

REGIONAL DISTRICT OF NANAIMO

**BOARD MEETING
TUESDAY, AUGUST 29, 2006
7:00 PM**

(RDN Board Chambers)

A G E N D A

PAGES

- 1. CALL TO ORDER**
- 2. DELEGATIONS**
- 3. BOARD MINUTES**
3-14 Minutes of the Board meeting held July 25, 2006.
- 4. BUSINESS ARISING FROM THE MINUTES**
- 5. COMMUNICATIONS/CORRESPONDENCE**
- 6. UNFINISHED BUSINESS**
- 7. STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS**
- 7.5 SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS**
Extension of Board of Variance Appointment. (Verbal – Director Stanhope)
- 8. ADMINISTRATOR’S REPORTS**
Electoral Area Planning Items: (Electoral Area Directors except EA ‘B’ – One Vote)
15-20 Land Use and Subdivision Bylaw Amendment No. 500.313 – Fern Road Consulting on behalf of L. Pal – Marshland Road – Area H.
21-35 Referral from the District of Lantzville Regarding the Zoning Amendment Application for The Foothills.
36-44 Development Permit Application No. 60632 – Hughes/Sims – 1287 Point Mercer Drive – Area G.
Delegations wishing to speak to DP Application No. 60632.
45-50 Development Permit Application No. 60639 – Acland – 1943 Forest Hill Road – Area A.
Delegations wishing to speak to DP Application No. 60639.

- 51-57 Development Permit Application No. 60641 – Norris-Michaels – 1948 Forest Hill Road – Area A.
Delegations wishing to speak to DP Application No. 60641.
- 58-73 Development Permit Application No. 60643 – Nanaimo Airport Commission – Area A.
Delegations wishing to speak to DP Application No. 60643.
- 74-83 Development Variance Permit Application No. 90518 – Bessembinder – 1977 Harlequin Crescent – Area E.
Delegations wishing to speak to DVP Application No. 90518.
- 84-92 Development Variance Permit Application No. 90616 – Meyer – 3512 Bluebill Place – Area E.
Delegations wishing to speak to DVP Application No. 90616.
- 93-98 Development Variance Permit Application No. 90617 – Phillips – 2471 Schirra Drive – Area E.
Delegations wishing to speak to DVP Application No. 90617.

Committee of the Whole Items:

- 99-103 Regional District of Nanaimo Southern Community Restorative Justice Program Service Bylaw No. 1490. (All Directors – One Vote)
- 104-119 Operating Results to June 30, 2006. (All Directors – One Vote)
- 120-122 Alberni Clayoquot Regional District – 2007 Permissive Tax Exemption. (All Directors – Weighted Vote)

9. ADDENDUM

10. BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

11. NEW BUSINESS

Board Policy Regarding Package Treatment Plants. (Verbal – Director Bartram)

12. BOARD INFORMATION (Separate enclosure on blue paper)

13. ADJOURNMENT

14. IN CAMERA

That pursuant to Section 90(1) (i) of the Community Charter the Board proceed to an In Camera meeting to consider items related to legal issues.

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE REGULAR MEETING OF THE BOARD
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, JULY 25, 2006, AT 7:02 PM IN THE
RDN BOARD CHAMBERS**

Present:

Director J. Stanhope	Chairperson
Director J. Burnett	Electoral Area A
Director B. Sperling	Electoral Area B
Director M. Young	Electoral Area C
Director G. Holme	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H
Alternate	
Director M. Lefebvre	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Director C. Haimc	District of Lantzville
Alternate	
Director M. Unger	City of Nanaimo
Director D. Brennan	City of Nanaimo
Director G. Korpan	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director J. Manhas	

Also in Attendance:

C. Mason	Chief Administrative Officer
T. Osborne	Gen. Mgr. of Recreation & Parks
J. Finnie	Gen. Mgr. of Environmental Services
N. Avery	Manager of Financial Services
N. Tonn	Recording Secretary

DELEGATIONS

Nikki Wright, Seagrass Conservation Working Group, re Greenshores Program.

Ms. Wright provided a power point presentation on the Green Shore program's approach, principles and projects to preserve the coastal ecosystem. The Board was asked to encourage imaginative ways to preserve the coastline ecosystem including its animal habitat and sea grasses.

BOARD MINUTES

MOVED Director McNabb, SECONDED Director Burnett, that the minutes of the regular Board meeting held June 27, 2006 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Harold & Anne Grindl, re Development Variance Permit Application No. 90518 – Bessembinder – 1977 Harlequin Crescent – Area E.

MOVED Director Korpan, SECONDED Director Manhas, that the correspondence from Harold and Anne Grindl regarding Development Variance Permit Application No. 90518 be received.

CARRIED

Norman & Cynthia Kostich, re Development Variance Permit Application No. 90615 – Middleton – 4595 Berbers Drive – Area H.

MOVED Director Korpan, SECONDED Director Manhas, that the correspondence from Norman and Cynthia Kostich regarding Development Variance Permit Application No. 90615 be received.

CARRIED

Larry & Melinda Pope, re Development Variance Permit Application No. 90615 – Middleton – 4595 Berbers Drive – Area H.

MOVED Director Korpan, SECONDED Director Manhas, that the correspondence from Larry and Melinda Pope regarding Development Variance Permit Application No. 90615 be received.

CARRIED

Dean Sharpen, re Development Variance Permit Application No. 90615 – Middleton – 4595 Berbers Drive – Area H.

MOVED Director Korpan, SECONDED Director Manhas, that the correspondence from Dean Sharpen regarding Development Variance Permit Application No. 90615 be received.

CARRIED

UNFINISHED BUSINESS

BYLAWS

For Adoption.

Bylaw No. 500.327.

MOVED Director Young, SECONDED Director Burnett, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.327, 2006” be adopted.

CARRIED

Public Hearing and Third Reading.

Bylaw No. 500.334.

MOVED Director Bartram SECONDED Director Biggemann, that the Report of Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held on June 28, 2006, on “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.334, 2006” be received.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.334, 2006” be given 3rd reading and be referred to the Ministry of Transportation for approval pursuant to the *Highway Act*.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that the conditions, as outlined in Schedule No. 1, be secured and/or completed by the applicant to the satisfaction of the Regional District prior to consideration of adoption of Bylaw No. 500.334, 2006.

CARRIED

STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS

ELECTORAL AREA PLANNING STANDING COMMITTEE

MOVED Director Bartram, SECONDED Director Holme, that the minutes of the Electoral Area Planning Committee meeting held July 11, 2006 be received for information.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. ZA0603 – Mountain Fire Protection District – Corner of Jinglepot Road & Meadow Drive – Area C.

MOVED Director Bartram, SECONDED Director Young, that the minutes of the Public Information Meeting held on June 20, 2006, be received.

CARRIED

MOVED Director Bartram, SECONDED Director Young, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.335, 2006”, to rezone the subject property from Rural 1 to Public 4 to allow the use of the site for a fire hall be given 1st and 2nd reading.

CARRIED

MOVED Director Bartram, SECONDED Director Young, that the public hearing for “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.335, 2006”, be waived and notice in accordance with Section 893 of the *Local Government Act* be given.

CARRIED

MOVED Director Bartram, SECONDED Director Young, that the conditions as outlined in Schedule No. 1 be completed as recommended.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60626 – Fern Road Consulting Ltd., on behalf of P. Adair, G. Adair, R. Knutson and K. Adair – Oakdowne Road - Area H.

MOVED Director Bartram, SECONDED Director Young, that Development Permit Application No. 60626 submitted by Fern Road Consulting Ltd., on behalf of P. Adair, G. Adair, R. Knutson and K. Adair in conjunction with the subdivision on the parcel legally described as Lot 1, District Lot 89, Newcastle District, Plan 36988 and designated within the Environmentally Sensitive Areas Development Permit Area pursuant to the Electoral Area ‘II’ Official Community Plan Bylaw No. 1335, 2003, be approved, subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

DEVELOPMENT VARIANCE PERMIT

Development Variance Permit Application No. 90518 – Bessembinder – 1977 Harlequin Crescent – Area E.

MOVED Director Holme, SECONDED Director Bartram, that this item be referred back to staff.

CARRIED

OTHER

Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement & Request for Acceptance of Park Land Dedication – George Gow on behalf of G. Gow, D. Gow & H. Lechthaler – MacMillan Road – Area A.

MOVED Director Bartram, SECONDED Director Burnett, that the park land proposal submitted by George Gow on behalf of G. Gow, D. Gow and H. Lechthaler in conjunction with the subdivision proposal of Lot 2, Section 16, Range 8, Cranberry District, Except Parts in Plans 8039 and 9378 be accepted in the location and amount as shown on Schedule No. 1 of the staff report.

CARRIED

MOVED Director Bartram, SECONDED Director Burnett, that the request for relaxation of the minimum 10% frontage requirement for proposed Lots 3, 4 and 5 be approved.

CARRIED

DEVELOPMENT VARIANCE PERMIT

Development Variance Permit Application No. 90614 – Tom Hoyt, BCLS, on behalf of Neil Roine – Yellow Point Road – Area A.

MOVED Director Bartram, SECONDED Director Burnett, Development Variance Permit No. 90614, submitted by Tom Hoyt, BCLS, on behalf of Neil Roine, to relax the minimum setback requirement for the proposed interior side lot line from 8.0 metres to 5.0 metres, 4.9 metres and 2.9 metres for three existing accessory buildings in conjunction with the proposed subdivision of Lot 1, Section 5, Range 5, Cedar District, Plan 8608, Except Part in Plan 32954, as shown on Schedule No. 1 of the staff report, be approved subject to the notification requirements subject to the *Local Government Act*.

CARRIED

OTHER

Riparian Areas Regulation Implementation OCP Amendment Bylaw Nos. 1240.03, 1152.03, 1148.04, 814.09, 1055.03, 1115.04, 1335.02, 1007.05 and 1400.01.

MOVED Director Bartram, SECONDED Director Holme, that the Board approve the proposed public consultation strategy contained in the corresponding staff report.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that “Regional District of Nanaimo Electoral Area ‘A’ Official Community Plan Bylaw Amendment Bylaw No. 1240.03, 2006” be given 1st and 2nd reading.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that “Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw Amendment Bylaw No. 1148.04, 2006” be given 1st and 2nd reading.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that "Regional District of Nanaimo East Wellington – Pleasant Valley Official Community Plan Bylaw Amendment Bylaw No. 1055.03, 2006" be given 1st and 2nd reading.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that "Regional District of Nanaimo French Creek Official Community Plan Bylaw Amendment Bylaw No. 1115.04, 2006" be given 1st and 2nd reading.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that "Regional District of Nanaimo Shaw Hill-Deep Bay Official Community Plan Bylaw Amendment Bylaw No. 1007.05, 2006" be given 1st and 2nd reading.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that "Regional District of Nanaimo Englishman River Official Community Plan Bylaw Amendment Bylaw No. 814.09, 2006" be given 1st and 2nd reading.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw Amendment Bylaw No. 1335.02, 2006" be given 1st and 2nd reading.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Bylaw Amendment Bylaw No. 1152.03, 2006" be given 1st and 2nd reading.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw Amendment Bylaw No. 1400.01, 2006" be given 1st and 2nd reading.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that Regional District of Nanaimo Official Community Plan Amendment Bylaw Nos. 1240.03, 2006, 1148.04, 2006, 1055.03, 2006, 1115.04, 2006, 1007.05, 2006, 814.09, 2006, 1335.02, 2006, 1152.03, 2006 and 1400.01, 2006 be considered in conjunction with all applicable Regional District of Nanaimo financial plan.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that Regional District of Nanaimo Official Community Plan Amendment Bylaw Nos. 1240.03, 2006, 1148.04, 2006, 1055.03, 2006, 1115.04, 2006, 1007.05, 2006, 814.09, 2006, 1335.02, 2006, 1152.03, 2006 and 1400.01, 2006 be considered in conjunction with all applicable Regional District of Nanaimo waste management plans.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that Regional District of Nanaimo Official Community Plan Amendment Bylaw Nos. 1240.03, 2006, 1148.04, 2006, 1055.03, 2006, 1115.04, 2006, 1007.05, 2006, 814.09, 2006, 1335.02, 2006, 1152.03, 2006 and 1400.01, 2006 be approved to proceed to Public Hearing.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that the Board delegate an Electoral Area Director to chair the Public Hearing on Regional District of Nanaimo Official Community Plan Amendment Bylaw Nos. 1240.03, 2006, 1148.04, 2006, 1055.03, 2006, 1115.04, 2006, 1007.05, 2006, 814.09, 2006, 1335.02, 2006, 1152.03, 2006 and 1400.01, 2006.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that the Board delegate an Electoral Area Director to act as vice chair for the Public Hearing on Regional District of Nanaimo Official Community Plan Amendment Bylaw Nos. 1240.03, 2006, 1148.04, 2006, 1055.03, 2006, 1115.04, 2006, 1007.05, 2006, 814.09, 2006, 1335.02, 2006, 1152.03, 2006 and 1400.01.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that staff be directed to prepare a report providing more information regarding the property declaration policy for use in determining the presence or absence of a watercourse subject to the Riparian Areas Regulation on a property.

CARRIED

COMMITTEE OF THE WHOLE STANDING COMMITTEE

MOVED Director McNabb, SECONDED Director Holdom, that the minutes of the Committee of the Whole meeting held July 11, 2006 be received for information.

CARRIED

ENVIRONMENTAL SERVICES

LIQUID WASTE

Union of British Columbia Municipalities Community Excellence Awards – Environmental Management System.

MOVED Director Westbrook, SECONDED Director Unger, that the Board support the application to the Union of British Columbia Municipalities Community Excellence Awards from the Liquid Waste Department for their Environmental Management System.

CARRIED

SOLID WASTE

Waste Stream Management Licensing Bylaw Progress Report.

MOVED Director Westbrook, SECONDED Director Holdom, that the Board receive the progress report on Waste Stream Management Licensing Bylaw No. 1386 for information.

CARRIED

Organics Diversion Strategy Progress Report.

MOVED Director Westbrook, SECONDED Director Holdom, that the progress report on the Organics Diversion Strategy be received for information.

CARRIED

RECREATION AND PARKS SERVICES

Review of Park Land Dedication in Conjunction with the Subdivision Application Process – Policy No. C1.5.

MOVED Director Bartram, SECONDED Director Burnett, that the revised Policy C1.5, Review of Park Land Dedication in Conjunction with the Subdivision Application Process, be adopted as presented in Appendix 1 with the following change to Procedure 3 in the Policy:

That the following sentence be added – “At the discretion of the Electoral Area Director, the Chair or one designated member of the Electoral Area Parks and Open Space Advisory Committee may also attend the preliminary meeting.”

CARRIED

REGIONAL TRANSPORTATION AND PLANNING SERVICES

REGIONAL GROWTH STRATEGY

Urban Containment Implementation Agreement.

MOVED Director Bartram, SECONDED Director Holdom, that staff be directed to refer the UCIA to the Electoral Area Planning Committee and RDN member municipalities for comment and confirmation that the UCIA is acceptable.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

Regional Hospital District Select Committee.

MOVED Director Westbrook, SECONDED Director Brennan, that the minutes of the Regional Hospital District Select Committee meeting held June 28, 2006 be received for information.

CARRIED

Arrowsmith Water Service Management Committee.

MOVED Director Lefebvre, SECONDED Director Burnett, that the minutes of the Arrowsmith Water Service Management Committee meeting held April 18, 2006 be received for information.

CARRIED

Climate Change Select Committee.

MOVED Director Bartram, SECONDED Director Biggemann, that the minutes of the Climate Change Select Committee meeting held June 29, 2006 be received for information.

CARRIED

Regional Waste Advisory Committee.

MOVED Director Holme, SECONDED Director Haime, that the minutes of the Regional Waste Advisory Committee meeting held June 29, 2006 be received for information.

CARRIED

Transit Business Plan Update Select Committee.

MOVED Director McNabb, SECONDED Director Burnett, that the minutes of the Transit Business Plan Update Select Committee meeting held June 15, 2006 be received for information.

CARRIED

MOVED Director McNabb, SECONDED Director Manhas, that the District 68 Transit service adjustments for September 5, 2006 be approved.

CARRIED

MOVED Director McNabb, SECONDED Director Manhas, that a report from staff be prepared on partnership opportunities for hospital transportation services.

CARRIED

MOVED Director McNabb, SECONDED Director Manhas, that staff prepare a report on opportunities to obtain more funding for handyDART.

CARRIED

Regional Growth Monitoring Advisory Committee/State of Sustainability Project.

MOVED Director Holdom, SECONDED Director Bartram, that the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meetings held June 14, 2006 and June 28, 2006 be received for information.

CARRIED

Intergovernmental Advisory Committee.

MOVED Director McNabb, SECONDED Director Lefevbre, that the minutes of the Intergovernmental Advisory Committee meeting held June 22, 2006 be received for information.

CARRIED

Regional Parks & Trails Advisory Committee.

MOVED Director McNabb, SECONDED Director Young, that the minutes of the Regional Parks and Trails Advisory Committee meeting held June 13, 2006 be received for information.

CARRIED

MOVED Director McNabb, SECONDED Director Young, that the Regional Board authorize the execution of a 99-year lease with the Nature Trust of BC for the operation and management of Englishman River Regional Park, legally described as Block 602, Nanoose District except Part in Plan VIP76721.

CARRIED

MOVED Director Brennan, SECONDED Director McNabb, that the Regional District be directed to work with the City of Nanaimo on identifying the means to develop a formal parking area and trailhead for the Mt. Benson Regional Park.

CARRIED

Area 'A' Parks and Green Spaces Advisory Committee.

MOVED Director Burnett, SECONDED Director Young, that the minutes of the Electoral Area 'A' Parks and Green Spaces Advisory Committee meeting held May 18, 2006 be received for information.

CARRIED

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

MOVED Director Sperling, SECONDED Director Korpan, that the minutes of the Electoral Area 'B' Parks and Open Space Advisory Committee meeting held April 10, 2006 be received for information.

CARRIED

Nanoose Bay Parks and Open Space Advisory Committee.

MOVED Director Holme, SECONDED Director Korpan, that the minutes of the Nanoose Bay Parks and Open Space Advisory Committee meeting held June 5, 2006 be received for information.

CARRIED

Area 'H' Parks and Open Space Advisory Committee.

MOVED Director Bartram, SECONDED Director Korpan, that the minutes of the Electoral Area 'H' Parks and Open Space Advisory Committee meeting held April 19, 2006 be received for information.

CARRIED

District 69 Recreation Commission.

MOVED Director Bartram, SECONDED Director Brennan, that the minutes of the District 69 Recreation Commission meeting held June 22, 2006 be received for information.

CARRIED

MOVED Director Bartram, SECONDED Director Westbrook, that the Recreation Services Master Plan for Oceanside (2006-2017) be approved to guide the development, management, administration and operations of recreation services in District 69.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that the applicable admission and rental rates in Appendices A, B and C be amended to reflect the new six percent GST rate that will take effect July 1, 2006.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that the program, admission and rental fees for Oceanside Place in 2006/07 be approved as outlined in Appendix A.

CARRIED

MOVED Director Bartram, SECONDED Director Westbrook, that the program, admission and rental fees for Ravensong Aquatic Centre in 2007 be approved as outlined in Appendix B.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that the Recreation Coordinating program fees and recovery rates, administration fee and revenue-sharing percentage ratio for Term Instructor (Companies) agreements for 2007 be approved as outlined in Appendix C.

CARRIED

Director Holme left the meeting citing a possible conflict of interest with the next item as he is the President of the Parksville Curling Club Society.

MOVED Director Bartram, SECONDED Director McNabb, that the Regional District of Nanaimo approve the revised Sublease with the Parksville Curling Club Society with amendments made to Section 5.21 and the addition of Sections 5.22 and 5.23 for the use of the District 69 Arena for the term of October 1, 2003 to March 31, 2008.

CARRIED

Director Holme returned to the meeting.

NEW BUSINESS

Building Inspection – Electoral Areas A, F and H.

MOVED Director Bartram, SECONDED Director Holdom, that staff be instructed to bring forward a report on the implementation of the building inspection function within parts of Electoral Areas 'A', 'F' and 'H'.

CARRIED

SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

Director Burnett left the meeting citing a possible conflict of interest with the next item as the applicant is his spouse.

City of Nanaimo Parks, Recreation and Culture Commission.

MOVED Director Bartram, SECONDED Director McNabb, that Dawn Burnett be appointed as the Electoral Area 'A' representative to the City of Nanaimo Parks, Recreation and Culture Commission for a term ending December 31, 2008.

CARRIED

Director Burnett returned to the meeting.

Electoral Area 'A' Recreation and Culture Services Master Plan Advisory Committee.

MOVED Director Bartram, SECONDED Director Holme, that Frank Garnish, Shelagh Gourlay and Vicki Suddaby be appointed to the Electoral Area 'A' Recreation and Culture Services Master Plan Advisory Committee.

CARRIED

ADMINISTRATOR'S REPORTS

Regional District of Nanaimo Pump & Haul Local Service Area Amendment Bylaw No. 975.44, 2006 – 580 Berry Point Road, Gabriola Island – Area B.

MOVED Director Sperling, SECONDED Director McNabb, that the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to include Lot 14, Section 21, Plan 5958, 580 Berry Point Road, Gabriola Island.

CARRIED

MOVED Director Sperling, SECONDED Director McNabb, that "Regional District of Nanaimo Pump & Haul Local Service Area Amendment Bylaw No. 975.44, 2006" be read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

Local Government Stewardship Council.

MOVED Director Holdom, SECONDED Director Lefebvre, that the Board endorse RDN membership in a Local Government Stewardship Council.

CARRIED

MOVED Director Holme, SECONDED Director Holdom, that the Board send a letter to the Ministry of Environment and the Union of BC Municipalities recommending that they take a lead role in reconvening a Local Government Stewardship Council.

CARRIED

Development Permit Application No. 60615 – Roderick & Dolly McDonald – 287 Dan's Road – Area C.

MOVED Director Young, SECONDED Director Bartram, that Development Permit No. 60615, to allow the construction of a house and replacement clear-span bridge at 287 Dan's Road, be issued subject to the terms outlined in Schedule No. 1 and subject to the Board's consideration of comments received as a result of public notification.

CARRIED

Development Variance Permit Application No. 90615 – Middleton – 4595 Berbers Drive – Area H.

MOVED Director Bartram, SECONDED Director Holme, that this item be referred back to staff.

CARRIED

Zoning Amendment Application No. ZA0510 – Cedar Estates – Cedar & Hemer Roads – Area A.

MOVED Director Burnett, SECONDED Director Holme, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.323, 2005" to rezone the lands from Commercial 2, Subdivision District M (CM2M) to Comprehensive Development 29 (CD29) to facilitate the development of residential housing and personal care use be adopted.

CARRIED

Expansion of Building Inspection Service Areas.

MOVED Director Bartram, SECONDED Director Brennan, that the Board support the expansion of Building Inspection services to portions of Electoral Areas 'F' and 'H' as outlined in Alternative 1 of the staff report.

CARRIED

MOVED Director Bartram, SECONDED Director McNabb, that "Regional District of Nanaimo Building Inspection Service Amendment Bylaw No. 787.05, 2006" be introduced for first three readings.

CARRIED

MOVED Director Bartram, SECONDED Director Holdom, that staff be directed to proceed in accordance with the proposed public consultation process.

CARRIED

Board Strategic Plan 2006-2009.

MOVED Director Bartram, SECONDED Director Holdom, that the 2006-2009 Strategic Plan for the Board of Directors of the Regional District of Nanaimo be received for information and be referred to the Electoral Area Directors and the municipalities for comment.

CARRIED

The Chief Administrative Officer will set up a meeting for the Board to provide an opportunity to discuss the Strategic Plan in more detail at a Board Seminar.

Union of British Columbia Municipalities Community Excellence Awards.

MOVED Director Biggemann, SECONDED Director Korpan, that the Board support an application to the UBCM Community Excellence Awards under the category "Leadership & Innovation – Regional District" on behalf of the Errington Fire Department for achieving a "Superior Tanker Shuttle" rating.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Greenshores Program.

MOVED Director Korpan, SECONDED Director Brennan, that staff be directed to prepare a report for the Committee of the Whole on the viability of green shores criteria as it applies to Regional District of Nanaimo development and foreshore regulation.

CARRIED

Septic System Certification.

MOVED Director Korpan, SECONDED Director Holdom, that staff be directed to prepare a report for the Board's consideration on the options available to ensure that private property owners are informed on septic regulations and can certify on a regular basis that their septic systems are not polluting groundwater.

CARRIED

NEW BUSINESS

Home Owner Grants.

MOVED Director Holme, SECONDED Director Westbrook, that staff prepare a draft resolution for UBCM and AVICC petitioning the Provincial Government to reinstate the home owner grants to properties over \$800,000.

CARRIED

Canada Census.

Director Korpan requested that Directors encourage their residents to complete the Canada census forms which have been distributed. Staff are directed to contact Statistics Canada for their follow up policy on the distribution.

Green Bus.

The Chairperson encouraged all Directors to attend the NOVA Bus Line at Malaspina University/College on Tuesday, August 1, 2006 at 11:00 am.

IN CAMERA

MOVED Director Holme, SECONDED Director McNabb, that pursuant to Section 90(1)(i) of the *Community Charter* the Board proceed to an In Camera meeting to consider items related to legal issues.

CARRIED

ADJOURNMENT

MOVED Director Holme SECONDED Director McNabb, that this meeting adjourn to allow for an In Camera meeting.

CARRIED

TIME: 8:13 PM

CHAIRPERSON

MANAGER, ADMINISTRATIVE SERVICES



RDN			
CAO	<input checked="" type="checkbox"/>	GMES	
GMCS		GMR&P	
GMDS		GMRT&P	
AUG 22 2006			
CHAIR		BOARD	
Board			

MEMORANDUM

TO: Wayne Moorman
 Manager, Engineering & Subdivisions

DATE: August 22, 2006

FROM: Susan Cormie
 Senior Planner

FILE: 336030 0419

SUBJECT: Bylaw Amendment Bylaw No. 500.313, 2005 – Fern Road Consulting, on behalf of L. Pal
 Electoral Area 'H' – Marshland Road, Spider Lake Area

PURPOSE

To consider Bylaw 500.313 for adoption.

BACKGROUND

Bylaw No. 500.313, 2005 was introduced and given 1st and 2nd reading on February 22, 2005. This was followed by a Public Hearing held on March 17, 2005. The Board granted 3rd reading for the Bylaw on March 22, 2005.

The purpose of this amendment bylaw is to rezone the property legally described as Lot 2, Block 390, Newcastle District, Plan 39504 and located adjacent to Marshland Road in the Spider Lake area of Electoral Area 'H' to a Rural 1 (RU1) zone Subdivision District 'D' (2.0 ha minimum parcel size without community services) to facilitate the creation of a 3-lot subdivision of the parent parcel consisting of one (1) parcel with a minimum parcel size of 4.0 ha and two (2) parcels with a minimum parcel size of 2.0 ha (see Attachment No. 1 on page 6 for location of subject property and Schedule No. 2 on page 5 for proposed plan of subdivision).

At 3rd reading of this amendment application, the Conditions for Approval include the preparation of 4 covenants to be registered on title after adoption of the bylaw at the time of subdivision concurrently with the plan of subdivision and the submission of a development permit application. These conditions are to be secured prior to consideration of 4th reading of the corresponding bylaw by way of a legal letter of undertaking. With respect to the covenants, the applicant's agent has submitted covenant documents for review. With respect to the requirement for development permit, the applicant has submitted an application. It is anticipated that the development permit will be issued by delegation authority following consideration of this amendment Bylaw No. 500.313.

ALTERNATIVES

1. To adopt Bylaw No. 500.313, 2005 with a legal letter of undertaking and permit the covenant documents to be registered at the time subdivision.
2. To require the registration of the covenant documents as set out in Amended Schedule No. 1 prior to consideration of Bylaw No. 500.313 for adoption.
3. To not adopt Bylaw No. 500.313, 2005.

LEGAL IMPLICATIONS

The Regional District's solicitor has recently recommended that all land use covenants associated with a zoning amendment application be required to be registered on title of the parent parcel prior to the Board considering an amendment bylaw for adoption to ensure that the public interest is being upheld. As a result of this legal advice the Board, in considering recent amendment bylaws, has required that an applicant register required documents on title.

However, for this amendment application, Bylaw No. 500.313 was originally considered and given 1st and 2nd reading in February 2005 and 3rd reading in March 2005. At that time, the Regional District was accepting that the required covenants for amendment applications involving subdivisions could be registered at subdivision time, not prior to consideration of bylaw adoption. The registration of the covenants was being secured by way of a solicitor's legal letter of undertaking. The inadequacy of this approach is that with a change in ownership or legal counsel, a new owner or different solicitor would be under no obligation to register the covenants which were required at time of rezoning. This could include land use related covenants such as a covenant restricting the maximum number of dwelling units permitted on a parcel. The RDN solicitor also advised that the Board may reconsider conditions of approval and amend required conditions as it sees necessary.

Currently all other zoning amendment applications under consideration, which have a corresponding bylaw with 3rd reading and include conditions involving land use related covenants, such covenants are required to be registered prior to consideration of adoption of the amendment bylaw.

For this application, staff asked the applicant's agent to consider arranging the registration of the covenants prior to consideration of bylaw adoption; however the agent chose not to proceed with this request as the documents would require amendments which would be a further expense to the applicant. The agent requested that the request for consideration of adoption of Amendment Bylaw No. 500.313 be forwarded to the Board for consideration of adoption with the covenants to be registered following adoption, at time of subdivision.

VOTING

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


SUMMARY

"Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.313, 2005" was considered by the Board and given 1st and 2nd reading on February 22, 2005. Subsequent to that, a Public Hearing was held on March 17, 2005 and the Board granted 3rd reading on March 22, 2005. The applicant has made application for a development permit. The Board resolution at 3rd reading included that the applicant register the required covenant documents concurrently with the plan of subdivision as part of the subdivision process. Since that time, the RDN solicitor has recommended that required covenants be registered prior to the Board's consideration of adoption of an amendment bylaw. The reason for this approach is to ensure that all conditions of a zoning amendment application will be met and the public interest is upheld. For this amendment application, the applicant has an expectation that the amendment bylaw will be adopted with a legal letter undertaking from the applicant's solicitor to register the covenant documents concurrently with the plan of subdivision following adoption of the Bylaw. If the Board wishes to assume this risk, it may consider Alternative No. 1 to adopt Bylaw No. 500.313, 2005 with a legal letter of undertaking and permit the covenant documents to be registered at the time subdivision.

The following recommendation is provided for consideration by the Board.

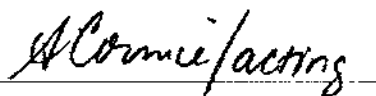
RECOMMENDATION

That prior to considering "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.313, 2005", the conditions set out in Amended Schedule No. 1 be completed.



Report Writer

General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devsus/reports/2006 ZA3360 30 0419 au brd Pal request to adopt

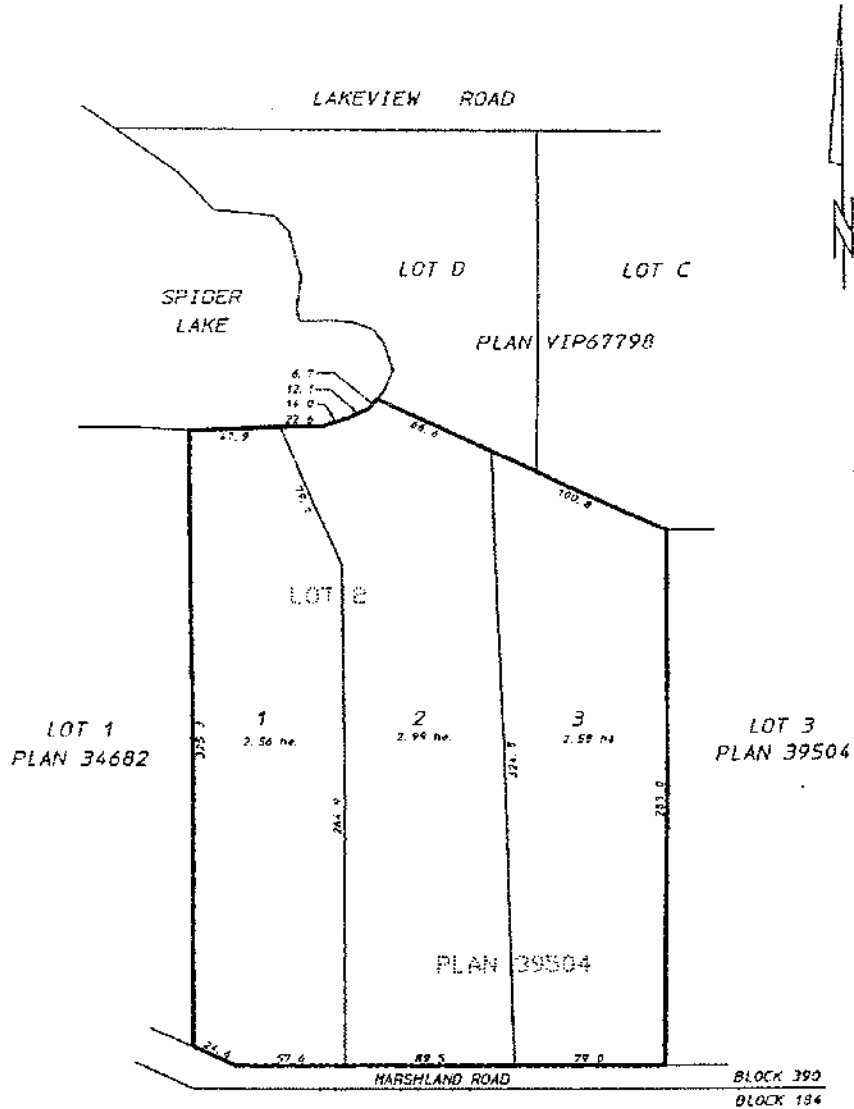
**Amended Schedule No. 1
Conditions for Approval in Conjunction with
Zoning Amendment Application No. ZA0419
Amendment Bylaw No. 500.313
Lot 2, Block 390, Newcastle District, Plan 39504**

The applicant is to prepare and register on title at Land Title Office, Victoria, the following documentation prior to the amendment application being considered for 4th reading. Draft documents are to be submitted to this office for review prior to submitting for registration.

- a) For all proposed parcels, a section 219 covenant shall be registered on title restricting the following:
 - i) a maximum of one dwelling unit per parcel;
 - ii) no further subdivision of the land, including a Bare Land Strata Subdivision;
 - iii) no frontage relaxation; and,
 - iv) no further road dedication to accommodate parcel frontage or additional parcels.
- b) For all proposed parcels, a section 219 covenant shall be registered on title restricting the following:
 - i) no removal of vegetation, no buildings or structures including septic disposal fields, wells or fences, or alteration of land shall occur within 15.0 metres of the natural boundary of Spider Lake; and,
 - ii) no runoff directed into Spider Lake or the watercourse.
- c) For proposed Lot 1, a section 219 covenant shall be registered on title restricting the following:
 - i) no removal of vegetation, no buildings or structures including septic disposal fields, wells or fences, or alteration of land shall occur within 15.0 metres of the natural boundary of the watercourse crossing the subject property and, if applicable, from the watercourse located within the adjacent park land.
- d) For proposed Lot 1, a section 219 covenant shall be registered on title restricting the following:
 - i) no removal of vegetation or alteration of land within 8.0 metres from the lot line adjacent to the Spider Lake Provincial Park Boundary, and,
 - ii) no additional access into Spider Lake Provincial Park from proposed Lot 1.
- e) For all proposed parcels, a section 219 covenant shall be registered to include the report prepared by Davey Consulting and Engineering for Lot 2, Block 390, Newcastle District, Plan 39504, dated January 21, 2005.
- f) For all proposed parcels, a section 219 covenant shall be registered to include the Hydrogeological Assessment Report prepared by EBA Engineering for Lot 2, Block 390, Newcastle District, Plan 39504, dated December 3, 2004.
- g) Applicant to apply for development permit.

Schedule No. 2
 Proposed Plan of Subdivision
 Zoning Amendment Application No. ZA0419
 Amendment Bylaw No. 500.313
 Lot 2, Block 390, Newcastle District, Plan 39504
 (as submitted by applicant / reduced for convenience)

PROPOSED SUBDIVISION PLAN OF LOT 2,
 BLOCK 390, NEWCASTLE DISTRICT,
 PLAN 39504.



SCALE 1:2000

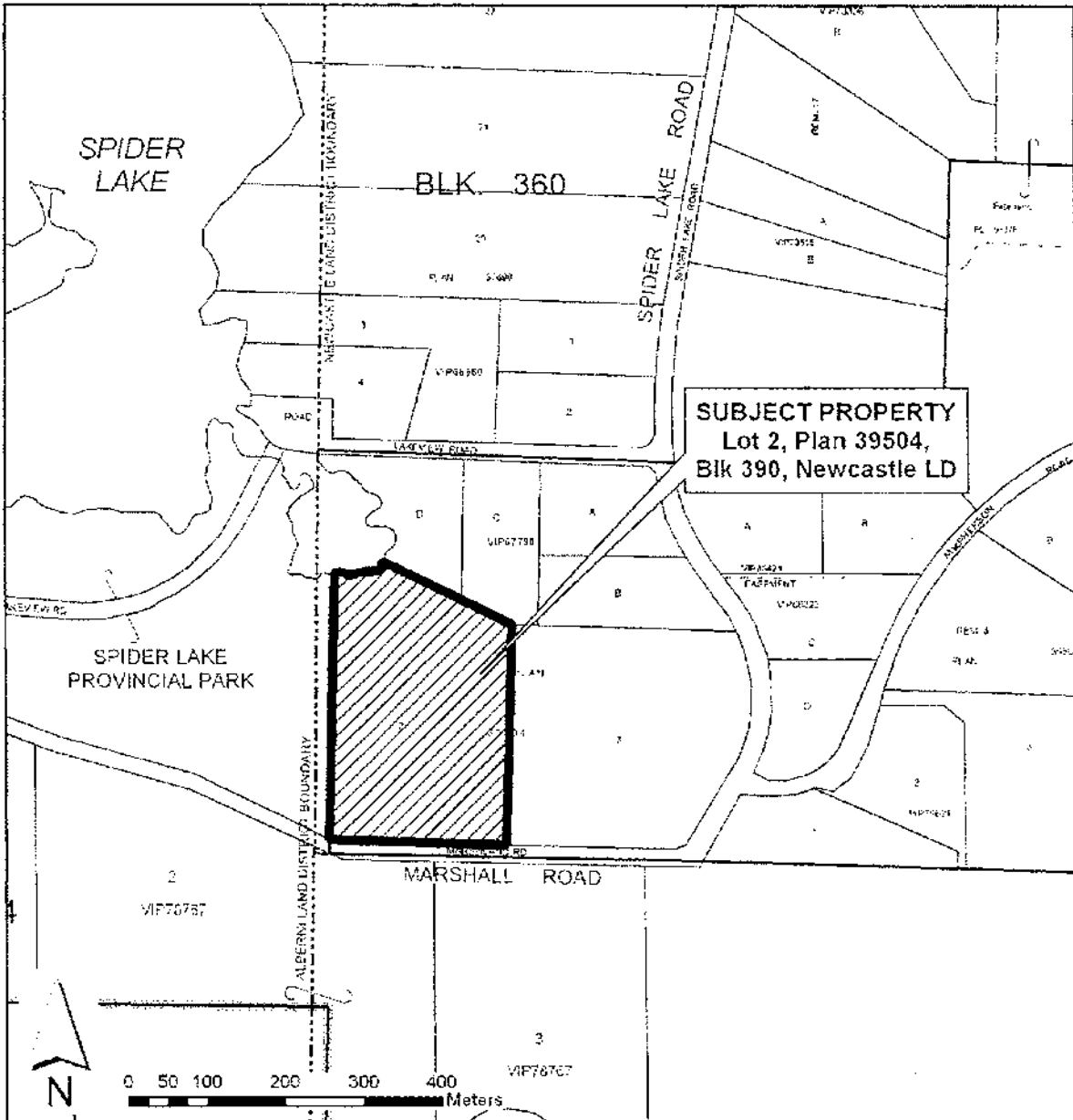
All distances are in metres.
 All dimensions and areas are
 subject to final survey.

DATE 2004/12/17
 REVISIONS:

SIMS ASSOCIATES

LAND SURVEYING
 223 FERN ROAD WEST,
 QUALICUM BEACH, B.C.
 V9K 1S6
 PHONE: (250) 752-9121
 FAX: (250) 752-2241
 FILE: 04-447-5
 COMP: 04-447-F1

Attachment No. 1
Location of Subject Property
Zoning Amendment Application No. ZA0419
Amendment Bylaw No. 500.313





R D N			
CAO	✓	GMES	
GMCS		OMR&P	
GMDS		GMAT&P	
AUG 23 2006			
CHAIR		BOARD	
<i>Board</i>			

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

DATE: August 16, 2006

FROM: Paul Thompson
Senior Planner

FILE: 6520-30-LNTZ

SUBJECT: Referral from the District of Lantzville regarding the Zoning Amendment Application for The Foothills

PURPOSE

To provide a response to the formal referral from the District of Lantzville regarding the Comprehensive Development Plan and Zoning amendment application for The Foothills development located in upper Lantzville.

BACKGROUND

The Regional District of Nanaimo has received a referral from the District of Lantzville regarding a zoning amendment application for The Foothills (File No. 3360 20 6 106). The zoning amendment received 2nd Reading on July 24, 2006. A Public Hearing date has not yet been set but is anticipated for early September 2006. The District of Lantzville would like comments by September 5, 2006.

The Foothills Development includes a 730 unit residential development, a 365 hectare park, and a neighbourhood commercial centre. The residential development includes both serviced and unserviced lots. For the serviced lots, water will be provided from wells located within the development, and the sewer collection system will be connected to the District of Lantzville’s community sewer system. The proposed main access to the development is off Harwood Road which is accessed from Ware Road in Lantzville. A proposed secondary access is via Vipond Road, which is accessed from Doumont Road in Electoral Area ‘C’. Vipond Road is proposed to serve as the main access during the construction phase. The Foothills Development is bordered on the west and south by managed forest lands in Electoral Areas ‘E’ and ‘C’. Directly adjacent to the east of the development are farmlands in the Agricultural Land Reserve in Electoral Area ‘C’.

The zoning amendment is consistent with the Lantzville Official Community Plan.

For further information please refer to the Staff Report to the District of Lantzville Council and District of Lantzville Bylaw 60.10 which are provided as Attachment 2. A copy of The Foothills Comprehensive Development Plan will be available at the Board meeting and may be viewed prior to the meeting in the Planning Department.

ALTERNATIVES

1. To notify the District of Lantzville that the Regional District of Nanaimo has no comments in response to the referral.
2. That the comments identified in Attachment A be included in a letter to the District of Lantzville in response to the referral regarding a zoning amendment application for The Foothills.

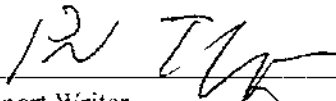
IMPLICATIONS

RDN staff reviewed the information provided by the District of Lantzville regarding a zoning amendment application for The Foothills. Staff's comments are provided in Attachment No. 1. The proposed rezoning of The Foothills could result in potential impacts on residents and landowners in the adjacent Electoral Areas of 'C' and 'E'. The comments relate to traffic impacts during both construction and after development is completed, potential impacts on watercourses and groundwater, potential impacts on rural areas and agricultural lands, and potential conflicts between new residents and existing natural resource related uses.

It is recommended that the comments identified in Attachment A form the basis of a letter to be sent to the District of Lantzville in response to the referral regarding a zoning amendment application for The Foothills.

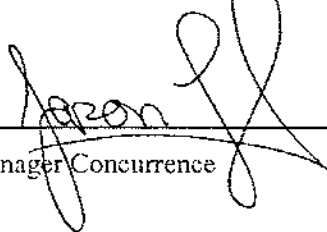
RECOMMENDATION

That the comments identified in Attachment A be included in a letter to the District of Lantzville in response to the referral regarding a zoning amendment application for The Foothills.




Report Writer

General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

au 6529 30 LNTZ Referral from Lantzville re The Foothills Report

Attachment No. 1

There is a concern related to increased traffic during both the construction phase and after the new residences are completed. Vipond Road is shown as a "Primary Site Entrance" which implies that there will be a significant increase in the number of vehicles using Doumont and Biggs Roads. This will bring many more vehicles through what is now an agricultural, forestry and rural residential area. The highest densities and greatest number of new residences are located in the two parcels located closest to Vipond Road. Increased traffic in this area could affect the quality of life that residents currently enjoy. The Comprehensive Development Plan states that all construction traffic will be required to use Vipond Road, which will be opened to residential traffic upon completion of Stage 7. The Comprehensive Development Plan does not indicate that any measures will be taken to mitigate the impacts of the increased number of large vehicles using Vipond and Doumont Roads. The District of Lantzville should be requested to identify measures to mitigate the impacts of, and / or reduce the increased number of vehicles using Vipond and Doumont Roads.

Another concern is the potential impact from the new residential and commercial development on groundwater and surface water. Much of The Foothills Development drains into the rural and agricultural lands adjacent to Doumont Road and eventually into Brannen Lake. Several creeks are located in the S3 and S4 parcels that drain into Brannen Lake. Also, groundwater is the primary source of water for the residents in the Doumont Road area. The Comprehensive Development Plan does not address concerns related to the potential impacts on existing users of the same aquifer. The District of Lantzville should be requested to address this issue in a manner that assures the quality and quantity of well water will not be impacted by The Foothills Development.

With respect to land use conflicts, much of the new development is proposed for the two parcels closest to the ALR lands that include some working farms. An adequate buffer should be provided on the side of the new residential development to ensure there are no conflicts with the existing agricultural use. It is noted that a 50 metre buffer is proposed in parcels S3 and S4 adjacent to ALR lands, however it is not clear if a buffer will be provided for the large parcels on Vipond Road that are not in the ALR. Please also note that some of the proposed residences will be located close to managed forest lands where forestry activities, including timber harvesting, will likely occur in the future. The District of Lantzville should be requested to consider the establishment of appropriate buffers in these areas.

With respect to sewage treatment for the proposed serviced lots in the development, the sewage volumes anticipated by this development must be included within the treatment capacity at the Greater Nanaimo Pollution Control Centre allocated for the District of Lantzville.

Attachment No. 2

District of Lantzville

REPORT TO COUNCIL

Regular Council Agenda Item
May 23rd, 2006

File: 3360-20-

AUTHOR: Pamela Shaw, Planning Consultant

SUBJECT: Comprehensive Development Plan & Zoning Amendment Application-
Lantzville Foothills Estates Inc.

Recommendations

1. That the Foothills Comprehensive Development Plan and "District of Lantzville Zoning Bylaw No. 60, 2005, Amendment Bylaw No. 60.10, 2006" be given first reading.
2. That staff be directed to proceed with negotiating a development agreement with Lantzville Foothills Estates Inc.
3. That staff be directed to provide pre-referrals to the Regional District of Nanaimo, the City of Nanaimo, and the Ministries of Transportation and Environment requesting comment on the development proposal.

Purpose

To consider first reading for the Foothills Comprehensive Development Plan and the proposed zoning amendment bylaw and to direct staff to negotiate a development agreement to specify costs, timing and the responsibilities of Lantzville Foothills Estates Inc. in developing the subject lands.

Background

At the April 24th, 2006 Regular Council Meeting, the District of Lantzville received the Foothills Comprehensive Development Plan and rezoning application for the 730 unit residential development, 365 hectare park, and neighbourhood commercial centre commonly referred to as the Foothills. The application proposes a 730 unit residential development using site adaptive design principles, unit clustering, the integration of open space into the residential neighbourhoods, and the implementation of extensive and detailed building schemes that will control site design and the development of each lot. As well, the applicant is proposing that more than half of the land holding be titled as park, resulting in a contiguous park parcel of more than 900 acres (365 hectares).

As required in Lantzville's Official Community Plan Bylaw No. 50, 2005, the Foothills zoning amendment proposes the development of a comprehensive development zone. The applicant has presented a series of four sub-zones within this comprehensive development zone, relating to four distinct development areas. These are the:

CDP and Rezoning Application- Foothills
Report to Council- May 23rd, 2006
Page 2

- **Foothills Centre:** the commercial focal point of the Foothills project;
- **Foothills Scenic Corridor:** the 590 residential units located within the Foothills Urban Containment Boundary;
- **Foothills Upland Estates:** the 140 residential units located outside the Foothills Urban Containment Boundary; and
- **Foothills Park:** The 365 hectares of contiguous parkland in the Foothills development.

The proposed comprehensive development zones are attached for information and recommended for 1st reading.

A public information meeting was held on May 3rd, 2006 on the Comprehensive Development Plan and the above noted zoning amendments (*a summary of this meeting is attached*). In addition, the applicants met with Council in an open Committee of the Whole meeting on May 10th, 2006 (*minutes of this meeting are also attached*).

At the two meetings, the public and Council raised a number of issues on:

- the form and character of development and the requirement for building schemes (both for as a means of managing the form of development and protecting the environment)
- costs of the development (both on a per lot basis and on existing taxes in Lantzville)
- the means by which environmentally sensitive areas will be protected (with questions raised as to the effectiveness of conservation covenants)
- the sustainability of the proposed development
- water provision (both quality and quantity, and with questions raised on the impact of the proposed development on Lantzville's and Pleasant Valley's water supplies)
- septic and sewer provision (with comments supporting the extension of services)
- traffic management both within the site and on feeder routes (with specific concerns voiced on the impact of traffic on Harwood Road and Ware Road)
- the restoration strategy for reforesting the development lands (with confirmation on the current replanting program)
- clarification on the development areas (Scenic Corridor, Upland Estates, Foothills Centre, and Foothills Park)
- clarification on the size, form and character of the commercial area
- development options for the parkland (with clarification provided on the commitment to complete a Parks Master Plan).

The two information sessions were informative, and the citizens in attendance raised a number of issues for the attention of the applicants. The following outlines staff's response to the concerns raised by Lantzville's citizens and provides recommendations on proceeding with the consideration of this application.

CDP and Rezoning Application- Foothills
Report to Council- May 23rd, 2006
Page 3

Development Implications

A number of the issues raised in the two public meetings speak to the need for a Development Agreement to specify the applicant's responsibilities for providing both onsite and offsite works and services. This agreement will be negotiated and provided to Council prior to a staff recommendation for 2nd reading of the Comprehensive Development Plan and zoning amendment application. It is anticipated that this agreement will provide a clear plan for proceeding with the development, and will offer assurances to Lantzville citizens on the timing of certain actions. The Agreement will be filed on the Title of the subject property as a covenant to ensure that the specifics of the Agreement remain in perpetuity with the development lands.

The two issues that remain of primary interest to the public are traffic and water provision. For the former, the applicants have indicated that Harwood Road would serve as the primary access point to the development, with Vipond Road providing a secondary access at a later stage and Phantom Road serving as a single access route to one subdivision.

The applicants noted that other access routes were considered, including the option raised during the OCP process to construct a new road across an existing parcel located at the intersection of Ware Road and Aulds Road (with consideration given to the acquisition of a second privately owned parcel to allow the 'squaring off' of this intersection). The applicants indicated that the Ware/Harwood route remains their preferred option, and spoke to a number of improvements that will be made on Harwood and Ware Roads and the Aulds/Ware intersection to manage traffic impacts. Traffic calming measures such as traffic circles, chicanes, speed humps, centre line medians, curb extensions and reductions are noted as possible improvements; the extent of off-site traffic management measures and the timing of the construction of these measures are currently being investigated by District staff.

The Comprehensive Development Plan also identifies specific transportation improvements that will be made as the project proceeds. Eventually, Harwood Road should be upgraded to Lantzville's collector road standards. In addition, the Plan notes that Aulds/Ware Roads contain horizontal and vertical curves that will be realigned to assist in reducing the impact of increased traffic, and suggests that a roundabout be constructed at this intersection to focus traffic on Ware Road (and off the lower reaches of Harwood Road or Aulds Road). Staff will negotiate the provision and timing of measures through a Development Agreement.

Water provision also remains an important issue. The applicants indicated that the most productive and confirmed source of groundwater is a well located in the southern reaches of the development, near Vipond Road. The applicants continue to seek additional ground water sources; ultimately the piping of water from the Vipond Road well could be a possibility should a more northerly source of water not become available prior to the initiation of Phase 1 of the development. Questions were also raised as to the impact of the proposed development on existing wells in the Pleasant Valley area. Confirmation of water sustainability will be sought through the Development Agreement.

CDP and Rezoning Application- Foothills
Report to Council- May 23rd, 2006
Page 4

Public Consultation Implications

The public will have further opportunity to comment directly on the development application as it proceeds through the review and rezoning process, specifically at upcoming Council meetings and the Public Hearing. No further public information meetings are currently proposed, but it is noted that the applicants continue to remain available to the public at their site office on Lantzville Road.

Intergovernmental Implications

Given the potential impact of the proposed development, pre-referrals will be forwarded to the City of Nanaimo and the Regional District of Nanaimo to determine their views from a cross-border perspective. Pre-referrals will also be provided to the Ministries of Transportation and Environment for comment.

Financial Implications

As noted in the previous report, the Comprehensive Development Plan outlines a range of works and services with financial implications for the District of Lantzville. While some financial requirements are clearly spelled out in the Plan, it is recommended that confirmation on the funding of all works, services, and amenities be negotiated with the applicant as part of the Development Agreement to ensure that all development costs remain the responsibility of the applicant.

Summary


This is an application to amend the District of Lantzville Zoning Bylaw No. 60, 2005 to rezone the subject property from Rural 1, Subdivision District D and Resource Management 1, Subdivision District B to four new Comprehensive Development zones (attached). The approval of 1st reading only will permit further discussions with the applicant on the proposed zones and allow staff the opportunity to negotiate a Development Agreement with the applicants.

Respectfully submitted



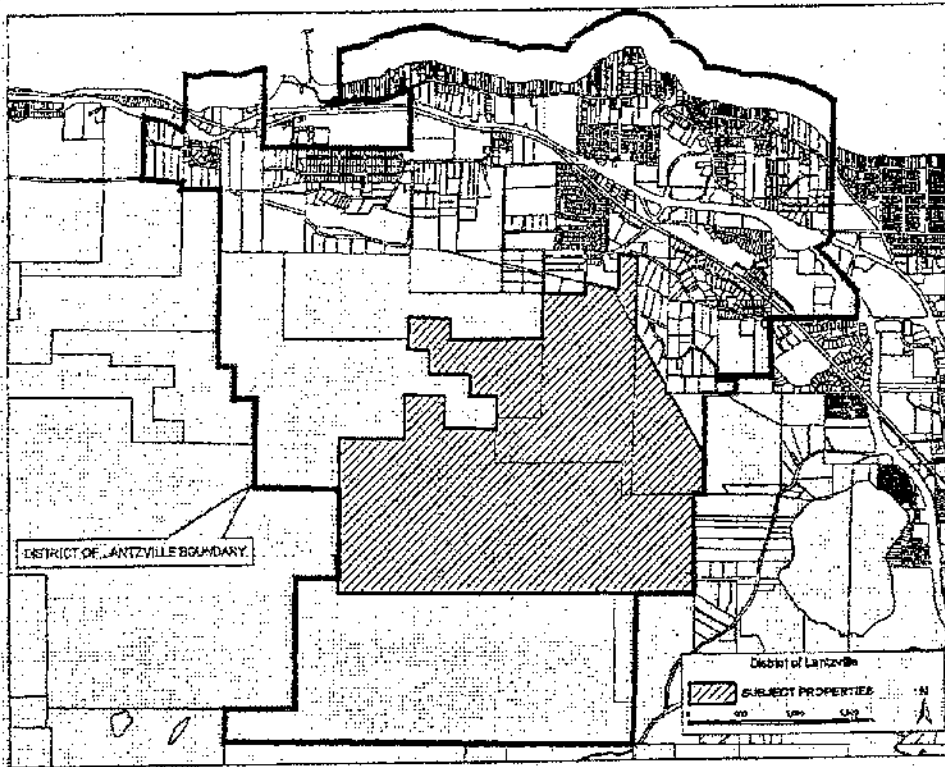
Parjela Shaw
Planning Consultant
District of Lantzville

Reviewed By:

CAO		Dir. Finance	Supt. of PW	
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CDP and Rezoning Application- Foothills
Report to Council- May 23rd, 2006
Page 5

Attachment No. 1
Subject Properties
Comprehensive Development Plan and Zoning Amendment Application
Lantzville Foothills Estates Inc.



DISTRICT OF LANTZVILLE

BYLAW NO. 60.10

A Bylaw to Amend District of Lantzville Zoning Bylaw No. 60, 2005

The Council of the District of Lantzville, in open meeting assembled, enacts as follows:

A. Schedule 'A' of "District of Lantzville Zoning Bylaw No. 60, 2005", is hereby amended as follows:

1. **PART 3 LAND USE REGULATIONS, Section 3.1 Zones** is hereby amended by adding the following zoning classification and corresponding short title equivalent after 'Aspengrove School Comprehensive Development 23 (CD23)':

Foothills Centre Comprehensive Development CD24
Foothills Scenic Corridor Comprehensive Development CD25
Foothills Upland Estates Comprehensive Development CD26
Foothills Park Comprehensive Development CD27

2. **PART 3 LAND USE REGULATIONS, Section 3.4 Regulations for Each Zone** is hereby amended by adding:

Section 3.4.124, Foothills Centre Comprehensive Development Zone 24 (CD24)
Section 3.4.125 Foothills Scenic Corridor Comprehensive Development Zone 25 (CD25)
Section 3.4.126, Foothills Upland Estates Comprehensive Development Zone 26 (CD26)
Section 3.4.127, Foothills Park Comprehensive Development Zone 27 (CD27)

as shown on Schedule '1' which is attached to and forms part of this Bylaw.

3. **PART 3 LAND USE REGULATIONS, Schedule '3A', ZONING MAPS** is hereby amended by rezoning from Resource Management 1 (RM1) and Rural 1 (RU1) to Foothills Centre Comprehensive Development Zone 24 (CD24), Foothills Scenic Corridor Comprehensive Development Zone 25 (CD25), Foothills Upland Estates Comprehensive Development Zone 26 (CD26), Foothills Park Comprehensive Development Zone 27 (CD27) the lands legally described as:

Legals

as shown in heavy outlines on Schedule '2' which is attached to and forms part of this Bylaw.

4. **PART 4 LAND USE REGULATIONS, Schedule '4A', SUBDIVISION DISTRICTS MAPS** is hereby changing the Subdivision District 'B' and the Subdivision District 'D' to 'CD24', 'CD25', 'CD26', and 'CD 27' for the lands legally described as:

Legals

CDP and Rezoning Application- Foothills
Report to Council- May 23rd, 2006
Page 12

as shown in heavy outlines on Schedule '3' which is attached to and forms part of this Bylaw.

5. New definitions added (Foothills Park and Village Commercial- confirm definitions)

A. This Bylaw may be cited as "District of Lantzville Zoning Bylaw No. 60.10, 2006".

Introduced and read a first time this day of , 2006.

Introduced and read a second time this day of , 2006.

Public Hearing held pursuant to Section 890 of the *Local Government Act* this day of , 2006.

Read a third time this day of , 2006.

Adopted this day of , 2006.

Mayor

Corporate Administrator

**Schedule No. 1
 Proposed Zoning
 Lantzville Foothills Estates Ltd.
 Foothills Comprehensive Development Zones**

Section 3.4.124	
FOOTHILLS COMPREHENSIVE DEVELOPMENT ZONE	CD24
FOOTHILLS CENTER	
Permitted Uses	
<ul style="list-style-type: none"> a) Church b) Multiple Dwelling Development c) Public Assembly Use d) Village Commercial 	
Maximum Number and Size of Buildings and Structures	
<ul style="list-style-type: none"> a) The total number of residential units within the Foothills Centre Sub-Zone must not in combination with the Scenic Corridor Sub-Zone exceed 590 b) The combined total footprint area of all buildings and structures within the Foothills Centre Sub-Zone must not exceed 1000m² c) Church, Public Assembly Use, and Village Commercial: <ul style="list-style-type: none"> i) Maximum parcel coverage 100% ii) Maximum Height 10.0 m d) Multiple Dwelling Development <ul style="list-style-type: none"> i) Maximum Parcel Coverage 80% ii) Maximum Height 10.0 m 	
Minimum Parcel Size	400m ²
Maximum Parcel Size	1.0 ha
Minimum Setback Requirements	
<ul style="list-style-type: none"> a) All buildings and structures 0m <ul style="list-style-type: none"> i) Except where the adjoining parcel is zoned Scenic Corridor then the minimum setback from the common interior side and rear lot lines shall be 2.0 m; ii) Except where the adjoining parcel is zoned Park then the minimum setback from the common interior side and rear lot lines shall be 10.0 m; and iii) Except where any part of a parcel is adjacent to or contains a watercourse then the regulations under Section 3.3.8 shall apply. 	

Village Commercial means buildings and/or structures that contain uses such as a Convenience Store, Neighbourhood Pub, Personal Service Use, Restaurant, and Retail Store, with Residential Uses permitted only on the 2nd storey of each building, intended to serve as a neighbourhood level commercial centre, and may include a defined public square and/or pedestrian only precinct.

Section 3.4.125

FOOTHILLS COMPREHENSIVE DEVELOPMENT ZONE
FOOTHILLS SCENIC CORRIDOR

CD25

Permitted Uses

- a) Home Based Business
- b) Residential

Maximum Number and Size of Buildings and Structures

- a) Residential
 - i) The total number of residential units within the Foothills Centre Sub-Zone must not in combination with the Scenic Corridor Sub-Zone exceed 590
 - ii) Number of residential units per parcel: 1
 - iii) Dwelling unit height: 8.0 m
- b) Accessory Buildings
 - i) Limited to a maximum combined footprint of 10% of the parcel area to a maximum of 100m²
 - ii) Maximum height: 6.0 m

Minimum Parcel Size 600m²

Maximum Parcel Size 1.0ha

Minimum Setback Requirements

- a) Front lot line 4.5m
- b) Side lot line 2.0m
- c) Rear lot line 2.0m
- d) Other lot lines 2.0m
 - i) Except where the adjoining parcel is within the Agricultural Land Reserve, then the minimum setback from any common lot line shall be 30.0 m;
 - ii) Except where the adjoining parcel is zoned Park then the minimum setback from the common interior side and rear lot lines shall be 10.0 m; and
 - iii) Except where any part of a parcel is adjacent to or contains a watercourse then the regulations under Section 3.3.8 shall apply.

Maximum Parcel Coverage 40%

Section 3.4.126	
FOOTHILLS COMPREHENSIVE DEVELOPMENT ZONE	CD26
FOOTHILLS UPLAND ESTATES	
Permitted Uses	
<ul style="list-style-type: none"> a) Home Based Business b) Residential 	
Maximum Number and Size of Buildings and Structures	
<ul style="list-style-type: none"> a) Residential <ul style="list-style-type: none"> i) Number of residential units 140 ii) Number of residential units per parcel 1 iii) Height 8.0 m b) Accessory Buildings <ul style="list-style-type: none"> i) Limited to a maximum combined footprint of 10% of the parcel area to a maximum of 100m² ii) Maximum height 6.0 m 	
Minimum Parcel Size	1.0ha
Minimum Setback Requirements	
<ul style="list-style-type: none"> a) Front lot line 4.5 m b) Side lot line 2.0 m c) Rear lot line 2.0 m d) Other lot lines 2.0 m <ul style="list-style-type: none"> i) Except where the adjoining parcel is within the Agricultural Land Reserve, then the minimum setback from any common lot line shall be 30.0 m; ii) Except where the adjoining parcel is zoned Park then the minimum setback from the common interior side and rear lot lines shall be 10.0 m; and iii) Except where any part of a parcel is adjacent to or contains a watercourse then the regulations under Section 3.3.8 shall apply. 	
Maximum Parcel Coverage	40%

Section 3.4.127

FOOTHILLS COMPREHENSIVE DEVELOPMENT ZONE

CD27

FOOTHILLS PARK

Permitted Uses

- a) Foothills Park

Maximum Number and Size of Buildings and Structures

- Accessory buildings - combined floor area of 1000m²
- Accessory buildings and structures height - 10.0 m

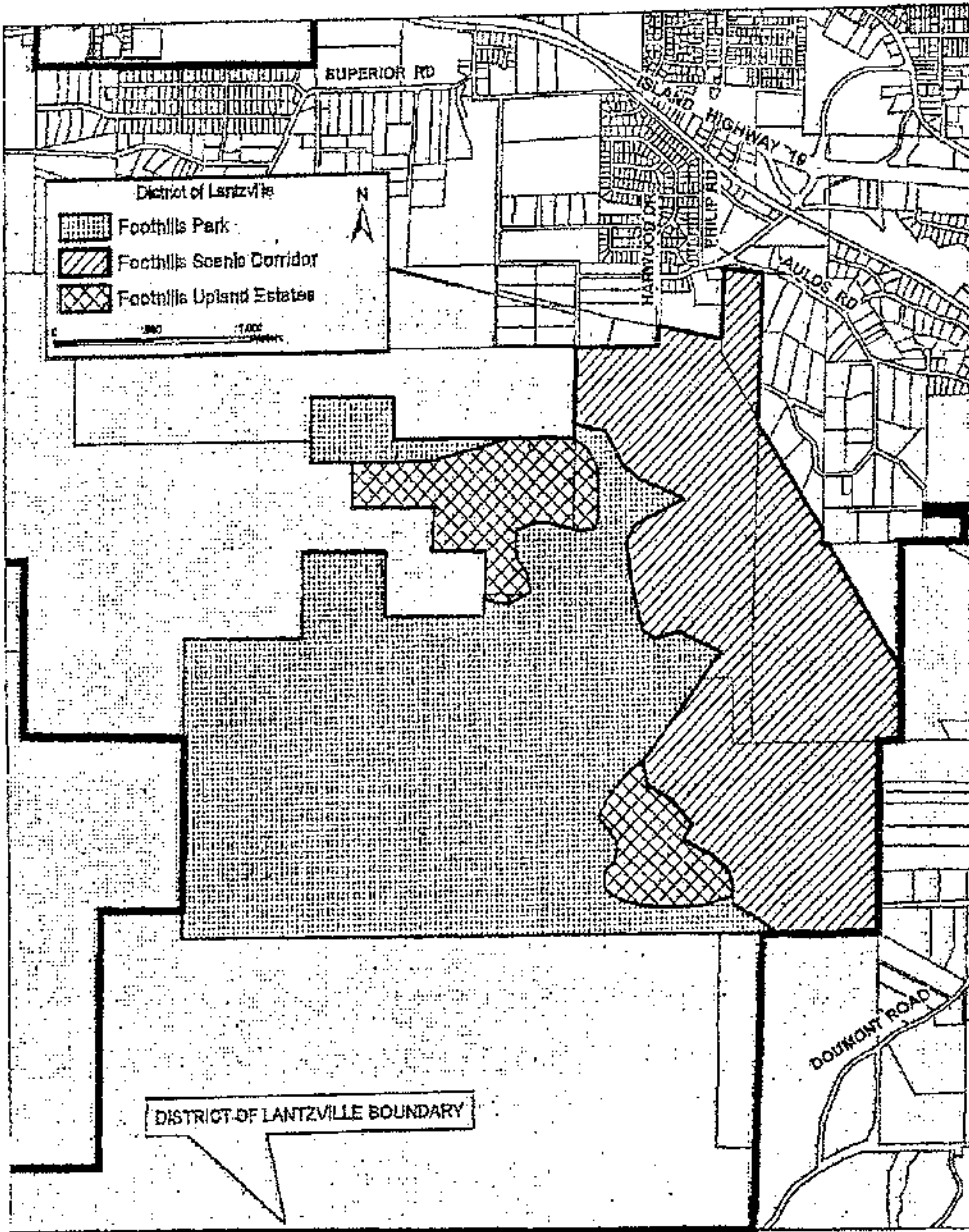
Minimum Setback Requirements

- All lot lines 0.0 m

Foothills Park means deeded public land used or intended to be used for recreation and enjoyment of the public, and may include archaeological and/or historical sites, and may be developed with recreational facilities or maintained in or restored to a natural state.

CDP and Rezoning Application- Foothills
Report to Council- May 23rd, 2006
Page 10

Schedule No. 2
Map of Proposed Zoning
Lantzville Foothills Estates Ltd.
Foothills Comprehensive Development Zones





R/D N	
CAO	GMES
GMCS	GMR&P
GVDS	GVRT&P
AUG 22 2006	
CHAIR	BOARD
Board	

MEMORANDUM

TO: Jason Llewellyn
Manager of Community Planning

DATE: August 18, 2006

FROM: Dolores Funk
Planning Assistant

FILE: 3060 30 60632

SUBJECT: Development Permit Application No. 60632 – Hughes/Sims
Electoral Area 'G' – 1287 Point Mercer Drive

PURPOSE

To consider an application to vary the minimum setback from the ocean for the replacement of an existing retaining wall and for the construction of a single family dwelling within the Watercourse Protection Development Permit Area.

BACKGROUND

The subject property, legally described as Strata Lot 19, District Lot 49, Nanoose District, Strata Plan VIS3167, is located at 1287 Point Mercer Drive adjacent to the Strait of Georgia within Electoral Area 'G' (see Attachment '1' for location). The property is zoned Residential 1 (RS1) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The minimum setback requirements for buildings and structures, including retaining walls measuring 1 metre or greater in height, is 8 metres horizontal distance from the natural boundary of the ocean.

Pursuant to the "French Creek Official Community Plan Bylaw No. 1115, 1998," the subject property is designated within a Watercourse Protection Development Permit Area (DPA) and alteration of the land within 15 metres of the natural boundary of the ocean requires approval from the Regional Board.

The subject property is approximately 1052.22 m² (.26 acres) in size and slopes down approximately 10 - 12 metres in height at around 25 to 35 degrees from Point Mercer Drive on the south. There is a flat portion which is approximately 45 metres from the embankment to the natural boundary of the ocean. The property was previously cleared of trees and other vegetation when it was part of a larger farm parcel and is currently vacant with the exception of an old retaining wall that is in disrepair and must be rebuilt. The properties to each side (east and west) of the subject property have already been developed and have retaining walls that connect, with the existing retaining wall on the subject property.

Proposed Development

The applicant is proposing to construct a single-family dwelling on the level portion of the parcel with access from an easement, which is a panhandle driveway that crosses two properties to the east of the subject property, as shown on Attachment 1. Although the access is called Point Mercer Drive, it is strata common property. Therefore, the front yard setback is not an issue with respect to the strata lot.

The applicant is also proposing to replace the existing seawall. The variance requested for the construction of the seawall is as follows:

- relaxation of the watercourse setback of 8.0 metres to 0.0 metres to allow for the replacement of a rip-rap retaining wall.

ALTERNATIVES

1. To approve Development Permit Application No. 60632, subject to the Conditions of Approval outlined in Schedule No. 1 and subject to the comments received as a result of notification requirements pursuant to the *Local Government Act*.
2. To deny Development Permit Application No. 60632, as submitted.

LAND USE AND DEVELOPMENT IMPLICATIONS

With respect to the development permit guidelines for watercourse protection, the applicant has submitted both a Geotechnical Assessment, which confirms the need for the retaining structure to protect the property, and sets out requirements for the construction of the seawall and dwelling unit. The applicant has also submitted a legal survey confirming the location of the top of the existing retaining wall and the location of the proposed dwelling unit (see Schedule 2).

In addition to the Development Permit, the applicant will also need to apply for a building permit for the replacement of the existing wall.

Slope Stability

The slope is vegetated with mature trees and moderate to thick undergrowth. No areas of seepage or saturated ground were observed on the slope. There is an existing, paved access road along the toe of the slope. Construction of the dwelling unit will be a minimum of 13+ metres away from the base of the slope.

Seawall Construction

The existing wall is not providing adequate protection of the shoreline soils and should be replaced. Under the current conditions, erosion of the shoreline soils will continue, and could eventually lead to degradation of the existing sea walls on the neighbouring properties. Therefore, the Geotechnical Report recommends that the wall be replaced rather than repaired, and that it be 'tied in' to the neighbouring retaining walls and that it be approximately 1.5 – 1.8 metres in height.

The applicants will be required to follow the engineer's recommendations as part of the Development Permit approval.

Dwelling Unit Construction

Soil exposures along the beach/shoreline revealed well-graded sands and gravels. Based on the local topography, it is expected that similar soils underlie the proposed building site. In the engineer's opinion, these soils would provide adequate bearing for conventional house footings. The geotechnical report recommends that the floor of the dwelling unit be at the common minimum elevation as the other dwelling units in the strata, and that if organic or fine grained soils are encountered, a geotechnical engineer should be brought on-site to review the situation.

Based on the conditions outlined above, and from a geotechnical perspective, the site would be safe for the use intended (single family residence).

ENVIRONMENTAL IMPLICATIONS

Marine shorelines are sensitive and biologically distinctive environments for fish and other marine wildlife. The beach in this area consists of sand and gravel, which is often unstable and subject to erosional forces of the ocean. Common law grants property owners riparian rights, which allow them to protect their property from loss due to marine erosion. Engineered retaining walls have proven to be an effective erosion protection device.

Fisheries and Oceans Canada have Best Management Practices (BMPs) that must be followed for the installation of any works on the foreshore. In addition to the BMPs, there are 'fisheries windows' during which, alteration of the foreshore will have less impact on marine species than at other times, such as during spawning season. The applicants will be required to meet the BMPs and construct the works at the appropriate time so as to mitigate any potential environmental impacts.

Staff recommends as a term of this permit, that the applicant leave all the natural vegetation 5 metres back from the natural boundary and that the applicant be required to undertake plantings of native sea grasses between the rip-rap rocks, to accelerate the naturalization of the rip-rap installation.

PUBLIC CONSULTATION IMPLICATIONS

As the retaining wall requires a variance to the minimum setback requirements from the natural boundary of the ocean, notification requirements pursuant to the *Local Government Act* are required. Property owners located within a 50 metre radius have received notice of the proposed variance and have been informed of their opportunity to comment on the proposed variance, prior to the Board's consideration of this application. At the Board Meeting, prior to consideration of this application, the Chair should ask the gallery if anyone wished to speak to the application.

VOTING

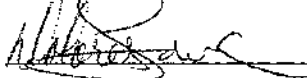
Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

This is a Development Permit Application with variances to construct a single-family dwelling within the Watercourse Protection Development Permit area and replace an existing seawall within the required setback to the sea for a waterfront property located at 1287 Point Mercer Drive in French Creek. The applicants have submitted a geotechnical report and a survey to support their application and will be required to adhere to Federal Fisheries Best Management Practices during the installation of the rip-rap. In addition, staff recommends that the applicants replant the area between the dwelling unit and the rip-rap wall with native salt-tolerant plants to provide additional protection against erosion.

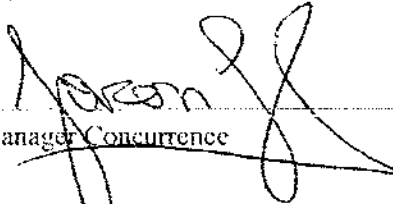
RECOMMENDATION

That Development Permit application 60632 to allow the construction of a dwelling, and a retaining wall with a setback variance, at 1287 Point Mercer Drive, be approved according to the terms outlined in Schedule No. 1.




Report Writer

General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

dp au 3060 30 60632 Hughes-Sims.doc

**Schedule No. 1
Terms of Approval (page 1 of 2)
Development Permit No. 60632**

Proposed Variance

1. The following variances apply to the dwelling unit and the retaining walls constructed in substantial compliance with Schedules No. 2 and 3:
 - a) Section 3.3.8 – Setbacks - Sea – of “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is varied to relax the setback as follows:
 - i. Coastal watercourse setback from 8 metres to 0 metres in order to allow the replacement of the retaining wall.

Site Development

1. The site development must be completed in substantial compliance with Schedules No. 1, 2, and 3.
2. All building and structure placements to be undertaken must be consistent with “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” except where varied by this permit.
3. The applicant shall develop the site in accordance with *Provincial* and *Federal* regulations. It is the responsibility of the landowner to ensure that all works on the lands are in compliance with the applicable *Provincial* and *Federal* regulations.

Environmental Protection

1. Foreshore construction should take place during the period of June 1 and December 1 of any calendar year.
2. Federal Fisheries and Oceans (DFO) must be informed, a minimum of five in advance, of the proposed works.
3. Excavated beach materials shall be kept to a minimum and shall be evenly distributed on the beach, and shall not stockpiled.
4. No soils or fine silt shall be introduced into the marine environment.
5. Construction is not to include the use of native beach materials (boulders, cobble, gravel, and drift logs).
6. All natural vegetation within 5 metres from the natural boundary should be left in tact. If any should be removed during the process of construction it must be replanted with native beach grasses.

Geotechnical Issues

1. Applicants shall register the Geotechnical Reports prepared by Lewkowich Geotechnical Engineering Ltd. as a Section 219 covenant on the title of the subject property. This Section 219 covenant shall also contain a clause acknowledging the flood risk associated with the property, saving the RDN harmless in the event of any loss or damage as a result of flooding on the property. All costs to be borne by the applicant. A draft copy of the covenant to be submitted with a letter of undertaking to register the covenant from the applicants' solicitor within 30 days of issuance of the Permit.

Schedule No. 1
Terms of Approval (page 2 of 2)
Development Permit No. 60632

Rip-Rap Retaining Wall

1. Applicants must obtain a building permit for the replacement of the retaining wall from the Regional District of Nanaimo Building Department.
2. Recommendations detailed in the Geotechnical Report prepared by Lewkowich Geotechnical Engineering Ltd. dated July 17, 2006 shall be incorporated into the proposed development.
3. The replacement of the rip-rap wall shall be undertaken under the supervision of a professional engineer with experience in shoreline processes and the installation of shoreline retaining devices.
4. The outermost edge of the top of the retaining wall will not go beyond the natural boundary.
5. The toe will not extend further than 1.5 metres into the foreshore, or beyond the toe of the existing retaining wall, whichever is less.
6. The new retaining wall shall not be greater than 1.8 metres in height as measured from above natural grade and extend across the entire width of the property.
7. The replacement wall on the subject property should be 'tied in' to the existing walls to the east and west.
8. Rock used for the rip-rap wall should be angular blast rock, clean and free of fines. The wall should be constructed using rip-rap that is between .75 and 1.5 m in diameter.
9. Planting of native salt tolerant vegetation (e.g. beach grass) shall be interspersed in rip-rap wall.
10. The rock wall should have a mechanism to drain soils from the upland through the rock without allowing for the loss of upland soils to the freshwater or marine environment. A filter fabric barrier to restrain upland soils is recommended.

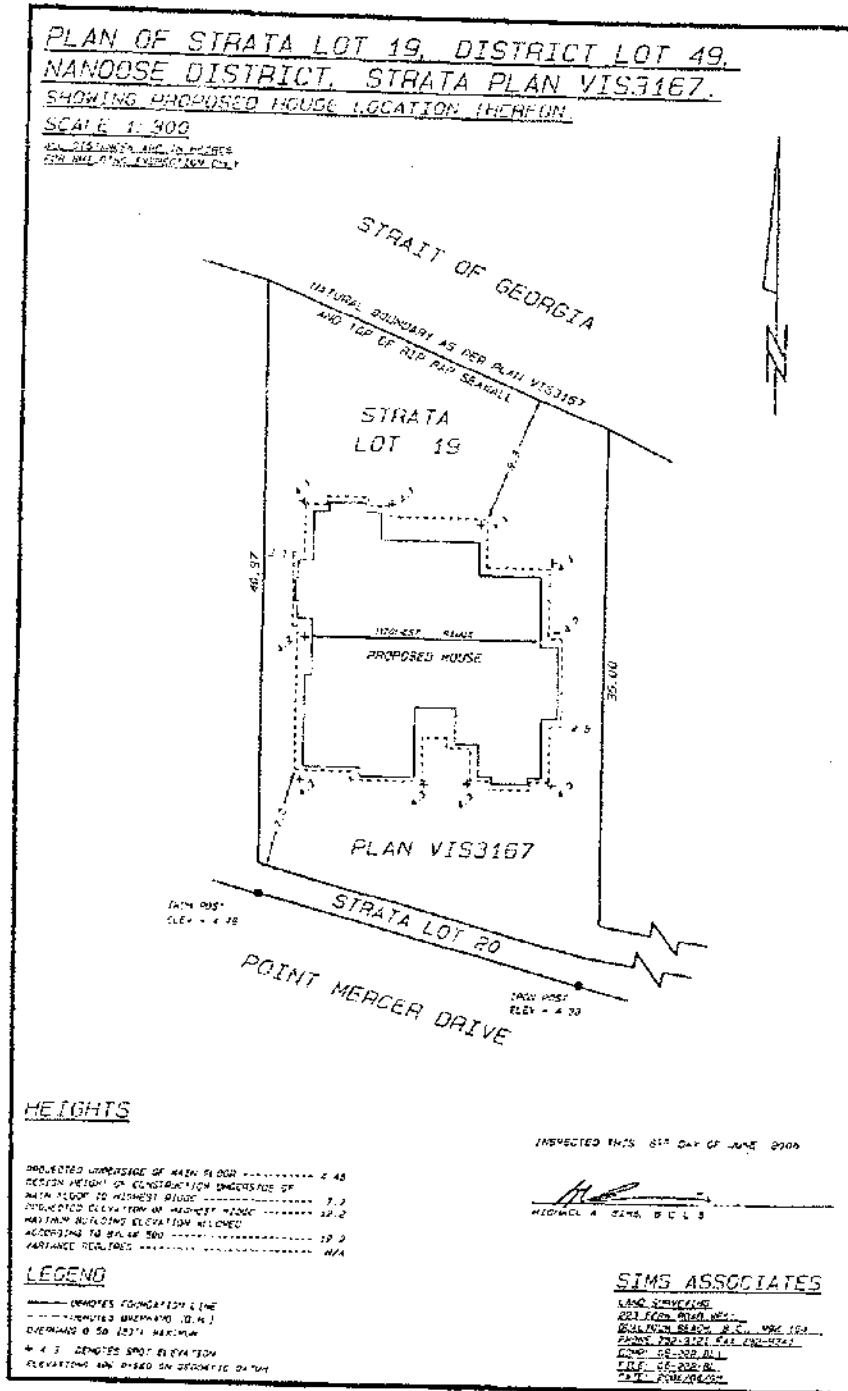
Dwelling Unit Construction

1. Applicants must obtain a building permit for the construction of the dwelling unit from the Regional District of Nanaimo Building Department.
2. Recommendations detailed in the Geotechnical Report prepared by Lewkowich Geotechnical Engineering Ltd., dated July 17, 2006 shall be incorporated into the proposed development.

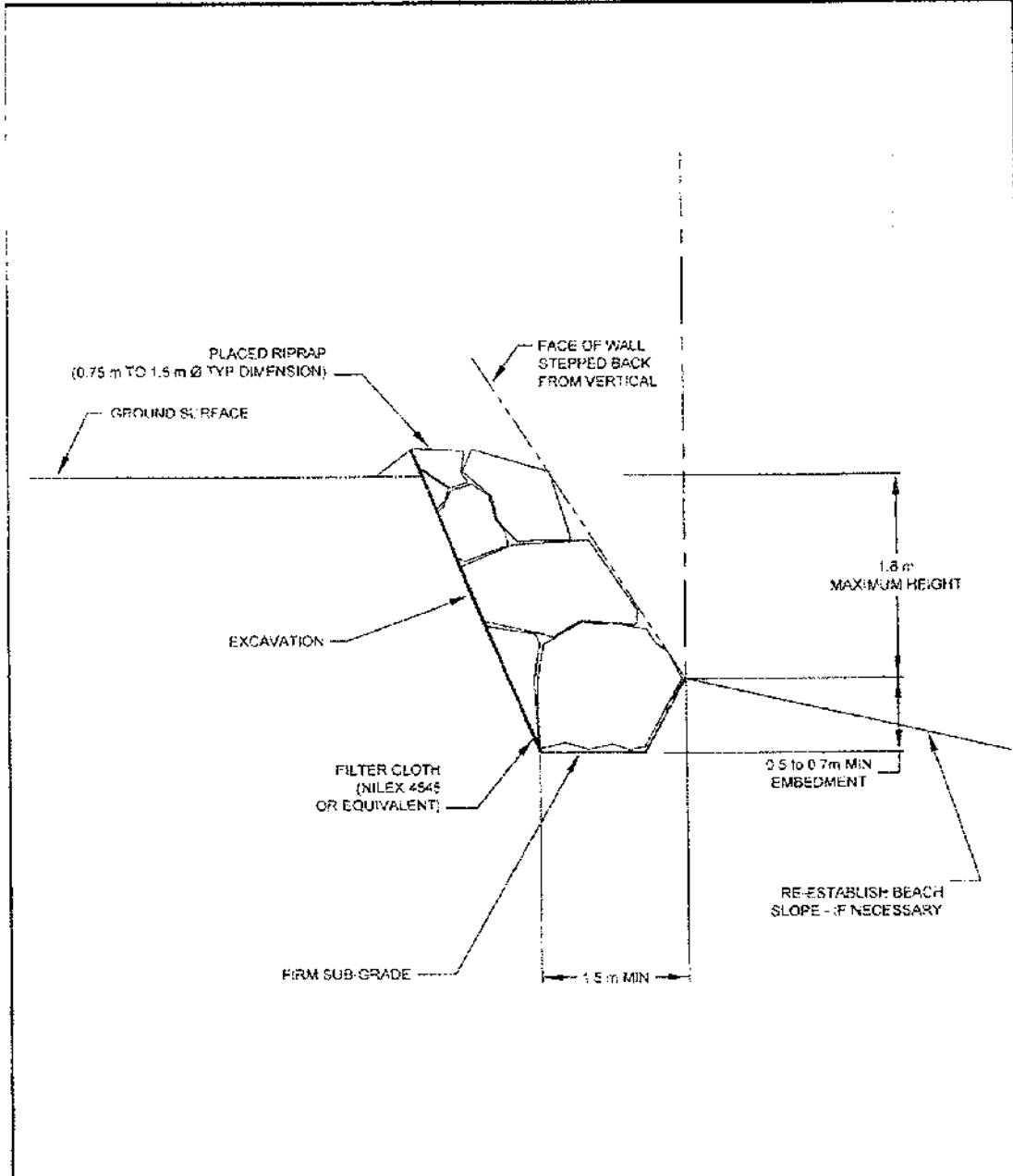
Machinery

1. The machine must be in good working order and no fuels, lubricants or construction wastes are permitted to enter the marine environment. No refueling of machinery is to be conducted within 100 m of the marine environment.
2. A spill kit shall be on-site to prevent the introduction of any fuels in the event of a spill. If a spill occurs, the Provincial Emergency Program must be contacted.
3. Applicants to provide confirmation of approval from the Ministry of Transportation to use the road right of way for access to the foreshore.
4. Heavy equipment machinery on the beach shall be limited to a maximum of 2 days.

**Schedule No. 2
Site Survey
(as submitted by applicant, reduced for convenience)
Development Permit No. 60632**



Schedule No. 3
Retaining Wall Cross Section
 (As submitted by applicant, reduced for convenience)
 Development Permit No. 60632



LEWKOWICH GEOTECHNICAL ENGINEERING LTD SEAWALL - TYPICAL SECTION LOT 19 - POINT MERCER QUALICUM	Date: JULY 2006	Drawn By: TL/TWO
	Project: G4300(R)	Reviewed By: TWO
	Scale: NTS	FIGURE 1



R D N		
CAO	GMES	
GMCS	GMR&P	
GMDS	GMRT&P	
AUG 18 2006		
CHAIR	BOARD	
Board		

MEMORANDUM

TO: Jason Llewellyn
Manager of Community Planning

DATE: August 18, 2006

FROM: Greg Keller
Planner

FILE: 3060 30 60639

SUBJECT: Development Permit Application No. 60639 – Acland
Electoral Area 'A' – 1943 Forest Hill Road

PURPOSE

To consider an application for a Development Permit to allow for the construction of a single-dwelling unit for a parcel located in the Streams, Nesting Trees, and Nanaimo River Floodplain Development Permit Area.

BACKGROUND

This application is for the property legally described as Lot 3, Sections 3 and 4, Range 8, Cranberry District, Plan VIP65016. The subject property is 2.03 ha in area and is located at 1943 Forest Hill Place in Electoral Area 'A' (see Attachment No. 1). The subject parcel is currently developed with one dwelling unit and is zoned Rural 4, Subdivision District 'D' (RU4D) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The applicant previously placed structural fill in the proposed building location prior to making a Development Permit application.

The minimum setback requirements in the RU4 zone are 8.0 metres from all lot lines and the maximum height for buildings and structures is 9.0 metres from natural grade. The proposed dwelling unit is in compliance with the setback and height requirements of Bylaw No. 500. In addition, the RU4 zone permits a second dwelling unit on a parcel where the parcel is greater than 2.0 hectares. Therefore, as the subject property is greater than 2.0 hectares, the proposed second dwelling unit is permitted. The subject parcel is not within a building inspection area; therefore, a building permit is not required for the proposed development.

The subject property is located more than 300 metres from the Nanaimo River and is located within the Streams, Nesting Trees, and Nanaimo River Floodplain Development Permit Area pursuant to "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001," because the subject property is located within the Nanaimo River Floodplain. Therefore a development permit is required.

There is also a man-made watercourse located on the subject property that is designated within the Development Permit Area, however, the proposed development is located outside of the applicable 15.0 metre Development Permit designation. Therefore, the Development Permit Area Guidelines for watercourse protection do not apply. In addition, the proposed development is greater than 30.0 metres from the watercourse, therefore an assessment pursuant to the *Riparian Areas Regulation* is not required.

There are three planning-related covenants registered on the title of the subject property. EL035991 is held by the Ministry of Health. This covenant requires septic disposal systems to be located and designed in a certain manner as indicated in the document. As the applicant is proposing to either use an existing septic disposal system, which is not located in the area required by the covenant, or install a new septic disposal system, staff contacted Glenn Gibson at the Vancouver Island Health Authority (VIHA) to discuss the covenant implications. Staff were advised that VIHA no longer enforces this particular covenant and there are now new provincial septic disposal regulations that require all septic disposal systems to be installed by a septic practitioner or registered professional. Therefore, the applicant was directed to VIHA for further information on their process.

EL035992 is held by the Ministry of Transportation and the Regional District of Nanaimo and requires the installation of individual onsite storm water disposal fields in substantial compliance with an engineering report attached to the covenant as a Schedule. The applicant has indicated that the appropriate storm water disposal system will be installed to satisfy the requirements of this covenant.

EL035993 is held by the Ministry of Environment and the Regional District of Nanaimo and prohibits construction within 7.5 metres of the natural boundary of any nearby pond (the proposed development is more than 100m from the pond) and establishes a minimum flood construction level of 21.0 metres Geodetic Survey of Canada (GSC). This covenant also prohibits the use of a building below 21.0 metres for the installation of furnaces or other fixed equipment susceptible to damage by floodwaters. In addition, this covenant contains a save harmless clause releasing the Ministry of Environment and the Regional District of Nanaimo from damages as a result of flooding and/or erosion.

The applicant submitted a geotechnical report prepared by Lewkowich Geotechnical Engineering Ltd. This report establishes the Nanaimo River flood construction elevation at 21.0 metres based on a recent survey benchmark located on Forest Hill Place. The report found the previously placed fill to be geotechnically sound and certified that property is safe for the intended use.

The applicants also submitted a survey prepared by a British Columbia Land Surveyor indicating the location of the proposed dwelling unit. The survey indicates that the underside of the floor system of the proposed dwelling unit is located at 21.10 metres GSC, 0.10 metres above the floodplain.

ALTERNATIVES

1. To approve the requested development permit subject to the terms outlined in Schedule No. 1
2. To deny the requested development permit as submitted.

DEVELOPMENT IMPLICATIONS

Land Use and Development Implications

As the subject property is located in the Nanaimo River Floodplain, the purpose of this Development Permit is to ensure that the proposed construction is located above the designated flood construction level. As indicated on the survey submitted by the applicants, the proposed dwelling unit is located 0.1 metres above the Nanaimo River Floodplain.

The proposed dwelling unit is a rancher with a crawl space. The structure will have to be elevated above the natural grade approximately 1.0 metre to meet the required flood construction elevation.

The applicants are proposing to achieve the required flood construction level by way of engineered fill and structural elevation. The applicants are proposing to backfill the foundation under the supervision of a geotechnical engineer.

The applicant is aware no goods damageable by floodwater and no internal workings such as wiring, plumbing, heating and no storage of goods damageable by floodwaters may occur at an elevation of less than 21.0 metres GSC. Therefore, staff recommend that as a condition of approval of this permit, that that applicants be required to retain the services of a geotechnical engineer registered in the province of British Columbia to design and supervise the backfilling, sloping, and revegetation.

In staff's assessment of this application, the applicants have demonstrated that the proposed development is consistent with the Development Permit Area guidelines.

VOTING

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

SUMMARY/CONCLUSIONS


This is an application to permit the construction of a single-dwelling unit on a parcel located at 1943 Forest Hill Place for a property located within the Streams, Nesting Trees, and Nanaimo River Floodplain Development Permit Area pursuant to "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001".

As the entire subject property is located within the Development Permit Area, it is not possible to build outside the Development Permit Area. The applicant's have demonstrated that the proposed dwelling unit and accessory building will be constructed above the Nanaimo River Floodplain.

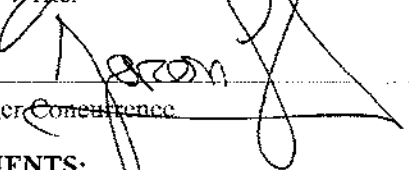
In staff's assessment of this application, the proposed development appropriately addresses the flooding concerns. Therefore, staff recommends that the Board approve the proposal as submitted by the applicants.

RECOMMENDATION

That Development Permit Application No. 60639 to allow the construction of a dwelling unit at 1943 Forest Hill Place be approved according to the terms outlined in Schedule No. 1.




Report Writer



Manager Concurrence

General Manager Concurrence



CAO Concurrence

COMMENTS:
devsvs/reports/2006/dp an 3060 36 60639 Acland Report

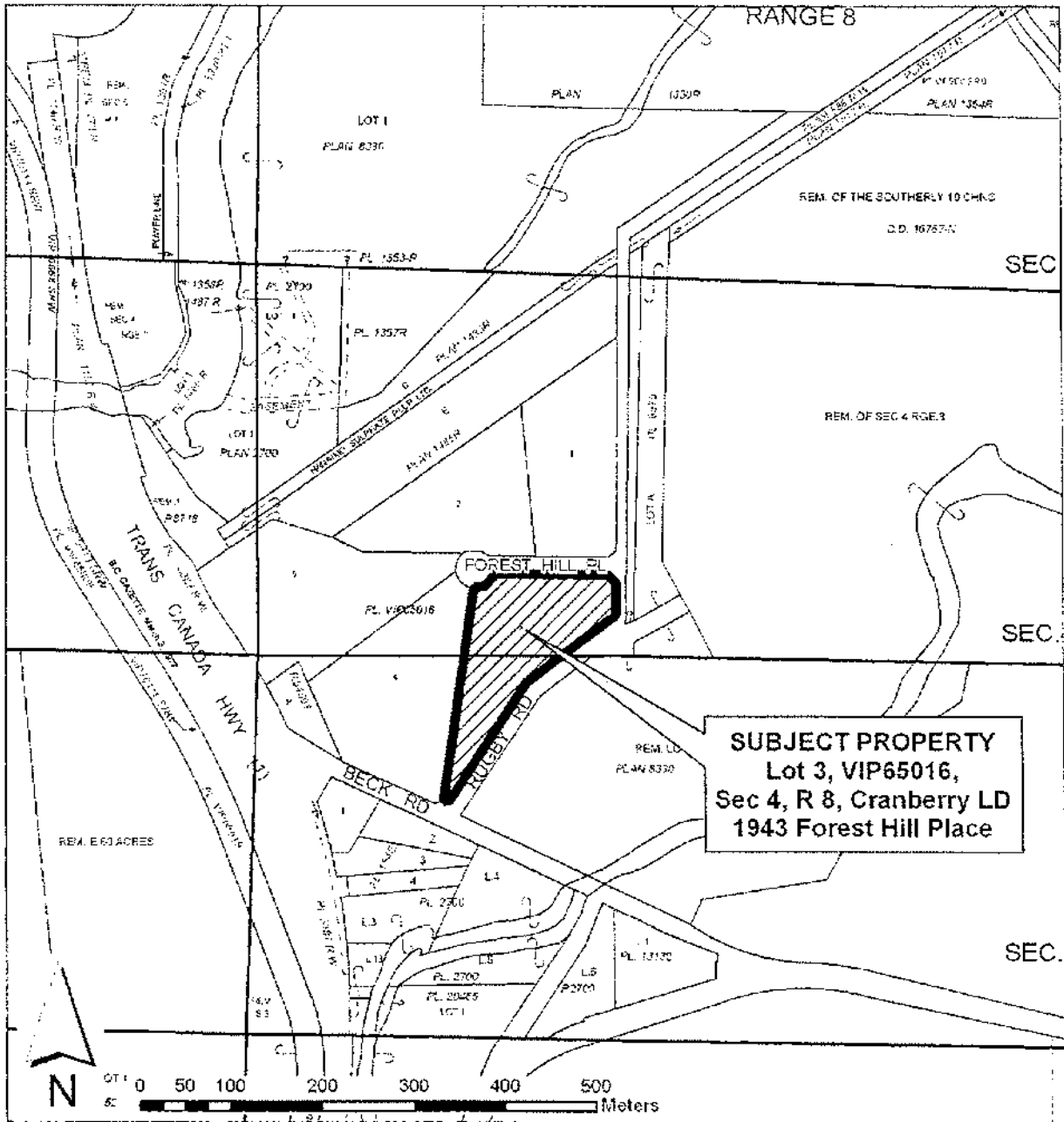
Schedule No. 1
Terms of Development Permit No. 60639
For Lot 3, Sections 3 and 4, Range 8, Cranberry District, Plan VIP65016
1943 Forest Hill Place

The following are to be completed as part of Development Permit No. 60639:

Development of Site

- 1 The elevation of the underside of the floor system of the dwelling unit must be constructed at least 21.10 metres Geodetic Survey of Canada (GSC), (0.1 metres above the benchmark determined by J.E. Anderson & Associates) as shown Schedule No. 2.
- 2 No storage of goods damageable by floodwaters and no internal works including wiring, plumbing, heating shall be located at an elevation of less than 21.0 metres GSC).
- 3 The applicants shall obtain the services of a geotechnical engineer licensed in the province of British Columbia to design and supervise all aspects of backfilling including sloping and revegetation.
- 4 Subject property shall be developed in accordance with Schedules No. 1 and 2.
- 5 All construction to be undertaken must be consistent with "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987".

Attachment No. 1
Subject Property
Development Permit No. 60639
1943 Forest Hill Place



BCGS Map Sheet No. 920.00/1.41



CAD	GMES	
GMCS	GMRRP	
GMDS	GMRT&P	
AUG 18 2006		
CHAIR	BOARD	
<i>Board</i>		

MEMORANDUM

TO: Jason Llewellyn
Manager of Community Planning

DATE: August 18, 2006

FROM: Greg Keller
Planner

FILE: 3060 30 60641

SUBJECT: Development Permit Application No. 60641 Norris - Michaels
Electoral Area 'A' – 1948 Forest Hill Road

PURPOSE

To consider an application for a Development Permit to allow for the construction of a single-dwelling unit and an accessory building for a parcel located in the Streams, Nesting Trees, and Nanaimo River Floodplain Development Permit Area.

BACKGROUND

This application is for the property legally described as Lot 1, Section 4, Range 8, Cranberry District, Plan VIP65016. The subject property is 2.01 ha in area and is located at 1948 Forest Hill Place in Electoral Area 'A' (see Attachment No. 1). The subject parcel is currently developed with one dwelling unit and is zoned Rural 4 Subdivision District 'D' (RU4D) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

The minimum setback requirements in the RU4 zone are 8.0 metres from all lot lines, and the maximum height for buildings and structures is 9.0 metres from natural grade. The proposed dwelling unit and accessory building are in compliance with the setback and height requirements of Bylaw No. 500. In addition, the RU4 zone permits a second dwelling unit on a parcel where the parcel is greater than 2.0 hectares. Therefore, as the subject property is greater than 2.0 hectares, the proposed second dwelling unit is permitted. The subject parcel is not within a building inspection area; therefore, a building permit is not required for the proposed development

The subject property is located more than 300 metres from the Nanaimo River and is located within the Streams, Nesting Trees, and Nanaimo River Floodplain Development Permit Area pursuant to "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001," because the subject property is located within the Nanaimo River Floodplain. Therefore, a development permit is required.

There are three planning-related covenants registered on the title of the subject property. EL035991 is held by the Ministry of Health. This covenant requires septic disposal systems to be located and designed in a certain manner as indicated in the document. As the applicant is proposing to use an existing septic disposal system located in an area not authorized by the document, staff contacted Glenn Gibson at the Vancouver Island Health Authority (VIHA) to discuss the covenant implications. Staff were advised that VIHA no longer enforces this particular covenant, and there are now new provincial septic disposal regulations that require all septic disposal systems to be installed by a septic practitioner or registered professional. Therefore, the applicant was directed to VIHA for further information on this process.

EL035992 is held by the Ministry of Transportation, and the Regional District of Nanaimo and requires the installation of individual on-site storm water disposal fields in substantial compliance with an engineering report attached to the covenant as a Schedule. The applicant has indicated that the appropriate storm water disposal system will be installed to satisfy the requirements of this covenant.

EL035993 is held by the Ministry of Environment and the Regional District of Nanaimo and prohibits construction within 7.5 metres of the natural boundary of any nearby pond (no ponds are located on the subject property) and establishes a minimum flood construction level of 21.0 metres Geodetic Survey of Canada (GSC). This covenant also prohibits the use of a building below 21.0 metres GSC for the installation of furnaces or other fixed equipment susceptible to damage by floodwaters. In addition, this covenant contains a save harmless clause releasing the Ministry of Environment and the Regional District of Nanaimo from damages as a result of flooding and/or erosion.

The applicant submitted a survey prepared by a British Columbia Land Surveyor indicating the location of the proposed dwelling unit and accessory building. The survey indicates that the underside of the floor system of the proposed dwelling unit and accessory building are located at 21.10 metres GSC, 0.10 metres above the floodplain.

ALTERNATIVES

1. To approve the requested development permit subject to the terms outlined in Schedule No. 1.
2. To deny the requested development permit as submitted.

DEVELOPMENT IMPLICATIONS

Land Use and Development Implications

As the subject property is located in the Nanaimo River Floodplain, the purpose of this Development Permit is to ensure that the proposed construction is located above the designated flood construction level. As indicated on the survey submitted by the applicants, the proposed dwelling unit and accessory building are located 0.1 metres above the Nanaimo River Floodplain.

The proposed dwelling unit is a two-storey Cape Cod style building with a crawl space. The accessory building is a single-storey, two-bay garage. Both structures will have to be elevated above the natural grade approximately 1.25 to 1.7 metres to meet the required flood construction elevation.

The applicants are proposing to achieve the required flood construction level for the dwelling unit by way of structural elevation. The applicants are proposing to backfill the foundation under the supervision of a geotechnical engineer using a combination of retaining walls and grass. The applicants are proposing to elevate the slab of the garage using structural fill placed under the supervision of a geotechnical engineer. Therefore, staff recommend that as a condition of approval of this permit, that the applicants be required to retain the services of a geotechnical engineer to design and supervise the backfilling, retaining wall installation, and re-vegetation related to the dwelling unit and fill placement, sloping, and re-vegetation related to the accessory building.

The applicants are aware no goods damageable by floodwater and no internal workings such as wiring, plumbing, heating, and no storage of goods damageable by floodwaters may occur at an elevation of less than 21.0 metres.

In staff's assessment of this application, the applicants have demonstrated that the proposed development is consistent with the Development Permit Area guidelines.

VOTING

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

SUMMARY/CONCLUSIONS

This is an application to permit the construction of a single-dwelling unit and accessory building on a parcel located at 1948 Forest Hill Place for a property located within the Streams, Nesting Trees, and Nanaimo River Floodplain Development Permit Area pursuant to "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001."

As the entire subject property is located within the Development Permit Area, it is not possible to build outside the Development Permit Area. The applicants have demonstrated that the proposed dwelling unit and accessory building will be constructed above the Nanaimo River Floodplain.

In staff's assessment of this application, the proposed development appropriately addresses the flooding concerns. Therefore, staff recommends that the Board approve the proposal as submitted by the applicants.

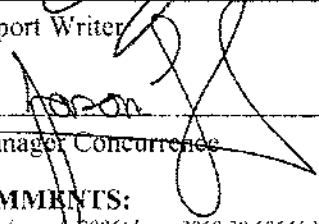
RECOMMENDATION

That Development Permit Application No. 60641, to allow the construction of a dwelling unit and accessory building at 1948 Forest Hill Place, be approved according to the terms outlined in Schedule No. 1.




Report Writer

General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devs/reports/2006/dp au 3960 30 60641 Norris - Michaels Report

Schedule No. 1
Terms of Development Permit No. 60641
For Lot 1, Section 4, Range 8, Cranberry District, Plan VIP65016
1948 Forest Hill Place

The following are to be completed as part of Development Permit No. 60641:

Development of Site

1. The elevation of the underside of the floor system of the dwelling unit and accessory building must be constructed at least 21.10 metres, (0.1 metres above the benchmark determined by J.E. Anderson & Associates to be the extent of the Nanaimo River Floodplain) as shown Schedule No. 2.
2. No storage of goods damageable by floodwaters and no internal works including wiring, plumbing, heating shall be located at an elevation of less than 21.0 metres
3. The applicants shall obtain the services of a geotechnical engineer licensed in the province of British Columbia to design and supervise the placement of structural fill related to the accessory building and the design, placement, sloping, and re-vegetation of all backfilling.
4. Subject property shall be developed in accordance with Schedules No. 1 and 2.
5. All construction to be undertaken must be consistent with "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

Schedule No. 2 (page 1 of 2)
 Site Plan (reduced for convenience)
 Development Permit No. 60641

J.E. ANDERSON & ASSOCIATES
 B.C. Land Surveyors - Consulting Engineers
 Victoria - Nanaimo - Parksville, B.C.
 Ph. 758-4631 Fax: 758-4569

SKETCH PLAN

File: 85957 Date: 1348 Forest Hill Place, Nanaimo, BC

Legal: Lot 1, Section 4, Range 8, Cranberry District, Plan VP85016.
 Dimensions are in metres and are defined from Plan VP85016.
 This sketch does not constitute a redefinition of the legal boundaries
 herein described and is not to be used in any manner which would obscure same.

This building location certificate has been prepared in accordance with the Manual of Standard Practice and is
 Certified Correct this 13th day of July, 2006.

[Signature]
 R.C.L.S.

The document is not valid unless
 originally signed and sealed.

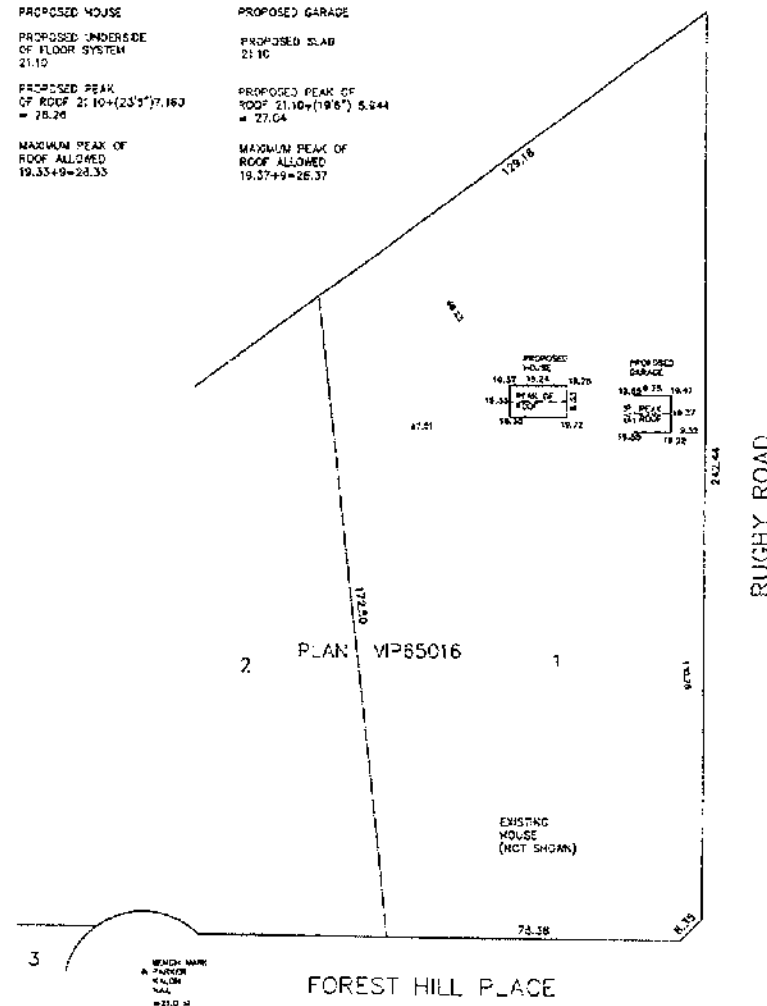
© Copyright 2006 J.E. Anderson & Associates. All rights reserved. No person may copy, reproduce, transmit or
 alter this document in whole or in part without the consent of the signatory.

The signatory accepts no responsibility or liability for any damages that may be suffered by a third party
 as a result of any decisions made, or actions taken based on this document.

Subject to charges, legal notations, and interests shown on: Title No. E93528 (P.L.O. 323-732-539)

ELEVATIONS ARE BASED ON BENCH MARK
 SHOWN

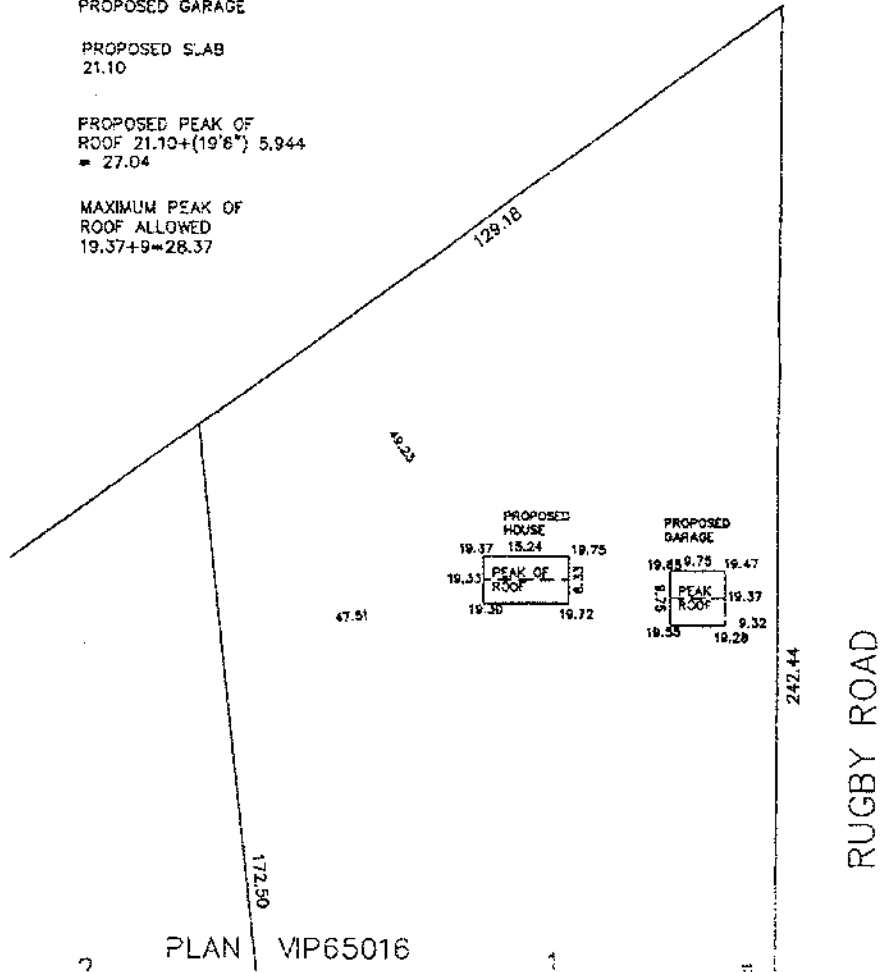
SCALE 1:1000



Schedule No. 2 (page 2 of 2)
 Site Plan (enlarged for convenience)
 Development Permit No. 60641

PROPOSED HOUSE
 PROPOSED UNDERSIDE
 OF FLOOR SYSTEM
 21.10
 PROPOSED PEAK
 OF ROOF $21.10 + (23'6" \times 7.163)$
 = 28.26
 MAXIMUM PEAK OF
 ROOF ALLOWED
 $19.33 + 9 = 28.33$

PROPOSED GARAGE
 PROPOSED SLAB
 21.10
 PROPOSED PEAK OF
 ROOF $21.10 + (19'8" \times 5.944)$
 = 27.04
 MAXIMUM PEAK OF
 ROOF ALLOWED
 $19.37 + 9 = 28.37$





RDN	
CAO	GMES
GMCS	GMR&P
GMDS	GMR&P
AUG 22 2006	
CHAIR	BOARD
Board	

MEMORANDUM

TO: Jason Llewellyn
 Manager of Community Planning

DATE: August 18, 2006

FROM: Greg Keller
 Planner

FILE: 3060 30 60643

SUBJECT: Development Permit Application No. 60643 – Nanaimo Airport Commission
 Electoral Area 'A'

PURPOSE

To consider an application for a Development Permit to approve a proposed vegetation management plan and future stream restoration and enhancement works that includes 17 parcels located north of the Nanaimo Airport and designated within the Streams, Nesting Trees, and Nanaimo River Floodplain Development Permit Area.

BACKGROUND

The Planning Department was approached by the Nanaimo Airport Commission regarding a current public safety concern at the Nanaimo Airport related to unchecked tree growth on adjacent properties leading to the intrusion of trees into the flightpath. Transport Canada specifies requirements and restrictions on the height of tree growth and structures within the flightpath to ensure that aircraft can operate safely.

As a result of the tree intrusions, Transport Canada shortened the runway from 5000 feet to 4000 feet on May 31, 2006, due to unacceptable safety hazards (*Please refer to Attachment No. 2 for a visual representation*). The resulting shortened runway changed the approach angle and addressed the immediate safety concerns. However, this resulted in a reduced maximum allowable payload for aircraft. The reduced payload affects the traveling public as passengers may not be able to travel, even if there are empty seats on an aircraft, due to the reduction in payload. If left untreated, the tree intrusion may result in further restrictions being placed on the operation of the Airport. In addition, until this situation is resolved, the Airport is unable to introduce an instrument approach system, thereby reducing the ceiling height and increasing travel reliability (the ability to fly in fowl weather).

In response, the applicant submitted this Development Permit application to propose a vegetation management plan that involves a combination of tree topping, removal, and replanting to manage the height of trees that intrude into the flightpath in order to satisfy Transport Canada's public safety requirements and ensure the long-term viability of the airport. The applicant, in consultation with the Department of Fisheries and Oceans Canada and the Ministry of Environment, has agreed on the proposed plan; and the applicant is requesting approval for its immediate and long-term implementation.

The subject properties are located south of the Nanaimo Airport in Electoral Area 'A' (*see Attachment No. 1*) and are located within the Streams, Nesting Trees, and Nanaimo River Floodplain Development Permit Area pursuant to "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001." This designation protects Haslam Creek and its tributaries that flow through the

subject properties. Most of the vegetation management activities are located in or near the biologically diverse riparian corridor adjacent to Haslam Creek and its tributaries. The subject properties are also designated within the Agricultural Land Reserve.

The subject properties vary in stages of development and current use. The majority of the subject properties have previously been or are planned to be cleared for agricultural purposes; and there are existing dwelling units and accessory uses located on most of the subject properties, including the Nanaimo River Fish Hatchery.

The applicant, in support of this application, submitted an environmental assessment report and a riparian areas assessment to satisfy the *Riparian Areas Regulation*. The applicant's environmental assessment report identifies 15 vegetation treatment areas (A through O) that are the subject of this application. The treatment areas are independent of property line boundaries and are based on riparian function, which is critical to the maintenance of fish. The 15 treatment areas form the basis of the vegetation management plan. These treatment areas are dispersed throughout the subject properties within the riparian area and are discussed in more detail below. Part of the proposed vegetation clearing is located outside of the riparian area and not contained in a treatment area; therefore, this report does not address this clearing.

As of the date of this report, approval to conduct vegetation management works and obtain a Development Permit has been obtained from the property owners for seven parcels. Therefore, the applicant is proposing to implement the vegetation management plan in phases. Each successive phase is proposed to be implemented as approvals are received from each property owner.

Upon request of the Department of Fisheries and Oceans Canada, the applicant is proposing to conduct future stream enhancement and restoration works under the supervision of the Department of Fisheries and Oceans Canada. No specific details on this proposal are available at this time; however, this application includes a request to permit the future works as approved by the Department of Fisheries and Oceans Canada.

ALTERNATIVES

1. To approve the requested development permit subject to the terms outlined in Schedule No. 1.
2. To deny the requested development permit as submitted.

DEVELOPMENT IMPLICATIONS

Environmental Implications

Haslam Creek and its tributaries are known to provide valuable fish and wildlife habitat. Therefore, the applicant obtained the services of an environmental consultant to prepare an Environmental Assessment report. In addition, as tree topping and removal is proposed within the Riparian Assessment Area (30.0 metres from the high water mark), a riparian areas assessment was prepared to satisfy the *Riparian Areas Regulation*.

The primary objective of the environmental assessment report was to identify a procedure to manage the vegetation within the flightpath, while at the same time maintaining the biological function of the riparian vegetation to avoid Harmful Alteration, Disruption or Destruction (HADD) of fish habitat.

The report focuses on fish and wildlife values and provides a detailed inventory of existing features to be managed. It was found that the Haslam Creek and its tributaries support a variety of significant fish

species including Chinook Salmon, Chum Salmon, Coho Salmon, Pink Salmon, Steelhead, Rainbow Trout, and Cutthroat Trout.

The report also identifies two provincially blue-listed wildlife species: the red legged frog and the band tailed pigeon. In addition, an active red-tailed hawk nest was identified. The proposed vegetation management plan includes management prescriptions that preserve the identified environmentally sensitive features including fish and wildlife. Therefore, it is not anticipated that the implementation of the proposed vegetation management plan will result in an unacceptable environmental impact.

The riparian area assessment report specifies a Streamside Protection and Enhancement Area (SPEA) width of 30.0 metres for Haslam Creek and a variable SPEA for Haslam Creek's tributaries ranging from 13.2 metres to 23.4 metres. As tree removal and tree topping is proposed within the SPEA, approval from the Department of Fisheries and Oceans Canada pursuant to Section 4(3) of the *Riparian Areas Regulation* is required. As of the date of this report, official approval has not been received. However, discussions with the Department of Fisheries and Oceans Canada indicate that this approval is expected prior to the Board's consideration of this permit. Staff shall confirm this approval has been received, and shall ensure the Board is verbally informed if approvals are not received prior to Board consideration of this permit.

Although tree topping and removal is proposed within the SPEA, it is not anticipated to result in a HADD if the measures prescribed in the RAR assessment report are implemented by the applicant. Therefore, staff recommends, as a condition of this permit, that the applicant be required to implement all measures prescribed by the Qualified Environmental Professional contained in the report dated August 11, 2006, and amendments thereto as accepted by the Ministry of Environment.

Proposed Vegetation Management Plan

The proposed vegetation management plan recommends that trees be topped and felled throughout the riparian area to eliminate tree intrusion into the flight path. There are 15 treatment area prescriptions described in the environmental assessment report submitted by the applicant. A summary of the treatment area prescriptions is attached as Schedule No. 2. The treatment areas are labeled 'A' through 'O' and, as mentioned above, are based on the riparian function of each segment of watercourse to which they apply.

In summary, the treatment area prescriptions specify topping and felling of trees adjacent to the riparian area based on the species of tree, the overall existing height, and environmental sensitivity of each individual treatment area. The prescriptions also include the maximum height at which trees should be maintained to ensure that trees are not intruding into the flightpath. While some prescriptions allow topping only, the prescriptions generally require topping within 0.0 to 20.0 metres of the highwater mark and falling between 20.0 and 30.0 metres from the high water mark to reduce the impact on the watercourse. Please refer to Schedule No. 2 for further detailed information.

There are no activities currently planned for treatment areas 'I', 'L', and parts of various other treatment areas. However, the applicant has addressed these areas in the studies; and should the applicant need to manage the vegetation in these areas in the future, this Development Permit would authorize the works subject to obtaining property owner authorization.

Development Permit Processing Implications

The applicant has secured authorization from seven property owners to apply for this permit and enter on the lands to implement the proposed vegetation management plan. The Regional District of Nanaimo can not issue a Development Permit on a parcel for works not authorized by a property owner.

In order to address this issue, staff recommends the Board consider this Development Permit application for all properties involved and direct staff to withhold issuance of the permit for those properties where authorization has not been received.

This would allow the Board to consider this issue in a comprehensive manner and direct staff to issue the Development Permit to those properties where property owner authorization has been received and withhold the issuance of a Development Permit on those properties that have not received property owner authorization until such time as authorization is received. Staff intend to issue each part separately as owner authorization is received for that property. Please refer to Attachment No. 3 for a detailed breakdown of Development Permit No. 60643 Parts: 'A' through 'I' and the legal description of each property included in each part. There is no relationship between the letters used to describe the treatment areas and the letters used to describe each Development Permit part.

VOTING

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

SUMMARY/CONCLUSIONS


This is an application to authorize the implementation of a vegetation management plan, which prescribes the topping and removal of trees that encroach into the flightpath of the Nanaimo Airport involving a number of properties located within the Streams, Nesting Trees, and Nanaimo River Floodplain Development Permit Area pursuant to "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001." This encroachment has lead to Transport Canada's order to shorten the runway from 5000 feet to 4000 feet to address public safety concerns. Although there is no immediate threat to public safety with the shortened runway, it has lead to inefficiencies in providing air service at the Nanaimo Airport; and if left untreated, may result in further restrictions being imposed on the operation of the Airport.

The properties involved include a biologically diverse riparian corridor adjacent to Haslam Creek and its tributaries. However, the applicant's have demonstrated that the proposed works, if conducted in accordance with the recommendations contained in the applicant's environmental assessment report and riparian area assessment report, will not have an unreasonable impact on the riparian area.

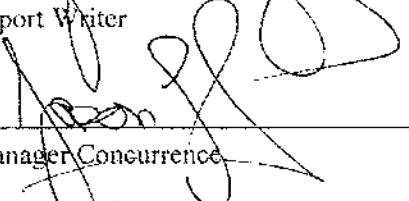
In addition, in staff's assessment of this application, the proposed development appropriately addresses the environmental concerns and satisfies the Development Permit Area Guidelines. Therefore, staff recommends that the Board approve the proposal as submitted by the applicant.

RECOMMENDATION

- 1) That Development Permit Application No. 60643 to approve the vegetation management plan submitted by the Nanaimo Airport Commission be approved according to the terms outlined in Schedule No. 1. and that the Board direct staff to do the following:
 - a) to issue Part 'A' of this Development Permit, and,
 - b) to withhold the issuance of Part 'B' through 'I' of this Development Permit until the necessary authorization is received for the issuance of the Development Permit and the proposed works for each property.

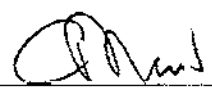


Report Writer



Manager Concurrence

Administrator Concurrence



CAO Concurrence

COMMENTS:

devsvsr/reports/2006/dp au 3060 30 60643 Nanaimo Airport Commission Report

Schedule No. 1
Terms of Development Permit No. 60643

The following are to be completed as part of Development Permit No. 60643:

Vegetation Management Plan

1. This Development Permit authorizes the immediate and long-term vegetation management activities prescribed in the report titled "*ENVIRONMENTAL ASSESSMENT - Riparian Area Adjacent to Haslam Creek and Tributaries Approach Path Vegetation Clearance and Tree Management*" dated August 14, 2006, prepared by Madrone Environmental Services Ltd. as amended from time to time under the supervision of the Department of Fisheries Oceans Canada and the Ministry of Environment.
2. All disturbances to vegetation must be in general compliance with that outlined in Schedule No. 2, which is attached to and forms part of this permit.
3. Notwithstanding the above, where there is a discrepancy between the vegetation management plan summary contained in Schedule No. 2 and the Environmental Assessment report stated above, the Environmental Assessment Report shall take precedent, unless otherwise approved by the Department of Fisheries and Oceans Canada and the Ministry of Environment.
4. The applicant shall obtain approval from the Department of Fisheries and Oceans Canada and the Ministry of Environment prior to conducting any in-stream habitat restoration and enhancement works and shall provide written proof to the Regional District of Nanaimo prior to commencing work.
5. A new Development Permit may be required at the discretion of the Regional District of Nanaimo if vegetation management activities are no longer in substantial compliance with that approved by this permit.
6. A Development Permit shall not be required for minor amendments to the treatment area or prescriptions provided in the Environmental Assessment Report where such amendments are prescribed by a Qualified Environmental Professional and approved by the Department of Fisheries and Oceans Canada and the Ministry of Environment and written proof is provided to the Regional District of Nanaimo prior to the commencement of any new vegetation management activity.
7. The applicant shall at all times provide the Regional District of Nanaimo Planning Department with an up-to-date copy of the vegetation management plan including all amendments.

Riparian Assessment Report

8. The applicant shall implement all measures prescribed by the Qualified Environmental Professional contained in the report dated August 11, 2006, and amendments thereto as accepted by the Ministry of Environment.

Environmental Protection

9. Prior to the start of operations, the applicant shall flag the highwater mark along the length of Haslam Creek and all side channels and tributaries affected by the vegetation management plan.
10. Prior to the start of operations, the applicant shall clearly mark the boundaries of each treatment area as shown on Schedule No. 2.
11. The timing of all operations shall be sensitive to the breeding season of nesting birds and spawning fish.
12. The applicant shall adhere to all recommendations contained in the report titled "*ENVIRONMENTAL ASSESSMENT – Riparian Area Adjacent to Haslam Creek and Tributaries Approach Path Vegetation Clearance and Tree Management*" dated August 14, 2006, prepared by Madrone Environmental Services Ltd. with respect to the protection of wildlife and fisheries.
13. For each tree that is topped or felled, the applicant shall replant a minimum of three trees to compensate for future tree mortality, under the direction of the Department of Fisheries and Oceans Canada.
14. All trees shall be replanted in early spring and shall be of suitable native species in one gallon pots as prescribed in the report titled "*ENVIRONMENTAL ASSESSMENT – Riparian Area Adjacent to Haslam Creek and Tributaries Approach Path Vegetation Clearance and Tree Management*" dated August 14, 2006, prepared by Madrone Environmental Services Ltd.
15. The applicant shall keep an accurate yearly log of the species, location, and number of trees topped or felled and the total number of trees replanted.
16. The applicant shall, upon the request of the Regional District of Nanaimo, provide this log to the Regional District of Nanaimo to ensure compliance with the vegetation management plan.

Environmental Monitoring

17. The applicant shall obtain the services of an environmental monitor who is familiar with the vegetation management plan and riparian areas assessment to be on-site during immediate and long-term operations to ensure that the correct prescriptions are followed for the appropriate treatment area and to ensure the measures prescribed in the riparian assessment report are implemented.
18. The applicant shall provide proof to the satisfaction of the Regional District of Nanaimo that an Environmental Monitor as been obtained.
19. Upon completion of works within each treatment area and each successive time a treatment area is topped and/or felled, the applicant shall provide a post-activity report prepared by the Environmental Monitor who oversaw the work to the Regional District of Nanaimo, which shall include photographs and confirmation that the completed works were conducted in accordance with the vegetation management plan and the riparian assessment report.

Notification and Public Education

20. The applicant shall notify the Regional District of Nanaimo Planning Department at least two business days prior to commencing vegetation management activities.
21. The applicant is strongly encouraged to educate the public on the vegetation management activities.

Schedule No. 2 (Page 1 of 5)
 Vegetation Management Plan Summary
 Development Permit No. 60643

Date August 11, 2006

Nanaimo Airport Flightpath Vegetation Management

Work Plan Summary for areas identified on Figure 5, Treatment Areas

Riparian Treatment Units	Recommendation	NAC work to be done & impact on vegetation (max. height is 2 m below transitional surface)
A	topping only, consider planting to widen riparian strip to 15m	Scattered very tall trees may require light topping. Max height at #9 is 51 m, tree is only 50m tall. Most of treatment unit is outside flightpath management area
B	topping only with 20m of HWM, beyond 20m fall or top intrusion trees	<p>Topping only within treatment area with the exception of possible falling within Section 4, Range 8, east of Unit C</p> <p>Lot 5, Section 3: Scattered very tall trees may require light topping. Max height at #10 is 46m, tree is 52m tall</p> <p>Section 4, Range 8: East of Unit C: Scattered very tall trees may require topping. Max height at #11 is 45m, tree is 51m tall. Landowner may desire some falling beyond 20m of HWM.</p> <p>Lot 1, Plan 10508: No work required, outside of flightpath management area.</p> <p>Lot 1 Section 5/Section 4, Range 8 adjacent to Unit E. All trees require heavy topping. Maximum tree height of 9m at flight line center at Haslam Creek, increasing to 16m at south edge of Section 4</p> <p>Lot 1 Section 5, South of Haslam Creek. All trees require heavy topping. Max height at #36 is 8m, tree is currently 33m tall</p>
C	topping only with 20m of HWM, keep tops out of wetted channel	Topping only within treatment area. Many trees will require topping. Maintain trees heights at approximately 18m at the west end of the treatment unit; increasing to approximately 46m at the east.

**Schedule No. 2 (Page 2 of 5)
Vegetation Management Plan Summary
Development Permit No. 60643**

Riparian Treatment Units	Recommendation	NAC work to be done & impact on vegetation (max. height is 2 m below transitional surface)
D	topping only, consider clearing patches of shrub layer and planting trees. Opportunities for in stream habitat enhancement.	<p>Topping only within treatment area. Scattered trees to top. Maintain trees heights at approximately 17m.</p>
E	topping only within 18m SPEA, beyond 18m top or fall	<p>Topping only within treatment area. Many trees will require topping. Maintain trees heights at approximately 9m at the west end of the treatment unit, increasing to approximately 17m at the east.</p>
F	topping only within 10m of HWM, beyond 10m top or fall	<p>Topping within 10m of HWM, fall trees away where they will not impact Haslam Creek. (diked section) Many trees will require topping. Maintain trees heights at approximately 23m at the west end of the treatment unit, decreasing to approximately 9m at the east. Max height at #35 is 23m, tree is 43m tall.</p>
G	light topping only within 20m of HWM. Top to maximum height and prune every 1 or 2 years. between 20 and 30m of HWM fall no more than half of intruding trees	<p>Topping only within treatment area. A few dozen trees will require topping. Maintain trees heights at approximately 34m. Max height at #45 is 34m, tree is 42m tall.</p>
H	light topping only within 20m of HWM. Top to maximum height and prune every 1 or 2 years. Between 10 and 20m of HWM conventional topping. Madrone suggests deactivating T-Bridge road & replanting. Potential for in stream habitat improvement with rootwads and LWD.	<p>Topping only within treatment area. All trees require topping. Maximum tree height of 24m at T-bridge road decreasing to 8m at the east end of the unit in the center of the flightpath. Max height at #44 is 24m, tree is 34m tall. Max height at tree # 17 is 8m, tree is 32m tall.</p>
I	No vegetation present. possible to reforest stream/sides	<p>No current action required.</p>
J	Topping only within riparian area	<p>Topping only within treatment area. Scattered trees to top. Maintain tree heights at approximately 15m</p>

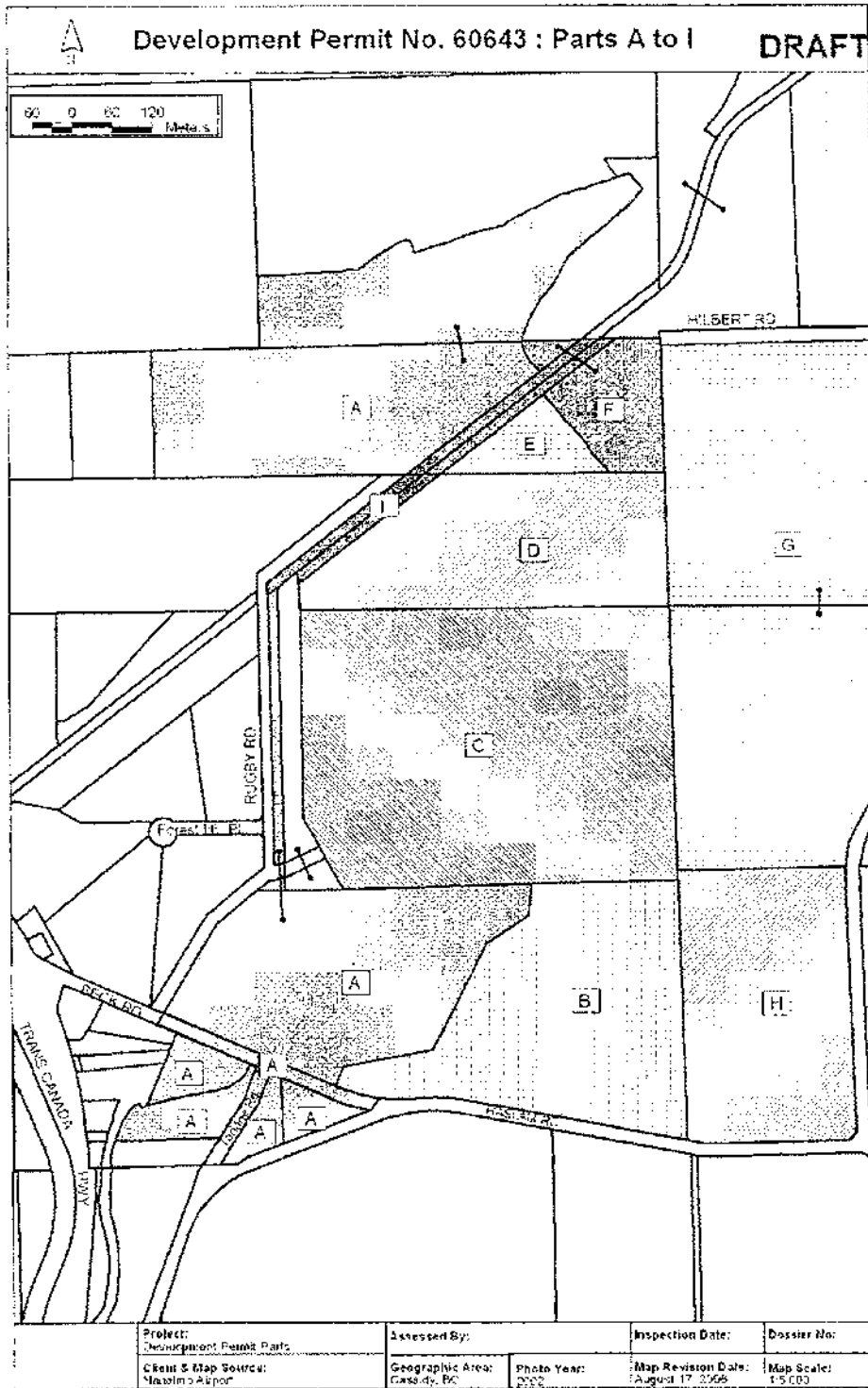
**Schedule No. 2 (Page 3 of 5)
Vegetation Management Plan Summary
Development Permit No. 60643**

Riparian Treatment Units	Recommendation	NAC work to be done & impact on vegetation (max. height is 2 m below transitional surface)
K	topping only within the 15m SPEA of Napoleon Cr. and the 23.4m SPEA on Napoleon Cr. and the 30m SPEA of Haslam creek. Only top the trees that are intruding or are close to intruding.	<p>Topping only within treatment area.</p> <p>Unit K along Haslam Cr. Numerous trees to top, Tree height to be maintained at approximately 16m at the south and 18m at the north end of the treatment unit.</p> <p>Unit K along Napoleon Cr. Scattered trees to top. Tree height to be maintained at approximately 30m at the west and 44m at the east side of the treatment unit.</p>
L	Topping only within 17.7m riparian area	No current action required. Outside of flightpath
M	Topping only within 13.2m SPEA of sidechannel. Between 0m and 20m of HWM of Haslam topping only. Beyond 20m of HWM, intruding trees may be felled.	<p>Topping only within treatment area.</p> <p>Scattered trees to top. Tree height to be maintained at approximately 32m</p>
N	Topping only within 23.4m SPEA riparian area	<p>Topping only within treatment area.</p> <p>There may be the occasional tree in excess of 40m tall to top. Portions of the treatment unit are beyond the flightpath.</p>
O	Topping only within 10m SPEA around flagged wetland edge. Top trees within wetland. Beyond 10m, trees may be felled. Leave tops where they fall.	<p>Topping only within treatment area. Outside Treatment area trees may be topped or felled away from wetland and Haslam Creek</p> <p>Numerous trees to top. Tree height to be maintained at approximately 30m at the west at T-bridge road and 8m at the east side of the treatment unit. Max height at tree # 18 is 8m, tree is 30m tall.</p> <p>Wetland area adjacent to Treatment Unit O, top intruding trees and leave tops on site.</p>

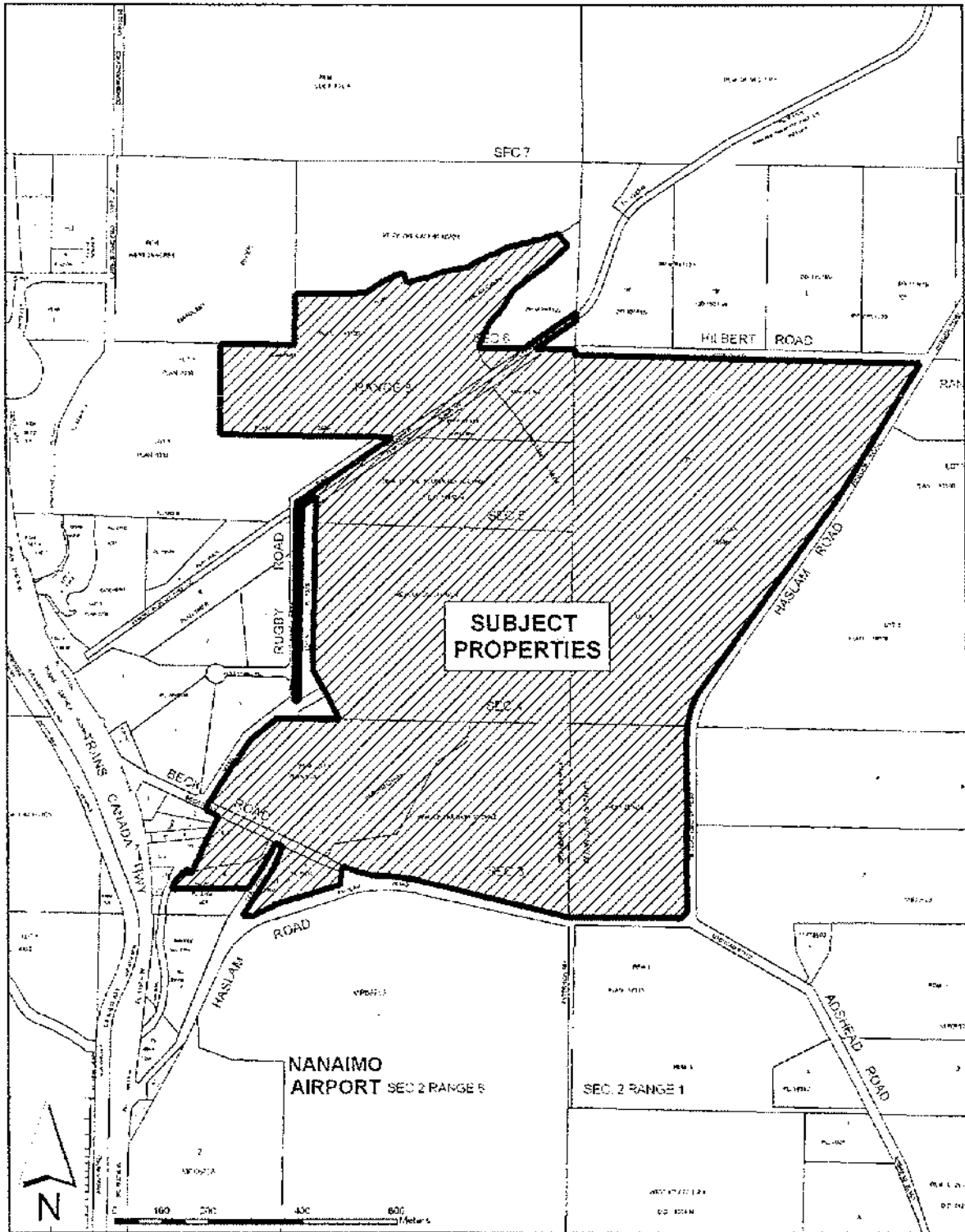
Schedule No. 2 (Page 4 of 5)
 Development Permit No. 60643
 Vegetation Management Plan Treatment Area Key



Schedule No. 2 (Page 5 of 5)
 Development Permit No. 60643
 Key Showing Parts 'A' to 'I'



**Attachment No. 1
Subject Property
Development Permit No. 60643**



BCCS Map Sheet No 925.301 4.1

Attachment No. 2
Changes in Runway Length

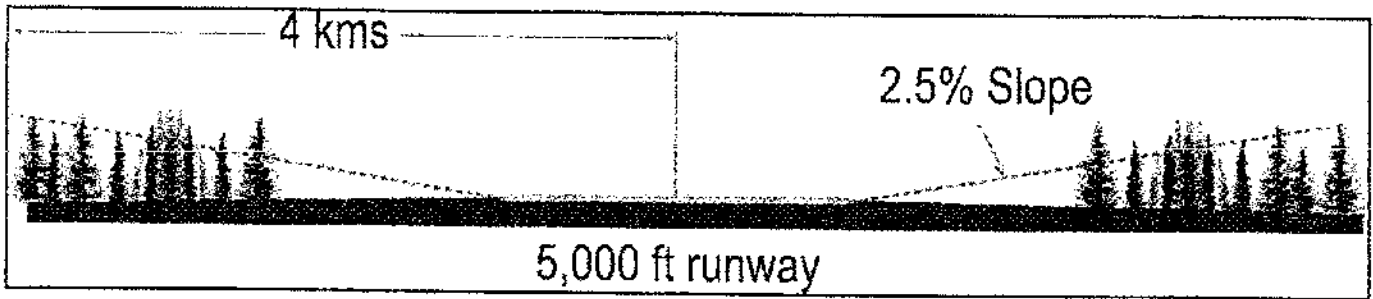


Figure 1. Runway and approach surface prior to May 31st 2006. Gives visual appreciation of the safety concerns from intruding trees.

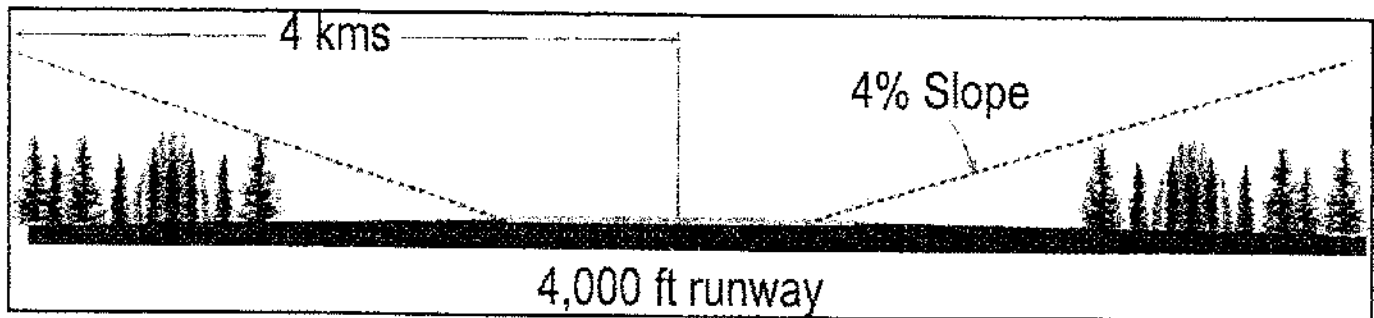


Figure 2. Runway and approach surface after May 31st 2006. The increased approach surface clears the majority of intruding trees at present.

**Attachment No. 3
 Description of Development Permit No. 60643: Parts 'A' - 'I'**

Part	Legal Description of Properties Involved	PID
A	That Part of Section 5, Range 8, Cranberry District, Outlined in Red on Plan 1350R	008-996-202
	Lot 1, Section 5, Range 7, and of Sections 3, 4, and 5, Range 8, Cranberry District, Plan 8330	005-500-605
	Lot 5, Section 3, Range 8, Cranberry District, Plan 2700, Except Part in Plan 20465	006-347-495
	Lot 4, Section 3, Range 8, Cranberry District, Plan 2700	006-347-479
	Lot 6, Section 3, Range 8, Cranberry District, Plan 2700	006-347-509
	Lot 1, Section 3, Range 8, Cranberry District, Plan 13132	004-720-164
	That part of the Ministry of Transportation Road Right-of-Ways shown of Attachment No. 1	n/a
B	The East 30 Chains of Section 3, Range 8, Cranberry District, Except Part Lying South East of a Straight Boundary Parallel to and Perpendicularly Distant 33 feet South and East of the Centre Line of Haslam Road as Said Road Existed in November 1943 and Except Part in Plan 8330	010-583-688
C	Section 4, Range 8, Cranberry District, Except Parts in Plans 2700, 8330, and 8575	008-996-687
D	The Southerly 10 Chains of Section 5, Range 8, Cranberry District, Shown Outlined in Red on Plan DD 16767N, Except parts in Plans 588 RW, 8330, 8575 and 1517R	008-996-571
E	That part of Section 5, Range 8, Cranberry District, Outlined in Red on Plan 1364R, Except Part in Red on Plan 1517R	009-002-405
F	Section 5, Range 8, Cranberry District, Except The Southerly 10 Chains As Shown on Plan DD16767N, and Except Parts in Plans 588 RW, 8330, 1350R, 1364R, and 1447R	009-796-550
G	Lot 1, Sections 4 and 5, Range 1, Cedar District, Plan 10508	005-267-951
H	The West 26 Acres of Section 3, Range 1, Cedar District	004-617-134
I	That Part of Section 5, Range 8, Cranberry District, Shown Outlined in Red on Plan 588 RW, Except Part included in the Area Outlined in Red on Plan DD16767N, And Except Part in Plan 8330	008-996-431
	That Part of Section 5, Range 8, Cranberry District, (Including Part of Plan 1364R), Shown Outlined in Red on Plan 1517R	009-002-421
	That Part of Section 5, Range 8, Cranberry District, Outlined in Red on Plan 1447R	009-002-413



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AUG 18 2006		
CHAIR	BOARD	
Board		

MEMORANDUM

TO: Jason Llewellyn
Manager of Community Planning

DATE: August 15, 2006

FROM: Norma Stumborg
Planner

FILE: 3090 30 90518

SUBJECT: Development Variance Permit Application No. 90518 — Bessembinder
Electoral Area 'E' – 1977 Harlequin Crescent - RDN Reference
Map No. 92F.030.3.3

PURPOSE

To reconsider an application for a Development Variance Permit to construct an elevated concrete parking structure.

BACKGROUND

The Planning Department received a Development Variance Permit (DVP) application to reduce the minimum interior side lot line setback from 2 metres to 0 metres on the north side of the parcel to construct an elevated concrete parking structure on the property legally described as Lot 36, District Lot 78, Nanoose District, Plan 29112. The subject property is located at 1977 Harlequin Crescent in Electoral Area 'E' (*See Attachment No. 1*).

The subject property is zoned Residential 1 (RS1) Subdivision District 'N' pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," and is designated Coast Residence pursuant to "Nanoose Official Community Plan Bylaw No. 1400, 2005."

The parcel is approximately 1,397 m² in size and is located within a building inspection service area. It is serviced by a Regional District of Nanaimo (RDN) water system. A private septic system is located just beyond the toe of the rock fill slope. The property is bordered on all sides by single-family residentially zoned properties with the coastline located to the northeast. The property to the west is undeveloped.

The house site was cut into the rock slope at an elevation of about 50 feet above the road level. A narrow driveway, with an approximate grade of 45 percent, angles across the front of the lot. The driveway does not provide for vehicle parking or turn around.

The subject property is situated at the top of an unstable bank that is accessed by a steep concrete driveway with a gradient of approximately 45 percent. The applicant proposes to extend the vehicle turn around area by the garage with a professionally engineered, elevated, concrete structure.

The applicant is requesting a variance to Section 3.4.61 of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," to reduce the minimum interior side lot line setback from 2 metres to 0 metres for the structure located and designed as shown in *Schedules No. 2 and 3*.

The application and associated public input was considered by the Board on July 25, 2006. As part of the public consultation process, the neighbours to the north of the subject property submitted a written request that the underside of the structure be screened from view of their property. In response to this request, the Board referred the application back to staff.

ALTERNATIVES

1. To approve Development Variance Permit No. 90518 subject to the terms outlined in Schedule No. 1.
2. To deny Development Permit No. 90518.

ENGINEERING IMPLICATIONS

The site was inspected by Davey Consulting and Engineering on September 19, 2005. Within the last year, an excavation was initiated that caused failure of the rock slope on both the neighbouring and subject properties. To minimize the potential for further landslide and possible failure of the embankment, the excavated area was backfilled. The landowner then retained a geotechnical engineer and their report, dated February 17, 2006, indicates that the site may be used for the proposed use under certain conditions. Specifically, the structure must be engineered with pilings driven in and horizontally anchored to bedrock as well as cross braced. The concrete is to be reinforced with rebar, and pier columns are to be installed for lateral and vertical support of the vehicle ramp.

A structural engineer prepared the drawings. The proposed concrete pad slopes downward slightly towards the road. A curb, constructed of rebar reinforced concrete, edges the parking area. To alleviate staff's concerns, the structural engineer provided a letter of assurance that the concrete curb has been designed to withstand the force of a vehicle backing into it and going off the platform.

As a term of this permit, the development is to be completed in compliance with the engineers' geotechnical recommendations and structural drawings. The Letter of Assurance, Geotechnical Reports, and any subsequent reports shall be registered on the Title along with a Section 219 covenant to save the Regional District harmless from potential bank or structural failure, and to ensure that the potential hazards and engineer's recommendations are known to future property owners.

A survey shows the proposed structure extending over the property line. The engineer confirmed that the corner of the pile cap may be cut back to allow the structure to be contained on the subject property without harming the structural integrity. As a term of this permit, the applicant shall submit a survey as prepared by a British Columbia Land Surveyor, confirming the siting of the proposed structure prior to a final building inspection.

IMPACT ANALYSIS

Ocean views are visible from both the subject parcel and adjacent parcels. The proposed structure is screened from view of the adjacent properties to the south, east, and west by mature vegetation and rock slopes. The most notable impact will be that of the view of the adjacent property owner to the north. This neighbour is in the process of constructing a three-storey house that is approximately 2.5 metres lower in

elevation than the house on the subject property and is angled on the lot so that the windows and deck of the main living areas face the proposed concrete parking pad. Their view of the structure is partially screened with trees and a rock wall. The elevation of the main living area and associated deck on the second storey of the house is approximately the same as that of the proposed concrete structure. From this vantage point, these neighbours will be looking across the concrete pad and at vehicles that are parked on it. Staff do not expect their view of the ocean to be impacted. During the public consultation process, these neighbours indicated that they prefer that the underside of the structure is further buffered from view of their property with rock. The applicant agrees to this request and additional screening of the underside of the platform with rocks, has been included as a term of the permit.

People driving on Harlequin Crescent will have a partial view of the proposed structure as the trees between the road and the proposed site are younger and shorter than those on the upslope, however as the trees grow, further screening will be provided. It is important to note that Harlequin Crescent is a dead end street with low traffic volumes as there are only five lots down the street from the subject property. In order to preserve the visual aesthetics of the area, staff recommends that if the existing trees are removed during construction they shall be replaced with drought tolerant, native species of an equivalent height.

Development Variance Permit Evaluation Policy

The Development Variance Permit Evaluation Policy recently adopted by the Board requires applicants to demonstrate that the variance is necessary and supported by a land use justification. The applicant cites 1(a)(i) of the policy, that the ability to use or develop the property is unreasonably, physically constrained by the steep slope. The applicant cannot create a parking area by the street at the toe of the bank, as this is where the septic system is located.

PUBLIC CONSULTATION IMPLICATIONS

Property owners within 50 metres of the subject property were notified of the requested variance on July 14, 2006.

VOTING


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

SUMMARY/CONCLUSIONS

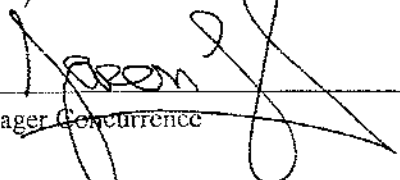
The Planning Department received a Development Variance Permit application to reduce the minimum interior side lot line setback from 2 metres to 0 metres to construct an elevated concrete parking addition at 1977 Harlequin Crescent. The variance is not anticipated to impede ocean views of the neighbours. The streetscape view is partially screened by trees, and staff expect the proposed structure will not adversely impact the aesthetics of the area, and the owner of the neighbouring property to the north, have indicated acceptance of the proposed screening. Additionally, the structural safety and land hazard concerns have been adequately addressed by professional engineers and secured through the terms of this permit. Therefore, staff recommend approval of the variance according to the terms outlined in Schedule No. 1.

RECOMMENDATION

That Development Variance Permit Application No. 90518, to reduce the north interior side lot line setback from 2 metres to 0 metres for an elevated concrete parking structure at 1977 Harlequin Crescent, be approved according to the terms outlined in Schedule No. 1.

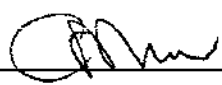


Report Writer



Manager Concurrence

General Manager Concurrence



CAO Concurrence

COMMENTS
devsvs/reports/2006/dvp aug 3090 30 90518 Bessembinder Report?

Schedule No. 1
Terms of Development Variance Permit No. 90518
For Lot 36, District Lot 78, Nanoose District, Plan VIP29112

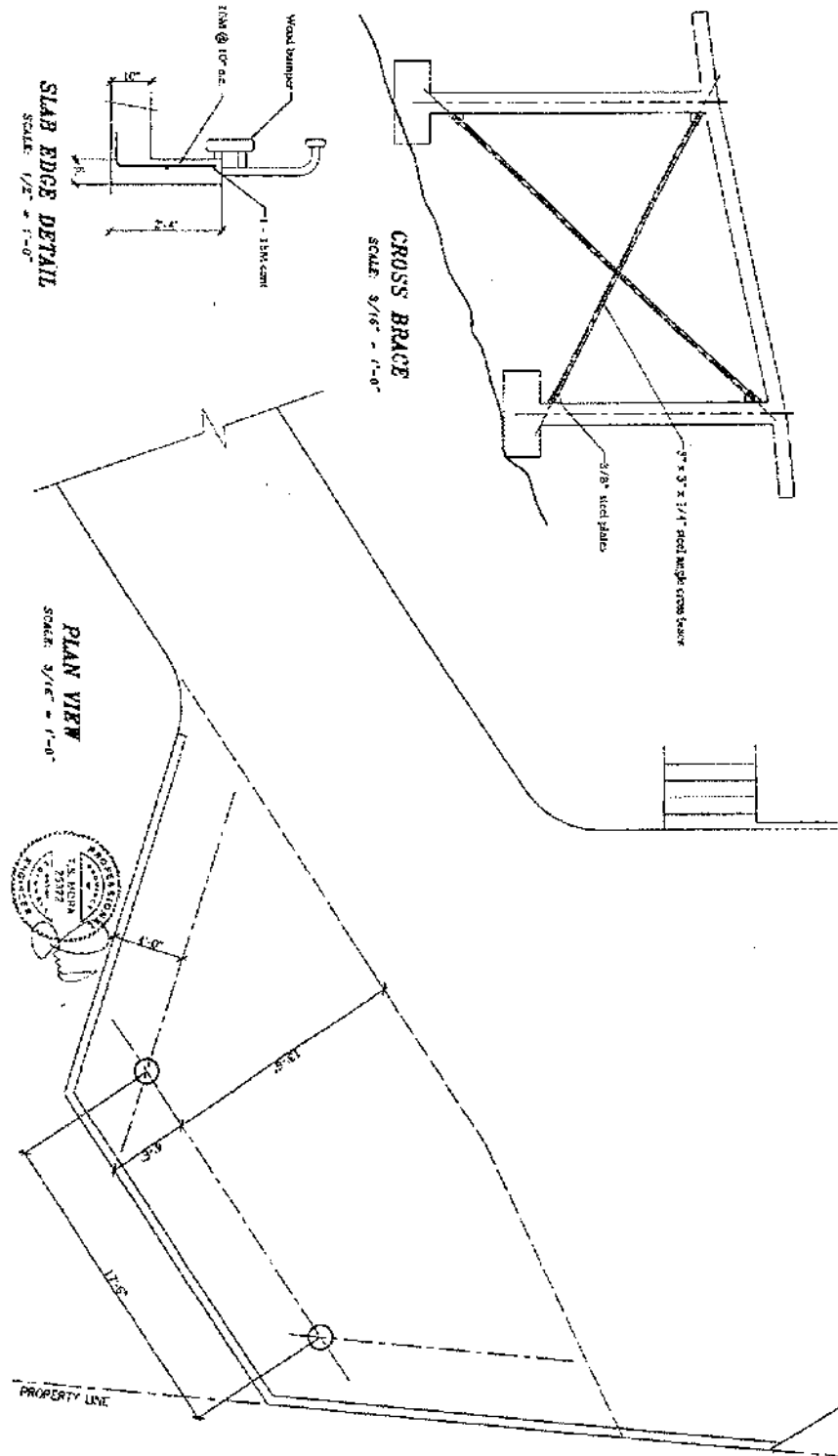
Development of Site

1. Section 3.4.61- Minimum Setback Requirements -- Interior Side Lot Line -- of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," is varied to relax the interior side lot line setback from 2 metres to 0 metres on the north side of the parcel to construct a concrete parking structure.
2. This variance applies only to the structure shown in Schedule No. 2. The structure shall be constructed in compliance with Schedules No. 2 and No. 3, except where varied by this permit.
3. The structure shall be located within the bounds of the subject property. To accomplish this, the corner of the north downslope pile cap shall be reduced, in accordance with and under the direction of Tito Mora Engineering Ltd.
4. The applicant shall construct the structure in accordance with the recommendations of the geotechnical report dated February 17, 2006, and prepared by Geo-Force Engineering Ltd., or subsequent reports that may be required for the building permit.
5. Work on the slope shall be carried out without impacting the septic field.
6. Any trees removed during construction shall be replaced with drought tolerant, native species of an equivalent height. Replacement trees shall be planted and maintained in accordance with the advice of a professional landscaper.
7. To the satisfaction of the RDN, rocks shall be used to fill the area between the underside of the platform and the footings, in order to blend the structure into the natural surroundings.
8. A building permit shall be obtained from the RDN Building Inspection Department prior to the commencement of any work on the site.
9. The applicant shall submit a survey, prepared by a British Columbia Land Surveyor, confirming the siting of the proposed structure prior to receiving final approval from the Building Inspection Department.

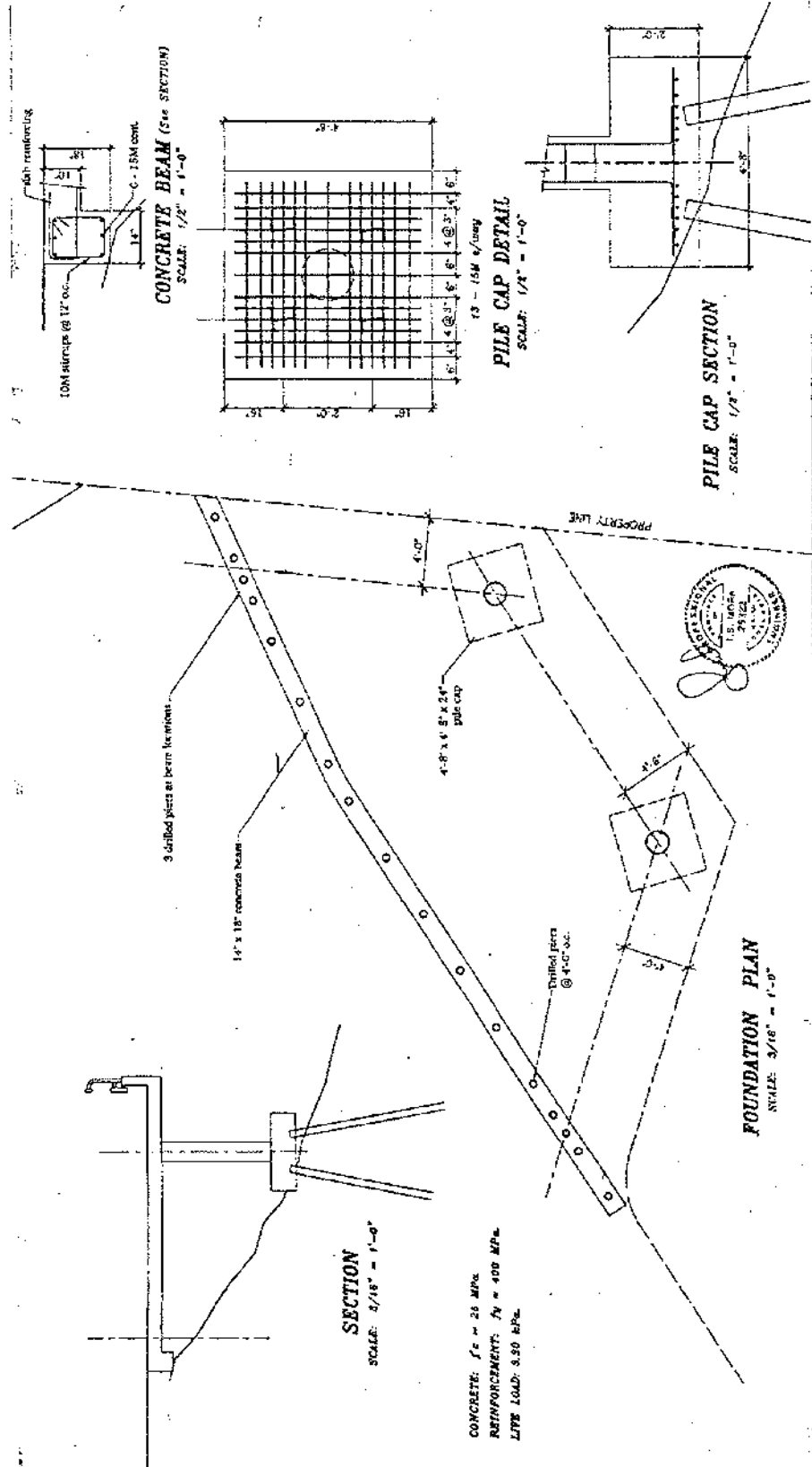
Covenant

10. At the applicant's expense and to the satisfaction of the Regional District of Nanaimo (RDN), the Geotechnical Reports dated September 19, 2005 as prepared by Davey Consulting and Engineering, and February 17, 2006 as prepared by Geo-Force Engineering Ltd., and any subsequent addendums shall be registered on the Certificate of Title in favour of the Regional District of Nanaimo.
11. At the applicant's expense and to the satisfaction of the RDN, the applicant shall register a Section 219 save harmless covenant in favour of the Regional District of Nanaimo and a copy of the Issuance of Assurance Letter dated June 15, 2006, and prepared by Tito Mora Engineering Ltd., at the Land Title Office prior to the issuance of a building permit.

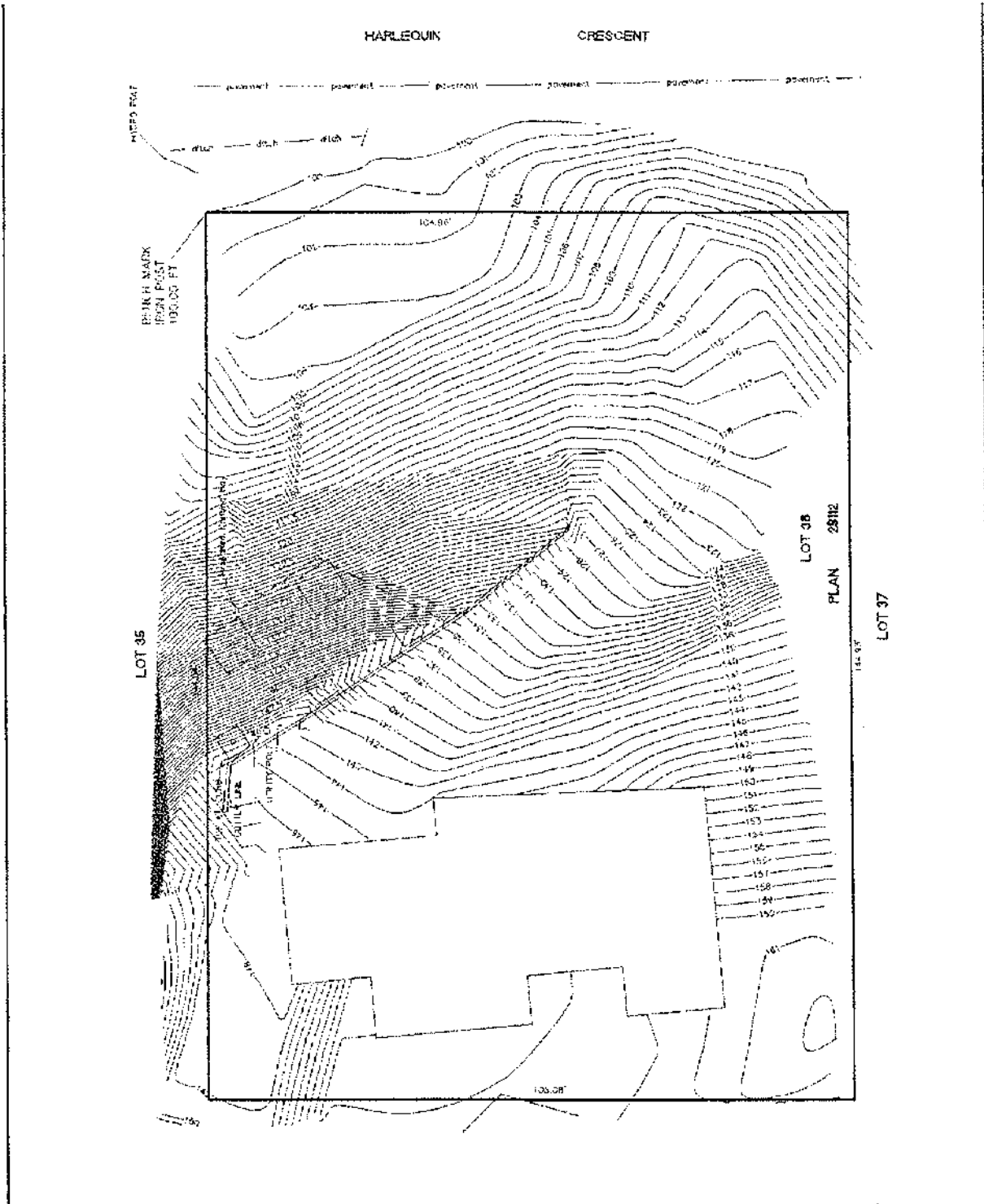
Schedule No. 2 (page 1 of 3)
Engineered Drawings
Development Variance Permit No. 90518
(As Submitted by Applicant / Modified to Fit This Page)



Schedule No. 2 (page 2 of 3)
 Engineered Drawings
 Development Variance Permit No. 90518
 (As Submitted by Applicant / Modified to Fit This Page)



Schedule No. 3
Site Plan
Development Variance Permit No. 90518
(As Submitted by Applicant / Modified to Fit This Page)





RDN		
CAO	GMES	
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GMDS	GMRTNP	
AUG 18 2006		
CHAIR	BOARD	
<i>Board</i>		

MEMORANDUM

TO: Jason Jewell
Manager, Community Planning

DATE: August 18, 2006

FROM: Greg Keller
Planner

FILE: 3090 30 90616

SUBJECT: Development Variance Permit Application No. 90616 - Meyer
Electoral Area 'E' - 3512 Bluebill Place

PURPOSE

To consider an application for a Development Variance Permit to legalize the siting of a set of beach access stairs located at 3512 Bluebill Place.

BACKGROUND

This is a Development Variance Permit application to relax the minimum setback requirement for a structure from the natural boundary of the ocean and the top of a bank of 30 percent or greater to legalize the siting of a set of beach access stairs currently under construction. The subject property at 3512 Bluebill Place in Electoral Area 'E', is legally described as Lot 57, District Lot 78, Nanoose District, Plan 15983 (see Attachment No. 1 for location of the subject property). The subject property is separated from the ocean by a steeply sloping rocky bluff. The subject property and surrounding properties enjoy panoramic views of the Strait of Georgia and are currently zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

The existing illegal structure includes three sets of stairs and three landings. There is a landing at the top of the bank, one halfway down, and another at the base of the bank. The structure is located on the subject property as shown on the survey attached as Schedule No. 2

The stairs contravene the setback requirements of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." Bylaw No. 500 requires buildings or structures to be setback 15.0 metres horizontal distance from the natural boundary of a coastal watercourse or 8.0 metres inland from the top of a slope adjacent to the watercourse of 30 percent or greater, whichever is greater. This setback is in place for safety, geotechnical, environmental, and aesthetic reasons.

These stairs were built without a building permit as required by "Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1250, 2001." As a result, a *Stop Work Order* was posted on the subject property by the Chief Building Inspector. The applicant has ceased work on the structure and has subsequently applied for a building permit.

The applicants have conducted geotechnical and structural engineering that confirms the structures can be made both structurally and geotechnically sound.

Proposed Variances

The applicants are proposing to vary Section 3.3.9(b) of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," as follows:

1. The minimum setback from the top of a slope of 30 percent or greater adjacent to the Ocean is proposed to be relaxed from 8.0 metres horizontal distance inland from the top of the slope to 0.0 metres as shown on the survey submitted by the applicant.
2. The minimum setback from the natural boundary, is proposed to be relaxed from 15.0 metres horizontal distance to 1.1 metres horizontal distance from the natural boundary as shown on the survey submitted by the applicant.

ALTERNATIVES

1. That Development Variance Permit No. 90616 to legalize the existing beach access stairs as shown on Schedule No. 2 located at 3512 Bluebill Place, be approved subject to the terms outlined on Schedule No. 1, and that staff do the following:
 - a. Develop a policy for the Board's consideration regarding the appropriate development of beach access stairs, and the associated staff review of development variance permit applications.
 - b. Proceed with seeking a Court Order to have the stairs removed, to comply with Bylaw No. 500 and Bylaw No. 1250 if the applicants do not meet the terms of Schedule No. 1 within 90 days from the date of the issuance of Development Variance Permit 90616.
2. That the Board deny the requested Development Variance Permit; and if the structure is not voluntarily removed within 90 days staff are to seek a Court Order to have the structure removed to comply with Bylaw No. 500 and Bylaw No. 1250.

LAND USE AND DEVELOPMENT IMPLICATIONS

Safety Issues

Staff is concerned with the safety issues associated with stairs that traverse a steep rock bluff adjacent to the ocean. Such stairs are subject to the full force of wind, salt air, and possibly tidal action. Staff are concerned with the long-term viability and maintenance of the structures, and the liability that the RDN may incur if someone is injured on such a structure. Therefore, staff recommends, that the applicant be required to register a Section 219 covenant that registers the Geotechnical Report prepared by Lewkowich Geotechnical Engineering Ltd., dated August 4, 2006 and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages resulting from the use of the stairs, erosion and/or landslide.

The applicant had a geotechnical engineer assess the building location and it was found that the building site is stable and safe for the intended use. The applicant also had the stair design engineered to ensure that the structure is structurally sound.

Aesthetic Impact

Large structures like the proposed beach access stairs have the potential to impact the appearance of the marine foreshore, as seen by recreational users of the beach area and boaters. Variances to allow such large scale structures along the waterfront and along steep banks have traditionally been discouraged in order to avoid this impact. The Board has indicated a willingness to accept variances for large beach access stairs when no other beach access is viable on the property (Development Variance Permit 90613).

The uppermost landing of the proposed structure is visible from the adjacent property to the south, which also enjoys panoramic views of the Strait of Georgia. This structure somewhat impedes the view from the adjacent property to the south, therefore upon staff's request, the applicant is proposing to reduce the aesthetic impact of the structure by using clear glass railings instead of wood railings. The property to the north is located at a higher elevation, and although the proposed structure may be visible, it is not anticipated that this structure will have a significant impact on their view.

The proposed stairway is entirely contained within the subject property. Variances to allow the placement of structures close to the natural boundary can impede public access along the waterfront. In this case however, the nature of the foreshore and the placement of the stairway is not anticipated to negatively affect public access. The applicant proposes to construct a set of stairs that incorporates natural building materials that will over time blend in with the natural surroundings.

Board Policy B1.5

RDN Policy B1.5 provides staff with guidelines for reviewing and evaluating development variance permit applications. The applicants have provided justification for the variance, as the topography dictates that stairs are required to access the beach. The policy also requires that the potential impacts of the variance are warranted by the need for the variance. In staff's opinion, the impacts are reasonable, and within the community standard being established for beach access stairs.

FUTURE DEVELOPMENT IMPLICATIONS

There may be other sets of beach access stairs in the general area of which staff are not aware, given the limited visibility of such structures from the road. During the past month, staff have received an increasing number of reports of illegal beach access stairs, and it is anticipated that as public awareness increases, staff will continue to receive reports of both existing illegal stairways and requests to construct new beach access stairs.

In order to address the anticipated increased number of applications involving beach access stairs, staff recommends that the Board direct staff to develop a policy for the development and approval of such structures. Such a policy would be helpful for staff and property owners when considering variances to legalize or construct beach access stairs in the area. This policy would identify criteria for beach access stairs, which could include the requirement for a survey, maximum stair width, engineering requirements, environmental requirements, stair height, crown land encroachments, etc. This policy would be brought before the Board for consideration.

PUBLIC CONSULTATION IMPLICATIONS

As part of the required public notification process pursuant to the *Local Government Act*, property owners located within a 50.0 metre radius have received notice of the proposal and will have an opportunity to comment on the proposed variance prior to the Board's consideration of the permit.

VOTING

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

SUMMARY/CONCLUSIONS

This is an application for a Development Variance Permit to legalize the siting of a set of beach access stairs currently under construction at 3512 Bluebill Place in Nanoose Bay.

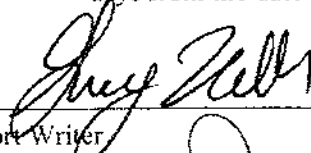
In staff's assessment, this structure has a minimal impact on the views from the adjacent properties and the appearance of the marine foreshore as seen by persons on the beach, boaters, and surrounding property owners. In addition, the applicant has attempted to reduce the impact of the proposed structure by using glass railings instead of wood in order to lessen the impact of the views from adjacent properties.

Therefore, staff recommends that this application be approved according to the terms contained in Schedule No. 1.

RECOMMENDATION

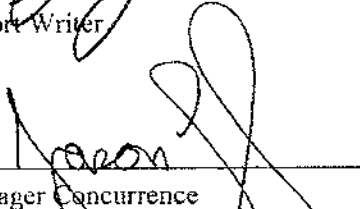
That Development Variance Permit No. 90616 to legalize the existing beach access stairs as shown on Schedule No. 2 located at 3512 Bluebill Place, be approved subject to the terms outlined on Schedule No. 1, and that staff do the following:

- a. Develop a policy for the Board's consideration regarding the appropriate development of beach access stairs, and the associated staff review of development variance permit applications.
- b. Proceed with seeking a Court Order to have the stairs removed, to comply with Bylaw No. 500 and Bylaw No. 1250 if the applicants do not meet the terms of Schedule No. 1 within 90 days from the date of the issuance of Development Variance Permit 90616.




Report Writer

General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

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**Schedule No. 1
Terms of
Development Variance Permit Application No. 90616
for Lot 57, District Lot 78, Nanoose Land District, Plan 15983**

Issuance of Permit

1. Staff shall withhold the issuance of this permit until the applicant, at the applicant's expense, registers a Section 219 covenant that registers the Geotechnical Report prepared by Lewkowich Geotechnical Engineering Ltd., dated August 4, 2006 and includes a save harmless clause that releases the Regional District of Nanaimo from all losses and damages as a result of erosion and/or landslide.

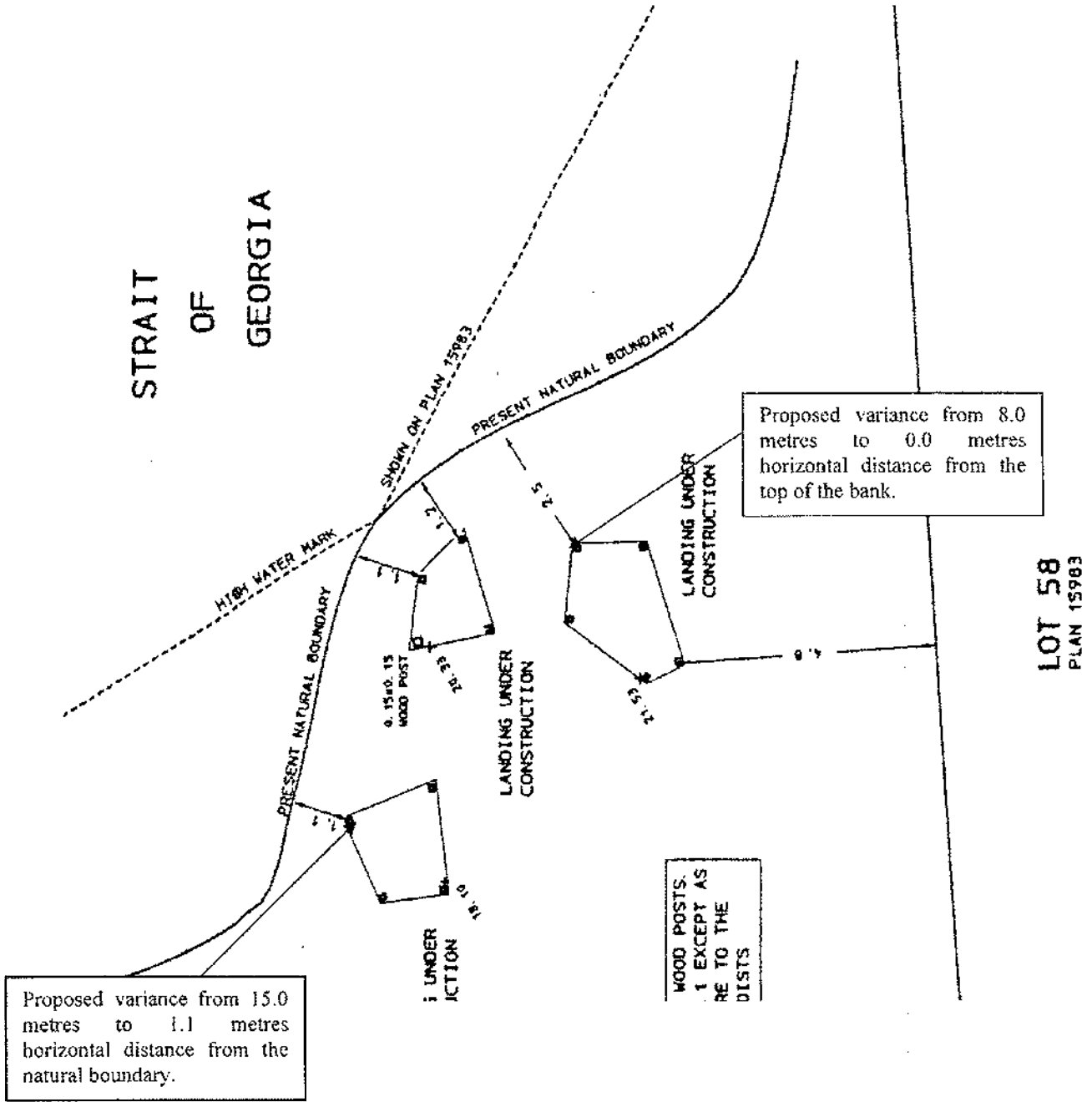
Variances

2. **Section 3.3.9(b)** of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," is varied to permit the beach access stairs shown on Schedule Nos. 2 and 3 as follows:
 - a. The minimum setback from the top of a slope of 30 percent or greater adjacent to the ocean is proposed to be relaxed from 8.0 metres horizontal distance inland from the top of the slope to 0.0 metres as shown on the survey submitted by the applicant.
 - b. The minimum setback from the natural boundary is proposed to be relaxed from 15.0 metres horizontal distance to 1.1 metres horizontal distance from the natural boundary as shown on the survey submitted by the applicant.

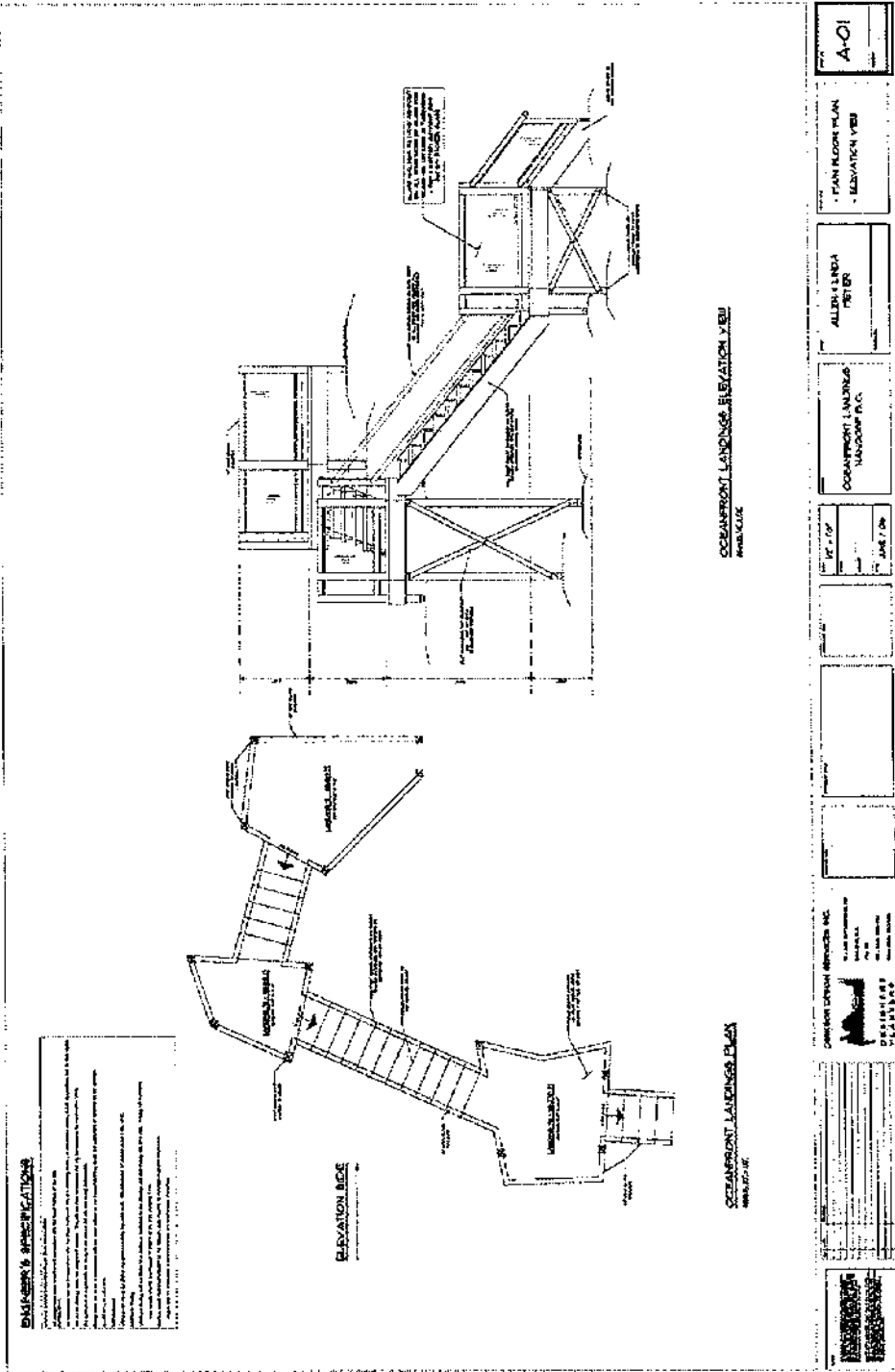
Building Permit Implications

3. The applicants shall obtain a valid building permit within 90 days from the date of issuance of this permit.
4. If the applicants do not obtain a building permit to the satisfaction of the Chief Building Inspector within 90 days from the date of the issuance of this Development Variance Permit, staff may proceed with seeking a Court Order to have the structure removed at the applicant's expense and to the satisfaction of the Regional District of Nanaimo to comply with Bylaw No. 500 and Bylaw No. 1250.
5. The applicants shall comply with and implement all conditions and recommendations contained in any and all engineering reports required by the Chief Building Inspector.

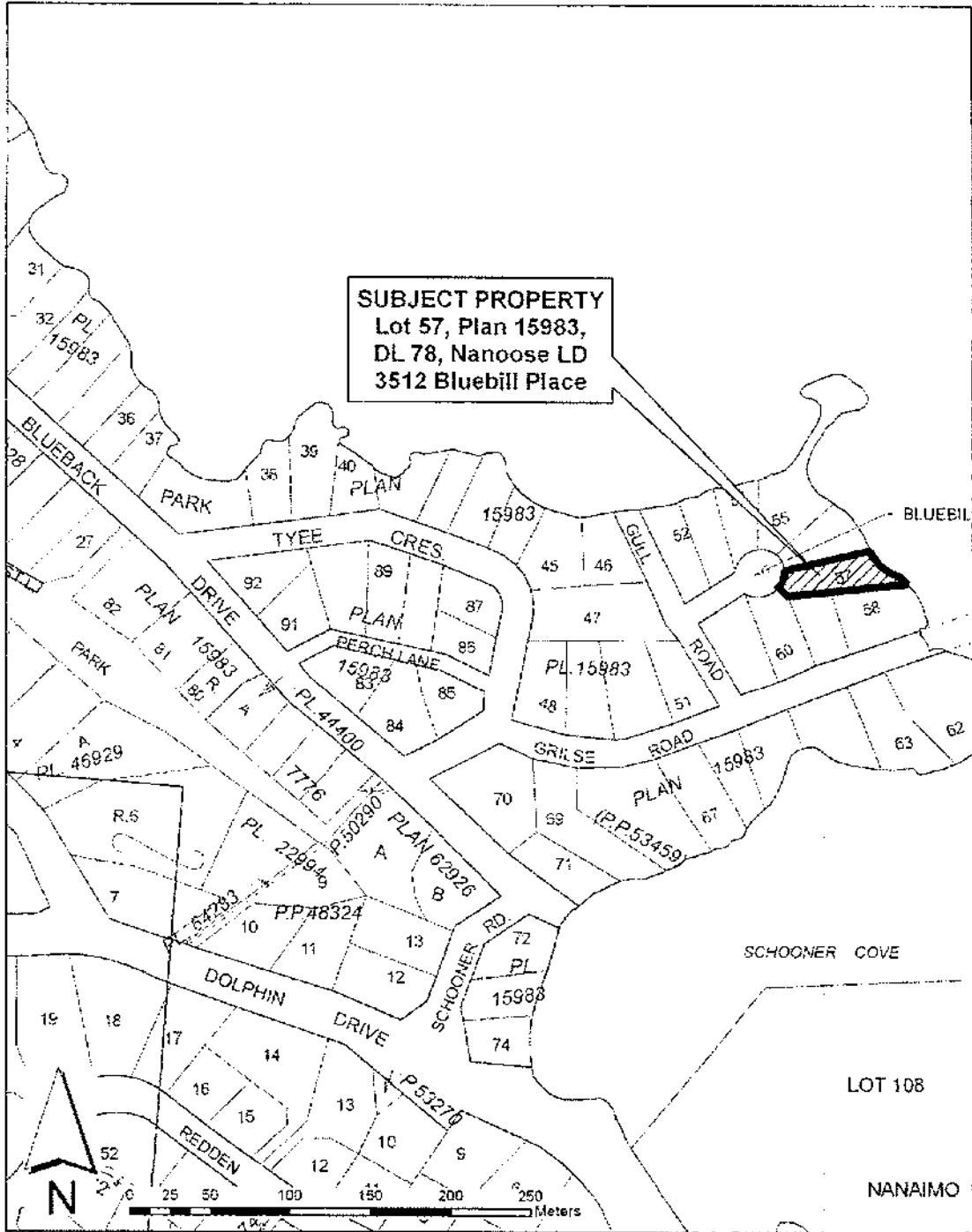
Schedule No. 2 (Page 2 of 2)
Building Location Certificate (Submitted by applicant enlarged for convenience)
Development Variance Permit Application No. 90616



Schedule No. 3
 Stairway Profiles (Submitted by Applicant)
 Development Variance Permit No. 90616



Attachment No. 1
Subject Property Map
Development Variance Permit Application No. 90616



Mapsheet 92F03C.3.4



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GMCS	GMR&P		
GMDS	GMRT&P		
AUG 22 2006			
CHAIR	BOARD		
<i>Board</i>			
			DATE

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Planning

FROM: Dolores Funk
Planning Assistant

SUBJECT: Development Variance Permit Application No. 90617 — Phillips
Electoral Area 'E' – 2471 Schirra Drive

FILE: 3090 30 90617

DATE: August 18, 2006

PURPOSE

To consider an application for a Development Variance Permit (DVP) to allow for the operation of a Home-Based Business (pottery studio) within an accessory building.

BACKGROUND

The subject property legally described as Lot 8, District Lot 6, Nanoose District, Plan 23588 is located at 2471 Schirra Drive in Electoral Area 'E' (see Attachment No. 1). The subject property is 1114.8 m² (.27 acre) in size and is currently zoned Residential 1 (RS1) Subdivision District 'N' pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987."

The property is located within a building inspection service area; therefore, a building permit will be required. The parcel is currently served by community water and an individual septic system. The subject property is surrounded by other residential zoned properties, which have all been developed.

On the north boundary of the subject property there is approximately a 3 metre steep embankment, which then levels off to about 30 metres of flat land and then again drops off at approximately a 10 percent grade to the next property. The dwelling unit, which was built in 1981, was built towards the front of the property on the flat portion. On the north side of the house there is a covered entrance, and on the south side of the house there is a carport. This carport is currently being used as a woodworking shop and also as a pottery studio, which is currently a home-based business.

The applicant has applied for a building permit for an accessory building in the northwest corner of the property to house his boat and, potentially, for use as a pottery studio. The zoning bylaw allows for the construction of the accessory building but requires that the home-based business be situated within the dwelling unit or attached garage.

Requested Variances

The applicants are requesting to vary the home-based business regulations of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987," Section 3.3.12 to allow the pottery studio to be located inside the accessory building. The regulation currently requires that home-based businesses on Residential 1 properties be located inside the dwelling unit or attached garage.

ALTERNATIVES

1. To approve Development Variance Permit No. 90617 subject to the terms outlined in Schedule No. 1.
2. To deny the requested permit as submitted.

DEVELOPMENT IMPLICATIONS

The dwelling unit has been situated on the subject property for 25 years. The sight lines of the neighbouring properties are all directed away from the subject property and away from the proposed accessory building. To the north of the proposed accessory building there is an embankment, which obscures the building from the neighbouring property. The property to the rear (west) of the subject property is developed at the front but is heavily treed to the rear, acting as a buffer between the subject property and the adjacent property. The south side of the property is treed and the neighbouring dwelling is situated at the bottom of the embankment. The sight line to the accessory building from the property to the east (across Schirra Drive) is blocked by the applicant's dwelling.

Due to topographical constraints it would be problematic to attach the accessory building to either side of the dwelling. The septic tank is located at the rear of the house; and the field is on the south side of the house, which restricts development in those areas.

The shared workspace has become very crowded and because of the nature of working with clay, much of the dust is being distributed throughout the house. Also, because of the small size of the space, the applicant is unable to work while the kiln is being used as the room becomes too hot. The applicant requires a space where firings and working may occur simultaneously. The pottery is not sold on-site but rather sold through a co-operative, which is located elsewhere.

This application requests that the home-based business regulations be varied in order to allow the applicants to use an accessory building as the location for their home-based business. The topographical features and the placement of the septic system limit the ability to make an addition to the existing dwelling, to accommodate the pottery studio. Therefore, considering that the accessory building is a legal use and that creating pottery within that building is unlikely to impact the adjacent properties, the proposed use of the accessory building as a pottery studio is supported by staff.

PUBLIC CONSULTATION PROCESS

Property owners located within a 50 metre radius have received notice of the proposed variance and have been informed of their opportunity to comment on the variance, prior to the Board's consideration of this application. At the Board Meeting, prior to consideration of this application, the Chair should ask the gallery if anyone wished to speak to the application.

VOTING

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

SUMMARY

This is an application to vary the home-based business regulations, which require a home-based business on Residential 1 property to be located within an attached garage or dwelling unit to allowing the home

based-business to operate within an accessory building. Topographical features and a septic tank and field make it impractical to attach a garage to either of the sides or to the rear of the house. Therefore, the applicants are building an accessory building in the northwest corner of the property in order to store their boat and potentially house their pottery studio.

The pottery studio is currently within the attached carport, which is small and inadequate for this use. The accessory building is legally allowed under the zoning bylaw; and in staff's opinion, the use of the accessory building is unlikely to impact the adjacent property owners. Therefore, staff recommends approval of the request subject to the terms outlined in Schedule No. 1.

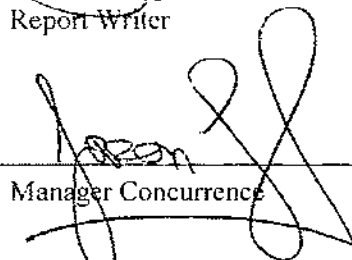
RECOMMENDATIONS

That Development Variance Permit Application No. 90617, to vary the location of a home-based business from the dwelling unit or attached garage to an accessory building for a pottery studio at 2471 Schirra Drive, be approved according to the terms outlined in Schedule No. 1.



Report Writer

General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

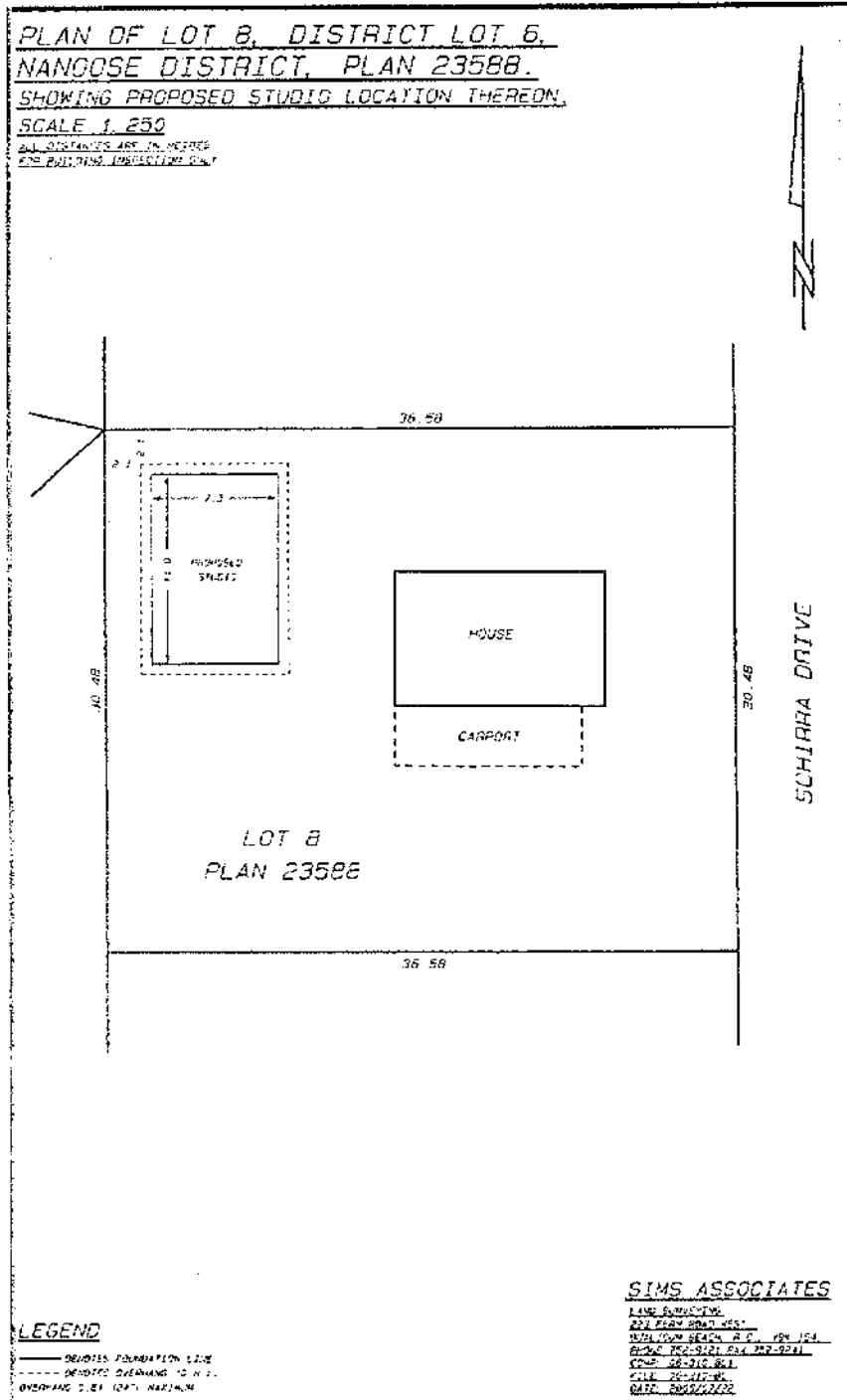
devsvs/reports/2006/dvp au 3090 30 90617 Phillips Report

Schedule No. 1
Terms of Development Variance Permit No. 90617
For Lot 8, District Lot 6, Nanoose District, Plan 23588

1. Section 3.3.12 – Home-Based Business -- Location – of “ Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987,” is varied to allow a home-based business, operating as follows, to be located only in the accessory building as shown on Schedule 2:
 - (a) This variance allows only a pottery studio as a home-based business accessory building, and any other home-based businesses must operate from the dwelling unit or attached garage.
 - (b) The total area used by all home-based businesses on the property must not be greater than 100 m².
2. A building permit shall be obtained from the Regional District of Nanaimo Building Inspection Department prior to the commencement of any work on-site.

Schedule No. 2
 Development Variance Permit No. 90617

(As Submitted by Applicant / Modified to Fit This Page)





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AUG 18 2006	
CHAIR	BOARD
Board	

MEMORANDUM

TO: Carol Mason
Chief Administrative Officer

DATE: August 14, 2006

FROM: Maureen Pearse
Manager, Administrative Services

FILE:

SUBJECT: Regional District of Nanaimo Southern Community Restorative Justice Program
Service Bylaw No. 1490

PURPOSE

To consider establishing a function to provide on going funding to the John Howard Society for the restorative justice program.

BACKGROUND

At the May 23, 2006 Board meeting a delegation from Violet Smith and S/Sgt. Randy Munro provided an overview of the restorative justice program provided by the John Howard Society in partnership with the Nanaimo RCMP and requested annual funding from the Regional District for the program in the amount of \$5,000. As a result of this delegation, the Board endorsed the following motion:

That staff prepare a report for the Board's consideration on options for establishing a function in Electoral Areas 'A', 'B' and 'C' to provide annual funding to the John Howard Society in the amount of \$5,000 towards the D68 Restorative Justice Program.

On June 27, 2006 staff met with representatives from the John Howard Society and the District 68 Directors to discuss the issue of on going funding for the D68 restorative justice program.

District 68 Directors were in support of providing on going funding for the restorative justice program and directed staff to bring forward a bylaw for introduction at the next meeting.

ALTERNATIVES

1. That "Regional District of Nanaimo Southern Community Restorative Justice Program Service Bylaw No. 1490, 2006" be introduced for first three readings and proceed to the alternative approval process for Electoral Areas 'A', 'B' and 'C'.
2. That "Regional District of Nanaimo Southern Community Restorative Justice Program Service Bylaw No. 1490, 2006" not be introduced at this time and that staff be provided further direction.

FINANCIAL IMPLICATIONS

Alternative #1

This alternative would establish a function in Electoral Areas A, B and C for the restorative justice program. The proposed function would provide on going funding to the Southern Community Restorative Justice program offered through the John Howard Society in partnership with the Nanaimo RCMP. District 68 Directors have agreed to the amount of \$5,000 being raised as requested by the John Howard Society. Based on a residential property assessed at \$100,000 the cost to the individual homeowner would be 20 cents.

OTHER REQUIREMENTS

The Regional Board is required to approve the Notice of Elector Response Form for the purposes of the alternative approval process in Electoral Areas 'A', 'B' and 'C'. Directors have requested that the assent of the electors be obtained by way of the alternative approval process.

CONCLUSIONS

District 68 Directors have agreed to the formation of a restorative justice function to provide on going funding to the John Howard Society in the amount of \$5,000. Based on a residential property assessed at \$100,000, the cost to the individual homeowner would be 20 cents. Assent of the electors would be obtained through the alternative approval process. For the purpose of conducting the alternative approval process, the number of eligible electors in the service area has been determined to be 9,400 electors. If less than 10% (940) elector response forms are received by the deadline date the bylaw is deemed to have received assent of the electors.

RECOMMENDATION

1. That "Regional District of Nanaimo Southern Community Restorative Justice Program Service Bylaw No. 1490, 2006" be introduced and read three times, be forwarded to the Inspector of Municipalities for approval, and proceed to the alternative approval process to obtain elector consent.
2. That the Notice of Elector Response Form be approved for the purpose of the alternative approval process for Bylaw No. 1490 within Electoral Areas 'A', 'B' and 'C'.



Report Writer



CAO Concurrence

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1490

**A BYLAW TO ESTABLISH A SERVICE FOR THE
SUPPORT OF THE RESTORATIVE JUSTICE PROGRAM**

WHEREAS, under Section 796 of the *Local Government Act*, a Regional District may operate any service the Board considers necessary or desirable for all or part of the Regional District;

AND WHEREAS the Board of the Regional District of Nanaimo wishes to establish a service for the purpose of providing financial assistance to the Restorative Justice program;

AND WHEREAS the approval of electors in Electoral Areas 'A', 'B' and 'C' has been obtained by alternative approval under Sections 801.1(1)(b) and 801.3(1)(a) of the *Local Government Act*.

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

1. CITATION

This bylaw may be cited for all purposes as the "Regional District of Nanaimo Southern Community Restorative Justice Program Service Bylaw No. 1490, 2006".

2. SERVICE

The service established by this bylaw is the provision of financial assistance in relation to the southern community restorative justice program for the purpose of benefiting the community, to be known as the "Southern Community Restorative Justice Support Service" (the "Service").

3. BOUNDARIES

The boundaries of the Service Area are the boundaries of Electoral Areas 'A', 'B' and 'C' (the "Service Area").

4. PARTICIPATING AREAS

The "Participating Areas" are Electoral Areas 'A', 'B' and 'C'.

5. COST RECOVERY

As provided in Section 803 of the *Local Government Act*, the annual cost of providing the Service shall be recovered by one or more of the following:

- (a) parcel taxes imposed in accordance with Division 4.3 of Part 24 of the *Local Government Act*;
- (b) revenues raised by other means authorized by the *Local Government Act* or another Act;

(c) revenues raised by way of agreement, enterprises, gift, grant or otherwise.

6. **MAXIMUM REQUISITION**

In accordance with Section 800.1(1)(c) of the *Local Government Act*, the maximum amount that may be requisitioned for the Service is the greater of:

- (a) \$5,000 (Five Thousand Dollars), or;
- (b) the produce obtained by multiplying the net taxable value of lands and improvements within the Service Area by a property tax value rate of \$0.002 per thousand dollars of assessment.

Introduced and read three times this 29th day of August, 2006.

Received the approval of the Inspector of Municipalities this ____ day of _____, 20__.

Adopted this ____ day of _____, 20__.

CHAIRPERSON

MANAGER, ADMINISTRATIVE SERVICES



SOUTHERN COMMUNITY
RESTORATIVE JUSTICE PROGRAM
SERVICE BYLAW NO. 1490

A bylaw to establish a service to provide funds to support the Nanaimo Restorative Justice Program within Electoral Areas 'A', 'B' and 'C'.

ELECTOR RESPONSE FORM

This form is to be used by an Elector opposed to the adoption of Regional District of Nanaimo Southern Community Restorative Justice Support Service Bylaw No. 1490. If more than 940 Electors oppose this initiative, Bylaw 1490 may only be adopted by referendum. A copy of the bylaw is shown on the back of this form.

I hereby declare the following:

- ◆ I am a Canadian citizen;
- ◆ I am an individual who is, or will be on October 16, 2006, age 18 or older;
- ◆ I have been a resident of British Columbia for at least the past six months;
- ◆ I have been a property owner/resident of property within Electoral Area 'A', 'B' or 'C' for at least the past 30 days;
- ◆ I am not disqualified by the *Local Government Act* or any other enactment from voting in an election or am not otherwise disqualified by law.

I, being a person entitled to be registered as an elector within Electoral Area 'A', 'B' or 'C' of the Regional District of Nanaimo am hereby opposed to the approval of "Regional District of Nanaimo Southern Community Restorative Justice Support Service Establishing Bylaw No.1490, 2006".

NAME OF ELECTOR:

(Please Print Full Name)

ELECTOR'S STREET ADDRESS:

ELECTORAL AREA:

SIGNATURE OF ELECTOR:

NOTE: This elector response form must be returned to the Regional District of Nanaimo, 6300 Hammond Bay Road, Nanaimo, BC, V9T 6N2 on or before October 16, 2006.

Office hours are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding statutory holidays.



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CHAIR	BOARD
Board	

MEMORANDUM

TO: N. Avery
Manager, Financial Services

DATE: July 31, 2006

FROM: W. Thexton
Senior Accountant

FILE:

SUBJECT: Operating Results to June 30, 2006

PURPOSE

To present a summary of the operating results for the period ending June 30, 2006.

BACKGROUND

The quarterly operating statements for the period January 1st to June 30th, 2006 for the Regional District are attached as appendices to this report. The schedules attached include:

- Appendix 1 Overall Summary by Division
Appendix 2 Summary of Total Revenues/Total Expenditures by Department
Appendices 3-7 Departmental Details by Division

The statements include actual cash transactions to June 30th, with the exceptions of property taxes and debt payments, which are accrued each month and prior year surpluses (deficits), which are recorded in full at the beginning of the year. Assuming an even distribution of revenues and expenses throughout the year, the proportion of revenues and expenditures to date (the 'benchmark') would be approximately 50% of the budgeted amounts for the year. Of course, the actual revenues and expenditures for many categories often do not match this distribution profile for several reasons.

Overall Summary by Division (Appendix 1)

This summary provides an overview of the year to date results, at an organizational level. Property tax revenues are actually received in August but accrued monthly and are therefore at the expected 50% benchmark. 'Grants/Operating/Other' revenues are at 51% overall. Annual user fee billings for Sewer and Garbage/Recycling Collection services, as well as the semi annual billing for Water services have now been recorded.

Total Expenditures are at 36%. It should be noted that overall expenditures are generally below the benchmark at this time of the year because reserve fund transfers, other agency transfers and most capital expenditures are mainly incurred in the latter half of the year, after tax requisition funds have been received in August. The largest significant contributors to this 'lower than benchmark' result are the Capital Expenditure and Professional Fees categories (both at 18%). Total Wage & Benefit costs for the Regional District are at 49% of budget. Individual line item expenditure variances will be discussed later in the Departmental Details by Division section of this report.

Summary of Total Revenues/Total Expenditures by Department (Appendix 2)

This schedule lists the total year to date revenues and expenditures for functions within each organizational division. It is helpful to identify at a glance the overall benchmark performance of an individual function and division.

Departmental Details by Division

Appendices 3 to 7 provide a more detailed financial picture for each individual function within the organizational divisions.

Regional Planning and Transportation Services (Appendix 3 and 3A)

Operating revenues results for this division consist mainly of Transportation Services grant and fare revenues which are at a respectable 50% of budget for the year. Overall division expenditures are at 46% of budget, with Wages and Benefits at 50%. Capital Expenditures and Professional Fees are a relatively small percentage of the overall budget and therefore the typical delay in such expenditures has a minimal impact on the overall results.

Corporate Services (Appendix 4)

Grants/Operating/Other Revenues in Corporate Services are at the budget benchmark of 50.

Overall expenditures for this division are at 41% of budget. The 'Trsf To Other Govt/Agencies' category (38%) consists of transfers of funds to the Vancouver Island Regional Library, E911 services and volunteer fire support agencies. Wages and Benefits are at 45% of budget.

Development Services (Appendix 5)

Grants/Operating/Other Revenues (61%) are above benchmark for the division due to Subdivision and Engineering Services revenues (60%) and Building Inspection services revenues (70%). Building permit fee revenues (70%) of \$540,100 are up from the same period in 2005 (\$479,623).

Overall expenditures for this division are at 45% of budget. While Capital Expenditures (42%) and Professional Fees (30%) are below the benchmark, they are a small percentage of the overall budget. Wages and Benefits for the Division are at 48% of budget.

Environmental Services (Appendix 6)

Overall "Grants/Operating/Other Revenues" in Environmental Services (49%) are slightly below the budget benchmark. Solid Waste Management revenues are near the benchmark at 49% of budgeted revenues. The annual billing for Sewerage Collection (106%) and Garbage Collection/Recycling services (92%), as well as the spring billing for Water Supply services (37%) has been completed. Water consumption to date for 2006 and associated user fee revenue appears to be generally comparable to last year. Liquid Waste Management "Grants/Operating/Other Revenues" (30%) remain lower than the benchmark because development cost charge reserves have not yet been recorded as a source of funds for planned capital projects at both the French Creek and Nanaimo wastewater treatment plants. Capital projects are ongoing and expenditures are recorded when paid.

Overall expenditures (30%) for the division remain within expectations for the first half of the year.

Recreation and Parks Services (Appendix 7)

Grants/Operating/Other Revenues for this division are at a healthy 79% of budget due to operating results from D69 Recreation Program services (69%), Occanside Place (53%) and the Ravensong Aquatic Center (61%).

Total expenditures for this division are 36% of budget. The Occanside Place Multiplex (59%) expenditures are over the benchmark due to the timing of costs related to entering into long term debt financing. Expenditures for Regional Parks (18%), Community Parks (25%), and Recreation Program services (34%) are below the benchmark due to seasonal factors. The Ravensong Aquatic Center (45%) is closer to benchmark, which is in line with operating revenues achieved to date for the facility. Community Recreation and Culture (3%) are below benchmark pending annual transfers to the City of Nanaimo (Southern Community Recreation) and the Port Theatre.

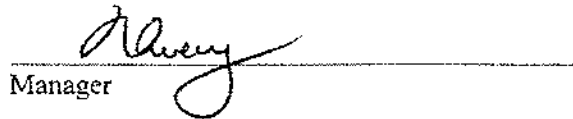
SUMMARY


The attached appendices reflect the operating activities of the Regional District recorded up to June 30, 2006. Appendix 1 summarizes the overall results across the organization. To date 58% of budgeted revenues and 36% of budgeted expenditures have been recorded. Grants/Operating/Other Revenues (51%) are close to the benchmark, with varying results in all five divisions for the reasons outlined above. Total expenditures (36%) are lower overall due to the timing of transfers to reserve funds (1%) and other agencies (29%), and to the commencement of capital projects (18%) and associated professional fees (18%).

RECOMMENDATION

That the summary report of financial results from operations to June 30, 2006 be received for information.


Report Writer


Manager


C.A.O. Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO
GENERAL REVENUE FUND
JUNE 30, 2006

	REGIONAL PLANNING & TRANSPORTATION SERVICES			CORPORATE SERVICES			DEVELOPMENT SERVICES			ENVIRONMENTAL SERVICES			RECREATION & PARKS SERVICES			TOTAL REVENUE FUND		
	ACTUAL 2006	BUDGET 2006	% VAR	ACTUAL 2006	BUDGET 2006	% VAR	ACTUAL 2006	BUDGET 2006	% VAR	ACTUAL 2006	BUDGET 2006	% VAR	ACTUAL 2006	BUDGET 2006	% VAR	ACTUAL 2006	BUDGET 2006	% VAR
REVENUES																		
TAX REQUISITION	\$2,139,042	\$4,278,075	50%	\$2,070,324	\$4,140,640	50%	\$600,372	\$1,200,735	50%	\$5,127,858	\$10,255,692	50%	\$2,948,502	\$5,693,050	50%	\$12,784,098	\$25,568,192	50%
GRANTS/OPERATING/OTHER	3,919,239	7,821,710	50%	2,818,532	5,615,125	50%	779,537	1,282,860	61%	7,693,845	15,635,429	49%	\$1,001,570	\$1,207,610	79%	16,212,724	31,822,734	51%
RE-TAINED EARNINGS	697,063	697,050	100%	815,895	815,860	100%	1,731,870	1,731,870	100%	5,543,717	5,643,694	100%	\$873,927	\$1,134,025	77%	9,767,462	10,022,519	97%
TOTAL REVENUES	6,755,384	12,796,835	53%	5,704,751	10,571,645	54%	3,111,779	4,215,465	74%	18,465,421	31,534,815	59%	4,721,989	8,091,685	58%	36,759,284	67,213,445	58%
EXPENSES																		
OFFICE OPERATING	\$912,449	\$1,865,088	49%	\$495,333	\$870,396	57%	\$274,663	\$625,460	44%	\$703,822	\$1,390,451	51%	\$231,930	\$450,909	51%	\$2,618,197	\$5,201,904	50%
COMMUNITY GRANTS	0	0		22,462	64,695	35%	0	0		0	0		4,624	78,255	6%	27,086	142,950	19%
LEGISLATIVE	0	0		117,782	259,515	45%	0	0		0	0		0	0		117,782	259,515	48%
PROFESSIONAL FEES	41,559	139,500	30%	52,693	297,405	18%	86,865	298,515	30%	152,567	1,231,405	12%	63,028	203,555	31%	399,712	2,170,360	18%
BUILDING OPS & MAINT	50,913	146,960	35%	67,623	244,095	28%	18,878	47,600	40%	109,801	315,084	35%	211,799	508,536	42%	469,112	1,282,585	36%
VEHICLE OPS & MAINT	1,255,446	2,862,225	44%	40,446	72,465	59%	25,219	33,235	75%	507,959	1,137,616	45%	24,528	74,434	33%	1,853,599	4,190,005	44%
OTHER EQUIPMENT OPS & MAINT	1,066	4,000	27%	44,543	150,396	30%	3,830	14,180	27%	0	0		32,052	72,275	44%	81,521	240,651	34%
OTHER OPERATING	75,176	271,865	28%	11,171	130,175	9%	82,330	192,595	43%	2,540,665	7,423,168	34%	81,053	346,165	23%	2,790,395	5,363,878	33%
WAGES & BENEFITS	3,278,931	6,540,139	50%	864,854	1,914,802	45%	783,008	1,643,143	49%	2,075,346	4,206,283	49%	1,106,367	2,571,204	47%	8,208,525	15,877,571	48%
RECREATION PROGRAMS	0	0		0	0		0	0		0	0		38,173	104,510	37%	38,173	104,510	37%
CAPITAL EXPENDITURES	14,643	144,065	10%	149,593	472,090	32%	64,813	152,790	42%	1,562,068	8,687,275	18%	53,778	729,220	7%	1,844,895	10,165,430	18%
DEBT FINANCING-INTEREST	0	0		826,190	1,737,935	48%	0	0		654,560	1,368,305	48%	440,706	660,870	65%	1,921,475	3,786,910	51%
DEBT FINANCING-PRINCIPAL	0	0		508,904	974,440	52%	0	0		454,470	908,940	50%	280,080	219,935	127%	1,243,454	2,103,315	59%
DEBT FINANCING-EXCHANGE	0	0		0	0		0	0		0	0		0	0		0	0	
CONTINGENCY	0	320,000		0	0		0	0		0	0		0	0		0	0	
TRANSFER TO RESERVE FUND	4,420	37,020	12%	8,755	475,370	2%	8,000	11,500	70%	18,810	2,975,895	1%	720	489,760	0%	40,705	3,969,545	1%
TFR TO OTHER GOVT/AGENCIES	1,200	6,200	19%	1,027,630	2,725,350	38%	0	0		0	0		99,756	1,172,280	9%	1,128,595	3,903,830	28%
TOTAL EXPENDITURES	5,635,833	12,337,082	46%	4,237,968	10,368,069	41%	1,356,704	3,018,868	45%	6,780,088	29,628,452	30%	2,760,615	7,701,608	36%	22,771,228	63,072,179	35%
OPERATING SURPLUS (DEFICIT)	\$1,119,551	\$459,753		\$1,466,783	\$183,576		\$1,755,075	\$1,196,497		\$9,685,333	\$1,903,363		\$1,961,364	\$393,077		\$15,988,056	\$4,141,266	

**REGIONAL DISTRICT OF NANAIMO
SUMMARY OF OPERATING RESULTS
JUNE 30, 2006**

	Revenues			Expenditures			Surplus	
	ACTUAL	BUDGET	Variance	ACTUAL	BUDGET	Variance	ACTUAL	BUDGET
REGIONAL PLANNING & TRANSPORTATION SERVICES								
Gabriola Island Emergency Wharf	5,178	9,355	55%	1,037	9,355	11%	4,141	0
Southern Community Transportation	5,780,724	11,096,635	52%	4,935,251	10,830,229	46%	845,473	266,406
D69 Conventional Transit	565,203	1,098,425	51%	499,779	1,023,590	49%	65,424	74,835
D69 Custom Transit	0	0		0	0		0	0
Emergency Planning	151,533	190,185	80%	85,841	152,660	56%	65,692	37,525
Regional Growth Management	252,696	402,235	63%	113,925	321,248	35%	138,771	80,987
	<u>6,755,334</u>	<u>12,796,835</u>	<u>53%</u>	<u>5,635,833</u>	<u>12,337,082</u>	<u>46%</u>	<u>1,119,501</u>	<u>459,753</u>
CORPORATE SERVICES								
General Administration	2,383,086	4,144,310	58%	1,613,431	4,078,439	40%	769,655	65,871
Electoral Areas Only	178,020	259,840	69%	79,531	161,865	44%	98,489	77,975
D68 E911	37,503	74,545	50%	20,902	74,545	28%	16,601	0
D69 E911	240,237	457,700	52%	2,562	457,700	1%	237,675	0
Fire Protection								
Volunteer Departments								
Coombs-Hilliers	96,492	192,985	50%	88,378	192,985	46%	8,114	0
Dashwood	81,980	163,400	50%	97,545	163,400	60%	(15,565)	0
Errington	108,742	216,780	50%	145,929	216,780	67%	(37,187)	0
Extension	79,210	135,710	58%	31,620	131,800	24%	47,590	3,910
Nanaimo River	5,226	10,450	50%	0	3,450		5,226	7,000
Nanoose Bay	168,320	306,020	55%	52,219	306,020	17%	116,101	0
Service Contracts								
Wellington Fire (Area D)	23,019	44,435	52%	701	42,375	2%	22,318	2,060
Yellowpoint Fire (Area A)	63,384	120,945	52%	60	120,945	0%	63,324	0
Parksville Local (Area G)	34,423	61,925	56%	60	49,200	0%	34,363	12,725
Bow Horn Bay Fire (Area H)	108,337	164,215	66%	124,928	164,215	76%	(16,591)	0
French Creek Fire (Area G)	137,082	263,850	52%	20,435	249,815	8%	116,647	14,035
Regional Library	639,576	1,279,150	50%	639,575	1,279,150	50%	1	0
Municipal Debt Transfers	1,320,112	2,675,385	49%	1,320,112	2,675,385	49%	0	0
Feasibility Studies								
Area A	0	0		0	0		0	0
Area B (Sewer)	(1)	0		0	0		(1)	0
Area E(Sewer)	3	0		0	0		3	0
Electoral Areas	0	0		0	0		0	0
	<u>5,704,751</u>	<u>10,571,645</u>	<u>54%</u>	<u>4,237,988</u>	<u>10,388,069</u>	<u>41%</u>	<u>1,466,763</u>	<u>183,576</u>
DEVELOPMENT SERVICES								
Building Inspection	1,809,761	2,077,325	87%	522,342	1,216,540	43%	1,287,419	860,785
Bylaw Enforcement								
Animal Control A,B,C,D	60,873	88,885	68%	22,844	62,655	36%	38,029	26,230
Animal Control E,G,H	53,803	89,940	60%	36,236	81,315	45%	17,567	8,625
Animal Control F	17,399	23,485	74%	6,327	15,670	40%	11,072	7,815
Noise Control A	11,062	14,210	78%	2,337	5,995	39%	8,745	8,215
Noise Control B	6,852	8,900	77%	2,284	5,665	40%	4,568	3,235
Noise Control C	10,077	14,070	72%	4,219	9,860	43%	5,858	4,210
Noise Control D	0	0		0	0		0	0
Noise Control E	9,830	11,940	82%	2,310	6,000	39%	7,520	5,940
Noise Control G	7,624	9,730	78%	2,306	5,965	39%	5,318	3,765
Noise Control H	0	0		0	0		0	0
Unightly Premises	16,662	22,980	73%	3,015	10,240	29%	13,647	12,740
Hazardous Properties	4,336	8,710	50%	2,242	7,885	28%	2,094	825
General Enforcement	96,744	266,805	36%	144,744	266,805	54%	(48,000)	0
Development Planning	905,297	1,404,810	64%	485,904	1,058,750	46%	419,393	346,060
Planning-Engineering Services	90,687	152,175	60%	108,842	244,123	45%	(18,155)	(91,948)
House Numbering	10,752	21,500	50%	10,752	21,500	50%	0	0
	<u>3,111,779</u>	<u>4,215,465</u>	<u>74%</u>	<u>1,356,704</u>	<u>3,018,968</u>	<u>45%</u>	<u>1,755,075</u>	<u>1,196,497</u>

**REGIONAL DISTRICT OF NANAIMO
SUMMARY OF OPERATING RESULTS
JUNE 30, 2006**

	Revenues			Expenditures			Surplus	
	ACTUAL	BUDGET	Variance	ACTUAL	BUDGET	Variance	ACTUAL	BUDGET
ENVIRONMENTAL SERVICES								
Southern Community Wastewater	3,986,384	6,976,135	57%	1,241,960	6,655,403	19%	2,744,424	320,732
Northern Community Wastewater	2,991,221	7,116,490	42%	2,684,868	7,054,788	38%	306,353	61,702
Duke Point Wastewater	184,684	237,175	78%	90,563	170,680	53%	94,121	66,495
Solid Waste Disposal Facilities	6,072,264	10,153,695	60%	2,551,313	9,489,260	27%	3,520,951	664,435
Solid Waste Collection & Recycling	2,075,685	2,233,049	93%	855,862	2,072,213	41%	1,220,003	160,836
Water Utilities								
Madrona	91,178	91,745	99%	1,020	91,745	1%	90,158	0
Fairwinds	228,690	228,665	100%	62,023	228,665	27%	166,667	0
Nanoose Bay	166,271	176,250	94%	54,674	176,250	31%	111,597	0
Arbutus Park Estates	48,592	48,585	100%	2,556	48,585	5%	46,036	0
West Bay Estates	66,817	66,810	100%	12,098	66,810	18%	54,719	0
Driftwood	4,078	8,004	51%	3,998	7,850	51%	80	154
San Pareil	191,952	261,899	73%	84,552	213,221	40%	107,400	48,678
French Creek	139,784	229,710	61%	50,841	158,589	32%	88,943	71,121
Surfside	26,009	37,560	69%	8,038	26,527	30%	17,971	11,033
Decourcey	6,079	8,664	70%	2,374	6,649	36%	3,705	2,015
Morningstar Creek	4,432	4,430	100%	4,430	4,430	100%	2	0
Wall Beach	0	0		0	0		0	0
Englishman River	109,790	143,660	76%	27,726	79,895	35%	82,064	63,765
Melrose Place Water	5,634	17,400	32%	3,861	17,401	22%	1,773	(1)
Nanoose Peninsula Water	444,278	991,520	45%	361,176	990,059	36%	83,102	1,461
Drinking Water Protection	75,000	75,000	100%	34	75,000	0%	74,966	0
Nanoose Bay Bulk Water	325,340	770,670	42%	159,357	619,886	26%	165,983	150,784
French Creek Bulk Water	93,920	158,050	59%	28,759	94,930	30%	65,161	63,120
Sewer Utilities								
Fairwinds/Nanoose Coll & Treat	364,268	516,865	70%	122,987	423,888	29%	241,281	92,977
French Creek	608,326	724,610	84%	312,188	635,321	49%	296,138	89,289
Pacific Shores	23,481	35,970	65%	13,599	29,535	46%	9,882	6,435
Surfside Sewer	26,096	31,845	82%	9,173	21,286	43%	16,923	10,559
MacMillan R. Sewer	3,144	3,140	100%	1,566	3,140	50%	1,578	0
Cedar Sewer	0	0		2,665	0		(2,665)	0
Englishman River Stormwater	4,752	7,250	66%	3,225	6,975	46%	1,527	275
Barclay Crescent	46,460	100,555	46%	1,600	100,555	2%	44,860	0
Pump & Haul	3,139	2,300	136%	125	2,300	5%	3,014	0
Streetlighting	47,673	77,114	62%	21,057	54,616	39%	26,616	22,498
	18,465,421	31,534,815	59%	8,780,088	29,626,452	30%	9,685,333	1,908,363
RECREATION & PARKS SERVICES								
District 69 Recreation	655,732	1,174,685	56%	396,491	1,149,586	34%	259,241	25,099
Oceanside Place	1,049,161	1,904,335	55%	1,056,201	1,776,877	59%	(7,040)	127,458
Ravensong Aquatic Center	1,057,105	1,858,110	57%	824,017	1,847,152	45%	233,088	10,958
Gabriola Island Recreation	44,693	79,105	56%	49,320	68,316	72%	(4,627)	10,789
Southern Community Recreation	375,130	748,515	50%	17,178	748,515	2%	357,952	0
Hotel Room Tax	11,076	18,000	62%	11,076	18,000	62%	0	0
Port Theater	22,822	55,395	41%	0	55,395		22,822	0
Regional Parks	889,246	1,379,065	64%	247,437	1,349,303	18%	641,809	29,762
Community Parks								
A	188,830	226,330	83%	14,900	150,419	10%	173,930	75,911
B	88,425	145,270	61%	44,510	113,884	39%	43,915	31,386
C	15,754	21,610	73%	5,672	16,581	34%	10,082	5,029
D	36,600	48,095	76%	8,918	37,755	24%	27,682	10,340
E	77,308	102,305	76%	15,403	71,588	22%	61,905	30,717
F	63,999	85,500	75%	11,708	70,632	17%	52,291	14,868
G	56,119	80,870	69%	17,419	72,463	24%	38,700	8,407
H	54,495	94,490	58%	33,623	82,137	41%	20,872	12,353
Area A Recreation	35,504	73,005	49%	6,742	73,005	9%	28,762	0
	4,721,999	8,094,685	58%	2,760,615	7,701,508	36%	1,961,384	393,077
TOTAL - ALL SERVICES	38,759,284	67,213,445	58%	22,771,228	63,072,179	36%	15,988,056	4,141,266

8/17/2006

**REGIONAL DISTRICT OF NANAIMO
REGIONAL PLANNING & TRANSPORTATION SERVICES
JUNE 30, 2006**

	REGIONAL GROWTH MANAGEMENT SERVICE			EMERGENCY PLANNING			TRANSPORTATION SERVICES			TOTAL REGIONAL PLANNING & TRANSPORTATION SERVICES		
	ACTUAL 2006	BUDGET 2006	% VAR	ACTUAL 2006	BUDGET 2006	% VAR	ACTUAL 2006	BUDGET 2006	% VAR	ACTUAL 2006	BUDGET 2006	% VAR
REVENUES												
TAX REQUISITION	150,480	300,965	50%	57,990	115,980	50%	1,930,572	3,861,130	50%	2,139,042	4,278,075	50%
GRANTS/OPERATING/OTHER	947	0		21,840	2,500	874%	3,896,452	7,819,210	50%	3,919,238	7,821,710	50%
RETAINED EARNINGS	101,269	101,270	100%	71,703	71,705	100%	524,081	524,075	100%	697,053	697,050	100%
TOTAL REVENUES	252,696	402,235	63%	151,533	190,185	80%	6,351,105	12,204,415	52%	6,755,334	12,796,835	53%
EXPENSES												
OFFICE OPERATING	\$23,068	\$47,198	49%	\$11,490	\$28,010	41%	\$877,891	\$1,789,880	49%	\$912,449	\$1,865,068	49%
PROFESSIONAL FEES	20,148	62,500	32%	21,410	12,000	178%	1	65,000	0%	41,559	139,500	30%
BUILDING OP & MAINTENANCE	0	8,000		90	500	18%	50,823	138,480	37%	50,913	146,980	36%
VEHICLE OP & MAINTENANCE	269	350	77%	619	2,700	23%	1,254,558	2,659,175	44%	1,255,445	2,862,225	44%
OTHER OPERATING COSTS	14,720	63,870	23%	80	4,700	2%	60,376	203,295	30%	75,176	271,965	28%
WAGES & BENEFITS	51,015	104,820	49%	48,606	95,050	51%	3,179,310	6,340,269	50%	3,278,931	6,540,139	50%
EQUIP OP & MAINTENANCE	0	0		0	1,000		1,096	3,000	37%	1,095	4,000	27%
COMMUNITY GRANTS	0	0		0	0		0	0		0	0	
RECREATION PROGRAMS	0	0		0	0		0	0		0	0	
CAPITAL EXPENDITURES	4,300	4,700	91%	2,346	2,500	94%	7,997	136,865	6%	14,643	144,065	10%
DEBT FINANCING - INTEREST	0	0		0	0		0	0		0	0	
DEBT FINANCING - PRINCIPAL	0	0		0	0		0	0		0	0	
DEBT FINANCING - EXCHANGE	0	0		0	0		0	0		0	0	
CONTINGENCY	0	0		0	0		0	0		0	0	
TRANSFER TO RESERVE FUND	405	29,810	1%	0	0		4,015	320,000		4,420	320,000	
TRANSFER FROM RESERVE FUND	0	0		0	0		0	7,210		0	37,020	
TRANSFER TO OTHER GOVTS	0	0		1,200	6,200	19%	0	0		1,200	6,200	
TOTAL EXPENDITURES	\$113,925	\$321,248	35%	\$85,841	\$152,660	56%	\$5,436,067	\$11,863,174	46%	\$5,635,833	\$12,337,082	46%
OPERATING SURPLUS (DEFICIT)	\$138,771	\$80,987		\$65,692	\$37,525		\$915,038	\$341,241		\$1,119,501	\$459,753	

REGIONAL DISTRICT OF NANAIMO
TRANSPORTATION SERVICES
JUNE 30, 2006

	DESCANSO BAY EMERGENCY WHARF			SOUTHERN COMMUNITY TRANSIT			NORTHERN COMMUNITY TRANSIT			TOTAL TRANSPORTATION SERVICES		
	ACTUAL 2006	BUDGET 2006	% VAR	ACTUAL 2006	BUDGET 2006	% VAR	ACTUAL 2006	BUDGET 2006	% VAR	ACTUAL 2006	BUDGET 2006	% VAR
REVENUES												
TAX REQUIREMENT	\$4,182	\$8,360	50%	\$1,670,850	\$3,341,695	50%	\$255,540	\$511,075	50%	\$1,930,572	\$3,861,130	50%
GRANTS/OPERATING/OTHER	0	0		3,640,847	7,285,920	50%	255,605	533,290	48%	3,896,452	7,819,210	50%
RETAINED EARNINGS	996	995	100%	469,027	469,020	100%	54,058	54,060	100%	524,081	524,075	100%
TOTAL REVENUES	\$5,178	\$9,355	55%	\$5,780,724	\$11,096,635	52%	\$565,203	\$1,098,425	51%	\$6,351,105	\$12,204,415	52%
EXPENSES												
OFFICE OPERATING	\$1,037	\$125	830%	\$573,314	\$1,182,680	48%	\$303,540	\$607,075	50%	\$877,891	\$1,789,880	49%
PROFESSIONAL FEES	0	0		1	65,000	0%	0	0		1	65,000	0%
BUILDING OP. & MAINT.	0	4,030		50,823	134,450	38%	0	0		50,823	138,480	37%
VEHICLE OP. & MAINT.	0	2,005		1,254,558	2,857,170	44%	0	0		1,254,558	2,859,175	44%
OTHER OPERATING COSTS	0	0		60,376	203,295	30%	0	0		60,376	203,295	30%
WAGES & BENEFITS	0	0		2,983,071	5,923,754	50%	196,239	416,515	47%	3,179,310	6,340,269	50%
EQUIP. OP & MAINT	0	0		1,096	3,000	37%	0	0		1,096	3,000	37%
COMMUNITY GRANTS	0	0		0	0		0	0		0	0	
RECREATION PROGRAMS	0	0		0	0		0	0		0	0	
CAPITAL EXPENDITURES	0	0		7,997	136,865	6%	0	0		7,997	136,865	6%
DEBT FINANCING - INT.	0	0		0	0		0	0		0	0	
-PRINCIPAL	0	0		0	0		0	0		0	0	
-EXCHANGE	0	0		0	0		0	0		0	0	
CONTINGENCY	0	0		0	320,000		0	0		0	320,000	
TRANSFER TO RESERVE FUND	0	3,195		4,015	4,015	100%	0	0		4,015	4,015	
TRANSFER FROM RESERVE FUND	0	0		0	0		0	0		0	0	
TRANSFER TO OTHER GOVTS	0	0		0	0		0	0		0	0	
TOTAL EXPENDITURES	\$1,037	\$9,355	11%	\$4,935,251	\$10,830,229	46%	\$499,779	\$1,023,590	49%	\$5,436,067	\$11,863,174	46%
NET SURPLUS	\$4,141	\$0		\$845,473	\$266,406		\$65,424	\$74,835		\$915,038	\$341,241	

**REGIONAL DISTRICT OF NANAIMO
CORPORATE SERVICES
JUNE 30, 2006**

	ADMINISTRATION			ELECTORAL AREAS			PUBLIC SAFETY			FIRE DEPTS			REGIONAL LIBRARY		
	ACTUAL 2006	BUDGET 2006	% VAR	ACTUAL 2006	BUDGET 2006	% VAR	ACTUAL 2006	BUDGET 2006	% VAR	ACTUAL 2006	BUDGET 2006	% VAR	ACTUAL 2006	BUDGET 2006	% VAR
REVENUES															
TAX REQUISITION	\$307,596	\$615,185	50%	\$81,828	\$163,650	50%	\$254,502	\$509,010	50%	\$786,822	\$1,573,645	50%	\$639,576	\$1,279,150	50%
GRANTS/OPERATING/OTHER	1,447,624	2,901,265	50%	0	0	0	0	0	0	50,796	38,475	132%	0	0	0
RETAINED EARNINGS	627,866	627,860	100%	96,192	96,190	100%	23,238	23,235	100%	68,597	68,595	100%	0	0	0
TOTAL REVENUES	2,383,086	4,144,310	58%	178,020	259,840	69%	277,740	532,245	52%	\$06,215	1,680,715	54%	639,576	1,279,150	50%
EXPENSES															
OFFICE OPERATING	\$391,781	\$661,311	59%	\$45,763	\$85,970	53%	\$6,015	\$12,030	50%	\$51,774	\$111,085	47%	\$0	\$0	0
COMMUNITY GRANTS	22,462	64,695	35%	0	0	0	0	0	0	0	0	0	0	0	0
LEGISLATIVE	100,690	218,615	46%	17,052	39,900	43%	0	0	0	0	0	0	0	0	0
PROFESSIONAL FEES	40,629	284,410	14%	1,407	5,725	25%	0	2,000	0	10,557	5,270	202%	0	0	0
BUILDING OPS & MAINT	55,934	207,745	27%	804	1,100	73%	84	300	21%	10,821	34,840	31%	0	0	0
VEHICLE OPS & MAINT	3,705	4,825	77%	0	0	0	0	0	0	36,741	67,640	54%	0	0	0
EQUIP OPS & MAINT	23,135	75,276	31%	1,268	2,800	45%	3,325	4,450	75%	16,815	67,870	25%	0	0	0
OTHER OPERATING COSTS	9,361	32,525	29%	0	0	0	0	0	0	1,810	97,600	2%	0	0	0
WAGES & BENEFITS	850,573	1,890,132	45%	11,003	22,770	48%	0	0	0	3,278	1,900	173%	0	0	0
CAPITAL EXPENDITURES	101,886	380,150	27%	2,194	3,600	61%	0	0	0	45,513	88,340	52%	0	0	0
DEBT FINANCING-INTEREST	0	0	0	0	0	0	0	0	0	5,292	17,605	30%	0	0	0
DEBT FINANCING-PRINCIPAL	0	0	0	0	0	0	0	0	0	9,690	19,385	50%	0	0	0
DEBT FINANCING-EXCHANGE	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CONTINGENCY	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TRANSFER TO RESERVE FUND	8,755	258,755	3%	0	20,000	0	0	1,800	0	0	194,815	0	0	0	0
TRSP TO OTHER GOVT/AGENCIES	4,520	0	0	0	0	0	14,060	511,665	3%	369,484	934,535	40%	639,575	1,279,150	50%
TOTAL EXPENDITURES	\$1,613,431	\$4,078,439	40%	\$79,531	\$181,865	44%	\$23,464	\$532,245	4%	\$561,875	\$1,640,985	34%	\$639,575	\$1,279,150	50%
OPERATING SURPLUS (DEFICIT)	\$769,655	\$65,871		\$98,489	\$77,975		\$254,276	\$0		\$344,340	\$39,730		\$1	\$0	

REGIONAL DISTRICT OF NANAIMO
CORPORATE SERVICES
JUNE 30, 2006

	MUNICIPAL DEBT TRANSFERS		TOTAL CORPORATE SERVICES			
	ACTUAL 2006	BUDGET 2006	% VAR	ACTUAL 2006	BUDGET 2006	% VAR
REVENUES						
TAX REQUISITION	\$0	\$0		\$2,070,324	\$4,140,640	50%
GRANTS/OPERATING/OTHER	1,320,112	2,675,385	49%	2,818,532	5,615,125	50%
RETAINED EARNINGS	0	0		815,895	815,880	100%
TOTAL REVENUES	1,320,112	2,675,385	49%	5,704,751	10,571,645	54%
EXPENSES						
OFFICE OPERATING	\$0	\$0		\$495,333	\$870,396	57%
COMMUNITY GRANTS	0	0		22,462	64,695	35%
LEGISLATIVE	0	0		117,782	250,515	46%
PROFESSIONAL FEES	0	0		52,693	297,405	18%
BUILDING OPS & MAINT	0	0		67,623	244,085	28%
VEHICLE OPS & MAINT	0	0		40,446	72,465	56%
EQUIP OPS & MAINT	0	0		44,543	150,396	30%
OTHER OPERATING COSTS	0	0		11,171	130,125	9%
WAGES & BENEFITS	0	0		864,854	1,914,802	45%
CAPITAL EXPENDITURES	0	0		149,593	472,090	32%
DEBT FINANCING-INTEREST	820,898	1,720,330	48%	826,190	1,737,935	48%
DEBT FINANCING-PRINCIPAL	499,214	955,055	52%	508,904	974,440	52%
DEBT FINANCING-EXCHANGE	0	0		0	0	
CONTINGENCY	0	0		0	0	
TRANSFER TO RESERVE FUND	0	0		8,755	475,370	2%
TRSF TO OTHER GOVT/AGENCIES	0	0		1,027,639	2,725,350	38%
TOTAL EXPENSES	\$1,320,112	\$2,675,385	49%	\$4,237,988	\$10,388,069	41%
OPERATING SURPLUS (DEFICIT)	\$0	\$0		\$1,466,763	\$183,576	

**REGIONAL DISTRICT OF NANAIMO
DEVELOPMENT SERVICES
JUNE 30, 2006**

	COMMUNITY PLANNING			SUBDIVISION & ENGINEERING			HOUSE NUMBERING		
	ACTUAL 2006	BUDGET 2006	% VAR	ACTUAL 2006	BUDGET 2006	% VAR	ACTUAL 2006	BUDGET 2006	% VAR
REVENUES									
TAX REQUISITION	466,164	932,325	50%	0	0	0	10,752	21,500	50%
GRANTS/OPERATING/OTHER	35,145	68,500	51%	90,687	152,175	60%	0	0	0
RETAINED EARNINGS	403,988	493,985	100%	0	0	0	0	0	0
TOTAL REVENUES	905,297	1,404,810	64%	90,687	152,175	60%	10,752	21,500	50%
EXPENSES									
OFFICE OPERATING	\$149,884	\$308,875	49%	\$11,208	\$24,745	45%	\$10,752	\$21,500	50%
PROFESSIONAL FEES	22,951	85,000	27%	5,155	32,250	16%	0	0	0
BUILDING OP & MAINTENANCE	10,924	24,900	44%	0	0	0	0	0	0
VEHICLE OP & MAINTENANCE	4,020	5,235	77%	0	0	0	0	0	0
OTHER OPERATING COSTS	30,834	70,090	44%	158	300	53%	0	0	0
WAGES & BENEFITS	257,557	550,050	47%	89,883	183,828	49%	0	0	0
EQUIP OP & MAINTENANCE	2,734	7,600	36%	0	0	0	0	0	0
COMMUNITY GRANTS	0	0	0	0	0	0	0	0	0
PROGRAM COSTS	0	0	0	0	0	0	0	0	0
CAPITAL EXPENDITURES	0	0	0	2,438	3,000	81%	0	0	0
DEBT FINANCING - INTEREST	0	0	0	0	0	0	0	0	0
DEBT FINANCING - PRINCIPAL	0	0	0	0	0	0	0	0	0
DEBT FINANCING - EXCHANGE	0	0	0	0	0	0	0	0	0
CONTINGENCY	0	0	0	0	0	0	0	0	0
TRANSFER TO RESERVE FUND	7,000	7,000	100%	0	0	0	0	0	0
TRANSFER FROM RESERVE FUND	0	0	0	0	0	0	0	0	0
TRANSFER TO OTHER GOVTS	0	0	0	0	0	0	0	0	0
TOTAL EXPENDITURES	\$485,904	\$1,058,750	46%	\$108,842	\$244,123	45%	\$10,752	\$21,500	50%
OPERATING SURPLUS (DEFICIT)	\$419,393	\$346,060		(\$18,155)	(\$91,948)		\$0	\$0	

**REGIONAL DISTRICT OF NANAIMO
DEVELOPMENT SERVICES
JUNE 30, 2006**

	BUILDING INSPECTION		BYLAW ENFORCEMENT		TOTAL DEVELOPMENT SERVICES			
	ACTUAL 2006	BUDGET 2006	%	VAR	ACTUAL 2006	BUDGET 2006	%	VAR
REVENUES								
TAX REQUISITION	35,700	71,400	50%		600,372	1,200,735	50%	
GRANTS/OPERATING/OTHER	551,515	763,380	70%		779,537	1,282,860	61%	
RETAINED EARNINGS	1,222,546	1,222,545	100%		1,731,870	1,731,870	100%	
TOTAL REVENUES	1,809,761	2,077,325	87%		3,111,779	4,215,465	74%	
EXPENSES								
OFFICE OPERATING	\$97,395	\$251,455	39%		\$274,663	\$625,460	44%	
PROFESSIONAL FEES	5,433	43,500	12%		89,865	298,515	30%	
BUILDING OP & MAINTENANCE	6,552	16,700	39%		18,976	47,600	40%	
VEHICLE OP & MAINTENANCE	13,480	17,000	79%		25,219	33,235	76%	
OTHER OPERATING COSTS	27,797	66,470	42%		82,330	192,355	43%	
WAGES & BENEFITS	359,725	726,335	50%		789,008	1,643,143	48%	
EQUIP OP & MAINTENANCE	1,096	6,580	17%		3,830	14,180	27%	
COMMUNITY GRANTS	0	0			0	0		
PROGRAM COSTS	0	0			0	0		
CAPITAL EXPENDITURES	9,864	87,500	11%		64,813	152,780	42%	
DEBT FINANCING - INTEREST	0	0			0	0		
DEBT FINANCING - PRINCIPAL	0	0			0	0		
DEBT FINANCING - EXCHANGE	0	0			0	0		
CONTINGENCY	0	0			0	0		
TRANSFER TO RESERVE FUND	1,000	1,000	100%		8,000	11,500	70%	
TRANSFER FROM RESERVE FUND	0	0			0	0		
TRANSFER TO OTHER GOVTS	0	0			0	0		
TOTAL EXPENDITURES	\$522,342	\$1,216,540	43%		\$1,356,704	\$3,018,968	45%	
OPERATING SURPLUS (DEFICIT)	\$1,287,419	\$860,785			\$1,755,075	\$1,196,497		

**REGIONAL DISTRICT OF NANAIMO
ENVIRONMENTAL SERVICES
JUNE 30, 2006**

	LIQUID WASTE MANAGEMENT			SOLID WASTE MANAGEMENT			GARBAGE COLLECTION/RECYCLING		
	ACTUAL 2006	BUDGET 2006	% VAR	ACTUAL 2006	BUDGET 2006	% VAR	ACTUAL 2006	BUDGET 2006	% VAR
REVENUES									
TAX REQUISITION	\$3,843,048	\$7,686,095	50%	\$201,150	\$402,305	50%	\$0	\$0	92%
GRANTS/OPERATING/OTHER	1,399,011	4,723,480	30%	3,673,991	7,554,170	49%	1,934,742	2,092,109	100%
RETAINED EARNINGS	1,920,230	1,920,225	100%	2,197,223	2,197,220	100%	140,943	140,940	93%
TOTAL REVENUES	7,162,289	14,329,800	50%	6,072,264	10,153,695	60%	2,075,685	2,233,049	93%
EXPENSES									
OFFICE OPERATING	\$257,871	\$462,156	56%	\$275,261	\$555,876	50%	\$63,054	\$127,483	49%
PROFESSIONAL FEES	83,715	287,700	29%	40,513	621,500	7%	23	7,500	0%
BUILDING OP & MAINTENANCE	48,399	157,650	31%	28,440	73,200	39%	1,074	2,145	50%
VEHICLE OP & MAINTENANCE	183,693	386,585	48%	264,818	602,110	44%	749	1,785	42%
WAGES & BENEFITS	736,053	1,526,100	48%	968,743	1,849,299	52%	17,593	70,614	25%
OPERATIONAL COSTS	515,542	1,580,295	33%	748,300	2,745,885	27%	772,429	1,861,876	41%
CAPITAL EXPENDITURES	1,430,651	7,087,200	20%	90,032	1,028,500	9%	100	150	67%
DEBT FINANCING - INT	426,222	862,060	49%	62,350	164,700	50%	0	0	0%
DEBT FINANCING - PRINCIPAL	329,880	659,760	50%	45,366	90,730	50%	0	0	0%
DEBT FINANCING - EXCHANGE	0	0	0%	0	0	0%	0	0	0%
CONTINGENCY	0	0	0%	0	0	0%	0	0	0%
TRANSFER TO RESERVE FUND	5,365	871,365	1%	7,490	1,757,490	0%	660	660	100%
TRANSFER FROM RESERVE FUND	0	0	0%	0	0	0%	0	0	0%
TSFR TO OTHER GOVT/AGENCIES	0	0	0%	0	0	0%	0	0	0%
TOTAL EXPENDITURES	\$4,017,391	\$13,880,871	29%	\$2,551,313	\$9,489,260	27%	\$855,682	\$2,072,213	41%
OPERATING SURPLUS (DEFICIT)	\$3,144,898	\$448,929		\$3,520,951	\$664,435		\$1,220,003	\$160,836	

**REGIONAL DISTRICT OF NANAIMO
ENVIRONMENTAL SERVICES
JUNE 30, 2006**

	WATER SUPPLY		SEWAGE COLLECTION		STREET LIGHTING		TOTAL ENVIRONMENTAL SERVICES		
	ACTUAL 2006	BUDGET 2006	% VAR	ACTUAL 2006	BUDGET 2006	% VAR	ACTUAL 2006	BUDGET 2006	% VAR
REVENUES									
TAX REQUISITION	\$693,186	\$1,386,373	50%	\$361,362	\$722,700	50%	\$29,112	\$58,219	50%
GRANTS/OPERATING/OTHER	345,031	942,625	37%	341,055	322,590	106%	116	455	25%
RETAINED EARNINGS	989,627	989,624	100%	377,249	377,245	100%	18,445	18,440	100%
TOTAL REVENUES	2,027,844	3,318,622	61%	1,079,666	1,422,535	76%	47,673	77,114	62%
EXPENSES									
ADMINISTRATIVE	\$78,904	\$171,644	46%	\$28,252	\$71,852	39%	\$480	\$1,440	33%
PROFESSIONAL FEES	17,177	269,570	6%	11,139	45,135	25%	0	0	0%
BUILDING OP & MAINTENANCE	21,346	59,051	36%	4,028	13,288	30%	6,516	9,750	67%
VEHICLE OP & MAINTENANCE	42,714	105,335	41%	15,697	41,831	38%	288	0	0%
WAGES & BENEFITS	269,411	576,017	47%	83,546	185,484	45%	0	819	0%
OPERATIONAL COSTS	168,342	459,155	37%	322,279	733,350	44%	13,773	42,607	32%
CAPITAL COST	40,101	481,825	8%	1,184	69,600	2%	0	0	0%
DEBT FINANCING - INT	146,008	299,045	49%	0	42,500	0%	0	0	0%
DEBT FINANCING - PRINCIPAL	79,224	158,450	50%	0	0	0%	0	0	0%
DEBT FINANCING - EXCHANGE	0	0	0%	0	0	0%	0	0	0%
CONTINGENCY	0	0	0%	0	0	0%	0	0	0%
CONTRIBUTION TO OTHER FUNDS	4,290	326,400	1%	1,005	19,990	5%	0	0	0%
CONTRIBUTION FROM OTHER FND	0	0	0%	0	0	0%	0	0	0%
TRANSFER TO OTHER GOVTS	0	0	0%	0	0	0%	0	0	0%
TOTAL EXPENSES	\$867,517	\$2,906,492	30%	\$467,128	\$1,223,000	38%	\$21,057	\$54,615	39%
OPERATING SURPLUS (DEFICIT)	\$1,160,327	\$412,130		\$612,538	\$199,535		\$26,616	\$22,498	
							\$9,780,088	\$29,626,452	30%
							\$9,685,333	\$1,908,363	

REGIONAL DISTRICT OF NANAIMO
RECREATION & PARKS SERVICES
JUNE 30, 2006

	REGIONAL PARKS		COMMUNITY PARKS		AREA A RECREATION		D69 RECREATION COORDINATING		OCEANSIDE PLACE			
	ACTUAL 2006	BUDGET 2006	% VAR	ACTUAL 2006	BUDGET 2006	% VAR	ACTUAL 2006	BUDGET 2006	% VAR	ACTUAL 2006	BUDGET 2006	% VAR
REVENUES												
TAX REQUISITION	489,404	938,885	50%	226,662	453,320	50%	37,500	75,000	50%	598,686	1,197,370	50%
GRANTS/OPERATING/OTHER	264,743	25,105	1055%	3,709	0		0	0		294,140	550,630	53%
RETAINED EARNINGS	155,099	415,095	37%	351,159	351,150	100%	(1,996)	(1,996)	100%	156,335	156,335	100%
TOTAL REVENUES	889,246	1,379,065	64%	581,530	804,470	72%	35,504	73,005	49%	1,049,161	1,904,335	55%
EXPENSES												
OFFICE OPERATING	\$21,847	\$39,777	55%	\$13,803	\$29,116	47%	\$350	\$695	50%	\$50,284	\$105,125	48%
PROFESSIONAL FEES	9,969	76,725	13%	423	22,500	2%	0	20,000		16,985	22,500	75%
BUILDING OP & MAINTENANCE	7,521	25,275	30%	1,933	5,476	35%	0	0		7,894	14,995	53%
VEHICLE OP & MAINTENANCE	4,948	15,605	32%	175	1,500	12%	0	0		4,470	29,094	15%
OTHER OPERATING COSTS	30,264	113,450	27%	27,021	173,220	16%	27	115	23%	9,798	19,525	50%
WAGES & BENEFITS	63,931	193,581	33%	77,152	200,342	39%	3,865	7,195	54%	287,327	617,622	47%
EQUIP OP & MAINTENANCE	944	500	189%	0	0		0	0		1,096	2,275	48%
COMMUNITY GRANTS	0	0		0	0		0	0		119	70,755	0%
RECREATION PROGRAMS	39	1,500	3%	0	4,875		0	0		8,344	48,100	17%
CAPITAL EXPENDITURES	5,191	432,295	1%	0	30,000		0	0		2,494	4,820	52%
DEBT FINANCING - INTEREST	341	41,375	1%	11,156	21,450	52%	0	0		0	0	
DEBT FINANCING - PRINCIPAL	82,262	85,000	97%	5,490	10,980	50%	0	0		0	0	
DEBT FINANCING - EXCHANGE	0	0		0	0		0	0		0	0	
CONTINGENCY	0	0		0	0		0	0		0	0	
TRANSFER TO RESERVE FUND	180	274,220	0%	0	100,000		0	0		180	180	100%
TRANSFER FROM RESERVE FUND	0	0		0	0		0	0		0	0	
TRANSFER TO OTHER GOVTS	20,000	50,000	40%	15,000	18,000	94%	2,500	45,000	6%	7,500	214,595	3%
TOTAL EXPENDITURES	\$247,437	\$1,349,303	18%	\$152,153	\$615,459	25%	\$6,742	\$73,005	9%	\$396,491	\$1,149,586	34%
OPERATING SURPLUS (DEFICIT)	\$641,809	\$29,762		\$429,377	\$189,011		\$28,762	\$0		\$259,241	\$25,099	
										(\$7,040)	\$127,458	

**REGIONAL DISTRICT OF NANAIMO
RECREATION & PARKS SERVICES
JUNE 30, 2006**

	RAVENSONG AQUATIC CENTER			GABRIOLA ISL RECREATION			SOUTHERN COMMUNITY RECREATION & CULTURE			TOTAL RECREATION & PARKS SERVICES		
	ACTUAL 2006	BUDGET 2006	% VAR	ACTUAL 2006	BUDGET 2006	% VAR	ACTUAL 2006	BUDGET 2006	% VAR	ACTUAL 2006	BUDGET 2006	% VAR
REVENUES												
TAX REQUISITION	611,232	1,222,460	50%	34,896	69,795	50%	405,966	811,925	50%	2,846,502	5,693,050	56%
GRANTS/OPERATING/OTHER	301,414	491,190	61%	489	0	0	11,076	18,000	62%	1,001,570	1,267,610	79%
RETAINED EARNINGS	144,459	144,480	100%	9,308	9,310	100%	(8,014)	(8,015)	100%	873,927	1,134,025	77%
TOTAL REVENUES	1,057,105	1,858,110	57%	44,693	79,105	56%	409,028	821,910	50%	4,721,999	8,064,685	58%
EXPENSES												
OFFICE OPERATING	\$69,325	\$133,685	52%	\$351	\$721	49%	\$1,320	\$2,400	55%	\$231,930	\$450,509	51%
PROFESSIONAL FEES	18,243	32,670	56%	0	0	0	0	0	0	63,028	203,555	31%
BUILDING OP & MAINTENANCE	73,367	207,650	35%	0	0	0	17,163	32,825	52%	211,799	508,836	42%
VEHICLE OP & MAINTENANCE	4,224	6,775	62%	77	75	103%	0	0	0	24,529	74,434	33%
OTHER OPERATING COSTS	10,082	23,100	44%	27	325	8%	15	0	0	81,053	346,165	23%
WAGES & BENEFITS	404,546	808,667	50%	3,865	7,195	54%	0	0	0	1,198,387	2,571,204	47%
EQUIP OP & MAINTENANCE	16,165	25,750	63%	0	0	0	0	0	0	32,052	72,275	44%
COMMUNITY GRANTS	4,101	6,500	63%	0	0	0	0	0	0	4,624	78,255	6%
RECREATION PROGRAMS	15,095	34,635	44%	0	0	0	0	0	0	36,173	104,510	37%
CAPITAL EXPENDITURES	24,369	88,895	27%	0	0	0	0	0	0	53,778	729,220	7%
DEBT FINANCING - INTEREST	122,346	244,690	50%	0	0	0	0	0	0	440,706	680,670	65%
DEBT FINANCING - PRINCIPAL	61,974	123,955	50%	0	0	0	0	0	0	280,080	219,935	127%
CONTINGENCY	0	0	0	0	0	0	0	0	0	0	0	0
TRANSFER TO RESERVE FUND	0	0	0	0	0	0	0	0	0	0	0	0
TRANSFER FROM RESERVE FUND	180	110,180	0%	0	0	0	0	0	0	720	489,760	0%
TRANSFER TO OTHER GOVTS	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL EXPENDITURES	\$824,017	\$1,847,152	45%	\$49,320	\$68,316	72%	\$28,254	\$821,910	3%	\$2,760,615	\$7,701,608	36%
OPERATING SURPLUS (DEFICIT)	\$233,088	\$10,958		(\$4,627)	\$10,789		\$380,774	\$0		\$1,961,384	\$393,077	



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GMCS		GMR&P	
GMDS		GMRT&P	
JUL 31 2006			
CHAIR		BOARD	
<i>Board</i>			
			DATE:

MEMORANDUM

TO: N. Avery
Manager, Financial Services

July 20, 2006

FROM: W. Thexton
Senior Accountant

FILE:

SUBJECT: Alberni Clayoquot Regional District – 2007 Permissive Tax Exemption

PURPOSE:

To introduce for adoption "Property Tax Exemption (Mt. Arrowsmith Regional Park) Bylaw No. 1491, 2006".

BACKGROUND:

Where a Regional District is the owner of property outside of its boundaries, it is no longer automatically exempt from property taxes. The Alberni-Clayoquot Regional District is the owner of the Mt. Arrowsmith Regional Park, which is located within Electoral Area 'C' of the Nanaimo Regional District. The Board has adopted bylaws annually since 2004 to provide a permissive tax exemption for this property. Permissive tax exemption bylaws must be adopted annually or, with the assent of the electors, may cover a period not exceeding 10 years. Nanaimo and Alberni-Clayoquot Regional District staff have agreed that it is administratively simple to adopt a permissive tax exemption bylaw annually, and Bylaw 1491 covering the 2007 tax year is presented with this report.

ALTERNATIVES:

1. Introduce and adopt "Property Tax Exemption (Mt. Arrowsmith Regional Park) Bylaw No. 1491, 2006" for the 2007 taxation year as presented.
2. Do not grant a permissive tax exemption for the 2007 taxation year for the Mt. Arrowsmith Regional Park properties.

FINANCIAL IMPLICATIONS:

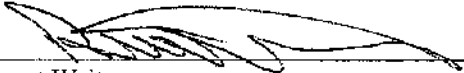
The 2006 assessed values for the properties in question total \$519,000. Had the exemption not been in place for the 2006 taxation year, the properties would have been assessed Regional District taxes of approximately \$426, based on Electoral Area 'C' taxation rates. It is anticipated that the impact will be similar for 2007. However, if the property were no longer to be statutorily exempt, the assessment value could increase and the property taxes payable would also be higher. Despite this implication, there is an intent and expectation that local governments will be exempt on any land they own directly.

SUMMARY/CONCLUSIONS:


The bylaw introduced with this report continues the Nanaimo Regional District's acknowledgement that the Mt. Arrowsmith Regional Park should be a tax exempt property. The park is owned by the Alberni-Clayoquot regional District but is located within the boundaries of the Regional District of Nanaimo. Permissive tax exemption bylaws must be adopted annually. Staff recommend the bylaw as presented.

RECOMMENDATION:


1. That "Property Tax Exemption (Mt. Arrowsmith Regional Park) Bylaw No. 1491, 2006" be introduced for first three readings.
2. That "Property Tax Exemption (Mt. Arrowsmith Regional Park) Bylaw No. 1491, 2006" having received three readings be adopted.



Report Writer



Manager Concurrence



C.A.O. Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1491

**A BYLAW TO AUTHORIZE A PROPERTY
TAX EXEMPTION FOR THE YEAR 2007**

WHEREAS a Board may, by bylaw adopted by at least 2/3 of the votes cast, exempt property from property taxes under Section 809(3), in accordance with Section 809(4) of the *Local Government Act*;

AND WHEREAS the Alberni-Clayoquot Regional District is the owner of properties located within the boundaries of the Regional District of Nanaimo and the properties are used as a public park;

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

1. The properties described as:
 - a) District Lot 2000, Cameron Land District
 - b) Lot 1, Block 1324, Plan 28909, Cameron Land District

which are owned by the Alberni-Clayoquot Regional District and are used for public park purposes, are authorized to be exempt from property taxes in accordance with Section 809(4)(g) of the *Local Government Act* for the year 2007.

2. This bylaw may be cited as the "Property Tax Exemption (Mt. Arrowsmith Regional Park) Bylaw No. 1491, 2006".

Introduced and read three times this 29th day of August, 2006.

Adopted this 29th day of August, 2006.

CHAIRPERSON

MANAGER, ADMINISTRATIVE SERVICES