylaw No. 894 authorized the Board to provide for the regulation of Solid Waste Management Facilities and establish a scale of charges payable for depositing refuse at a disposal site;

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

1. Schedule 'A' of Bylaw No. 894.12 is hereby repealed and the attached Schedule 'A' is substituted therefor.
2. This bylaw may be cited as "Regional District of Nanaimo Solid Waste Management Regulation Amendment Bylaw No. 894.13, 2000".

Introduced and read three times this 12th day of December, 2000.

Adopted this 12th day of December, 2000.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager, Corporate Services

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 894.13

Schedule 'A'

Charges and Procedures for use of Solid Waste Management Facilities effective January 1, 2001

1. Solid Waste, excluding Controlled Waste

- | | | |
|----|--|-------------------|
| a) | 0 – 100 kg | \$ 4.00 flat rate |
| b) | 101 kg or greater – <i>first 100 kg</i>
<i>charged \$4.00 and remainder charged</i> | \$ 90.00/tonne |
| c) | 101 kg or greater containing gypsum or
recyclable cardboard or paper or metal
or tires | \$ 180.00/tonne |
| d) | Compactor bins delivered to Cedar Road
Solid Waste Management Facility
from School District No. 69 | \$ 81.00/tonne |
| e) | Weighing service | \$ 10.00 each |
| f) | Improperly covered or secured load | Double Charge |

2. Controlled Waste

- | | | |
|----|--|-------------------|
| a) | Asbestos, dry or slurry | \$ 180.00/tonne |
| b) | Food processing waste | \$ 180.00/tonne |
| c) | Large dead animals | \$ 180.00/tonne |
| d) | Steel cables | \$ 500.00/tonne |
| e) | Biomedical waste | \$ 180.00/tonne |
| f) | Construction/Demolition waste | |
| | (i) 0 – 100 kg | \$ 4.00 flat rate |
| | (ii) 101 kg or greater – <i>first 100 kg</i>
<i>charged \$4.00 and remainder charged</i> | \$ 140.00/tonne |
| | (iii) 101 kg or greater containing gypsum
or recyclable cardboard or paper or
metal or tires | \$ 280.00/tonne |
| g) | Contaminated soil | \$ 90.00/tonne |

3. Gypsum at Church Road Transfer Station \$ 140.00/tonne
4. Recyclable Material
- a) Garden waste:
 - (i) 0 – 100 kg \$ 4.00 flat rate
 - (ii) 101 kg or greater – *first 100 kg charged \$4.00 and remainder charged* \$ 45.00/tonne
 - b) Scrap Metal (including appliances):
 - (i) 0 - 500 kg (including maximum of 4 appliances) \$ 2.00 flat rate
 - (ii) 501 kg or greater – *the first 500 kg charged \$2.00 and remainder charged* \$ 45.00/tonne
 - c) Mattresses (maximum 4) \$ 2.00 flat rate
 - d) Newspaper, glass and metal food and beverage containers \$ 2.00 flat rate
 - e) Tires:
 - (i) Up to 25" or 65 cm in diameter
 - Up to 4 tires \$ 2.00 flat rate
 - Greater than 4 tires \$ 150.00/tonne
 - (ii) Larger than 25" or 65 cm in diameter \$ 500.00/tonne
 - f) Corrugated cardboard
 - (i) Less than 50 kg \$ 2.00 flat rate
5. Loads containing Prohibited Waste (excluding gypsum or recyclable cardboard or paper or metal or tires) will be charged at the rates above plus all costs associated with any special handling or removal of the Prohibited Waste.
6. In the event that the scales provided are not operational, weight shall be estimated by the Scale Clerk employed by the Regional District of Nanaimo.
7. All charges payable under this bylaw shall be paid prior to leaving the site.
8. Where the charge is based on weight, it shall be based on the difference in weight between loaded weight and the empty weight of the vehicle.
9. Tipping fees may be waived in hardship cases at the discretion of the General Manager of Environmental Services.



REGIONAL DISTRICT OF NANAIMO		
DEC 22 2000		
CHAIR	GMCrS	
CAO	GMDS	
GMCmS	GMES	
Board ✓		
		DATE:
		FILE:

MEMORANDUM

TO: Pamela Shaw
Manager of Community Planning

FROM: Susan Cormie
Senior Planner

SUBJECT: Bylaw No. 500.268 – Amendments to Subdivision Regulations
Electoral Area 'E'

DATE: December 29, 2000

FILE: 3900 30 500268

PURPOSE

To receive the minutes of the public hearing held on December 6, 2000 and further to reconsider Bylaw No. 500.268 for 3rd reading.

BACKGROUND

Bylaw No. 500.268, 2000 was given 1st and 2nd reading on October 10, 2000. Following this, a public hearing was held on November 8, 2000. In order to ensure the intent and purpose of the bylaw was clearly stated in the public notice, the Board directed a second public hearing process be conducted. As a result of this direction, a second notification procedure was completed which was followed by a second public hearing held on December 6, 2000. A summary of the December 6, 2000 proceedings is attached for the Board's consideration (see Schedule No. 1).

The purpose of the amendment bylaw is to:

1. Add Subdivision District 'I' and apply this new subdivision district to those parcels currently included in Subdivision District 'J' to establish a minimum parcel size requirement for subdivisions with 'Community water system - No community sewer system' of 1.0 hectare.
2. To amend Subdivision District 'N' and 'Q' within the Nanoose Bay Official Community Plan Urban Boundaries to establish a minimum parcel size requirement for subdivisions with 'Community Water system – No community sewer system' of 1.0 hectare.
3. To amend Subdivision District 'N' outside the Nanoose Bay Official Community Plan Urban Boundaries to Subdivision District 'F' to establish a minimum parcel size requirement of 1.0 hectare for subdivision regardless of the level of servicing.

The proposed amendments are consistent with the policies of the Nanoose Bay Official Community Plan.

ALTERNATIVES

The following options are available for consideration:

1. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.268, 2000" be given 3rd reading and forwarded to the Ministry of Transportation and Highways pursuant to Section 54(2) of the *Highways Act*.

2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.268, 2000" not be given 3rd reading.

VOTING

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

PUBLIC HEARING IMPLICATIONS

There were several submissions received at the December 6, 2000 public hearing indicating that the bylaw would have the affect of limiting individual property owners the potential to subdivide. Schedule No. 1 (*attached*) provides the summary of the proceeding of the hearing.

INTERAGENCY IMPLICATIONS

Pursuant to Section 54(2) of the *Highways Act*, the Ministry of Transportation and Highway's statutory approval is required prior to the amendment bylaw being considered for adoption.

SUMMARY


The "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.268, 2000" was considered by the Board and given 1st and 2nd reading on October 10, 2000. A public hearing was held on November 8, 2000. In order to ensure clarity in the advertised notice, the Board directed that a second notification procedure and public hearing be conducted. The subsequent public hearing was held on December 6, 2000. The summary of the proceedings of the December 6, 2000 public hearing is attached for the Board to receive and consider. This bylaw may now be reconsidered for 3rd reading.

RECOMMENDATIONS

1. That the minutes of the public hearing held on December 6, 2000, as a result of the public notification of the "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.268, 2000" be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.268, 2000" given 3rd reading and be forwarded to the Ministry of Transportation and Highways pursuant to Section 54(2) of the *Highways Act*.




Report Writer



General Manager Concurrence



Manager Concurrence



A CAO Concurrence

COMMENTS:

Board/reports/2000/3900 30 500268 ja brd EA E subd dist.doc

SCHEDULE NO. 1

REGIONAL DISTRICT OF NANAIMO

**SUMMARY OF PROCEEDINGS OF A PUBLIC HEARING
HELD WEDNESDAY, DECEMBER 6, 2000 AT 7:00 PM
AT NANOOSE BAY ELEMENTARY SCHOOL MULTI PURPOSE ROOM
TO CONSIDER BYLAW NO. 500.268, 2000**

George Holme
Larry McNabb
Joe Stanhope
Robert Lapham
Susan Cormie

Chairperson, Director, Electoral Area 'E'
Director, City Of Nanaimo
Director, Electoral Area 'G'
General Manager of Development Services
Senior Planner

There were approximately 20 people in attendance.

The Chairperson called the Hearing to order at 7:32 pm and outlined the procedures to be followed during the Hearing.

The Chairperson called for formal submissions with respect to Bylaw No. 500.268, 2000.

Helen Sims, 664 Johnstone Road, stated that she was representing several clients and that she supports the bylaw amendment except for Part 1-A – Item 2 which proposes that Subdivision District 'N' be amended to Subdivision District 'F' allowing for minimum 1 ha size parcels. Ms. Sims stated that she felt the bylaw amendment will make existing properties non-conforming and some parcels will not be able to subdivide. Ms. Sims stated that, by not allowing some infilling to occur when the community sewer is available, construction costs will be higher for other property owners, there will be fewer lots to share the cost, and there will be lost revenue in the collection of DCCs. Ms. Sims felt that this bylaw gives one area, Fairwinds, a monopoly on development, which she felt would be neither healthy nor fair to the community. Ms. Sims stated that the bylaw seems to come from the desire to receive the infrastructure grant monies. Ms. Sims urged the Board to pass the Bylaw except for Part 1-A.

Ken Kyler, 1441 Madrona Drive, read a written submission for the record, which is attached to the minutes.

Ron Limer, 2375 Glen Place, stated that he declined to speak.

Jim Lettic, 2855 Ashcraft Road, stated that the previous speakers had referred to what he was going to say and declined to speak.

Wayne Diedricksen, 1560 Terrien Road, stated that he opposed the bylaw for the same reason as the previous speakers.

Mich Lelain, 2655 Island Highway East, stated that he cannot develop anymore because there are not any community services to his property, but if there was water and sewer, then why not? Mr. Lelain stated that he would like to build for his children and the only thing holding him back is that there is no community water or sewer available.

Charles Brucker, 2780 Powder Point Road, stated that the previous speakers covered his concerns. Mr. Brucker read a written submission for the record, which is attached to the minutes. Mr. Brucker concluded by stating that he is opposed to the bylaw and wants Part A-1 deleted from the bylaw amendment.

Ed Milot, 1552 Terrien Road, stated that two properties on Terrien Road want to hook up to the community sewer, but a covenant is required restricting further development. Mr. Milot felt that this requirement is blackmail.

The Chairperson called for further submissions.

A list of people in attendance at the Public Hearing is attached as Appendix 'A' and forms part of the summary of public hearing proceedings.

The Chairperson called for further submissions a second time.

The Chairperson asked the General Manager of Development Services to read any written submissions into the minutes.

The General Manager of Development Services read the written submissions into the minutes. The written submissions are attached as Appendix 'B' and forms part of the summary of public hearing proceedings.

The Chairperson called for further submissions a third time.

There being no further submissions, the Chairperson adjourned the Hearing at 7:55 p.m.

Certified true and correct this 13th day December, 2000.

Susan Cormie
Recording Secretary

Director George Holme
Electoral Area 'E'

Appendix A



ATTENDANCE LIST

PUBLIC HEARING

BYLAW NO. 500.268,2000

December 6, 2000

DON HEWITT	ASHCRAFT & KEISURE
Katherine Zimmern	" "
Jim Miller	1552 TERRIER RD.
JOHN HUSSEY	3458 BAUGBAEK DR.
Jim Hellen	2855 Ashcraft Rd
Tom Troneis	2553 GARYOAK DR.
Claudia Hume	" "
CHARLES BRUCKER	2780 POWDER PT RD.
GABRIELA DAFOE	3445 CARMICHAEL RD NANOOSE
TRISH WIDDERSHOVEN	1485 Madrona DR N.B.
PATRICIA KORBIN	1739 SAUGSTER CR. NANOOSE
KEN KYLER	1441 MADRONA PL.
Helen Sims	604 Johnston Rd
Don Limber	2375 OPEN ELLIOTT PL.
Don	1516 Clayton cresc Nanoose Bay
Don Scott	3730 Fernside D.
BOB DAVIS	2950 DUTCHMAN Rd. NANOOSE
PETER KOCHMAN	1528 TOWN RD. NANOOSE
MICHAEL LELOW	2655 Isl. Hwy. East.

DW DIEDRICHSEN	TERRIER RD
----------------	------------

APPENDIX B

7:48 pm

J. & E. Lettic
2855 Ashcraft Rd.
Lot #5 Plan 30262

Re: Bylaw No. 500.268

Notice of Public Hearing:

- True intent and purpose of Bylaw 500.268 is not revealed in either the original or revised *Notice of Public Hearing* posted for community viewing.
- The fortuitous circulation of an RDN memo (File: 3900 30 500268) confirms that the objective of the bylaw amendment is to satisfy certain "Conditions of Provincial Sewer Implementation Grant Nanoose Area, Electoral Area 'E'."

General concerns:

- Downzoning (reducing development options) parts of subdivision area 'N' to subdivision area 'F' is not mandated by either Ministry of Health regulations or by the spirit of the Nanoose Bay O.C.P. which intends to control the type of sprawling densification represented by the Fairwinds Community. Without further exploration of these "Conditions" for release of grant money mentioned above it is possible that the proposed changes in minimum parcel sizes are not required.
- Lack of respect for legacy of planning & development previously allowed by the RDN. Demonstrates disregard for the existing characteristics of coastal community areas and neighborhoods.

Impact on Garry Oaks – Arbutus Park property:

- Prior to 1990, Ashcraft Rd. contained only large lot development (nine 5+ acre lots). This area is unique as it was serviced with community water during the early stages of development in the late 1970's. Since that time, RDN planning has allowed 3 four lot subdivisions to be developed and the neighborhood is currently a

mix of large and small lot development. Allowing subdivision according to the present standards (1600m²) is not incompatible with either the current characteristics of the neighborhood or with what was once accepted as sound principles of planning.

- Lot #8, Plan 30262, was part of the original subdivision and is also 5+ acres and serviced with water. In previous versions of community development plans, Lot #8 was excluded from the Urban Containment Boundary. Current mapping of zoning and subdivision areas show Lot #8 *within* the Urban Containment Area. Assuming this to be the case, this represents a significant inequity under the laws and regulations of the RDN for properties in proximity and with similar characteristics.

Appeal to the RDN Board of Directors:

- Defer the final reading and adoption of Bylaw 500.268 in order to give due consideration to properties effected by downzoning and;
- To consider yet another subdivision area (area 'O' for instance) which 'grandfathers' the current options for development for the few properties most severely impacted by the loss of potential.
- Failing either of the above appeals, reclassify a portion of Fairwinds property (for instance West of and surrounding Enos Lake) to subdivision area 'F' so that they might have an opportunity to participate in the preservation of a rural atmosphere.

Jim Lettu
16 Dec, 2000

Received
7:40 pm
December 6, 2000

Ken Kyler, 1441 Madrona Drive, Nanoose Bay

Firstly, Mr. Holme, I wish to thank you for addressing the concerns which were raised at the first Public Hearing by rescheduling this meeting.

My main concern is with Part A-1 of this bylaw that will change Subdivision District N, minimum lot size 1000 square metres when fully serviced, to Subdivision District F, minimum lot size 10,000 square metres when fully serviced.

Most of the areas affected by this change are the Coast Residential Communities, Madrona, Beachcomber, Dolphin Drive, Gary Oaks, Hillside & Arlington, which have historically developed into lots of 800 square metres to 1500 square metres.

One of the questionnaires at the Public Information Meeting for the Nanoose OCP held in November 1997 asked:

"What do you think about making new residential development compatible with existing residential development within established areas designated as Coast Residential Neighbourhoods?"

And from the OCP Draft which was circulated at that meeting:

"Consistent community feedback indicated a strong desire to maintain the existing semi-rural character of these neighbourhoods, notwithstanding the potential need for additional community services. Consequently the OCP does not provide further development potential in the Coast Residential Neighbourhoods other than the minor infill of vacant property in a character compatible with the surrounding properties. There is a need to ensure that such redevelopment occurs in a manner sensitive to historical development patterns."

The Draft also identifies the desire for additional access to the foreshore, creation of more parks, and construction of sewer service in the Coast Neighbourhoods.

These concepts received solid community support because they are very good Planning Objectives and Goals.

But, after the public consultation process, the wording in the OCP was changed and began to deviate from some of the goals identified in the public consultation process.

The OCP now has a statement that new lots in the Coast Neighbourhoods shall have a minimum area of 10,000 square metres, ten times the historical development pattern.

Staff has stated the reason for the change to 10,000 square metres lots is because the Coast Neighbourhoods want to retain the character of their community. Retaining the character means they do not want resorts, high density development or industry. It does not mean that they want to change to a rural residential characteristic.

An important goal of the OCP is to have the Coast Neighbourhoods fully serviced with sewer and water. However, this bylaw will compromise the installation of sewers into those neighbourhoods, since most owners of larger properties will not support a referendum to install sewers when there is no benefit to them.

And if the sewer does come, the costs will be significantly higher because it will service larger lots, with fewer lots to share the costs.

Implementing this bylaw will effectively eliminate any chance of obtaining further access to the foreshore, or of having additional park areas dedicated.

Good planning principles put a priority on infill of fully serviced areas, rather than developing raw land. The roads, water, sewers, and lighting are already established, and there is very minimal impact on the environment and the servicing infrastructure.

Regarding the installation of sewers into the Coast Neighbourhoods, Provincial Infrastructure grants require that those areas which will not be serviced by sewer must have a minimum lot size of 10,000 square metres, and you have addressed this requirement in Parts A-2, 3, 4 and 5 of this bylaw, by changing unserviced or semi-serviced to 10,000 square metres. There are no requirements to restrict densities in those areas which are fully serviced. Therefore there are no provincial requirement to change the Coast Residential Neighbourhoods to 10,000 square metres. In fact, the province encourages higher densities in those area with sewers.

Sewer mains are designed to accommodate significant extra capacity and infill. The sewer has been constructed to Pacific Shores and the connection for extension into Madrona is designed to accommodate up to 810 lots. Madrona now has 310 lots. The Regional District Engineering department required that connection to be designed to accommodate all potential development in the area, ~~including~~. Therefore it can not be argued that the sewer connection does not have capacity for infill development.

There is another consequence of the bylaw that may not have been fully considered. The two nodal areas are Red Gap and Fairwinds. Red Gad is fully developed so there will be very few new lots. Therefore Fairwinds has effectively been granted a monopoly for residential development in Nanoose.

Fairwinds is an excellent development, one that Nanoose can be proud of. But I do not agree that any one developer should have a monopoly.

When you look into the future, with this bylaw, there will be an area of 1000 square metre lots in Fairwinds and areas of 1000 square metre lots along Dolphin Drive and in Gary Oaks, with a few isolated larger parcels. There is no planning logic to retain those larger parcels when they are surrounded by fully serviced smaller lots. ... 3

In Madrona, the OCP has identified a Coast Residential Neighbourhood with its' characteristics and objectives, and a Rural Residential area with its' characteristics and objectives. This bylaw blankets both these areas with the same minimum lot size. This bylaw introduces a rural residential characteristic into a developed Coast Neighbourhood. This bylaw does not **"... ensure that such redevelopment occurs in a manner sensitive to historical development patterns."**

Speaking now from a personal view.

Our home is on a large lot. We paid a premium because we knew that, eventually, sewers will come to the area and we could get one extra lot. This is an investment for our retirement. Our pension fund.

Our property is 3,400 square metres. It is a corner lot with constructed road on two sides, therefore no relaxations are required. Most lots in our area are typically 1400 to 1500 square metres, so our lot is more than twice as big as the average lots in our area. The creation of two lots of 1,700 square metres would be very much in keeping with existing community character and **"historical development patterns"**.

The Nanoose Bay OCP has many good planning principles. But this proposed bylaw to increase the minimum lot size in the Coast Neighbourhoods by 10 fold to 10,000 square metres is not one of them.

I would like to recommend that Part A-1 of Bylaw No 500.268, which will change areas of Subdivision District N to Subdivision District F, be deleted from the bylaw. This will allow the portions of the bylaw that address the requirements of the provincial sewer infrastructure grants to proceed.

The question of changing the Coast Residential Neighbourhoods from 1000 square metres must be referred back to the community, because that was never a stated goal of the community, it is not fair and equitable, it contradicts several of the objectives of the OCP, and it is not good community planning.

Leaving the Coast Residential Neighbourhoods in Subdivision District N will maintain the existing community character. Sewer construction will take many years to complete, therefore potential infill redevelopment will be naturally controlling over many years.

The Nanoose OCP is only two years old, but maybe it is already time to review some of the criteria with a **"sober second thought"**.

**PARKSVILLE DEVELOPMENT & CONSTRUCTION
ASSOCIATION**

BOX 616

PARKSVILLE, BC V9P 2G7

PHONE: 250-954-5388 FAX 250-954-1998

December 4, 2000

Board of Directors
Regional District of Nanaimo
PO Box 40
6300 Hammond Bay Road
Lantzville, BC
V0R 2H0

Dear Regional Board Directors,

**RE: Public Hearing for Proposed Amendment Bylaw No. 500.268
Restriction of minimum lot size, Nanoose OCP**

We have reviewed the Notice of Public Hearing and we wish to express our concern on several portions of the Proposed Amendment.

The Nanoose Bay OCP recognizes the need to establish sewage disposal facilities within the Coast Residential Neighbourhoods. However, the proposed amendment includes a provision to change the Coast Residential Neighbourhoods minimum lot size when fully serviced with sewer and water, from 1000 sq. metres to 10,000 sq. metres. This appears to be contradictory to the need to establish sewage disposal and contrary to good planning principles.

Good planning principles recognize and promote increased densities in those areas which are fully serviced. While it is agreed that these services should not encourage expansion of the Coast Residential Neighbourhoods beyond their logical limits, good planning principles would encourage redevelopment of the few larger parcels within the neighbourhood in a manner compatible with the existing development. The restriction of new lots to 10,000 sq. metres is a change to the character of these neighbourhoods, and is introducing a Rural Residential character into the significantly different Coast Residential Neighbourhood.

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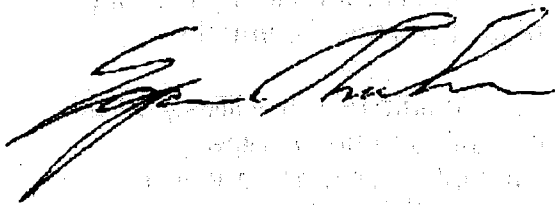
We understand that sewage disposal facilities will only be constructed in an area if the area residents agree through referendum. Restriction of new lots to 10,000 sq. metres presents several obstacles to a successful referendum.

- owners of large parcels in the neighbourhood will be very reluctant to vote in favour of sewage facilities when existing tile fields on their large parcels are sufficient and they receive no benefit from a sewage system, Therefore the chances of a successful referendum are reduced.
- construction costs per lot rise, since it is much more expensive to service larger lots
- there will be fewer lots to share the costs
- there will be no opportunity to collect any form of DCC or equivalent charge to help offset construction cost

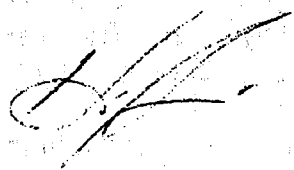
The proposed amendment has one significant impact that may not have been properly considered. The two "nodal" areas are Red Gap and Fairwinds. Red Gap is fully developed with no potential for further development. Therefore this OCP gives a total monopoly for future development in Nanoose to the Fairwinds Corporation. We do not agree that any monopoly for development is prudent or healthy to the community.

We urge the Board of Directors to carefully consider the effects of this proposed bylaw. We would suggest that retention of the existing minimum lot size of 1000 sq. metres for lots fully serviced with sewage and water in those areas designated as Coast Residential Communities in the Nanoose Bay OCP will encourage the construction of sewage disposal facilities in these neighbourhoods, and give the whole of these neighbourhoods similar characteristics and identities.

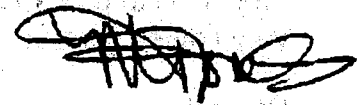
Sincerely,



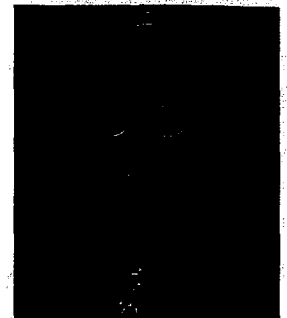
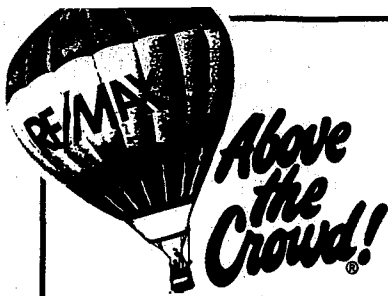
Egon Kuhn
President



Helen Sims
Vice President



Michelle Jones
Secretary



IAN LINDSAY
FRI, CRES, RRS

December 06, 2000

Regional District of Nanaimo
6300 Hammond Bay Road
P.O. Box 40
Lantzville, BC V0R 2H0

RE: Proposed Amendment Bylaw 500.326-268

I am writing to express my concern with regards to the above noted Bylaw Amendment.

I can fully appreciate and agree with the need for full sewage installation throughout the Nanoose Peninsula. I believe that this will only improve the environment and quality of life of the area.

However, the proposed bylaw effectively changes the development from a comprehensive planning program to a piecemeal approach.

The Nanoose Peninsula is already covered by a wide range of bylaws and restrictions that control growth. This creates enough of a bureaucratic cost when dealing with growth management. The present Community Plan clearly favours very limited growth. This is based on representations from the community.

Often these opinions have not factored in the cost of maintaining the lifestyle that they wish to protect. These costs involve water distribution and sewage collection. At this time, much of Nanoose is still on septic. This has and will continue to have a negative effect on our environment. The costs of rectifying these challenges will not be cheap.

Continued controlled development will provide funds to defray the infrastructure costs that will be needed to take care of the water and other environmental concerns.



Anchor Realty • 113 West Second Avenue, Qualicum Beach, British Columbia V9K 1T5
Bus: (250) 752-2466 • Fax: (250) 752-2433 • Toll Free: 1-800-668-3622 • E-mail: ilindsay@island.net

Each Office Is Independently Owned And Operated

This communication is not intended to cause or induce breach of an existing agency agreement.

PAGE
54



*Above
the
Crowd!*

In addition to these concerns, it is my understanding that many existing lots would become nonconforming. This places these owners in an unfair position financially as they could have difficulty in obtaining financing or selling their properties.

In conclusion, I feel that there is no need to change the designation from N to F as there are enough regulations in place.

Sincerely,

Ian Lindsay, FRI RRS CRES

December 06, 2000

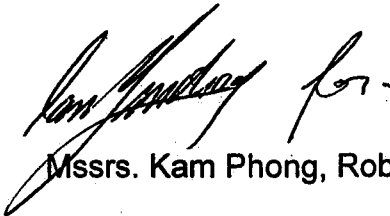
Regional District Of Nanaimo
6300 Hammond Bay Road
P.O. Box 40
Lantzville, BC V0R 2H0

RE: Proposed Bylaw Amendment 500.326 ~~326~~ 268

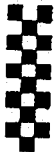
We have been informed that the above mentioned bylaw is going to Public Hearing tonight. Therefore, we are writing to express our concern that this is not in the best interest of Nanoose Bay.

It effectively increases the costs dramatically for property owners who are in favour of improved water and sewage systems that would be beneficial to the community and environment.

Sincerely,



Mssrs. Kam Phong, Robert Cheung, James Lee, Lawrence West



December 06, 2000

Frank Haylock
Chesang Developments Ltd.
P.O. Box 9
Qualicum Beach, BC V0R 2T0
Ph. 248-8011

Regional District Of Nanaimo
6300 Hammond Bay Road
P.O. Box 40
Lantzville, BC V0R 2H0

RE: Proposed Amendment Bylaw 500, 268

I am writing to you to state that I am opposed to the Bylaw Proposal that changes the land designation from N to F.

This is an unnecessary change as there are already enough regulations in place to control growth.

The impact of this change on shared infrastructure costs would be severe. Possibly more importantly, it could hold back the installation of a proper sewer system throughout Nanoose Bay. This would be very negative to the environment.

Frank Haylock for Chesang Developments Ltd.

2780 Powder Point Road
Nanoose Bay, BC
V9P 9E9
468-9306
December 6, 2000

PLANNING DEPT
-12- 06 2000
RECEIVED

The Regional District of Nanaimo
PO BOX 40
6300 Hammond Bay Rd.
Lantzville, BC
V0R 2H0

To Whom It May Concern,

It has come to our attention that the rules for subdivisions in our neighbourhood are going to be changed. We are concerned about the fairness of this proposed application, as well as the fairness of the proposed sewer plan.

Two years ago, I visited the RDN office on Hammond Bay Road and was told that our property was the last house in our area on the proposed sewer plan. I revisited it on Monday and was told that we are NOT in the planned area, but that all of our neighbours directly across the street, along the same block, will receive sewer when it becomes available. This seems unfair to us, not only because it contradicts what we were told earlier by your staff, but because it creates a double standard in exactly the same neighbourhood in the same block. **And it cannot but impact negatively on our property values.** We would like to receive the reasons for what seems to us an arbitrary reason, in writing. We are part of the community water plan, and we should be included as part of the proposed sewer plan.

We are also concerned about your decision to restrict prospective subdivisions of our property. Again, in the same block, there are several houses in the same length of road opposite our property. We understood that because of perc requirements we would have to wait to subdivide until sewers were installed. We are now being told that we will not qualify for sewer, and even if we were to receive it, that the rules are being changed for lot sizes. Again, you are asking us to maintain what seems to us a different, and arbitrary standard compared to our neighbours across the street.

Our property is not agricultural. It is flat and easy to build on, which makes it attractive to residents wishing to build in our area. But most importantly, we believe that this kind of inexplicable arbitrariness is in fact a violation of a standard of fair practice. How can you tell us that our neighbours right across the street can have smaller lots and potentially sewer, and tell us that we may have neither? Since property owners bear the cost of connecting to the sewer, why

Brucker to RDN, p. 2

are we not being given the option of running a connecting line at our expense to the corner where it will pass directly by?

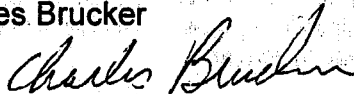
We would like more information about the sewer plan. Who made this decision not to include our home? Why was it made? What engineering studies were done to determine why we should not be included in sewer plans? What reasons were provided? When was it made? Why were we, as affected parties, not informed? The RDN has the affected property owners mailing addresses, and should have contacted us before now to allow for informed decision making and discussion. Have you redrawn the sewer plan since we visited your office two years ago? Was it misread when we visited? And why were we given erroneous information when we visited expressly to discuss this issue two years ago?

In view of the circumstances, we feel that the proposed sewer plan should be re-examined and plans made to include us as well as the house next door, since we will be the only 2 homes to be excluded? Again, we are asking to enjoy the same standards, and services, as our neighbours directly across the street.

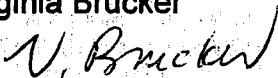
We are anxious to hear your response to the above concerns, and look forward to your letter.

Sincerely,

Charles Brucker



Virginia Brucker



LEGAL SURVEYS
MUNICIPAL ENGINEERING
LAND DEVELOPMENT AND MANAGEMENT

J. E. Anderson and Associates
2 - 3411 SHENTON ROAD
NANAIMO, BC V9T 2H1
TEL: (250) 758-4631 • FAX: (250) 758-4660
jearan@islandnet.com

December 6, 2000

Regional District of Nanaimo
PO Box 40
6300 Hammond Bay Road
Lantzville, BC V0R 2R0

Attention: George Holme, Chair

Dear Sir:

**Re: Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment
Bylaw No. 600.268**

Please be advised that we support some of the proposals contained in this bylaw. We, however, strongly object to certain aspects of this proposed bylaw, which we feel are totally unnecessary.

We support the proposal that all areas of the Regional District with no community services (sewer and water) should have a minimum parcel size of 1.0 hectares (2.5 acres). This is consistent with current health regulations throughout the province. This is also consistent with environmental concerns for potable water and setback requirements from watercourses, etc. We support the idea to contain (restrict) current development to those areas that are within the serviced areas. However, we believe that you must address the future needs for expansion of sanitary sewer service for the areas of Beachcomber, Madrona Point, and Dolphin Drive based on health concerns.

Our specific objections are:

1. Changing Subdivision District from "N" to "F" for areas including Beachcomber, Madrona Point, and Dolphin Drive is not necessary. The vast majority of these properties are currently small lot holdings on septic systems with community water. As mentioned above, under current health regulations they cannot be subdivided. By changing the subdivision district designation you are making a large number of parcels non - conforming.
2. Due to health concerns, it is abundantly clear that at some time in the near future, community sewers will be installed in the above noted areas. With subdivision district "F" on these parcels this will result in fully serviced land having a minimum parcel size of 1.0 ha. In order to be practical from a financial perspective fully serviced land must have a designation of a maximum of 1000 square metres, which is the current designation. If you change this bylaw now, the few parcels that are large enough to meet subdivision requirements will necessitate another bylaw change back to the current designation in order to comply. This is a very costly and time consuming process that, if the bylaw were left as is, would be unnecessary.

.../2

PAGE
60

Mr. George Holme
December 8, 2000
Page 2 of 2

In conclusion, the proposed changes to the bylaw have no positive impact on the majority of the lands affected. In fact the proposed changes will make these parcels non-conforming. These proposed changes may also be limiting the development of a very few lots that meet current health standards for subdivision approvals. There is no need to impact these few lots negatively. We do not believe that leaving the designation intact affects spirit of the Growth Management Plan or the Nanose OCP. Furthermore, once these lots are serviced by sewers, you will be reversing this process and changing the bylaw back to its current designation at further costs in both time and money. We would strongly suggest that you leave the current subdivision district "N" intact and delete Item 1 from your proposed bylaw.

Yours truly,

J. E. Anderson and Associates



David Wallace, BCLS

DGW/cat

PAGE

REGIONAL DISTRICT OF NANAIMO			
DEC - 5 2000			
CHAIR	<input checked="" type="checkbox"/>	CAO	<input checked="" type="checkbox"/>
CAO	<input checked="" type="checkbox"/>	GRANDS	<input checked="" type="checkbox"/>
GRANDS	<input type="checkbox"/>		<input type="checkbox"/>
COPY			

Hans Heringa & Lorraine Trickett

1010 Herring Gull Way
Parksville, B.C. V9P 1R2

Phone 250-248-8155 Fax 250-248-4894

December 5, 2000

Attention: Director George Holme
Regional District of Nanaimo

Re: 1610 Northwest Bay Road
RDN Land Use & Subdivision Bylaw Amendment
Bylaw No. 500.268, 2000

Dear Sir:

We wish to object to this Bylaw, which is a wrongful down zoning of Lands, and which constitutes a form of expropriation, and where the affected Land Owners are unfairly punished financially, in perpetuity, and unnecessarily too.

The people in Area (N) F, bought lots or houses in Area (N) F knowing that the Zoning in the immediate area was 1000 m², and that all lots in the area would be this size.

Furthermore, investors and developers bought land in Area (N) F, knowing that they could subdivide these Lands into 1000 m² lots, when sewer became available. Sewer is now available. There is no real reason that some of these lands can't be further subdivided now, provided that a market demand exists for these lots.

Furthermore, 1 hectare lots is a poor use of land (the lots are too large), when a waterline exists, and sewer is nearby, and the ocean is a nearby drawing card.

The rules are being changed.

Specific to our property, we wish to allege a hidden agenda, and the possibility of Bad Faith and malice.

Our property was to be included into the Madrona Specified Area about 10 years ago, by Agreement and as a condition of leasing our well to the RDN and Madrona waterline systems. To date, the RDN has neglected and refused to fulfill its commitments in this regard. The RDN is fully aware of our desire to further subdivide these lands specifically as permitted by the present zoning. However, to try to prevent the future subdivision of these Lands, and perhaps to try to constructively expropriate our Lands, so that the only

PAGE 1/6

use is as a well site , or 1 hectare lots is unconscionable. The RDN Staff may have devised this overall down zoning plan, to disguise the true intent of the rezoning.

The rezoning ought to be rejected as it is not in the public interest. It is really in the public interest to provide proper sewer and water to all of the lands in Subdivision District (N) F, and to allow the Owners to subdivide into 1000 m² lots. Why should new parcels in Subdivision District (N) F be suddenly restricted to 1 hectare parcels? There is no valid reason for this.

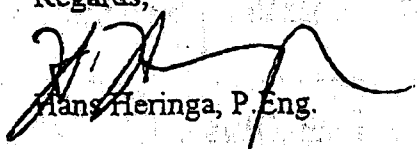
Our interest in our property is dramatically affected by a portion of this Bylaw, and the Bylaw greatly reduces the market value and the development potential of the Land for future subdivision.

The Bylaw makes all of the existing lots in the Madrona area legally non-conforming in size. Why? What is the purpose?

The Bylaw doesn't entice people on 1 hectare lots to ever hookup to Public water or to Public sewer. How does this protect the Environment, and how is this in the Public interest?

The Bylaw should not be passed in its present form.

Regards,



Hans Heringa, P. Eng.

cc: Helen Sims, PDCA
cc: Terry Molony, Representative
HH/lm/Holme



REGIONAL DISTRICT OF NANAIMO

ATTENDANCE LIST

PUBLIC HEARING

BYLAW NO. 500.268,2000

December 6, 2000

NAME (Please print)	STREET/ROAD
DON HEWITT	ASHCRAFT & KEISURE
Katherine Zimmerman	" "
John Miller	1552 TERRIER RD.
John Gysseem	3458 BAUEBACK DR.
Jim Kellam	2855 Ashcraft Rd
Tommy Koneis	2553 GARYOAR DR.
Clara Hume	" "
CHARLES BRUCKER	2780 POWDER PT RD
GLORIA DAFOE	3445 CARMICHAEL RD NANAIMO
IRISH WIDDERSHOVEN	1485 Madrona DR N.B.
PATRICIA KORBIN	1739 SAUGSTER CR. NANOOSE
KEN KYLER	1441 MADRONA DR.
Helen Sims	604 Johnston Rd
DON LIMER	2375 GREENBLOWN PL.
Don Limer	1513 Clayton cresc Nanoose Bay
Don Scott	3730 Ferndale D
Don Davis	2950 Dufferin Rd. Nanoose
PETER KODJIAN	1528 Terran Rd NANOOSE
Mich Kellam	2655 Isl. Hwy. East.



REGIONAL DISTRICT OF NANAIMO

ATTENDANCE LIST

PUBLIC HEARING

BYLAW NO. 500.268,2000

December 6, 2000

NAME <i>(Please print)</i>	STREET/ROAD
D.W. DIEDRICHSEN	TERRIER RD



REGIONAL DISTRICT OF NANAIMO			
DEC 22 2000			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	

MEMORANDUM

TO: Pamela Shaw
Manager of Community Planning

<i>brude</i>	
DATE:	

January 3, 2001

FROM: Lindsay Chase
Planning Assistant

FILE: 3360 30 0007

SUBJECT: Bylaw No. 500.265 Application ZA 0007 - Burgess & Greaves
Lot 5, District Lot 84, Nanoose District, Plan 47545
Electoral Area 'E' - 1880 Claudet Road

PURPOSE

To receive the minutes of the Public Hearing held on Thursday, December 14, 2000, and further, to consider Bylaw 500.265 for 3rd reading.

BACKGROUND

Bylaw 500.265, 2000 was introduced and given 1st and 2nd reading on September 12, 2000. This was followed by a Public Hearing on December 14, 2000. The summary of the proceedings are attached for the Board's consideration (*see Attachment No. 2*).

The purpose of the amendment bylaw is to rezone the subject property from Resource Management 3 (RM3) Subdivision District 'B' to Rural 5 (RU5) Subdivision District 'D' in order to allow rural uses provided under the Rural 5 zoning, subject to the conditions outlined in *Schedule 1*, and the capability to subdivide into 2 parcels (*see Attachment No. 1*).

ALTERNATIVES

The following options are available for consideration:

1. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.265, 2000" be given 3rd reading.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.265, 2000" be denied.

VOTING

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

PUBLIC CONSULTATION IMPLICATIONS

Comments in written correspondence received at the Public hearing indicate that neighbors are concerned about future subdivision of the subject property and would like to see a covenant registered that would do the following: limit subdivision to 2 parcels, prohibiting any future subdivision, limit the number of dwelling units on each proposed parcel to one, and permit access to the proposed lots only from Claudet Road. These conditions are also consistent with the policies included in the Nanoose Bay Official Community Plan.

The applicant has already provided a letter of intent (*See Schedule 1*) committing to registering a Section 219 covenant that addresses all of these issues. The covenant will prohibit further subdivision, limit the number of dwelling units on each parcel to one, and the applicant will apply for access permits from the Ministry of Transportation and Highways for each proposed parcel at the time of subdivision.

LAND USE IMPLICATIONS

Bylaw Amendment Bylaw No. 500.265 conforms to the overall goals of the Regional District of Nanaimo Nanoose Bay Official Community Plan and to the RDN's Growth Management Plan.

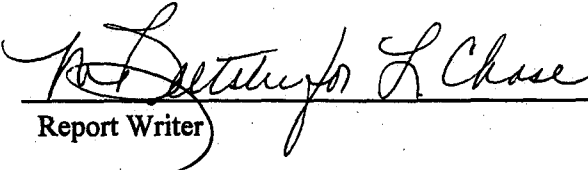
SUMMARY/CONCLUSIONS

Bylaw 500.265, 2000 was introduced and given 1st and 2nd reading on September 12, 2000. This was followed by a Public Hearing on December 14, 2000. The summary of the proceedings are attached for the Board's consideration (*see Attachment No. 2*).

Bylaw Amendment Bylaw No. 500.265 may now be considered for 3rd reading.

RECOMMENDATIONS

1. That the Summary of Proceedings of the Public Hearing held December 14, 2000 as a result of public notification of "Regional District of Nanaimo Land use and Subdivision Bylaw Amendment Bylaw No. 500.265, 2000" be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.265, 2000", be given 3rd reading.


Report Writer


General Manager Concurrence


Manager Concurrence


A CAO Concurrence

COMMENTS:

devsvs/reports/2001/3360 30 0007 ja brd burgess3rd.doc

SCHEDULE 1

LETTER OF INTENT

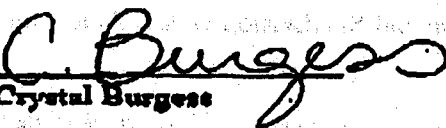
I/We Leonard Greaves, Dianno Greaves, Crystal Burgess and Daniel Burgess, registered owners of the property legally described as Lot 5, District Lot 84, Nanoose District, Plan 47545, as shown on the attached map, and located at Claudet Road, will undertake the following works and services and agreements as part of our request and submission to the Regional District of Nanaimo for Zoning Amendment Application No. ZA0007 prior to final adoption of the corresponding bylaw:

1. 1. Access Permits issued by the Ministry of Transportation and Highways
2. Registration of a Section 219 covenant on the title:
 - a. Restricting the number of dwelling units to one (1) per parcel
 - b. Prohibiting any bare land strata subdivisions
 - c. Declaring the number of parcels to be created

Applicant is to prepare and register covenant to the satisfaction of the Regional District.

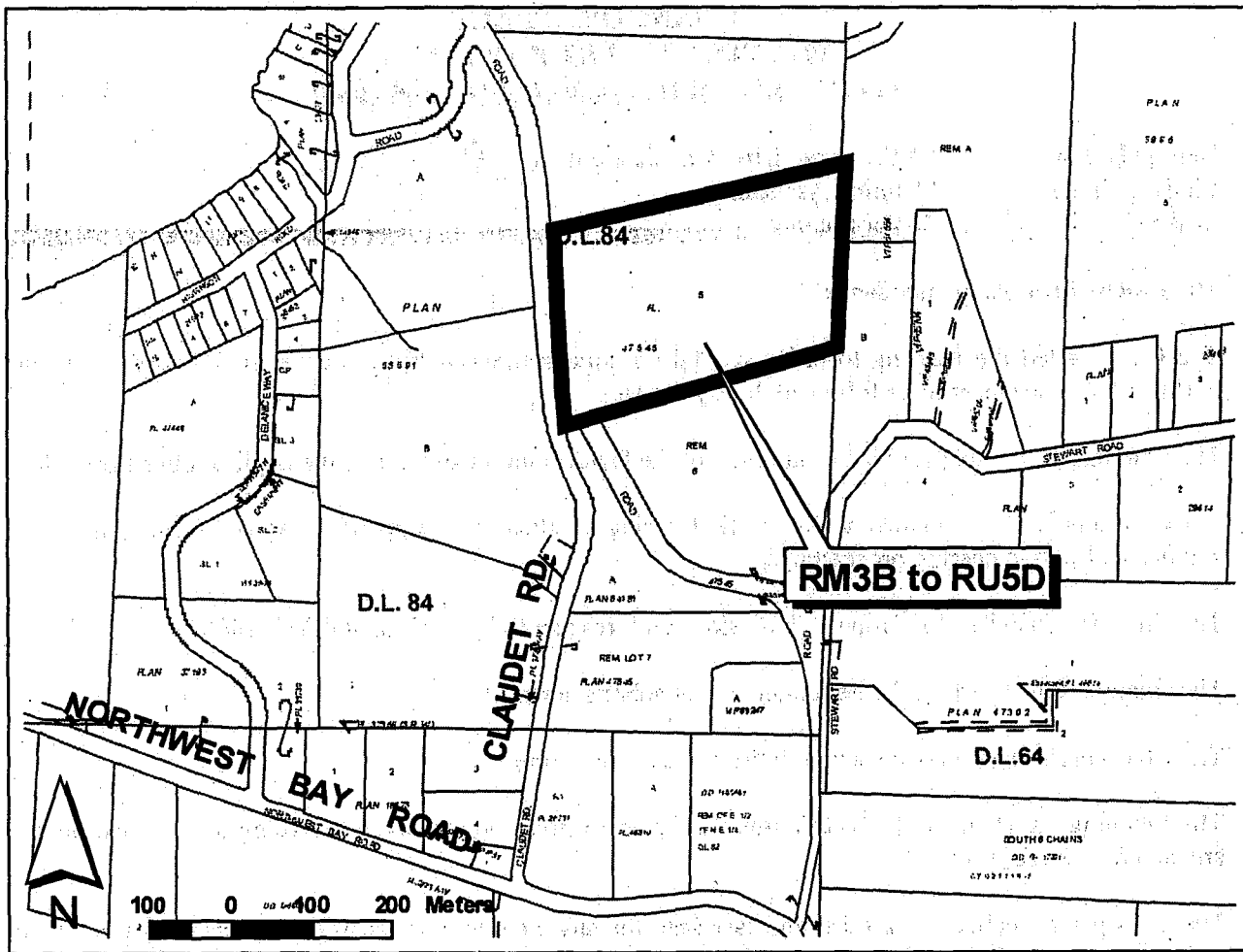

Leonard Daniel Greaves


Dianne Greaves


Crystal Burgess


Daniel Burgess

Attachment No. 1



ATTACHMENT NO. 2

REGIONAL DISTRICT OF NANAIMO

**SUMMARY OF PROCEEDINGS OF A PUBLIC HEARING
HELD THURSDAY DECEMBER 14, 2000 AT 7:00 PM
AT NANOOSE PLACE
2925 NORTHWEST BAY ROAD
TO CONSIDER BYLAW NO. 500.265, 2000**

George Holme	Chairperson, Director, Electoral Area 'E'
Lindsay Chase	Planning Assistant
Susan Cormie	Senior Planner

There were 7 people in attendance.

The Chair called the Hearing to order at 7:00 pm and introduced those present at the head table, and outlined the procedures to be followed during the Hearing.

The Planning Assistant provided a summary of the Bylaw and the covenants the applicant has agreed to.

A list of people in attendance at the Public Hearing is attached as Appendix 'A' and forms part of the summary of public hearing proceedings.

The Chairperson called for formal submissions with respect to Bylaw No. 500.265, 2000.

The Chairperson called for further comments or submissions.

The Chairperson called for further submissions a second time.

The Planning Assistant read into the minutes the correspondence received regarding the application and are attached as Appendix 'B'.

The Chairperson called for a third and last time for any submissions on Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment bylaw No. 500.265.

There being no further submissions, the Chairperson adjourned the Hearing at 7:05 pm.

Director Holme announced that the presentations made at this Public Hearing would be considered by the Regional Board of Directors at its next Regular Meeting on January 9th, 2001.

Certified true and correct this 14th day of December, 2000.

Lindsay Chase
Recording Secretary

Director George Holme
Electoral Area 'E'

Appendix A



ATTENDANCE LIST

PUBLIC HEARING

BYLAW NO. 500.265

DECEMBER 14, 2000

NAME	STREET/ADDRESS
Clay Harris	3153 Galloway Rd Nanaimo B.C.
Lynndon Harris	3153 Galloway RD Nanaimo
LEN GRUAVES	3174 GALLOWAY GULCH NAN
LARRY KILBY	1380 REEF Rd Nanaimo B.C.
Elaine Dyke	3950- Seaboyer Rd. ✓
LYLE MESERVIA	1799 STEWART RD.
Ian Bryce	1985 STEWART RD.

APPENDIX 'B'

1897 Stewart Road
NanOOSE Bay, BC
V9P 9E7

December 12, 2000

Director George Holme
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC
VOR 2H0

PLANNING DEPT
-12- 13 2000
RECEIVED

Dear Director Holme;

RE: Lot 5, District Lot 84, Plan 47545, NanOOSE Land District

Thank you for the opportunity to provide written comments on the proposed rezoning of the above mentioned parcel from Resource Management 3 to Rural 5.

We own a 5-acre parcel on Stewart Road, located near the subject property. Our zoning is Rural 5; a land-use zoning entirely appropriate for the rural atmosphere of Stewart Road and the neighbouring Claudet Road. Like much of the NanOOSE Peninsula, this area is struggling to retain its rural atmosphere as large housing developments and subdivisions create smaller lots and erode the forest cover.

Our understanding of the proposed rezoning of Lot 5, DL 84 is to create a maximum of two parcels. In general we have no objection to this. There are number of concerns we do have and we would be grateful for your consideration of them.

- That the maximum of two parcels be enforced by covenant so that future owners of those properties can not create smaller parcels.
- That access to the two lots, and services to them, be from Claudet Road.
- That the number of dwellings per parcel be restricted to one dwelling.
- That consideration be given to protecting some of the older growth, or standing dead trees (snags) that may be used as wildlife perch trees on Lot 5.

In closing, we have no objection to the proposed rezoning, but would appreciate our concerns being taken into consideration.

Sincerely,

Laurel Daly

Jeffrey Ainge

Lot 1, DL 137, Plan VIP65704, NanOOSE Land District

PAGE
12

1895 Stewart Rd,
Nanoose, B.C.

Dec. 12, 2000.

Regional District of Nanaimo
300 Hammond Bay Rd.
Nanaimo, B.C.

PLANNING DEPT
-12-13 2000
RECEIVED

To Whom It May Concern:

Re - Bylaw 500.265 in regard to
Lot 5, District Lot 84, Nanoose District,
Plan 47545.

I am the owner of Lot A of District Lot 137,
and have no objection to Lot 5, D.L. 84 being
divided into two parcels.

Yours Truly,
(Mrs) Greta Johnston

PAGE
13

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE DEVELOPMENT SERVICES COMMITTEE
MEETING HELD ON TUESDAY, DECEMBER 19, 2000, AT 7:30 PM
IN THE CITY OF NANAIMO COUNCIL CHAMBERS,
455 WALLACE STREET, NANAIMO, BC**

Present:

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

Also in Attendance:

B. Lapham	General Manager, Development Services
D. Jensen	Planning Assistant
L. Chase	Planning Assistant
N. Tonn	Recording Secretary

DELEGATIONS

John Golobar, re ALR 0006 Exclusion – 1712 Vowels Road – Area A.

Mr. Golobar provided a visual and verbal overview of the properties in the area surrounding the applicant's property and spoke in opposition to exclusion from the ALR.

Diane Burt, re ALR 0006 Exclusion – 1712 Vowels Road – Area A.

Ms. Burt provided an aerial photograph of the property in question taken prior to ownership by the applicant which shows the land's capability to grow numerous crops.

Dianne Maille, re ALR 0006 Exclusion – 1712 Vowels Road – Area A.

Ms. Maille raised her concerns with respect to the fluctuating water table in the area and provided pictures showing the results of flooding on her own property.

Ken Green, re ALR 0006 Exclusion – 1712 Vowels Road – Area A.

Mr. Green spoke in opposition to the exclusion of the applicant's property from the Agriculture Land Reserve.

Murray Brown, re ALR 0006 Exclusion – 1712 Vowels Road – Area A.

Mr. Brown provided a short history of the applicant's property and noted that the property has had very fruitful crops of various items throughout the years.

Pat Foley, re ALR 0006 Exclusion – 1712 Vowels Road – Area A.

Mr. Foley spoke in opposition to removal of the land from the ALR and the proposed use for the property if it is successfully removed.

Ron Stockhausen, re ALR 0006 Exclusion – 1712 Vowels Road – Area A.

Mr. Stockhausen provided a history of area farms which have successfully survived as farms.

Ernie Grieder, re ALR 0006 Exclusion – 1712 Vowels Road – Area A.

Mr. Grieder noted a past unsuccessful attempt to remove the property from the ALR and noted the deterioration of the property.

Bill Baron, re ALR 0006 Exclusion – 1712 Vowels Road – Area A.

Mr. Baron reiterated the past speakers' concerns and noted his strong opposition to ALR exclusion.

Steve Stupich, re ALR 0006 Exclusion – 1712 Vowels Road – Area A.

Mr. Stupich spoke in opposition to the ALR exclusion and noted the labour required to maintain sustainable farmland.

Darryl Britt, re ALR 0006 Exclusion – 1712 Vowels Road – Area A.

Mr. Britt spoke in opposition of ALR exclusion and noted that the land could be productive again as it was a very successful farm in the past.

Donna Wilson, re Zoning Amendment Application – Yellowpoint and Cedar Roads – Area A.

Ms. Wilson spoke in opposition to the placement of a new firehall at Yellowpoint and Cedar Roads and requested that the residents be made aware of other properties that were considered.

Dawn Burnett, re Zoning Amendment Application – Yellowpoint and Cedar Roads – Area A.

Ms. Burnett provided information with respect to a feasibility study which is incomplete in the area and requested the Board to delay any decision until such time as the feasibility study may be completed. Ms. Burnett also raised her concerns with the lack of public information on the amendment application.

LATE DELEGATIONS

MOVED Director Elliott, SECONDED Director Stanhope, that the following late delegations be permitted to address the Committee.

CARRIED

Michelle Jones, Focus Intec, re ALR 006 Exclusion – 1712 Vowels Road – Area A.

Ms. Jones, speaking on behalf of the Judge family, distributed information to the Committee members. Ms. Jones noted that the application has the support of some groups and residents in the area. The Development Services Committee was asked to defer the item until further discussions could be arranged with the Area Director.

Pauline Judge, re ALR 006 Exclusion – 1712 Vowels Road – Area A.

Ms. Jones noted that Ms. Judge has declined her request to speak at this time.

Trustees Sarchuk and Gueho, NCID, re Zoning Amendment Application – Yellowpoint and Cedar Roads – Area A.

Trustees Sarchuk and Gueho presented an overview of the selection process taken by the North Cedar Improvement District in making their final decision on the site located at Yellowpoint and Cedar Roads.

Ingrid Gantner, re Zoning Amendment Application – Yellowpoint and Cedar Roads – Area A.

Ms. Gantner spoke in strong opposition to the zoning amendment application and requested that an independent body do a study of all sites considered in the site selection process to allow for an unbiased decision.

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

CARRIED

MINUTES

MOVED Director Sherry, SECONDED Director McNabb, that the minutes of the regular Development Services Committee meeting held on November 21, 2000, be adopted.

CARRIED

CORRESPONDENCE/COMMUNICATION

Brian Morgan, re Zoning Amendment Application – Yellowpoint and Cedar Roads – Area A.

MOVED Director Stanhope, SECONDED Director Krall, that the correspondence received from Brian Morgan with respect to the re-zoning of property for the proposed North Cedar Fire Department, be received for information.

CARRIED

Daryl Britt, re ALR 006 Exclusion – 1712 Vowels Road – Area A.

MOVED Director Stanhope, SECONDED Director Krall, that the correspondence received from Daryl Britt with respect to the ALR exclusion application for a property at 1712 Vowels Road, be received for information.

CARRIED

BUILDING INSPECTION

Section 700 Filings.

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

MOVED Director 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 A, Section 16, Range 8, Plan VIP56538, Cranberry Land District, 1627 Cedar Road, Electoral Area 'A', owned by V. Johnson.;
- (b) Strata Lot 2, District Lot 78, Nanoose Land District, Strata Plan VIS4678 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form 1, 2421 Arbutus Crescent, Electoral Area 'E', owned by R. Chiste;
- (c) Lot 29, Block 668, Nanoose Land District, Plan 36481, 2601 Matthew Road, Electoral Area 'E', owned by P. and L. Nielsen.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. 0012 – North Cedar Improvement District – on behalf of Agnes Cochran and Laura Sweeney – Yellow Point Road – Area A.

MOVED Director Elliott, SECONDED Director Macdonald,:

1. That the staff report be received and that Amendment Application No. 0012 submitted by the North Cedar Improvement District to rezone a portion of the property legally described as Lot 1, Plan VIP533334, Section 12, Range 1, Cedar District, from Residential 2 (RS2) to Public 1 (PU1) be advanced to a public hearing subject to the conditions outlined in Schedule No. 1 of the November 21, 2000 staff report.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.271, 2000" be given 1st and 2nd reading and proceed to Public Hearing.
3. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.271, 2000" be delegated to Director Elliott or his alternate.

MOVED Director Elliott, SECONDED Director McLean, that the Public Hearing be postponed until the end of February or the beginning of March to allow for sufficient advertising.

CARRIED

The question was called on the main motion as amended.

The motion CARRIED.

DEVELOPMENT VARIANCE PERMIT

Application No. 0013 – Vinden – 2750 Boyd Drive – Area E.

MOVED Director Holme, SECONDED Director Stanhope, that Development Variance Permit Application No. 0013, submitted by Gordon Waters, Agent on behalf of Mark and Suzanne Vinden, to facilitate the development of a single dwelling unit and vary the maximum permitted dwelling unit height within the Residential 1 (RS1) zone from 8.0 metres to 8.9 metres (29.2 feet) for the property legally described as Lot 8, District Lot 37, Nanoose District, Plan 30072, be approved as submitted subject to the notification procedures pursuant to the Local Government Act.

CARRIED

OTHER

ALR 0009 Exclusion – Rhonda & John Valentim - 2651 Trans Canada Highway – Area A.

It was noted that the application has been revised to non-farm use and consideration is no longer required.

ALR 0006 Exclusion – Pauline Kaur Judge and Aismore Angy Judge – 1712 Vowels Road – Area A.

MOVED Director Elliott, SECONDED Director Stanhope, that the Board of the Regional District of Nanaimo, in support of policies contained in the Regional Growth Management Plan, the Electoral Area 'A' Official Community Plan, Bylaw No. 1116, 1998, and regulations within Land Use and Subdivision Bylaw No. 500, 1987, recommend that the application for exclusion from the Agricultural Land Reserve for Lots 3 and 4, Plan 725, Section 1, Range 7, Cranberry District, Except Part in Plans VIP69195 and VIP69231, be refused.

MOVED Director Westbroek, SECONDED Director McNabb, that this item be deferred until such time as the area Director and the applicant have had the opportunity to discuss the application further.

DEFEATED

The question was called on the main motion.

A recorded vote was requested.

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

IN CAMERA

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

CARRIED

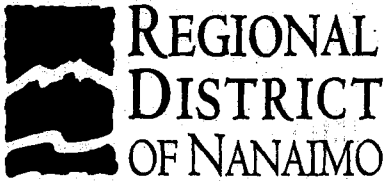
ADJOURNMENT

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

CARRIED

TIME: 8:43 PM

CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO			
DEC 22 2000			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMS	
		DATE:	
FILE:			

MEMORANDUM

TO: Stan Schopp
 Manager, Inspection and Enforcement

FROM: Maude Mackey
 Bylaw Enforcement Officer

SUBJECT: Appointment of Bylaw Enforcement Officer

January 2, 2001

4000 01

PURPOSE

To appoint a Bylaw Enforcement Officer for the purpose of enforcing Regional District of Nanaimo Bylaws.

BACKGROUND

The authority for this appointment is already in place as set out in RDN Bylaw Enforcement Officers Bylaw No. 857, 1992. This appointment replaces that of Mr. Derek Roberts who retired on September 29, 2000.

Before performing the duties of a Bylaw Enforcement Officer, staff must be appointed by the Board and take the prescribed Oath of Office and Oath of Allegiance.

Additionally, Section 272 of the Local Government Act requires Bylaw Enforcement Officers to be appointed prior to issuing municipal violation tickets.

ALTERNATIVES

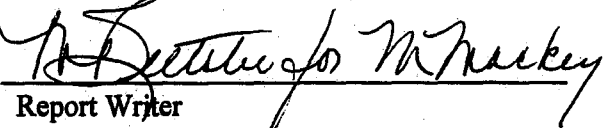
1. To appoint a Bylaw Enforcement Officer pursuant to Regional District of Nanaimo Bylaw No. 857, 1992.
2. Not to appoint a Bylaw Enforcement Officer pursuant to Regional District of Nanaimo Bylaw No. 857, 1992.

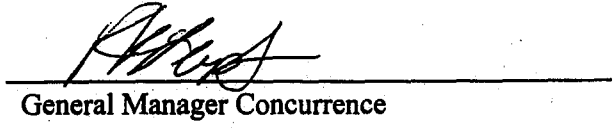
VOTING

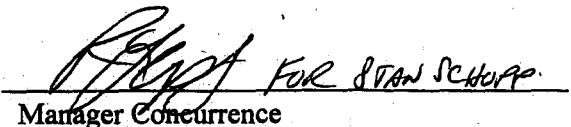
All Directors – one vote.

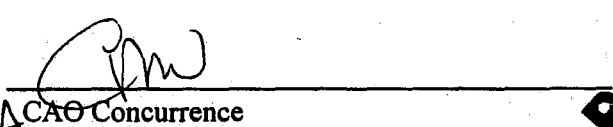
RECOMMENDATION

That Mr. Thomas W. Armet be appointed as a Bylaw Enforcement Officer for the purpose of enforcing Regional District of Nanaimo bylaw and regulations as set out pursuant to the provisions of Bylaw Enforcement Officers Bylaw No. 857, 1992.


 Report Writer


 General Manager Concurrence


 Manager Concurrence


 CAO Concurrence

REGIONAL DISTRICT OF NANAIMO

APPOINTMENT OF BYLAW ENFORCEMENT OFFICERS

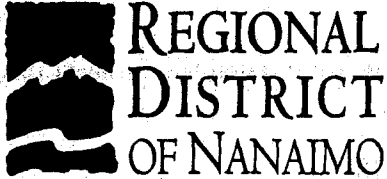
RESOLUTION

WHEREAS the Board has enacted Bylaw Enforcement Officers Bylaw No. 857, 1992;

AND WHEREAS Section 3(2) thereof provides for the appointment from time to time of Bylaw Enforcement Officers;

THEREFORE BE IT RESOLVED, that the Board of the Regional District of Nanaimo in open meeting assembled, appoints and authorizes the following person as a Bylaw Enforcement Officer to carry out the requirements of Regional District of Nanaimo bylaws and regulations:

Mr. Thomas W. Armet



REGIONAL DISTRICT OF NANAIMO		
JAN 2 2001		
CHAIR	GMCrs	
CAO	GMDS	
GMCrs	GMES	
Bad ✓		
		DATE

MEMORANDUM

TO: Neil Connelly
General Manager, Community Services **DATE:** December 22, 2000

FROM: Christina Thomas
Senior Planner **FILE:** 6780 30

SUBJECT: **PLANNING GRANT PAYMENT DEADLINE EXTENSION
TRANSPORTATION STUDY**

PURPOSE

To obtain a resolution regarding the Regional Board's approval of a new schedule and deadline for the completion of the Transportation Study so that an application can be made to the Ministry to extend the deadline for the payment of an approved planning grant for the Study.

BACKGROUND

The Ministry of Municipal Affairs granted the Regional District of Nanaimo a matching (50/50) planning grant in the amount of \$22,500 for a Transportation Study, as requested by the Regional District in 1998.

The Ministry of Municipal Affairs' deadline for the completion of the Transportation Study and submission of the request for payment is March 1, 2001. The Transportation Study was initiated at a later date than originally anticipated due to other work program commitments (i.e. Aggregates Study activities) and consequently it will not be complete in time to request the grant payment.

The Ministry of Municipal Affairs may permit a "one time only" deadline extension for a period of one year. To be considered for an extension, work on the approved program must be underway and must be scheduled for completion by the proposed new deadline. Applications for a "one time only" deadline extension must include an explanation of the need for the extension, a schedule showing that completion can be achieved by the new deadline, and a resolution from the Regional Board approving the new schedule and deadline. A new schedule and deadline is provided for the Regional Board's consideration of approval (see Attachment 1).

ALTERNATIVES

1. To approve the new schedule and deadline for the completion of the Transportation Study.
2. To not approve the new schedule and deadline.

FINANCIAL IMPLICATIONS

Approval of the new schedule and deadline for completion of the Transportation Study will enable the Regional District to apply for a deadline extension for the payment of an approved planning grant in the

amount of \$22,500, thereby allowing the RDN to obtain funds necessary to complete projects that are currently underway.

REGIONAL GROWTH MANAGEMENT PLAN IMPLICATIONS

The Transportation Study will provide crucial information regarding the transportation requirements for the future region envisioned by the Growth Management Plan. Study findings and information may be considered for incorporation into the Growth Management Plan as a part of the planned 2001 Review.

SUMMARY/CONCLUSIONS

The Regional District's current deadline for the completion of the Transportation Study and request for payment of a Ministry of Municipal Affairs approved planning grant in the amount of \$22,500 is March 1, 2001. It is not feasible to meet this deadline. Consequently the Regional Board is being requested to approve a new schedule and deadline for the completion of the Study so that an application may be made to the Ministry to extend the deadline for the payment of the grant.

RECOMMENDATION

That the new schedule and deadline for the completion of the Transportation Study be approved for the purpose of extending the deadline for the payment of an approved planning grant.

C Thomas
Report Writer

[Signature] For Neil Cannell
General Manager Concurrence

[Signature]
CAO Concurrence

COMMENTS:

ATTACHMENT 1

**NEW SCHEDULE AND DEADLINE
FOR THE COMPLETION OF THE
TRANSPORTATION STUDY**

TASK	TIME	STATUS
Initiation & Confirmation of Work Plan	Sept. 2000	Complete
Background Material Review <ul style="list-style-type: none"> ▪ Official community plans ▪ Road network plans ▪ Previous studies ▪ Growth Management Plan ▪ Experience in other jurisdictions ▪ Available travel information and projections ▪ Regulatory constraints and opportunities ▪ Criteria for roads ▪ Transportation issues and concerns 	Sept. – Dec. 2000	Complete
Meetings with municipal planning & engineering staff	Sept. – Dec. 2000	Complete
IAC Study Sub-Committee Meeting	Nov. 2000	Complete
Identify Stakeholders	Oct. –Nov. 2000	Complete
Liaison with Stakeholders	Nov. 2000	Underway
Stakeholders Workshop	Jan 2001	Organized
IAC Study Sub-Committee Meeting	Jan. 2001	To be done
Development of program to address regional transportation issues	Feb. 2001	To be done
Liaison and meetings	Feb. – April 2001	To be done
Review with Stakeholders	March – April 2001	To be done
Submission of Preliminary Report	May-June 2001	To be done
Submission of Final Report	June-July 2001	To be done



REGIONAL DISTRICT OF NANAIMO

JAN 2 2001

CHAIR		GMCrS	
CAO		GMDS	
GMCrS		GMES	

MEMORANDUM

TO: K. Daniels
Chief Administrative Officer

DATE:

January 3, 2001

FROM: C. Mason
General Manager, Corporate Services

FILE:

SUBJECT: Regional Services Review Bylaws

PURPOSE:

To present for consideration bylaws for the functions of transit, septage, recreation and regional parks, with amendments as directed in the 'Regional Service Review - Agreement in Principle Recommendations' as approved by the Board on December 12, 2000.

BACKGROUND:

At the December 12th Board meeting, the following recommendations were approved by the Board:

1. That the Regional District of Nanaimo Board and the City of Nanaimo, City of Parksville, and Town of Qualicum Beach Councils support the recommendations of the Steering Committee as presented, with a septage charge of \$0.09 in 2001 and \$0.16 in 2002;
2. That the necessary bylaws be brought forward to the January 9, 2001 Board meeting for introduction and first three readings;
3. That a Committee of the Electoral Area Directors be formed to develop and implement a public consultation process based upon the Board Public Consultation Framework Policy to undertake public consultation during January - February 2001;
4. That input from the public consultation process be brought forward to the March Board meeting with the bylaws and service agreements for consideration.

With the direction of these resolutions, staff have prepared amendments to transit, septage, recreation and regional parks bylaws. The amendments have been drafted based upon the governance and cost sharing principles developed by the Board and have been reviewed by the Regional District solicitor and Municipal Affairs staff to ensure compliance with the provisions of the Local Government Act. The following bylaws are presented for the Board's consideration:

Transit Function:

- a) "Southern Community Transit Service Area Conversion Bylaw No. 1230, 2001"
- b) "Regional District of Nanaimo District 69 Conventional Transit Local Service Area Amendment Bylaw No. 897.03, 2001"
- c) "Regional District of Nanaimo District 69 Custom Transit and Paratransit Local Service Area Amendment Bylaw No. 908.04, 2001"

Septage Function:

- a) "Southern Community Sewer Local Service Area Amendment Bylaw No. 888.02, 2001"
- b) "Northern Community Sewer Local Service Area Amendment Bylaw No. 889.15, 2001"
- c) "Regional District of Nanaimo Trucked Liquid Waste Disposal Amendment Bylaw No. 988.03, 2001"

Recreation & Sports Fields:

- a) "Southern Community Recreation Local Service Area Amendment Bylaw No. 1059.01, 2001"
- b) "Joint Civic Properties and Recreation Commission Local Service Area Amendment Bylaw No. 861.01, 2001"

Regional Parks:

- a) "Regional District of Nanaimo Regional Parks and Trails Service Area Conversion Bylaw No. 1231, 2001"

The bylaws are attached for the Board's review and include revised cost allocation formulas, where applicable, to recognize the principles established by the Board. Service agreements will be developed over the next two months for consideration at the March Board meeting to address outstanding service agreement issues.

ALTERNATIVES:

- 1. Approve the Amendment Bylaws as presented;
- 2. Approve the Amendment Bylaws as amended by the Board;
- 3. Do not proceed with amending the bylaws at this time.

FINANCIAL IMPLICATIONS:

As presented in the report at the December Board meeting, based upon the 2000 budget, the overall impact to the participants is as follows:

PARTICIPANT	COST IMPACT (2000 Budget Year)	Electoral Area Tax Impact (2000 Budget Year)
City of Nanaimo	(\$140,499)	
City of Parksville	(\$160,350)	
Town of Qualicum Beach	(\$60,360)	
Electoral Area A (transit)	(\$9,236)	-4.3%
Electoral Area A (non-transit)	\$19,737	4.0%
Electoral Area B	\$207	0.0%
Electoral Area C	(\$84,156)	-19.9%
Electoral Area D	\$29,479	4.5%
Electoral Area E	\$15,876	1.8%
Electoral Area F	\$32,259	4.5%
Electoral Area G (sewer)	(\$48,333)	-7.7%
Electoral Area G (non-sewer)	\$1,950	0.4%
Electoral Area H	(\$3,377)	-0.6%

The impact of these changes for each participant will not change in 2001, except for the sewer function, where there are approved increases to the Southern and Northern Community Sewer functions. The overall changes to the 2001 tax requisitions will be based primarily upon service level changes in other functions, which have already been approved by the Board in the provisional budget.

PUBLIC CONSULTATION IMPLICATIONS:

A series of open houses have been scheduled across the District to inform the public on the details of the Regional Service Review. The following table shows the tentative dates for open houses to be held from 7 pm – 9 pm:

February 5 th	Agricultural Hall, Gabriola Island
February 7 th	Bradley Centre, Coombs
February 8 th	Costin Hall, Lantzville
February 12 th	Nanoose Community Hall, Nanoose Bay
February 15 th	St. Columba Hall, French Creek
February 19 th	Cedar Community Hall, Cedar

In addition, a newsletter will be sent to all households within the Regional District explaining the intent of the Regional Services Review and explaining how the changes will impact on residents of the District.

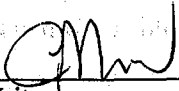
CONCLUSIONS:

At the December Board meeting staff were directed to prepare bylaw amendments for the transit, septage, recreation and regional parks functions in order to proceed with the implementation of the Regional Services Review recommendations. Bylaws have now been prepared that incorporate these changes and are being presented for introduction and first three readings. If the first three readings are approved, the bylaws will then be forwarded to the Ministry of Municipal Affairs for approval by the Inspector of Municipalities, and to the Municipalities for consent where applicable, and will return to the March Board meeting, along with service agreements, for final adoption.

RECOMMENDATION:

1. That the "Southern Community Transit Service Area Conversion Bylaw No. 1230, 2001" be introduced, read three times and forwarded to the Inspector of Municipalities for approval;
2. That the "Regional District of Nanaimo District 69 Conventional Transit Local Service Area Amendment Bylaw No. 897.03, 2001" be introduced, read three times and forwarded to the Inspector of Municipalities for approval;
3. That the "Regional District of Nanaimo District 69 Custom Transit and Paratransit Local Service Area Amendment Bylaw No. 908.04, 2001" be introduced, read three times and forwarded to the Inspector of Municipalities for approval;
4. That the "Southern Community Sewer Local Service Area Amendment Bylaw No. 888.02, 2001" be introduced, read three times and forwarded to the Inspector of Municipalities for approval;
5. That the "Northern Community Sewer Local Service Area Amendment Bylaw No. 889.15, 2001" be introduced, read three times and forwarded to the Inspector of Municipalities for approval;

6. That the "Regional District of Nanaimo Trucked Liquid Waste Disposal Amendment Bylaw No. 988.03, 2001" be introduced and read three times;
7. That the "Southern Community Recreation Local Service Area Amendment Bylaw No. 1059.01, 2001" be introduced, read three times and forwarded to the Inspector of Municipalities for approval;
8. That the "Joint Civic Properties and Recreation Commission Local Service Area Amendment Bylaw No. 861.01, 2001" be introduced, read three times and forwarded to the Inspector of Municipalities for approval;
9. That the "Regional District of Nanaimo Regional Parks and Trails Service Area Establishment Bylaw No. 1231, 2001" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.



Report Writer



C.A.O. Concurrence

COMMENTS:

Rpt - Regional Services Review AIP Bylaws (January 2001).doc

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1230

**A BYLAW TO ESTABLISH A SERVICE
FOR CONVENTIONAL AND CUSTOM TRANSIT
SERVICES IN SCHOOL DISTRICT 68**

WHEREAS the Regional District of Nanaimo, by Supplementary Letters Patent dated October 30th, 1969 and subsequent amendments thereto, was granted the function Division VII – Bus Transit System in the City of Nanaimo and in defined areas of Electoral Areas ‘A’ and ‘D’;

AND WHEREAS the Board of the Regional District of Nanaimo has undertaken a review (Regional Services Review 2000) of the provision of service established under Supplementary Letters Patent;

AND WHEREAS the Board of the Regional District of Nanaimo wishes, under Sections 774.2(3) of the *Local Government Act*, to convert the service to one exercised under the authority of a bylaw, establish the service and, by the same bylaw, amend the power to the extent it could if the power were exercised under the authority of a bylaw establishing the service;

AND WHEREAS the Board of the Regional District of Nanaimo has obtained the consent of two thirds of the participants pursuant to Section 802(1)(b) of the *Local Government Act*;

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

1. **Service.**

A service including the function Division VII – Bus Transit System granted to the Regional District of Nanaimo by Supplementary Letters Patent dated October 30th, 1969 and subsequent amendments thereto, is established for the purposes of owning and operating a conventional and custom transit service.

2. **Boundaries.**

The boundaries of the local service area are coterminous with the boundaries of the City of Nanaimo, Electoral Area ‘D’, and a defined portion of Electoral Area A as shown on Schedule A attached to and forming a part of this bylaw.

3. **Participating Areas.**

The City of Nanaimo, Electoral Areas ‘A’ and ‘D’ are the participating areas for the service.

4. **Cost Recovery.**

The annual cost of the service shall be recovered by one or more of the following:

- (a) the requisition of monies under Section 803(1)(a) of the *Local Government Act* to be collected by a property value tax to be levied and collected under Section(s) 805.1(1)(a), 806.1(1)(a) of the *Local Government Act*.

(b) revenues raised by way of agreement, enterprise, gift, grant or otherwise as provided in Section 803(1)(e) of the *Local Government Act*;

5. **Requisition**

In accordance with Section 800.1(1)(e) of the *Local Government Act*, the maximum amount that may be requisitioned under Section 803(1)(a) for the service shall be the greater of:

- (a) two million one hundred and forty thousand dollars (\$2,140,000); or
- (b) the product obtained by multiplying the net taxable value of land and improvements for hospital purposes within the service area by a property value tax rate of \$0.42 per thousand dollars of assessment.

6. **Apportionment**

(1) In this Section "Annual Operating Agreement" means an Operating Agreement as defined in the *British Columbia Transit Act*.

(2) Each participating area shall be apportioned the costs of the service based on the percentage derived from the following formula:

77% x that proportion of revenue hours attributed to a participating area to the total revenue hours identified in the then current year Annual Operating Agreement

plus

23% x that proportion of revenue kilometers attributed to a participating area to the total revenue kilometers identified in the then current year Annual Operating Agreement.

7. This bylaw may be cited as the "Southern Community Transit Service Area Conversion Bylaw No. 1230, 2001".

Introduced and read three times this 9th day of January, 2001.

Received the approval of the Inspector of Municipalities this _____ day of _____, 2001.

Adopted this _____ day of _____, 2001.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 897.03

**A BYLAW TO AMEND THE APPORTIONMENT
FORMULA OF THE DISTRICT 69 CONVENTIONAL
TRANSIT LOCAL SERVICE AREA**

WHEREAS the Board of the Regional District of Nanaimo has undertaken a review (Regional Services Review 2000) of the provision of service established under Regional District of Nanaimo District 69 Conventional Transit Local Service Area Establishment Bylaw No. 897, 1993;

AND WHEREAS the Board of the Regional District of Nanaimo wishes to amend the apportionment formula established under Regional District of Nanaimo District 69 Conventional Transit Local Service Area Establishment Bylaw No. 897, 1993;

AND WHEREAS the Board of the Regional District of Nanaimo has obtained the consent of two thirds of the participants pursuant to Section 802(1)(b) of the *Local Government Act*;

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

Regional District of Nanaimo District 69 Conventional Transit Local Service Area Establishment Bylaw No. 897, 1993 is amended by;

1. Deleting Section 5 and substituting the following:

5. Apportionment

(1) In this section "Annual Operating Agreement" means an Operating Agreement as defined in the *British Columbia Transit Act*.

(2) Each participating area shall be apportioned the costs of the service based on the percentage derived from the following formula:

$77\% \times$ that proportion of revenue hours attributed to a participating area to the total revenue hours identified in the then current year Annual Operating Agreement

plus

$23\% \times$ that proportion of revenue kilometers attributed to a participating area to the total revenue kilometers identified in the then current year Annual Operating Agreement.

2. This bylaw may be cited as "Regional District of Nanaimo District 69 Conventional Transit Local Service Area Amendment Bylaw No. 897.03, 2001".

Introduced and read three times this 9th day of January, 2001.

Received the approval of the Inspector of Municipalities this _____ day of _____, 2001.

Adopted this _____ day of _____, 2001.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 908.04

**A BYLAW TO AMEND THE APPORTIONMENT
FORMULA OF THE DISTRICT 69 CUSTOM TRANSIT
AND PARATRANSIT LOCAL SERVICE AREA**

WHEREAS the Board of the Regional District of Nanaimo has undertaken a review (Regional Services Review 2000) of the provision of service established under Regional District of Nanaimo District 69 Custom Transit and Paratransit Local Service Area Establishment Bylaw No. 908, 1993;

AND WHEREAS the Board of the Regional District of Nanaimo wishes to amend the apportionment formula established under Regional District of Nanaimo District 69 Custom Transit and Paratransit Local Service Area Establishment Bylaw No. 908, 1993;

AND WHEREAS the Board of the Regional District of Nanaimo has obtained the consent of two thirds of the participants pursuant to Section 802(1)(b) of the *Local Government Act*;

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

Regional District of Nanaimo District 69 Custom Transit and Paratransit Local Service Area Establishment Bylaw No. 908, 1993 is amended by:

1. Deleting Section 5 and substituting the following:

5. Apportionment

(1) In this section "Annual Operating Agreement" means an Operating Agreement as defined in the *British Columbia Transit Act*.

(2) Each participating area shall be apportioned the costs of the service based on the percentage derived from the following formula:

$77\% \times$ that proportion of revenue hours attributed to a participating area in relation to the total revenue hours identified in the then current year Annual Operating Agreement

plus

$23\% \times$ that proportion of revenue kilometers attributed to a participating area to the total revenue kilometers identified in the then current year Annual Operating Agreement.

2. This bylaw may be cited as "Regional District of Nanaimo District 69 Custom Transit and Paratransit Local Service Area Amendment Bylaw No. 908.04, 2001".

Introduced and read three times this 9th day of January, 2001.

Received the approval of the Inspector of Municipalities this _____ day of _____, 2001.

Adopted this _____ day of _____, 2001.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 888.02

**A BYLAW TO AMEND THE APPORTIONMENT
FORMULA IN THE SOUTHERN COMMUNITY
SEWER LOCAL SERVICE AREA BYLAW NO. 888**

WHEREAS the Board of the Regional District of Nanaimo has undertaken a review (Regional Services Review 2000) of the provision of service established under Regional District of Nanaimo Southern Community Sewer Local Service Conversion Bylaw No. 888, 1993;

AND WHEREAS the Regional Services Review 2000 allocates the net costs of the Southern Community Sewer Local Service to the City of Nanaimo and the Board wishes to apportion the net costs of the service in 2001 on the same basis;

AND WHEREAS the Board of the Regional District of Nanaimo wishes to amend the apportionment formula established in Regional District of Nanaimo Southern Community Sewer Local Service Conversion Bylaw 888, 1993;

AND WHEREAS the Board of the Regional District of Nanaimo has obtained the consent of two thirds of the participants pursuant to Section 802(1)(b) of the *Local Government Act*;

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

Regional District of Nanaimo Southern Community Sewer Local Service Conversion Bylaw No. 888, 1993 is amended as follows:

1. By deleting Section 5 and substituting the following:

5. Apportionment

In this section:

(a) "Annual Costs" means the costs of the service established under this bylaw to be requisitioned in any year less:

- (i) Net Septage Costs
- (ii) Annual debt costs pursuant to 5(c)(ii); and

"Benefitting Area" means:

- (i) in respect of the electoral areas, the area shown outlined on Schedule A; and
- (ii) in respect of the municipalities, the area identified in any bylaw referred to in Section 6(a).

"Net Septage Costs" means the amount by which Septage Cost less Septage Revenue, exceeds zero.

"Non-Benefitting Area" means the converted value for land and improvements of an electoral area or part of an electoral area or the converted value of land and improvements (general basis) of part of a municipality within the service area established under Section 2, but not included within a Benefitting Area.

"Septage Cost" means the cost of treating and disposing of septage, which is calculated by multiplying the actual expenditures incurred for the Southern Community Sewer Service in the immediately preceding year, by the proportion that septage gallons delivered to the septage receiving facility in the immediately preceding year is of the total gallons treated at the treatment plant in the immediately preceding year:

$$\frac{\text{Septage Gallons Delivered In Preceding Year}}{\text{Total Gallons Treated In Preceding Year}} \times \text{Actual Expenditures In Preceding Year}$$

"Septage Revenue" means the total of fees and charges imposed by the Regional District for use of a septage receiving facility budgeted in the current year.

- (b) For the year 2001 costs shall be apportioned as follows:

	%	<u>Expected 2001 Cost</u>
City of Nanaimo	100	\$4,074,230

- (c) For years subsequent to 2001 costs shall be apportioned among the participating areas as follows:
- (i) Net Septage Costs shall be apportioned among the Non-Benefitting Areas on the basis of converted values for land and improvements for hospital purposes in the electoral areas and general purposes in the municipalities.
 - (ii) Annual debt costs for those issues listed on Schedule B shall be apportioned to the Benefitting Area(s) in respect of which the debt is incurred, on the basis of converted values for land and improvements for hospital purposes in the electoral areas and general purposes in the municipalities.
 - (iii) Annual Costs shall be apportioned among the Benefitting Areas on the basis of sewage flow measured in the immediately preceding year ending December 31st, with the share of such costs for a participating area equivalent to the percentage of flow for that area in relation to the total combined flow for all the Benefitting Areas.

2. Section 8 is deleted and the remaining Sections are re-numbered consecutively from Section 7.
3. Schedule B is hereby deleted and a new Schedule B attached hereto and forming part of this bylaw is substituted.
4. Schedule C is hereby deleted.
5. This bylaw may be cited as "Southern Community Sewer Local Service Area Amendment (Apportionment) Bylaw No. 888.02, 2001".

Introduced and read three times this 9th day of January, 2001.

Received the approval of the Inspector of Municipalities this _____ day of _____, 2001.

Adopted this _____ day of _____, 2001.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager, Corporate Services

**REGIONAL DISTRICT OF NANAIMO
SCHEDULE OF DIRECT DEBT CHARGES**

There are no issues identified.

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 889.15

**A BYLAW TO AMEND THE BOUNDARIES AND
THE APPORTIONMENT FORMULA OF THE
NORTHERN COMMUNITY SEWER
LOCAL SERVICE AREA**

WHEREAS the Board of the Regional District of Nanaimo has undertaken a review (Regional Services Review 2000) of the provision of service established under Regional District of Nanaimo Northern Community Sewer Local Service Conversion Bylaw 889, 1993;

AND WHEREAS the Regional Services Review 2000 allocated net costs of the Northern Community Sewer Service of \$2,784,917 among the participating areas as follows:

City of Parksville	\$1,292,123	46.4%
Town of Qualicum Beach	\$ 839,114	30.1%
Electoral Area "E"	\$ 74,025	2.7%
Electoral Area "F"	\$ 54,046	1.9%
Electoral Area "G" (that part within the Benefitting Area)	\$ 447,770	16.1%
Electoral Area "G" (that part not within the Benefitting Area)	\$ 35,228	1.3%
Electoral Area "H"	\$ 42,611	1.5%

and the Board wishes to apportion the net costs of the service in 2001 on the same basis.

AND WHEREAS the Board of the Regional District of Nanaimo wishes to change the apportionment formula established under Regional District of Nanaimo Northern Community Sewer Local Service Conversion Bylaw 889, 1993;

AND WHEREAS the Board of the Regional District of Nanaimo has obtained the consent of two thirds of the participants pursuant to Section 802(1)(b) of the *Local Government Act*;

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

Regional District of Nanaimo Northern Community Sewer Local Service Conversion Bylaw No. 889, 1993 is amended as follows:

1. By deleting Section 5 and substituting the following:

5. Apportionment

In this section:

- (a) **“Annual Costs”** means the costs of the service established under this bylaw to be requisitioned in any year less:
- (i) Net Septage Costs; and
 - (ii) Schedule A Annual Debt Cost.

“Benefitting Area” means

- (i) in respect of the electoral areas, the area shown outlined on Schedule C; and
- (ii) in respect of the municipalities, the area identified in any bylaw referred to in Section 6(a).

“Septage Cost” means the cost of treating and disposing of septage, which is calculated by multiplying the actual expenditures incurred for the Northern Community Sewer Service in the immediately preceding year, by the proportion that septage gallons delivered to the septage receiving facility in the immediately preceding year is of the total gallons treated at the treatment plant in the immediately preceding year:

$$\frac{\text{Septage Gallons Delivered In Preceding Year}}{\text{Total Gallons Treated In Preceding Year}} \times \text{Actual Expenditures In Preceding Year}$$

“Non-Benefitting Area” means the converted value of land and improvements for an electoral area or part of an electoral area or the converted value of land and improvements (general basis) of part of a municipality within the service area established under Section 2, but not included within a Benefitting Area.

“Schedule A Annual Debt Cost” means the principal and interest payable in each calendar year for the amortization of debenture and other debt for pump stations and interceptors.

“Net Septage Costs” means the amount by which Septage Cost less Septage Revenue exceeds zero.

“Septage Revenue” means the total of fees and charges imposed by the Regional District for use of a septage receiving facility budgeted in the current year.

(b) For the year 2001 the costs shall be apportioned among the participants as follows:

	<u>Percentage</u>	<u>Expected 2001 Cost</u>
City of Parksville	46.4%	\$1,346,968
Town of Qualicum Beach	30.1%	874,760
Electoral Area 'E'	2.7%	77,157
Electoral Area 'F'	1.9%	56,332
Electoral Area 'G' (that part which is a Benefitting Area)	16.1%	466,386
Electoral Area 'G' (that part which is a Non-Benefitting Area)	1.5%	44,414
		<u>\$2,902,735</u>

(c) For years subsequent to 2001 the costs requisitions shall be apportioned among the participating areas as follows:

- (i) Net Septage Costs shall be apportioned among the Non-Benefitting Areas on the basis of converted values for land and improvements for hospital purposes in the electoral areas and general purposes in the municipalities.
- (ii) Schedule A Annual Debt Cost shall be apportioned to the Benefitting Area in respect of which the debt is incurred, on the basis of converted values for land and improvements for hospital purposes in the electoral areas and general purposes in the municipalities.
- (iii) Annual Costs shall be apportioned among the Benefitting Areas on the basis of sewage flow measured in the immediately preceding year ending December 31st, with the share of such costs for a participating area equivalent to the percentage of flow for that area in relation to the total combined flow for all the Benefitting Areas.

- 2. Section 8 of Bylaw 889 is deleted and the remaining sections are re-numbered consecutively from Section 7.
- 3. This bylaw may be cited as "Northern Community Sewer Local Service Area Amendment (Apportionment) Bylaw No. 889.15, 2001".

Introduced and read three times this 9th day of January, 2001.

Received the approval of the Inspector of Municipalities this _____ day of _____, 2001.

Adopted this _____ day of _____, 2001.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 988.03

**A BYLAW TO AMEND REGIONAL
DISTRICT OF NANAIMO TRUCKED
LIQUID WASTE DISPOSAL
BYLAW NO. 988**

WHEREAS the "Regional District of Nanaimo Trucked Liquid Waste Disposal Bylaw No. 988, 1995", provided for the discharge of trucked liquid waste into septage disposal facilities operated by the Regional District of Nanaimo;

AND WHEREAS the Board wishes to amend Bylaw No. 988;

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

1. Schedule 'C' of Bylaw No. 988 is hereby repealed and Schedule 'C' attached hereto and forming part of this bylaw, is substituted therefor.
2. This bylaw may be cited as "Regional District of Nanaimo Trucked Liquid Waste Disposal Amendment Bylaw No. 988.03, 2001".

Introduced and read three times January 9th, 2001.

Adopted this ____ day of _____, 2001.

CHAIRPERSON

SECRETARY

Chairperson

Secretary

BYLAW NO. 988.03

SCHEDULE 'C'

FEEES

Charges for disposal of septage and at Liquid Waste Management Facilities effective March 1, 2001:

- | | | |
|----|---|-----------|
| 1. | Annual Administration Fee | \$ 50.00 |
| 2. | Application Fee | \$ 300.00 |
| 3. | User Fee: | |
| | For each gallon of septage in 2001 | \$ 0.12 |
| | Beginning in 2002 each gallon of septage | \$ 0.16 |
| | For each gallon of holding tank waste
from residents within the Pump and Haul Local Service Area | \$ 0.01 |

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1059.01

**A BYLAW TO AMEND THE PARTICIPANTS, THE LIMITS AND
THE APPORTIONMENT OF COSTS WITHIN THE SOUTHERN COMMUNITY
RECREATION LOCAL SERVICE AREA**

WHEREAS the Board of the Regional District of Nanaimo has undertaken a review (Regional Services Review 2000) of the provision of service established under Southern Community Recreation Local Service Area Bylaw No. 1059, 1996;

AND WHEREAS the Board of the Regional District of Nanaimo wishes to amend the participating areas for the local service by adding Electoral Area B as a participating area;

AND WHEREAS the Board of the Regional District of Nanaimo wishes to increase the maximum amount raised for the purposes established under Southern Community Recreation Local Service Area Bylaw No. 1059, 1996;

AND WHEREAS the Board of the Regional District of Nanaimo wishes to amend the apportionment formula established in Southern Community Recreation Local Service Area Bylaw No. 1059, 1996; to provide for apportionment of the costs of sportsfield operation and maintenance and recreation services among the participating areas on the basis of surveys of sportsfield usage and recreation services, to be carried out pursuant to an agreement between the Regional District of Nanaimo and the City of Nanaimo;

AND WHEREAS the Board of the Regional District of Nanaimo has obtained the consent of two thirds of the participants pursuant to section 802(1)(b) of the *Local Government Act*;

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

Southern Community Recreation Local Service Area Bylaw No. 1059, 1996 is amended as follows:

1. By deleting Section 2 and replacing it with the following:

“The boundaries of the service area are coterminous with the boundaries of Electoral Areas ‘A’, ‘B’, ‘C’ and ‘D’.”

2. By deleting Section 3 and replacing it with the following:

“Electoral Areas ‘A’, ‘B’, ‘C’ and ‘D’ are the participating areas for the service.”

3. By deleting Section 4 and replacing it with the following:

The annual cost of the service shall be recovered by one or more of the following methods:

- (a) the requisition of money under Section 803(1)(a) of the *Local Government Act* to be collected by a property value tax levied and collected under Section 806.1(1)(a) of the *Local Government Act*.
- (b) the imposition of fees and charges under Section 797.2 of the *Local Government Act*;
- (c) revenues raised by other means authorized under the *Local Government Act* or another Act;
- (d) revenues received by way of agreement, enterprise, gift, grant or otherwise as provided by Section 803(1)(e) of the *Local Government Act*.

4. By deleting Section 5 and replacing it with the following:

In accordance with Section 800.1(1)(e) of the *Local Government Act* the maximum amount that may be requisitioned under Section 803(1)(a) for this service shall be the greater of:

- (a) five hundred and eighty seven thousand dollars (\$587,000); or
- (b) the product obtained by multiplying the net taxable value of land and improvements within the service area by a property value tax rate of \$0.115 per thousand dollars of assessment.

5. By deleting Section 6 and replacing it with the following:

- (a) The annual budget for the service shall identify separately amounts for recreation services and amounts for the operation and maintenance of sportsfields.
- (b) The annual cost of the service shall be apportioned among the participating areas on the following basis:
 - (i) for the year 2001:

	<u>Sportsfields</u>	<u>Recreation</u>	<u>Total</u>
Electoral Area A	\$ 69,296	\$ 115,793	\$ 185,089
Electoral Area B	3,600	85,224	88,824
Electoral Area C	7,200	14,822	22,022
Electoral Area D	54,897	181,564	236,461

- (ii) for years subsequent to 2001:
 - (x) the cost of sportsfield operations and maintenance shall be apportioned among the participants on the basis of percentages established by a survey of sportsfield usage; and
 - (xi) the cost of recreation services shall be apportioned among the participants on the basis of percentages established by a survey of recreation services usage.

6. This bylaw may be cited as the "Southern Community Recreation Local Service Area Amendment Bylaw No. 1059.01, 2001".

Introduced and read three times this 9th day of January, 2001.

Received the approval of the Inspector of Municipalities this _____ day of _____, 2001.

Adopted this _____ day of _____, 2001.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 861.01

**A BYLAW TO AMEND THE APPORTIONMENT OF
COSTS IN THE JOINT CIVIC PROPERTIES AND
RECREATION COMMISSION LOCAL
SERVICE AREA**

WHEREAS the Board of the Regional District of Nanaimo has undertaken a review (Regional Services Review 2000) of the provision of service established under Joint Civic Properties and Recreation Commission Local Service Area Establishment Bylaw No. 861, 1992;

AND WHEREAS the Board of the Regional District of Nanaimo wishes to amend the apportionment formula established under Joint Civic Properties and Recreation Commission Local Service Area Establishment Bylaw No. 861, 1992; to provide for apportionment of the costs of sportsfield operation and maintenance among the Electoral Area participants on the basis of a survey of sportsfield usage carried out pursuant to agreements between the Regional District of Nanaimo and the City of Parksville and the Town of Qualicum Beach;

AND WHEREAS the Board of the Regional District of Nanaimo has obtained the consent of two thirds of the participants pursuant to Section 802(1)(b) of the *Local Government Act*;

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

Joint Civic Properties and Recreation Commission Local Service Area Establishment Bylaw No. 861, 1992 is amended by:

1. Deleting Section 3 and substituting the following:
 3. The annual budget for the service shall identify separately amounts for recreation programming, and amounts for the operation and maintenance of sports fields.
2. Renumbering the existing Section 4 as Section 5, and Section 5 as Section 7.
3. Adding a new Section 4 as follows:
 4. The annual costs for this service may be recovered by one or more of the following methods:
 - a). requisition of money under Section 803(1)(a) of the *Local Government Act* to be collected by a property value tax levied and collected under Section 805.1(1)(a) and 806.1(1)(a) of the *Local Government Act*.

- b) the imposition of fees and other charges under Section 797.2 of the *Local Government Act*;
- c) revenues raised by other means authorized under the *Local Government Act* or another Act; and
- d) revenues received by way of agreement, enterprise, gift, grant or otherwise as provided by Section 803(1)(e) of the *Local Government Act*; and

4. Adding a new Section 6 as follows:

6. The annual costs of the service shall be apportioned as follows:

(i) for the year 2001:

- (a) the amount of \$101,333 for the operation and maintenance of sportsfields shall be allocated as:

Electoral Area E	\$ 37,781
Electoral Area F	39,032
Electoral Area G	18,515
Electoral Area H	6,005

- (b) all other costs after deducting (a) above and after deducting all sources of revenue, shall be apportioned among all the participating areas on the basis of converted values for land and improvements for hospital purposes.

(ii) for years subsequent to 2001:

- (a) the amounts budgeted for sportsfield operation and maintenance shall be apportioned among Electoral Areas 'E', 'F', 'G' and 'H' on the basis of percentages as established by a survey of sportsfield usage; and
- (b) the remainder of annual costs not included in paragraph (a), after deducting all sources of revenues, shall be apportioned among all the participating areas on the basis of converted values for land and improvements for hospital purposes.

5. This bylaw may be cited as "Joint Civic Properties and Recreation Commission Local Service Area Amendment Bylaw No. 861.01, 2001".

Introduced and read three times this 9th day of January, 2001.

Received the approval of the Inspector of Municipalities this _____ day of _____, 2001.

Adopted this _____ day of _____, 2001.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1231

**A BYLAW TO CONVERT THE FUNCTION OF
DIVISION XXVI – REGIONAL PARKS TO
A SERVICE**

WHEREAS the Board of the Regional District of Nanaimo, by way of Supplementary Letters Patent dated the 28th day of July, 1989, was granted the authority of Division XXVI – Regional Parks;

AND WHEREAS the Board of the Regional District of Nanaimo has undertaken a review (Regional Services Review 2000) of the provision of service established under Supplementary Letters Patent;

AND WHEREAS the Board of the Regional District of Nanaimo wishes, under Section 774.2(3) of the *Local Government Act*, to convert the service to one exercised under the authority of a bylaw, establish the service and by the same bylaw, amend the power to the extent it could if the power were exercised under the authority of a bylaw establishing the service;

AND WHEREAS the Board of the Regional District of Nanaimo wishes to recover a portion of the costs of operation, maintenance and development from the participating areas and the balance by way of agreement from the City of Nanaimo, City of Parksville and Town of Qualicum Beach, and to apportion the costs of acquisition and major capital among the participating areas;

AND WHEREAS the Board of the Regional District of Nanaimo has obtained the consent of two thirds of the participants under Section 802(1)(b) of the *Local Government Act* of 2/3 of the participants;

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

1. Service

A service including the function Division XXVI – Regional Parks, as conveyed by Supplementary Letters Patent dated July 28, 1989, is hereby established for the purpose of acquiring, developing and operating regional parks and regional trails.

2. Boundaries

The boundaries of the service area shall be coterminous with the boundaries of Electoral Areas 'A', 'B', 'C', 'D', 'E', 'F', 'G' and 'H'.

3. Participating Areas

Electoral Areas 'A', 'B', 'C', 'D', 'E', 'F', 'G' and 'H' shall be the participating areas.

4. **“Cost Recovery”**

The annual costs for this service may be recovered by one or more of the following:

- (a) the requisition of money under Section 803(1)(a) of the *Local Government Act* to be collected by a property value tax levied and collected under Section 806.1(1)(a).
- (b) the imposition of fees and other charges under Section 797.2 of the *Local Government Act*.
- (c) revenues raised by other means authorized by the *Local Government Act*, or another Act.
- (d) revenues received by way of agreement, enterprise, gift, grant or otherwise; as provided by Section 803(1)(e) of the *Local Government Act*.

5. **“Requisition”**

In accordance with Section 800.1(1)(e) of the *Local Government Act*, the maximum amount that may be requisitioned under Section 803(1)(a) for this service shall be the greater of:

- (a) the sum of four hundred thousand dollars (\$400,000); or
- (b) the product obtained by multiplying the net taxable value of land and improvements within the service area by a property value tax rate of \$0.122 cents per thousand dollars of assessment.

6. **“Apportionment”**

The annual costs of the service shall be apportioned among the participating areas as follows:

- (a) For the year 2001:

	<u>Operations</u>	<u>Acquisition</u>	<u>Total</u>
Electoral Area 'A'	\$ 6,633	\$ 24,823	\$ 31,456
Electoral Area 'B'	3,749	18,419	22,168
Electoral Area 'C'	1,616	12,764	14,370
Electoral Area 'D'	5,288	20,524	25,812
Electoral Area 'E'	5,041	25,181	30,222
Electoral Area 'F'	5,699	22,843	28,542
Electoral Area 'G'	6,929	28,931	35,860
Electoral Area 'H'	3,254	15,273	18,527

- (b) For years subsequent to 2001:

- (i) the costs of operation, maintenance and development of regional parks and regional trails shall be apportioned on the basis of population with the share of such costs apportioned to a participating area being equivalent to the percentage of that participating area's population in relation to the total of the combined population of all municipalities and electoral areas within the Regional District.

- (ii) the costs of acquisition and major capital costs for regional parks and trails shall be apportioned among the participating areas on the basis of 50% population and 50% on the basis of the converted value of land and improvements in the service area.
 - (c) In any year, the population of a participating area or municipality shall be determined having reference to the most recent population census.
 - (d) In the absence of an agreement, all costs shall be apportioned among the participating areas on the basis referred to in subsection (b)(ii).
7. This bylaw may be cited as "Regional District of Nanaimo Regional Parks and Trails Service Area Conversion Bylaw No. 1231, 2001".

Introduced and read three times this 9th day of January, 2001.

Received the approval of the Inspector of Municipalities this _____ day of _____, 2001.

Adopted this _____ day of _____, 2001.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

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