

REGIONAL DISTRICT OF NANAIMO

**REGULAR BOARD MEETING
TUESDAY, FEBRUARY 26, 2008
7:00 PM**

(RDN Board Chambers)

A G E N D A

PAGES

- 1. CALL TO ORDER**
- 2. DELEGATIONS**
 - 14 **Nancy Falconer, Canadian Cancer Society, re Pesticides and Health.**
 - 15 **Jeanette Pongratz-Doyle, re BC Transmission Proposal at 2100 Nanaimo River Road – Area ‘C’.**
 - 16 **Sharon Bennett, re Proposed Routing Option for Central Vancouver Island Transmission Project.**
 - 17 **Kathy Blackstaffe, re BCTC Proposal at 2100 Nanaimo River Road – Area ‘C’.**
 - 18 **Faye Smith, re Drinking Water Watershed Protection.**
- 3. BOARD MINUTES**
 - 19-37 Minutes of the Board meeting held January 22, 2008 and Special Board meeting held February 12, 2008.
- 4. BUSINESS ARISING FROM THE MINUTES**
- 5. COMMUNICATIONS/CORRESPONDENCE**
 - 38 **G. Lamoureux, Nanaimo & District Track & Field Club, and J. Brennan, School District 68, re Resurfacing of Rotary Bowl Track and Field Complex.**
 - 39-40 **D. Derby, Cowichan Valley Regional District, re Yellowpoint/Waterloo Fire Protection.**

6. UNFINISHED BUSINESS

BYLAWS

Third Reading & Adoption.

Bylaw Amendment Bylaw No. 1285.10 – Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment. (Electoral Area Directors except EA ‘B’ – One Vote)

1. *That “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.10, 2008” be given 3rd reading.*
2. *That “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.10, 2008” be adopted.*

This bylaw is to rezone the property legally described as Lot 12, District Lot 143, Nanoose District, Plan 2064, Except part in Plan 167R and located at 2450 Alberni Highway from C-1 (Commercial 1) to C-3 (Commercial 3) to correct a mapping error.

Bylaw Amendment Bylaw No. 1285.12 – Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Amendment. (Electoral Area Directors except EA ‘B’ – One Vote)

1. *That “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.12, 2008” be given 3rd reading.*
2. *That “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.12, 2008” be adopted.*

This bylaw is to rezone the property legally described as Lot 2, Block 359, Newcastle District, Plan VIP69346 from P-1 (Parks and Open Space) to T-1 (Institutional/Community Facility 1) to permit the construction of a community firehall.

For Adoption.

Bylaw Amendment Bylaw No. 239.03 – Regional District of Nanaimo Land Use Contract Authorization Amendment. (Electoral Area Directors except EA ‘B’ – One Vote)

41-44

That “Regional District of Nanaimo Land Use Contract Authorization Bylaw Amendment Bylaw No. 239.03, 2007” be adopted.

This bylaw is to discharge Land Use Contract No. 98 at the property legally described as Lot 1, District Lot 15, Bright District, Plan 29967, except Plan 38105 and located at 1680 Timberlands Road in Electoral Area ‘A’.

Bylaw Amendment Bylaw No. 500.341 – Regional District of Nanaimo Land Use and Subdivision Amendment. (Electoral Area Directors except EA 'B' – One Vote)

41-44 *That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.341, 2007" be adopted.*

This bylaw is to rezone the property legally described as Lot 1, District Lot 15, Bright District, Plan 29967, except Plan 38105 and located at 1680 Timberlands Road in Electoral Area 'A' from Residential 6 Subdivision District 'D' (RS6D) to Comprehensive Development Zone 36 (CD36).

Bylaw Amendment No. 869.07 – Morningstar Streetlighting Local Service Area Boundary Amendment. (All Directors – One Vote)

That "Morningstar Streetlighting Local Service Area Amendment Bylaw No. 869.07, 2008" be adopted.

This bylaw is to amend the boundaries to include the properties legally described as Lots 1 to 7, District Lot 29, Nanoose Land District, Plan VIP73094 into the Morningstar Streetlighting Local Service Area.

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

7.1 ELECTORAL AREA PLANNING STANDING COMMITTEE

45-48 Minutes of the Electoral Area Planning Committee meeting held February 12, 2008. (for information)

UNFINISHED BUSINESS

Development Permit Application No. 60703 (reconsideration) – Ring Contracting Ltd. – 470 Nanaimo River Road – Area C. (Electoral Area Directors except EA 'B' – One Vote)

That Development Permit Application No. 60703 submitted by Ring Contracting Ltd., in conjunction with the subdivision on the parcel legally described as Lot 2, Section 6, Range 5, Cranberry District, Plan VIP55807 and located at 470 Nanaimo River Road in Electoral Area 'C' and designated within the Watercourse Protection and Fish Habitat Protection Development Permit Areas, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

Development Permit Application No. 60735 (reconsideration) and Request for Relaxation and Request to Discharge a Section 219 Covenant – Fern Road Consulting Ltd. on behalf of Meade – Lundine Lane – Area G. (Electoral Area Directors except EA 'B' – One Vote)

- 1. That Development Permit No. 60735 submitted by Fern Road Consulting Ltd., on behalf of M & C Meade, in conjunction with the subdivision on the parcel legally described as Lot 6, District Lot 49, Nanoose District, Plan VIP52245 and designated within the Fish Habitat Protection Development*

Permit Area pursuant to OCP Bylaw No. 1115, 1998, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

2. *That the request from Fern Road Consulting Ltd., on behalf of M & C Meade, to relax the minimum 10% perimeter frontage requirement for Proposed Lots 2 and 3 in conjunction with the proposed subdivision of Lot 6, District Lot 49, Nanoose District, Plan VIP52245 be approved.*
3. *That the request from Fern Road Consulting Ltd., on behalf of M & C Meade, to discharge the section 219 covenant concerning no further subdivision be approved subject to the conditions set out in Schedule No. 1 of the corresponding staff report.*

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60742 and Request for Relaxation – Chris Everett, BCLS, on behalf of Davidson – Adjacent to Norman Road – Area A. (Electoral Area Directors except EA 'B' – One Vote)

1. *That Development Permit Application No. 60742, submitted by Chris Everett BCLS, on behalf of F & P Davidson, in conjunction with the subdivision of the parcel legally described as Lot 1, Section 3, Range 4, Cedar District, Plan VIP53412 and designated within the Watercourse Protection and Fish Habitat Development Permit Areas, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.*
2. *That the request for relaxation of the minimum 10% frontage requirement for Proposed Lots A and B in conjunction with the subdivision of the property legally described as Lot 1, Section 3, Range 4, Cedar District, Plan VIP53412 be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.*

Development Permit Application No. 60743 – Fern Road Consulting Ltd. on behalf of Foulds – Henry Morgan and Maple Guard Drives – Area H. (Electoral Area Directors except EA 'B' – One Vote)

1. *That Development Permit Application No. 60743 submitted by Fern Road Consulting Ltd., on behalf of J & L Foulds, in conjunction with the subdivision on the parcel legally described as Lot 2, District Lot 36, Newcastle District, Plan VIP61726 and designated within the Environmentally Sensitive Features and Natural Hazards Development Permit Areas pursuant to the Electoral Area 'H' 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.*
2. *That staff be directed to prepare required amendments to "Regional District of Nanaimo Building Inspection Extended Service Establishment Bylaw No. 787, 1989" to include the parent parcel within a Building Inspection Service area.*

3. *That staff be directed to pursue, with the Ministry of Transportation and the developer of Lot 2, VIP61726, District Lot 36, Newcastle District, and 85 Henry Morgan Drive, the connection of the gazetted road link between Henry Morgan Drive and Sundry Road in the Village Node of Bowser to enhance mobility, emergency response and safety.*

Development Permit Application No. 60802 – JE Anderson & Associates, BCLS, on behalf of Dubyna – 2520 and 2528 East Wellington Road – Area C.
(Electoral Area Directors except EA 'B' – One Vote)

That Development Permit Application No. 60802 submitted by JE Anderson, BCLS, on behalf of R Dubyna, in conjunction with the subdivision on the parcel legally described as Parcel A (DD9237N) of Section 13, Range 5, Mountain District with Exceptions and designated within the Environmentally Sensitive Areas and Fish Habitat Protection Development Permit Areas pursuant to the East Wellington – Pleasant Valley OCP Bylaw No. 1055, 1997, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90802 – Murray Hamilton on behalf of the Horne Lake Strata No. 5160 – Horne Lake – Area H. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to Development Variance Permit Application No. 90802.

That Development Variance Permit Application No. 90802 submitted by Murray Hamilton on behalf of the Horne Lake Strata Corporation Plan VIS5160, in conjunction with the subdivision on the bare land strata lots legally described as Strata Lots 1 – 400, District Lot 251, Alberni District, VIS5160 be approved subject to Schedules No. 1 and 2 of the corresponding staff report.

OTHER

Request for Relaxation and Request to Discharge a Section 219 Covenant – Fern Road Consulting Ltd. on behalf of Lundine – Lundine lane – Area G.
(Electoral Area Directors except EA 'B' – One Vote)

1. *That the request from Fern Road Consulting Ltd., on behalf of J Lundine to relax the minimum 10% perimeter frontage requirement for Proposed Lots 1 and The Remainder of Lot A, in conjunction with the proposed 2 lot subdivision of Lot A, District Lot 49, Nanoose District, Plan VIP81015, be approved.*
2. *That the request from Fern Road Consulting Ltd., on behalf of J Lundine, to discharge the section 219 covenant concerning no further subdivision be approved subject to the conditions set out in Schedule No. 1 of the corresponding staff report.*

7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE

49-57 Minutes of the Committee of the Whole meeting held February 12, 2008. (for information)

DELEGATIONS

Art Skipsey, Qualicum Beach Historical & Museum Society, re Museum Expansion. (All Directors – One Vote)

That the Board provide the Qualicum Beach Historical & Museum Society with a letter of support for their museum expansion.

COMMUNICATIONS/CORRESPONDENCE

George Abbott, Minister of Health, re Meat Inspection Regulation. (All Directors – One Vote)

That the correspondence from the Minister of Health regarding the Regional District's concerns with the impact of the Meat Inspection Regulation on small businesses in the Regional District and on Vancouver Island be received.

Association of Film Commissioners International, re Funding Request for Vancouver Island North Film Commission. (All Directors – One Vote)

That the letter of support from the Association of Film Commissioners International with respect to the Vancouver Island North Film Commission's request for funding be received.

B. Sepos, Oceanside Tourism Association (OTA), re OTA 4th Quarter Progress Report, 2008 Marketing Plan and 2008 Publications. (All Directors – One Vote)

That the correspondence from the Oceanside Tourism Association to provide their progress report and marketing plan, be received.

South Wellington & Area Community Association, re Nanaimo Airport Expansion Plans. (All Directors – One Vote)

That the correspondence from the South Wellington and Area Community Association regarding proposed Nanaimo Airport expansion plans, be received.

Ken & Henrietta Vanderkooi, re Development Variance Permit Application No. 90704 – Five Cedar Poultry Farm. (All Directors – One Vote)

That the correspondence from Ken and Henrietta Vanderkooi with respect to Development Variance Permit Application No. 90704 be received.

CORPORATE ADMINISTRATION SERVICES

Policy – Bylaws Not Requiring Inspector Approval. (All Directors – One Vote)

That the “Bylaws Not Requiring Inspector Approval Policy” be approved.

Administration & Transit Building Projects. (All Directors – Weighted Vote)

- 1. That the Regional District of Nanaimo retain NSDA Architects, including their listed sub-consultants, to complete the Final Design, prepare the Tender Documents and oversee the Construction Phase of the Project for a proposed fee of \$176,000 for the administration building and \$132,000 for the transit facility.*
- 2. That the Board direct staff to hire sustainability and commissioning consultants for LEED certification for the administration and transit building expansion project for \$95,000.*

FINANCE & INFORMATION SERVICES

FINANCE

Amendments to Purchasing Policy. (All Directors – One Vote)

- 1. That the purchasing authority limits in Policy A2.9 be established as follows:*

	Revised Limit
<i>Supervisors</i>	<i>\$ 5,000</i>
<i>Superintendent</i>	<i>\$ 10,000</i>
<i>Manager</i>	<i>\$ 20,000</i>
<i>General Manager</i>	<i>\$ 50,000</i>
<i>Chief Administrative Officer</i>	<i>\$ 150,000</i>

- 2. That a new section 8.2 under Emergencies/Legal Actions be added as follows:*

8.2 Legal actions and claims against the Regional District may be settled with the approval of:

- (a) for amounts up to \$5,000 – the General Manager, Finance & Information Services.*
- (b) for amounts up to \$25,000 – the Chief Administrative Officer.*

Local Calling Between the Nanaimo and Cowichan Valley Regional Districts.

(All Directors – One Vote)

- 1. That the Regional District of Nanaimo support an application to the CRTC to introduce local calling between the Nanaimo and Cowichan Valley Regional Districts at a single unified rate.*

(All Directors – Weighted Vote)

- That the 2008 budget be amended to include a share of referendum costs, which are approved to be recovered on the basis of converted taxable values within both Regional Districts.*

DEVELOPMENT SERVICES

BUILDING INSPECTION

Building Inspection Service Bylaw Amendment Bylaw No. 787.07. (All Directors – One Vote)

That “Regional District of Nanaimo Building Inspection Service Bylaw Amendment Bylaw No. 787.07, 2008” be given three readings.

BYLAW ENFORCEMENT

Agreement for Use of Nanaimo Animal Shelter Facilities. (All Directors – Weighted Vote)

That the agreement between the City of Nanaimo and the Regional District of Nanaimo for use of the animal shelter at 1260 Nanaimo Lakes Road for the administration of animal control services be approved.

Unightly Premises – 1989 Main Road – Area A. (All Directors – One Vote)

That should this matter not be rectified by May 30, 2008, pursuant to “Unightly Premises Regulatory Bylaw No. 1073, 1996”, the Board directs the owner of the above-noted property to remove from the premises those items as set out in the attached Resolution within fourteen (14) days, or the work will be undertaken by the Regional District of Nanaimo’s agents at the owner’s cost.

PLANNING

Regional Growth Strategy Review Background Reports. (All Directors – One Vote)

That the Regional District of Nanaimo receive the State of Sustainability implications report as outlined in Attachment 1, Shaping our Future: Implications of the State of Sustainability Report for the Regional Growth Strategy.

Sustainable Future Awards Program. (All Directors – One Vote)

That the Board approve the development and implementation of the Regional District of Nanaimo Sustainable Future Awards Program, and the establishment of a Sustainable Future Awards Advisory Committee with the attached Terms of Reference.

Cable Bay Development Proposal. (All Directors – One Vote)

58-60

City of Nanaimo Municipal Boundary Extension Request – Updated Report.

That the Regional District Board receive this report for information and provide this report as the RDN's comments on the City of Nanaimo's referral on the Municipal Boundary Extension, Cable Bay Lands.

ENVIRONMENTAL SERVICES

LIQUID WASTE

2008 Water & Sewer Infrastructure Planning (Study) Grant Application.
(All Directors – One Vote)

That the Board support applications to the Ministry of Community Services for Infrastructure Planning (Study) Grant applications for the following 2008 Environmental Services program initiatives:

Liquid Waste Department

1. *Asset Management/Maintenance Planning*
2. *Innovative Technology Review for French Creek Pollution Control Centre*
3. *Innovative Technology Review for Greater Nanaimo Pollution Control Centre*
4. *Wet Weather Upgrade Strategy for French Creek*
5. *Nanoose Pollution Control Centre Long Term Capital Planning*
6. *Septic Education Program*
7. *Health and Safety Audit for Pollution Control Centres*

Utilities Department

1. *Well Re-Development Program Study*
2. *French Creek Water Service Area Iron & Manganese Removal Study*
3. *Comprehensive Capital Plan Development Strategy for the Nanoose Bay Peninsula Water Service Area*

Package Sewage Treatment Systems Review. (All Directors – One Vote)

That the Board accept this report for information and direct staff, as part of the Liquid Waste Management Plan review, to develop for the Board's consideration a policy regarding the acquisition of new Package Sewage Treatment Systems within the RDN's Urban Containment Boundary.

UTILITIES

Fairwinds Sewerage Facilities Local Service Area Amendment Bylaw No. 947.03. (All Directors – One Vote)

That "Fairwinds Sewerage Facilities Local Service Area Amendment Bylaw No. 947.03, 2008" be introduced and read three times.

Team WaterSmart Corporate Sponsorship – Fairwinds Community & Resort.
(All Directors – One Vote)

1. *That the Board approve the request by Fairwinds Community and Resort to sponsor Team WaterSmart in the amount of \$9,000 in cash and in-kind funding for a period of 5 years beginning in 2008 and ending in 2012 and that staff provide a status report after the first year.*
2. *That a letter be sent to the Fairwinds Community and Resort, thanking them for their generous sponsorship in the Team WaterSmart educational outreach program.*

Proposed Drinking Water Watershed Protection Action Plan.

(All Directors – One Vote)

1. *That the Board receive the Drinking Water/Watershed Protection Action Plan.*

(Electoral Area Directors – Weighted Vote)

2. *That the Board direct staff to proceed with the necessary preparations for a communications strategy and an electoral area wide referendum to be held in conjunction with the Local Government Elections in November of 2008 and that funding in the amount of \$65,000 be included in the 2008 Electoral Area Feasibility Budgets for this purpose; and*

(All Directors – One Vote)

3. *That the Electoral Area Directors meet with staff to consider the wording of the referendum question and resulting participation when the referendum results are computed.*

RECREATION AND PARKS SERVICES

2008 Brandt Wildlife Festival. (All Directors – One Vote)

That the Natures Trust of BC request for funding be referred to the Regional Parks and Trails Advisory Committee for their consideration of entering into a funding agreement for the Brandt Wildlife Festival for a three year term commencing in 2009, to be funded through the Regional Parks function.

COMMISSION, ADVISORY & SELECT COMMITTEE

Intergovernmental Advisory Committee. (All Directors – One Vote)

That the minutes of the Intergovernmental Advisory Committee meeting held December 13, 2007 be received for information.

Transit Select Committee. (All Directors – One Vote)

That the minutes of the Transit Select Committee meeting held January 17, 2008 be received for information.

Electoral Area 'E' Parks and Open Space Advisory Committee. (All Directors – One Vote)

1. *That the minutes of the Electoral Area 'E' Parks and Open Space Advisory Committee meeting held December 3, 2007 be received for information.*
2. *That the following resolution from the Electoral Area 'E' Parks and Open Space Advisory Committee meeting be received for information:*
 - a. *That the 2008 Electoral Area 'E' Parks Function Provisional Budget be supported as presented.*

Electoral Area 'A' Recreation and Culture Commission. (All Directors – One Vote)

1. *That the minutes of the Electoral Area 'A' Recreation and Culture Commission meeting held January 9, 2008 be received for information.*
2. *That staff further research with School District 68 senior officials the School Board's interest in a potential agreement with the Regional District to supply recreation and cultural services in Electoral Area 'A' through the Community Schools program.*
3. *That staff explore the option of the Regional District retaining a coordinator to provide recreation and cultural services in Electoral Area 'A'.*
4. *That staff prepare an Electoral Area 'A' Recreation and Culture Grant In Aid Program for review at the next Area 'A' Recreation and Culture Commission meeting.*

District 69 Recreation Commission.

(All Directors – One Vote)

1. *That the minutes of the District 69 Recreation Commission meeting held January 17, 2008 be received for information.*

(All Directors - Weighted Vote)

2. *That an Agreement in Principle be approved with the Under 17 Hockey Challenge Society to host the allocated tournament games at Oceanside Place, and direct staff to work with the Society to work out the details of a formal partnership contract.*

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

3. *That funding be allocated for the U17 Hockey Challenge event from the Oceanside Place Function Budget and that the requisition be adjusted accordingly.*

(All Directors – One Vote)

4. *That staff prepare a report on the safety issues and the use of fifteen passenger vans by the RDN Recreation and Parks Department.*

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Nanaimo Airport Expansion Plans. (All Directors – One Vote)

That staff reply to the South Wellington & Area Community Association, advising them of the Regional District of Nanaimo's role and authority in regard to the Nanaimo Airport Commission and advise the South Wellington & Area Community Association who they should be directing their concerns to.

7.3 EXECUTIVE STANDING COMMITTEE

7.4 COMMISSIONS

7.5 SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

Selection Committee Appointments (verbal). (All Directors – One Vote)

Electoral Area 'H' Parks and Open Space Advisory Committee. (All Directors – One Vote)

61-63 Minutes of the Electoral Area 'H' Parks and Open Space Advisory Committee meeting held February 15, 2008. (for information)

1. *That the Electoral Area 'H' Parks and Open Space Advisory Committee consider the development of the McColl Road beach access in the next budget process.*
2. *That staff contact the Lions Club regarding the improvement of the ball field at Lighthouse Community Centre Community Park.*

ADMINISTRATOR'S REPORTS

64-71 Lighthouse Community Centre Society Funding Agreement. (All Directors – Weighted Vote)

72-76 Zoning & Bylaw Contravention (revised report) – 2663 Barnes Road – Area A. (All Directors – One Vote)

8. **ADDENDUM**
9. **BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**
11. **NEW BUSINESS**
12. **BOARD INFORMATION** (Separate enclosure on blue paper)
13. **ADJOURNMENT**
14. **IN CAMERA**

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

Lee, Clair

From: Nancy Falconer [nfalconer@bc.cancer.ca]
Sent: February 15, 2008 10:09 AM
To: Lee, Clair
Cc: Teunis Westbroek
Subject: Request to Address RDN Board of Directors 08
Attachments: Nanaimo Regional District Pesticide Presentation 08.ppt

February 15, 2008

To The Regional District of Nanaimo:

Re: Request to address the Board of Directors regarding Pesticides and Health.

The Canadian Cancer Society is concerned about the use of potentially carcinogenic (cancer-causing) substances to enhance the appearance of private gardens, lawns, parks and other outdoor areas. The International Agency for Research on Cancer (IARC) has concluded that substances used in pesticides are classified as known, probable or possible carcinogens. Studies have linked pesticide exposure to both adult and childhood cancers including childhood and adult leukemias, childhood brain cancer, non-Hodgkin's lymphoma, neuroblastoma, brain cancer, prostate cancer, kidney cancer, and some lung cancers. Infants and young children are particularly at risk from the effects of pesticides.

Recently I presented to the Nanaimo Advisory Committee on the Environment (Feb 5/08) and The Town of Qualicum Beach Council (Dec 03/07) on the need for effective bylaws restricting the use of cosmetic pesticides. I would welcome the opportunity to address the board to talk about the Regional District's potential role in a campaign to educate the public on alternatives to cosmetic pesticide use. I am available to come either February 26th or March 25th.

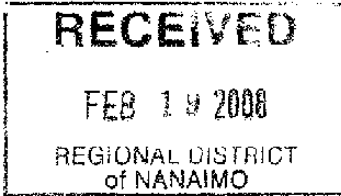
I am attaching an example of a 15 minute PowerPoint that I have, but I can tailor it to meet the board's time restrictions.

I look forward to hearing from you.

Sincerely,

Nancy Falconer
Community Action Coordinator
Canadian Cancer Society, Vancouver Island Region

18/02/2008



February 18, 2008

To Whom It May Concern:

I would like to be on the agenda and speak at the next RDN Meeting on Feb.26, 2008 regarding the B.C. Transmissions Proposal going through Dan Gogo's property at 2100 Nanaimo River Road in Nanaimo.

Yours truly,

A handwritten signature in cursive script that reads "Jeanette Pongratz-Doyle". The signature is written in black ink and is positioned above the printed name.

Jeanette Pongratz-Doyle

753-4908

Lee, Clair

From: Sharon Bennett [sbennett@uniserve.com]
Sent: February 20, 2008 10:22 AM
To: Lee, Clair
Subject: From Sharon Bennett

Dear Clare,

Would you please add me to the list to speak to the Committee of the Whole on Tues., Feb. 26, 2008 re the Proposed Routing Option for The Central Vancouver Island Transmission Project?

Many thanks.

Yours sincerely,

Sharon E. Bennett

2505 Godfrey Road
Nanaimo, BC, V9X 1E6
250-754-5900

20/02/2008

Lee, Clair

From: Kathy Blackstaffe [blackstaffe@shaw.ca]

Sent: February 20, 2008 10:34 AM

To: Lee, Clair

Subject: Feb 26

I wish to be put on the agenda and speak at the next RDN meeting on Feb. 26 2008 in regards to the BCTC proposal to go through Dan and Shirley Gogos property at 2100 Nanaimo River Rd.

Thank you Kathy Blackstaffe

1775 Nanaimo River Rd.

250-754-4355

blackstaffe@shaw.ca

20/02/2008

Burgoyne, Linda

From: Faye Smith [fcsmith@telus.net]
Sent: Thursday, February 21, 2008 9:32 AM
To: Burgoyne, Linda
Subject: delegation

I wish to make a delegation on February 26th to speak about the Drinking Water Watershed Protection resolution. Thank you, Faye Smith
221 Elizabeth Avenue
Qualicum Beach, BC V9K 1G8
250 752 9297

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE REGULAR MEETING OF THE BOARD
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, JANUARY 22, 2008, AT 7:00 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
Director S. Herle	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Director C. Haime	District of Lantzville
Alternate	
Director J. Cameron	City of Nanaimo
Director G. Korpan	City of Nanaimo
Director B. Bestwick	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director J. Manhas	City of Nanaimo
Director M. Unger	City of Nanaimo

Also in Attendance:

C. Mason	Chief Administrative Officer
M. Pearse	Sr. Mgr. of Corporate Administration
T. Osborne	Gen. Mgr. of Recreation & Parks
J. Finnie	Gen. Mgr. of Environmental Services
P. Thorkelsson	Gen. Mgr. of Development Services
W. Thexton	A/Gen. Mgr., Finance & Information Services
D. Trudeau	Gen. Mgr. of Transportation Services
N. Tonn	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Alternate Director Cameron to the Board meeting.

DELEGATIONS

Mike Bourcier, B.A.S.E. Coach, re Business Assistance for Successful Enterprise (B.A.S.E.) Program Update.

Mr. Bourcier provided an overview of Business Assistance for Successful Enterprise (B.A.S.E.) which provides confidential business assistance to businesses in the Oceanside community. A request for a final contribution to the program was also presented to the Board.

Doug Walker, the Nature Trust of BC, re Brant Wildlife Festival.

Mr. Walker provided a short history of the Brant Wildlife Festival, the Nature Trust of BC's involvement since the dissolution of the Mid Island Wildlife Watch Society, and some highlights of the 2007 and upcoming 2008 Festival in Oceanside. The Nature Trust is seeking financial support from the Regional District of Nanaimo through a partnership, to ensure that the Brant Wildlife Festival continues through the next three years and beyond.

Brian Kingzett, Centre for Shellfish Research, Malaspina University-College, re Deep Bay Shellfish Research Station Project.

Mr. Kingzett updated the Board on the ongoing Deep Bay Shellfish Research Station project, providing information on the different phases of the project as well as emphasizing the Centre's desire to remain consistent with the RDN's sustainable growth strategy. The partnership between the Centre for Shellfish Research and Malaspina University-College is also seeking a continued expression of support from the Regional District Board for this project.

Vivian Dean, re Building Green in a Changing Climate Conference.

Ms. Dean provided information on the upcoming "Building Green in a Changing Climate" conference and tradeshow to be held in Courtenay on March 4th and 5th. A special invitation was made to the Board members, the Administrator, planning staff and building inspectors as well as any other interested individuals.

Don Cameron, re Electoral Area 'G' Draft Official Community Plan.

Mr. Cameron spoke of changes to the proposed Electoral Area 'G' Official Community Plan and the well water testing which is due to be completed over a period of two years and their effect on a proposed subdivision of his property in San Parcil. Mr. Cameron requested the Board's approval of the filing of a development permit application at this time which could be held in abeyance pending the completion of the San Parcil Water Service Area testing, and then processed under the current Englishman River Community Plan.

LATE DELEGATIONS

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

CARRIED

Dr. Jennifer O'Farrell and Janet Moore, re Proposed Subdivision – 711/713 Mariner Way – Area 'G'.

Dr. O'Farrell spoke in opposition to the proposed subdivision of the previous speaker's property located at 711/713 Mariner Way citing concerns with an insufficient supply of water, protection of wildlife, preservation of the rural area character and the environmental delicacy of the area. In addition, the delegation spoke in favour of the proposed changes to the Electoral Area 'G' Official Community Plan.

John Moore, French Creek House and French Creek Estates, re Proposed Area 'G' Draft OCP Bylaw No. 1540, 2008.

Mr. Moore, representing a group of businesses, builders, contractors and developers, raised concerns with the approval of the Area 'G' Official Community Plan and requested that the bylaw be tabled or delayed until it may be reviewed by all interested parties.

BOARD MINUTES

MOVED Director Holdom, SECONDED Director Cameron, that the minutes of the inaugural Board meeting held December 11, 2007 and the special Board meeting held January 8, 2008 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Residents of Cedar Road (2108, 2109, 2115, 2118, 2123 & 2124), re Development Variance Permit Application No. 90713 – Haugen – 2112 Cedar Road – Area ‘A’.

MOVED Director Burnett, SECONDED Director Young, that the correspondence from residents of Cedar Road neighbouring 2112 Cedar Road regarding Development Variance Permit Application No. 90713 be received.

CARRIED

H. McCormick, re Bylaw Contravention – 2820 Extension Road – Area ‘C’.

MOVED Director Burnett, SECONDED Director Young, that the correspondence from H. McCormick regarding a bylaw contravention with respect to property located at 2820 Extension Road be received.

CARRIED

UNFINISHED BUSINESS

BYLAWS

Public Hearing & Third Reading.

Report of the Public Hearing held December 13, 2007 with Respect to Bylaw Amendment No. 500.345, 2007 – Timberlake-Jones Engineering Ltd., on behalf of 609188 BC Ltd. – 820 Horne Lake Road – Area ‘H’.

MOVED Director Bartram, SECONDED Director Holme, that the report of the Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held on December 17, 2007 as a result of public notification of “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.345, 2007” be received.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.345, 2007” be given 3rd reading.

CARRIED

MOVED Director Bartram, SECONDED Director Holme, that the conditions outlined in Schedule No. 1 be completed by the applicant to the satisfaction of the Regional District prior to consideration of adoption of Bylaw No. 500.345, 2007.

CARRIED

Report of the Public Hearing held January 9, 2008 with Respect to Bylaw Amendment No. 500.326, 2007 – Canuck Properties Ltd. – Northwest Bay & Powder Point Roads – Area ‘E’.

MOVED Director Holme, SECONDED Director Bartram, that the report of the Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held on January 9, 2008 as a result of public notification of “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.326, 2007” be received.

CARRIED

MOVED Director Holme, SECONDED Director Bartram, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.326, 2007" be given 3rd reading.
CARRIED

MOVED Director Holme, SECONDED Director Bartram, that the conditions outlined in Schedule No. 1 be completed by the applicant to the satisfaction of the Regional District prior to consideration of adoption of Bylaw No. 500.326, 2007.
CARRIED

Report of the Public Hearing held January 10, 2008 with Respect to Bylaw Amendment No. 500.344, 2007 – Williamson & Associates Professional Surveyors on behalf of Bevis – Adjacent to Kilpatrick Road – Area 'C'.

MOVED Director Young, SECONDED Director Bartram, that the report of the Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held January 10, 2008 as a result of public notification of "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.344, 2007" be received.
CARRIED

MOVED Director Young, SECONDED Director Bartram, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.344, 2007" be given 3rd reading.
CARRIED

MOVED Director Young, SECONDED Director Bartram, that the conditions outlined in Schedule No. 1 be completed by the applicant to the satisfaction of the Regional District prior to consideration of adoption of Bylaw No. 500.344, 2007.
CARRIED

For Adoption.

Bylaw No. 1385.02.

MOVED Director Bartram, SECONDED Director Herle, that "Bow Horn Bay Fire Protection Service Area Boundary Amendment Bylaw No. 1385.02, 2007" be adopted.
CARRIED

Bylaw No. 787.06.

MOVED Director Bartram, SECONDED Director Holme, that "Regional District of Nanaimo Building Inspection Service Bylaw Amendment Bylaw No. 787.06, 2007" be adopted.
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 January 8, 2008 be received for information.
CARRIED

CORRESPONDENCE/COMMUNICATIONS

R. Dean, Director, FCRA (The Friends of French Creek Conservation Society), re Development Permit Application No. 60735 – Lundine Lane – Area ‘G’.

MOVED Director Bartram, SECONDED Director Holme, that the correspondence from Mr. Dean, Director, FCRA regarding Development Permit Application No. 60735 be received.

CARRIED

R. Robinson, President, FCRA (The Friends of French Creek Conservation Society), re Area ‘G’ Draft OCP.

MOVED Director Bartram, SECONDED Director Holme, that the correspondence from R. Robinson, President, FCRA, regarding the Electoral Area ‘G’ Draft Official Community Plan be received.

CARRIED

M. Jessen, Secretary, French Creek Residents’ Association, re Area ‘G’ OCP Review and Adoption Process.

MOVED Director Bartram, SECONDED Director Holme, that the correspondence from the French Creek Residents’ Association with respect to the Electoral Area ‘G’ Official Community Plan review and adoption process be received.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. ZA0713 – Meadowood Firchall – Meadowood Way and Galvin Place – Area ‘F’.

MOVED Director Biggemann, SECONDED Director Bartram, that Zoning Amendment Application No. ZA0713 submitted by the Regional District of Nanaimo to rezone the property legally described as Lot 2, Block 359, Newcastle District, Plan VIP69346 from P-1 (Parks and Open Space 1) to T-1 (Institutional/Community Facility 1) in order to facilitate the development of a community firehall, be received.

CARRIED

MOVED Director Biggemann, SECONDED Director Bartram, that “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.12, 2008” be given 1st and 2nd reading.

CARRIED

MOVED Director Biggemann, SECONDED Director Bartram, that the public hearing for “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.12, 2008” be waived and notice in accordance with Section 893 of the *Local Government Act* be given.

CARRIED

Zoning Amendment Application No. ZA0714 – Wilde – 2450 Alberni Highway – Area ‘F’.

MOVED Director Biggemann, SECONDED Director Bartram, that “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.10, 2008” be given 1st and 2nd reading.

CARRIED

MOVED Director Biggemann, SECONDED Director Bartram, that the Public Hearing for the proposed Bylaw No. 1285.10, 2008 be waived and notice of the intent to adopt the amendment be published in the local newspapers and on the RDN website.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60665 and Request for Relaxation – CO Smythies BCLS on behalf of H & F Ventures – Adjacent to Matthew Road – Area ‘E’.

MOVED Director Holme, SECONDED Director Bartram, that Development Permit Application No. 60665 submitted by CO Smythies BCLS, on behalf of H & F Ventures Ltd., in conjunction with the subdivision on the parcel legally described as Block 668, Nanoose District, Except Those Parts in Plans 33913, 36480, 36481 & VIP62598 and designated within the Nanoose Bay OCP Bylaw No. 1400 Watercourse Protection Development Permit Area, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

MOVED Director Holme, SECONDED Director Bartram, that the request for relaxation of the minimum 10% frontage requirement for Proposed Lots C, D and the Remainder of Block 688 in conjunction with the subdivision of the property legally described as Block 668, Nanoose District, Except Those Parts in Plans 33913, 36480, 36481 and VIP62598 be approved subject to Schedules No. 1 and 2 of the staff report.

CARRIED

Development Permit Application No. 60731 – Seeger – 6750 Island Highway West – Area ‘H’.

MOVED Director Bartram, SECONDED Director Biggemann, that Development Permit Application with Variance No. 60731, to permit the demolition of an existing residential dwelling and the construction of a new residential dwelling on the property legally described as Lot 2, District Lot 85, Newcastle District, Plan VIP56628, and designated within the Environmentally Sensitive Features for Watercourse Protection and Fish Habitat Protection Development Permit Areas pursuant to “Regional District of Nanaimo Electoral Area ‘H’ Official Community Plan Bylaw No. 1335, 2003” be approved subject to the conditions outlined in Schedules 1 to 4.

CARRIED

Development Permit Application No. 60735, Request for Relaxation and Request to Discharge a Section 219 Covenant – Fern Road Consulting Ltd. on behalf of Meade – Adjacent to Lundine Lane – Area ‘G’.

MOVED Director Bartram, SECONDED Director Biggemann, that Development Permit No. 60735 be referred back to staff for further discussion of proposed lot lines between Lots 2 and 3, and a possible request to MOT for approval of an amalgamation of proposed driveways to protect existing sewer lines.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90713 – Haugen – 2112 Cedar Road – Area ‘A’.

MOVED Director Burnett, SECONDED Director Bartram, that Development Variance Permit Application No. 90713, to legalize the siting of an existing residential dwelling with a minimum front lot line setback of 6.7 m on the subject property legally described as Lot 1, Section 11, Range 2, Cedar District, Plan 27523 on Cedar Road, be approved subject to the conditions outlined in Schedules No. 1 to 3.

CARRIED

Development Variance Permit Application No. 90716 – Chabot – Adjacent to Charlton and Rose Park Roads and Island Highway No. 19A – Area ‘H’.

MOVED Director Bartram, SECONDED Director Burnett, that Development Variance Permit Application No. 90716 submitted by Louise Chabot, in conjunction with the subdivision on the parcel legally described as Lot B, District Lot 22, Newcastle District, Plan 30078, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

OTHER

Request for Relaxation – B. Henning, BCLS, on behalf of Diedrichsen & Laird – 2945 Amrik Road – Area ‘C’.

MOVED Director Young, SECONDED Director Bartram, that the request to relax the minimum 10% frontage requirement for Proposed Lot 1, submitted by Brian Henning, BCLS on behalf of W. Diedrichsen and S. Laird, in conjunction with the proposed subdivision of Lot 2, Section 11, Range 4 and 5, Mountain District, Plan VIP80268 be approved.

CARRIED

Request for Relaxation – JE Anderson, BCLS, on behalf of Hadikin – 1314 Lee Road – Area ‘G’.

MOVED Director Bartram, SECONDED Director Burnett, that the request to relax the minimum 10% frontage requirement for Proposed Lot B, submitted by JE Anderson, BCLS on behalf of W. & A. Hadikin in conjunction with the proposed subdivision of Lot 41, District Lot 28, Nanoose District, Plan 26472, be approved.

CARRIED

MOVED Director Bartram, SECONDED Director Burnett, that staff review sewer service capacity before any further subdivision in the Barclay Crescent local service area.

CARRIED

Electoral Area ‘G’ Draft Official Community Plan.

MOVED Director Bartram, SECONDED Director Biggemann, that the draft Electoral Area ‘G’ Official Community Plan be received.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008” be given 1st and 2nd reading.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008” has been considered in conjunction with the Regional District of Nanaimo’s Financial Plan and Liquid Waste Management Plan and Growth Management Plan to ensure consistency between them.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008” proceed to Public Hearing.

CARRIED

MOVED Director Bartram, SECONDED Director Burnett, that the Public Hearing on “Regional District of Nanaimo Electoral Area ‘G’ Official Community Plan Bylaw No. 1540, 2008” be delegated to Director Stanhope or his alternate.

CARRIED

MOVED Director Bartram, SECONDED Director Burnett, that the Board direct staff to provide an additional opportunity for public participation within the Plan Area or surrounding community prior to the Public Hearing.

CARRIED

COMMITTEE OF THE WHOLE STANDING COMMITTEE

MOVED Director McNabb, SECONDED Director Cameron, that the minutes of the Committee of the Whole meeting held January 8, 2008 be received for information.

CARRIED

COMMUNICATIONS

L. Taylor, City of Parksville, re 2008 Council Appointment to the Arrowsmith Water Service Management Committee.

MOVED Director McNabb, SECONDED Director Westbrook, that the correspondence from the City of Parksville regarding the 2008 appointment to the Arrowsmith Water Service Management Committee be received.

CARRIED

H. Chopra, Alberni-Clayoquot Regional District, re Request for Meeting for Proposed Second Road Connecting the Alberni Valley with Highway 19.

MOVED Director McNabb, SECONDED Director Westbrook, that the correspondence from the Alberni-Clayoquot Regional District requesting a meeting with the RDN regarding a proposed second road connecting the Alberni Valley with Highway 19 be received.

CARRIED

I. Chong, Minister of Community Services, re Review of the Regional Growth Strategy (RGS).

MOVED Director McNabb, SECONDED Director Westbrook, that the correspondence from the Minister of Community Service regarding the RDN’s review of the Regional Growth Strategy, be received.

CARRIED

J. Doyle, Auditor General, re Delegation of Private Forest Lands from Tree Farm Licenses (TFLs).

MOVED Director McNabb, SECONDED Director Westbrook, that the correspondence from the Auditor General regarding receipt of our letter requesting a review of the deletion of private forest lands from all TFLs on Vancouver Island, be received.

CARRIED

FINANCE AND INFORMATION SERVICES

FINANCE

Local Calling Area – Bowser to Union Bay – Area ‘H’.

MOVED Director Bartram, SECONDED Director Biggemann, that the Regional District of Nanaimo support an application to the CRTC to introduce local calling between Bowser and Union Bay.

CARRIED

Mileage Rate Update

MOVED Director Holme, SECONDED Director McNabb, that the rate for reimbursement of personal vehicle use be adjusted to \$.50 per kilometer effective December 1, 2007.

CARRIED

Nanoose Bay Fire Hall – Seismic Reconstruction.

MOVED Director Holme, SECONDED Director McNabb, that funds in an amount up to \$60,000 be released from the Nanoose Bay Fire building reserve fund for the purpose of completing an engineering review and developing design options to bring the fire hall to full post disaster standards.

CARRIED

MOVED Director Holme, SECONDED Director McNabb, that staff be authorized to approach Johnston Davidson Architecture for a quote on this assignment on a sole source basis.

CARRIED

Seismic Review – Regional District Fire Halls.

MOVED Director Westbrook, SECONDED Director Bartram, that 2008 fire department budgets be amended as outlined in the staff report for the purpose of undertaking seismic reviews and developing an overall building improvement strategy with the exception of Electoral Area ‘C’, which will be using its existing budget to participate in the study.

CARRIED

Director Westbrook indicated that the Town of Qualicum Beach is interested in participating in the review.

Fire Hall Facility Planning Review.

MOVED Director Holme, SECONDED Director McNabb, that a facility planning review of Regional District fire halls be deferred to 2009.

CARRIED

MOVED Director Holme, SECONDED Director Biggemann, that staff be authorized to use funds from the Dashwood and Coombs Hilliers reserves to provide assistance in evaluating the Dashwood building expansion and a fire hall location for the Coombs Hilliers fire department.

CARRIED

Infrastructure Funding for Fire Halls – Resolution to AVICC.

MOVED Director Holme, SECONDED Director McNabb, that the following resolution requesting the Province and Canada to provide infrastructure funding for emergency services buildings be approved and forwarded to the conference of the Association of Vancouver Island Coastal Communities:

WHEREAS all local governments are legislated to prepare and maintain active emergency plans for their communities;

AND WHEREAS communities expect fire departments to play a key role in responding to emergency events;

AND WHEREAS fire halls in many communities are aging and many would suffer long term damage in the event of an earthquake;

AND WHEREAS fire departments contribute to the safety of all persons and property in the Province of BC;

AND WHEREAS there are no designated categories in current Provincial or Federal infrastructure programs to assist with constructing fire halls or to address seismic upgrades;

NOW THEREFORE BE IT RESOLVED that the Province of BC and Government of Canada include seismic upgrading and construction of fire halls as eligible for funding in both current and future infrastructure grant programs.

CARRIED

Funding for Victim Services & Restorative Justice Programs -- Resolution to AVICC.

MOVED Director Biggemann, SECONDED Director Burnett, that the resolution regarding additional funding support for Victim Services and Restorative Justice programs be approved and be forwarded to the annual conference of the Association of Vancouver Island and Coastal Communities.

CARRIED

Municipal Fiscal Imbalance – Resolution to AVICC.

MOVED Director Holdom, SECONDED Director Brennan, that the resolution requesting the Province to address the fiscal imbalance as presented in this report be endorsed and forwarded on behalf of the Regional District of Nanaimo to the annual conference of the Association of Vancouver Island and Coastal Communities, to the Union of BC Municipalities and to the Federation of Canadian Municipalities.

CARRIED

2008 Parcel Tax Rolls.

MOVED Director Westbrook, SECONDED Director Herle, that “Regional District of Nanaimo Year 2008 Assessment Roll Preparation Bylaw No. 1541, 2008” be introduced for first three readings.

CARRIED

MOVED Director Westbrook, SECONDED Director Herle, that “Regional District of Nanaimo Year 2008 Assessment Roll Preparation Bylaw No. 1541, 2008”, having received three readings be adopted.

CARRIED

MOVED Director Westbrook, SECONDED Director Herle, that the Board appoint the Chairperson, the Senior Manager, Corporate Administration and the General Manager, Finance and Information Services to preside as the 2008 parcel tax review panel.

CARRIED

DEVELOPMENT SERVICES

BYLAW ENFORCEMENT

Building & Zoning Bylaw Contraventions – Parry’s RV Park & Campground, 380 Martindale Road – Area ‘G’.

MOVED Director Bartram, SECONDED Director Unger, that staff be directed to register a Notice on title pursuant to Section 57 of the *Community Charter* and should the outstanding bylaw contraventions not be resolved within ninety (90) days, that legal action be pursued to ensure Lot A, Plan 30121, District Lot 42, Nanoose Land District, is in compliance with “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” and “Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1250, 2001”.

CARRIED

Bylaw Contravention – 1790 Claudet – Area ‘E’.

MOVED Director Holme, SECONDED Director Biggemann, that staff be directed to register a Notice on title pursuant to Section 57 of the *Community Charter* and should the outstanding bylaw contraventions not be resolved within ninety (90) days, that legal action be pursued to ensure Lot 4, District Lot 84, Nanoose District, Plan 47545, is in compliance with the “Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1250, 2001”.

CARRIED

Bylaw Contravention – 2090 Bramley Road – Area ‘C’.

MOVED Director Young, SECONDED Director Burnett, that staff be directed to register a Notice of Bylaw Contravention on title pursuant to Section 57 of the *Community Charter* and proceed with legal action necessary to ensure the property legally described as Parcel A (DD 4495N), Section 13, Range 2, Cranberry Land District, is brought into compliance with “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” and “Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1250, 2001”.

CARRIED

Bylaw Contravention – 2820 Extension Road – Area ‘C’.

Mr. McCormick and his family noted the difficulty they were having in obtaining a copy of the original CSA certificate and requested an extension to have the trailer either moved or recertified.

MOVED Director Young, SECONDED Director Burnett, that staff be directed to register a Notice of Bylaw Contravention on title pursuant to Section 57 of the *Community Charter* and proceed with legal action necessary to ensure the property, legally described as Lot 11, Block 4, Section 13, Range 2, Cranberry Land District, Plan 716, is brought into compliance with “Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987” and “Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1250, 2001”.

CARRIED

PLANNING

Regional Growth Strategy Review.

MOVED Director Holdom, SECONDED Director Bartram, that the Regional District of Nanaimo receive the population profile and land inventory reports titled "Population and Housing Change in the Nanaimo Region, 2006 to 2036 for the Regional Growth Strategy Review" and "Regional District of Nanaimo Regional Growth Strategy Review Background Report: Land Inventory and Residential Capacity Analysis".

CARRIED

State of Sustainability – Final Report.

MOVED Director Holdom, SECONDED Director Brennan, that the Regional Growth Monitoring Advisory Committee's Final Report for the State of Sustainability Project be received.

CARRIED

MOVED Director Holdom, SECONDED Director Brennan, that the Final Report for the State of Sustainability Project be referred back to staff and an assessment of the implications of implementing the recommendations in the report be prepared and that the report also be referred to the Regional Growth Strategy review for consideration of those recommendations pertaining to planning and growth management.

CARRIED

ENVIRONMENTAL SERVICES

SOLID WASTE

Garbage & Recycling Collection Contract Extension.

MOVED Director Westbrook, SECONDED Director Herle, that the Board approve an additional one-year extension to Waste Services Inc. for garbage and recycling collection services.

CARRIED

Garbage & Recyclable Materials Collection Rates Amendment Bylaw No. 1009.11.

MOVED Director Westbrook, SECONDED Director Cameron, that "Regional District of Nanaimo Garbage and Recyclable Materials Collection Rates Amendment Bylaw No. 1009.11, 2008" be introduced and read three times.

CARRIED

MOVED Director Westbrook, SECONDED Director Cameron, that "Regional District of Nanaimo Garbage and Recyclable Materials Collection Rates Amendment Bylaw No. 1009.11, 2008" having received three readings be adopted.

CARRIED

School Education Program.

MOVED Director Westbrook, SECONDED Director Holdom, that the Regional District continues to support the environmental education work of the Nanaimo Recycling Exchange by entering into a three year contract (2008-2010) for school programs K through 12.

CARRIED

UTILITIES

Morningstar Streetlighting Local Service Area Amendment Bylaw No. 869.07.

MOVED Director Westbrook, SECONDED Director Unger, that "Morningstar Streetlighting Local Service Area Amendment Bylaw No. 869.07, 2008" be introduced and read three times.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

Regional Parks and Trails Advisory Committee.

MOVED Director Bartram, SECONDED Director McNabb, that the minutes of the Regional Parks and Trails Advisory Committee meeting held November 6, 2007 be received for information.

CARRIED

MOVED Director Bartram, SECONDED Director McNabb, that a regional parks development cost charges bylaw be considered by the Regional Board, pending further discussion with the four member municipalities, based on the recommended scenario outlined in Table 6 of the DCC Review Final Report.

CARRIED

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

MOVED Director Westbrook, SECONDED Director Bartram, that the minutes of the Electoral Area 'G' Parks and Open Space Advisory Committee meeting held November 8, 2007 be received for information.

CARRIED

MOVED Director Westbrook, SECONDED Director Bartram, that the following resolution from the Electoral Area 'G' Parks and Open Space Advisory Committee be received for information:

That the Electoral Area 'G' Parks and Open Space Advisory Committee supports the 2008 Electoral Area 'G' Community Parks Function budget, as presented.

CARRIED

MOVED Director Westbrook, SECONDED Director Bartram, that staff do a preliminary investigation for an extension of the Qualicum Beach trail from Yambury Road through to Stanhope Road in Electoral Area 'G'.

CARRIED

Electoral Area 'A' Parks and Green Space Advisory Committee.

MOVED Director Burnett, SECONDED Director McNabb, that the minutes of the Electoral Area 'A' Parks and Green Space Advisory Committee meeting held November 15, 2007 be received for information.

CARRIED

MOVED Director Burnett, SECONDED Director McNabb, that the following resolutions from the Electoral Area 'A' Parks and Green Space Advisory Committee be received for information:

- a. That the Electoral Area 'A' Parks and Green Space Advisory Committee supports the 2008 Electoral Area 'A' Community Parks function budget, as presented.
- b. That the Electoral Area 'A' Parks and Green Space Advisory Committee budget be amended to include \$10,000 for the Thelma Griffiths Park playground development.

CARRIED

MOVED Director Burnett, SECONDED Director McNabb, that staff examine the possibility of developing the access to Quennell Lake at Ritten Road and the associated liabilities.

CARRIED

MOVED Director Burnett, SECONDED Director McNabb, that staff be directed to proceed with the development of the playground at Thelma Griffiths Park as proposed in consultation and collaboration with the South Wellington community.

CARRIED

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

MOVED Director Biggemann, SECONDED Director Cameron, that the minutes of the Electoral Area 'F' Parks and Open Space Advisory Committee meeting held November 19, 2007 be received for information.

CARRIED

MOVED Director Biggemann, SECONDED Director Herle, that the following resolution from the Electoral Area 'F' Parks and Open Space Advisory Committee be received for information:

- a. That the Electoral Area 'F' Parks and Open Space Advisory Committee supports the 2008 Electoral Area 'F' Community Parks function budget, as presented.

CARRIED

Area 'H' Parks and Open Space Advisory Committee.

MOVED Director Bartram, SECONDED Director Holdom, that the minutes of the Area 'H' Parks and Open Space Advisory Committee meeting held November 21, 2007 be received for information.

CARRIED

MOVED Director Bartram, SECONDED Director Holdom, that the following resolutions from the Electoral Area 'H' Parks and Open Space Advisory Committee be received for information:

- a. That the Electoral Area 'H' Parks and Open Space Advisory Committee supports the 2008 budget as presented.
- b. That the Electoral Area 'H' Parks and Open Space Advisory Committee budget be amended to include consulting fees for Henry Morgan Community Park.

CARRIED

District 69 Recreation Commission.

MOVED Director Bartram, SECONDED Director Herle, that the minutes of the District 69 Recreation Commission meeting held November 22, 2007 be received for information.

CARRIED

MOVED Director Bartram, SECONDED Director Herle, that the following resolutions from the District 69 Recreation Commission be received for information:

- a. That the District 69 Recreation Commission supports the 2008 Annual Budget and Five Year Capital and Financial Plan for the District 69 Recreation Coordinating Function, as presented.
- b. That the District 69 Recreation Commission supports the 2008 Annual Budget and Five Year Capital and Financial Plan for Oceanside Place, as presented.
- c. That the District 69 Recreation Commission support the 2008 Annual Budget and Five Year Capital and Financial Plan for Ravensong Aquatic Centre, as presented.

CARRIED

ADDENDUM

SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

Regional Parks and Trails Advisory Committee.

MOVED Director Bartram, SECONDED Director McNabb, that the minutes of the Regional Parks and Trails Advisory Committee meeting held January 15, 2008 be received for information.

CARRIED

Director Korpan requested that the next item be dealt with in seriatim.

MOVED Director Bartram, SECONDED Director McNabb, that the following resolution from the Regional Parks and Trails Advisory Committee meeting be received for information:

That funding be approved for the Nanaimo and Areas Land Trust Society's grant request in the amount of \$30,000 to be used by the Society for operations in 2008.

CARRIED

MOVED Director Bartram, SECONDED Director McNabb, that the following resolution from the Regional Parks and Trails Advisory Committee meeting be received for information:

That the 2008 Regional Parks Function Provisional Budget be supported with the inclusion of funding to replace sections of the Morden Colliery Trail that were destroyed in the December 2007 storm.

CARRIED

MOVED Director Bartram, SECONDED Director McNabb, that the consolidated non-exclusive renewable 2007-2011 TimberWest licence for sections of the Arrowsmith and Trans Canada Trails be approved.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Regional Growth Strategy – Cable Bay Development Proposal.

MOVED Director Burnett, SECONDED Director Holdom, that Regional District staff be directed to prepare a report for consideration by the Board outlining the specifics of the Cable Bay development proposal, particularly as it relates to Electoral Area lands proposed for incorporation, the implications of the incorporation of these lands for development within the context of the Regional Growth Strategy, and the statutory requirements for review of this application (including boundary adjustment process and RGS amendment – UCB change process).

CARRIED

Alberni Valley Proposed Second Road Connection.

MOVED Director Holme, SECONDED Director Herle, that an invitation be made to the Alberni-Clayoquot Regional District to give a presentation to the Board on a proposed second road connection connecting the Alberni Highway with Highway 19.

CARRIED

BOARD INFORMATION

UBCM Sponsored Conferences.

MOVED Director Bartram, SECONDED Director Brennan, that staff prepare a report for the Board's consideration on the cost of funding electoral area representation at UBCM sponsored conferences.

CARRIED

SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

East Wellington/Pleasant Valley Parks and Open Space Advisory Committee.

MOVED Director Young, SECONDED Director Burnett, that the minutes of the East Wellington/Pleasant Valley Parks and Open Space Advisory Committee meeting held November 5, 2007 be received for information.

CARRIED

MOVED Director Young, SECONDED Director Burnett, that the following resolution from the East Wellington Parks and Open Space Advisory Committee meeting be received for information:

That the 2008 East Wellington and Pleasant Valley Community Parks Function Provisional Budget be supported as presented.

CARRIED

ADMINISTRATOR'S REPORTS

Regional Liquid Waste Advisory Committee – Terms of Reference Amendment.

MOVED Director McNabb, SECONDED Director Holme, that the Board approve the Terms of Reference dated January 2008 for the Regional Liquid Waste Advisory Committee.

CARRIED

Sustainability Committee.

MOVED Director McNabb, SECONDED Director Unger, that the Board approve the establishment of the Sustainability Committee with the attached Terms of Reference.

CARRIED

Unightly Premise – 1532 Marine Circle – Area 'G'.

Ms. Carol Newman provided additional information pertaining to the on-going maintenance contravention at 1532 Marine Circle.

MOVED Director McNabb, SECONDED Director Herlc, that the Board direct the owner of the above-noted property to remove from the premises those items as set out in the attached resolution on or before February 29, 2008, or the work will be undertaken by the Regional District's agents at the owner's cost.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Business Assistance for Successful Enterprise Funding Request.

MOVED Director Herle, SECONDED Director Westbrook, that staff be directed to provide a report evaluating funding under the Grants in Aid function and other alternatives for funding to B.A.S.E.

CARRIED

Brant Wildlife Festival.

Director Westbrook requested that staff provide alternatives to funding the Brant Wildlife Festival through partnership with the Nature Trust of British Columbia.

NEW BUSINESS

Regional and Rural Growth.

MOVED Director Korpan, SECONDED Director Westbrook, that the Nanaimo City Manager or his representative be invited to provide a presentation to the Board on regional and rural growth at the next Ideas and Updates Board meeting.

CARRIED

IN CAMERA

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

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 9:28 PM

CHAIRPERSON

SR. MGR., CORPORATE ADMINISTRATION

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE SPECIAL BOARD MEETING
HELD ON TUESDAY, FEBRUARY 12, 2008, AT 8:59 PM
RDN BOARD CHAMBERS**

Present:

Director L. McNabb	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
Alternate	
Director L. Derkach	Electoral Area G
Director D. Bartram	Electoral Area H
Alternate	
Director C. Burger	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Director C. Haime	District of Lantzville
Director B. Bestwick	City of Nanaimo
Director J. Manhas	City of Nanaimo
Alternate	
Director L. Sherry	City of Nanaimo
Director G. Korpan	City of Nanaimo
Director D. Brennan	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

C. Mason	Chief Administrative Officer
M. Pearse	Senior Manager, Corporate Administration
J. Finnie	General Manager, Environmental Services
D. Porteous	A/General Manager, Recreation & Parks
G. Garbutt	A/General Manager, Development Services
N. Avery	Gen. Manager, Finance & Information Services
D. Trudeau	General Manager, Transportation Services
N. Tonn	Recording Secretary

ADMINISTRATOR'S REPORTS

Schooner Cove Manor Mobile Home Park Sewage Disposal Fee Rate (Red Gap) – Area 'E'.

MOVED Director Brennan, SECONDED Director Holme, that the Board grant a sewage disposal rate of \$0.01/gallon for 2465 Apollo Drive, effective February 1, 2008, for a period of 10 weeks.

CARRIED

IN CAMERA

MOVED Director Brennan, SECONDED Director Holme, that pursuant to Section 90(1) (e) and (g) of the *Community Charter* the Board proceed to an In Camera Committee of the Whole meeting to consider items related to land and legal issues.

CARRIED

ADJOURNMENT

MOVED Director Brennan, SECONDED Director Holme, that this meeting adjourn to allow for an In Camera Committee of the Whole meeting.

CARRIED

TIME: 9:01 PM

CHAIRPERSON

SR. MGR, CORPORATE ADMINISTRATION



January 21 2008

Mr. J. Stanhope
 Chairperson, Board of Directors
 Regional District of Nanaimo
 6300 Hammond Bay Road
 Nanaimo, BC V9T 6N2

DAO	GMF&IS	
GMDS	GMR&PS	✓
GMES	GMTS	
FEB - 6 2008		
SMCA		
CHAIR	BOARD	✓
<i>Correspondence</i>		

Dear Mr. Stanhope:

The purpose of this letter is to request the written support of the Regional District of Nanaimo for our campaign to accumulate the necessary funds to resurface Rotary Bowl Track and Field complex.

This campaign, entitled "**Help Us Stay On Track**" is being undertaken in partnership with School District 68 who owns and helps maintain the facility. To assist in our fundraising efforts we are asking for documented proof of support for our project. A letter of support from you will assist us in the application for funds from foundations, government programs and the general corporate and business community.

The project itself includes the preparation and addition of 3mm. of rubberized material to 6,610.5 square metres of track and jump run surface at an estimated cost of \$ 300,000. This amount also includes the cost of subsequent surveying and line marking of both the 100 metre sprint and the 400 metre oval tracks. The track surface has deteriorated badly since its last re-surfacing in 1998 jeopardizing the facility's use for training and competition.

Rotary Bowl is a premier athletic facility that offers training and competition in 19 track and field events through the Nanaimo and District Track and Field Club

whose members reside throughout the Regional District. The facility is also open and used year round by School District 68, Malaspina University-College, various sports and running clubs and the greater Nanaimo community. I have included a copy of our brochure which further explains our campaign.

On behalf of our Board of Directors we wish to thank-you for the consideration of our request.

Sincerely,

Gary Lamoureux
 Director
 Re-surfacing Project
 Nanaimo and Track & Field Club

Sincerely,

Jamie Brennan
 Chairman, Board of Education
 School District 68
 Nanaimo/Ladysmith

Nanaimo & District
 Track & Field Club
 P.O. Box 361,
 Nanaimo BC V9R 5L3
 250 754.9266

Enclosure/track brochure

Watch for www.NanaimoTrackandField.com in early 2008!



February 8, 2008

File No.: 7200-20-NOR

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

RDN			
CAO	<input checked="" type="checkbox"/>	GMF&IS	<input checked="" type="checkbox"/>
GMDS		GMR&PS	
GMES		GMTS	
FEB 11 2008			
SMCA			
CHAIR		BOARD	<input checked="" type="checkbox"/>
Corresp.			

Dear Chairperson Stanhope:

Re: YELLOWPOINT/WATERLOO FIRE PROTECTION

In your letter of December 4, 2007 you advised that it is the intent of the Regional District of Nanaimo to terminate the service contract with the CVRD to provide fire protection to the Yellowpoint/Waterloo areas. The Cowichan Valley Regional District Board discussed your letter at its January 9, 2008 meeting and the following two-part resolution was passed:

That the Cowichan Valley Regional District acknowledge and accept the Regional District of Nanaimo's notice of termination of the contract for Yellowpoint/Waterloo Fire Protection, to be effective December 31, 2008.

That staff be directed to liaise with the Regional District of Nanaimo to resolve ownership of the firehall, apparatus and equipment.

I am scheduled to meet with Ms. Nancy Avery of the RDN on February 12th to discuss the logistics of transferring the fire protection responsibilities as well as the issues of the fire hall, apparatus, and equipment.

Sincerely,

Daniel J. Derby
Manager, Protective Services

DD/bw

Enclosure:

C:\Bonnie\Agreements\Dec 07 Board Resolution Notification to RDN.doc

Cowichan Valley Regional District
175 Ingram Street
Duncan, British Columbia V9L 1N8

Toll Free: 1 800 665 3955
Tel: (250) 746 - 2500
Fax: (250) 746 - 2513

cowichan
www.cvrld.bc.ca

2. That the *Notice of Alternative Approval Process and the Elector Response Form* for Bylaw No. 3019, be approved.

MOTION CARRIED

SR2 Staff Report from the Deputy Corporate Secretary dated January 2, 2008 re: Honeymoon Bay Community Society Annual Contribution Service - Notice of Alternative Approval Process and Elector Response Form.

08-010 It was moved and seconded that the *Notice of Alternative Approval Process and the Elector Response Form* for CVRD Bylaw No. 3014, be approved.

MOTION CARRIED

SR3 Staff Report from the Deputy Corporate Secretary dated January 3, 2008 re: Cowichan Wooden Boat Society Annual contribution Service - Notice of Alternative Approval Process and Elector Response Form.

08-011 It was moved and seconded that the *Notice of Alternative Approval Process and the Elector Response Form* for CVRD Bylaw No. 3015, be approved.

MOTION CARRIED

SR4 Staff Report from the Manager Protective Services dated December 17, 2007 re: Agreement to Provide Fire Protection Between Regional District of Nanaimo and North Oyster.

08-012 It was moved and seconded:

1. That the Cowichan Valley Regional District acknowledge and accept the Regional District of Nanaimo's notice of termination of the contract for Yellowpoint/Waterloo Fire Protection, to be effective December 31, 2008.
2. That staff be directed to liaise with the Regional District of Nanaimo to resolve ownership of the firehall, apparatus and equipment.

MOTION CARRIED

SR5 Staff Report from the Development Services Deputy Manager dated January 2, 2008 re: Proposed development permit for B. Bickford, Mill Bay.



KUN REPORT		CW
CAO APPROVAL		
EAP		
COW		
FEB 20 2008		
RHD		
BOARD	✓	Feb 26th

MEMORANDUM

TO: Geoff Garbutt
Manager, Current Planning

DATE: February 14, 2008

FROM: Susan Cormie
Senior Planner

FILE: 3360 30 0702

SUBJECT: Amendment Bylaw Nos. 239.03, 2007 & 500.341, 2007
Angela Quack, Pacific Edge Architecture Inc. on behalf of Kijosa Investment Corporation (Timberlands Pub)
Electoral Area 'A' – 1680 Timberlands Road

PURPOSE

To consider Amendment Bylaws No. 239.03 and 500.341 for adoption.

BACKGROUND

Bylaws No. 239.03, 2007 and 500.341, 2007 were introduced and given 1st and 2nd reading on June 26, 2007. This was followed by a Public Hearing held on July 17, 2007. The Board granted 3rd reading for these bylaws on July 24, 2007.

The purpose of these amendment bylaws is to amend the current Land Use Contract No. 98 (Bylaw No. 239) to discharge the contract and to rezone the subject property from Residential 6 (RS6) Subdivision District 'D' (2.0 ha minimum parcel size) to Comprehensive Development Zone 36 (CD36) in order allow for 11 hotel units in addition to the existing licenced beverage establishment, retail beer and wine store, and accessory residential suite.

At 3rd reading of this amendment application, the Amended Conditions for Approval include proof of potable water, proof of septic disposal, the preparation of covenants to be registered on title prior to the amendment bylaw being considered for adoption, payment of legal fees for discharging the Land Use Contract, and inclusion of disability access on the building plans. These conditions, to be completed prior to consideration of 4th reading of the corresponding bylaw, are outlined in *Schedule No. 1*. The applicant has provided the required covenants and it is expected that these documents will be registered on title by the Board meeting.

ALTERNATIVES

1. To adopt Bylaws No. 239.03 and 500.341.
2. To not adopt Bylaws No. 239.03 and 500.341.

VOTING

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

INTERGOVERNMENTAL REFERRAL

Pursuant to Section 52 of the *Transportation Act*, the Ministry of Transportation approved RDN Bylaws No. 239.03 and 500.341, on July 14, 2007.

SUMMARY

"Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.341, 2007" was considered by the Board and given 1st and 2nd reading on May 22, 2007. Subsequent to that, a Public Hearing was held on June 19, 2007 and the Board granted 3rd reading on June 26, 2007. As the subject property is within 800 metres of a highway interchange, pursuant to the *Transportation Act*, these amendment bylaws are subject to the approval of the Ministry of Transportation. The Ministry approved the bylaws on July 14, 2007. Concerning proof of potable water, the RDN has been advised that the Vancouver Island Drinking Water approval process will ensure that adequate quantity and quality of potable water is available in order for the building to be occupied for the future hotel use as well as the current uses including the pub use. As a result, staff has secured an additional covenant to ensure potable water for the future hotel use. The applicant has provided proof septic disposal, paid the legal fees, and provided building information concerning the disability access. With respect to the section 219 covenants, it is expected that the required covenants will be registered on title by the Board meeting. As the conditions of approval will be completed as outlined in *Schedule No. 1*, this bylaw may now be considered for adoption.

The following recommendations are provided for consideration by the Board.

RECOMMENDATIONS

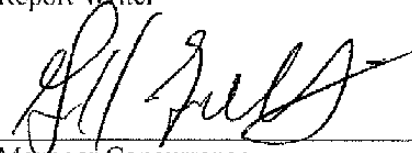
1. That "Regional District of Nanaimo Land Use Contract Authorization Bylaw Amendment Bylaw No. 239.03, 2007" be adopted.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.341, 2007" be adopted.



Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

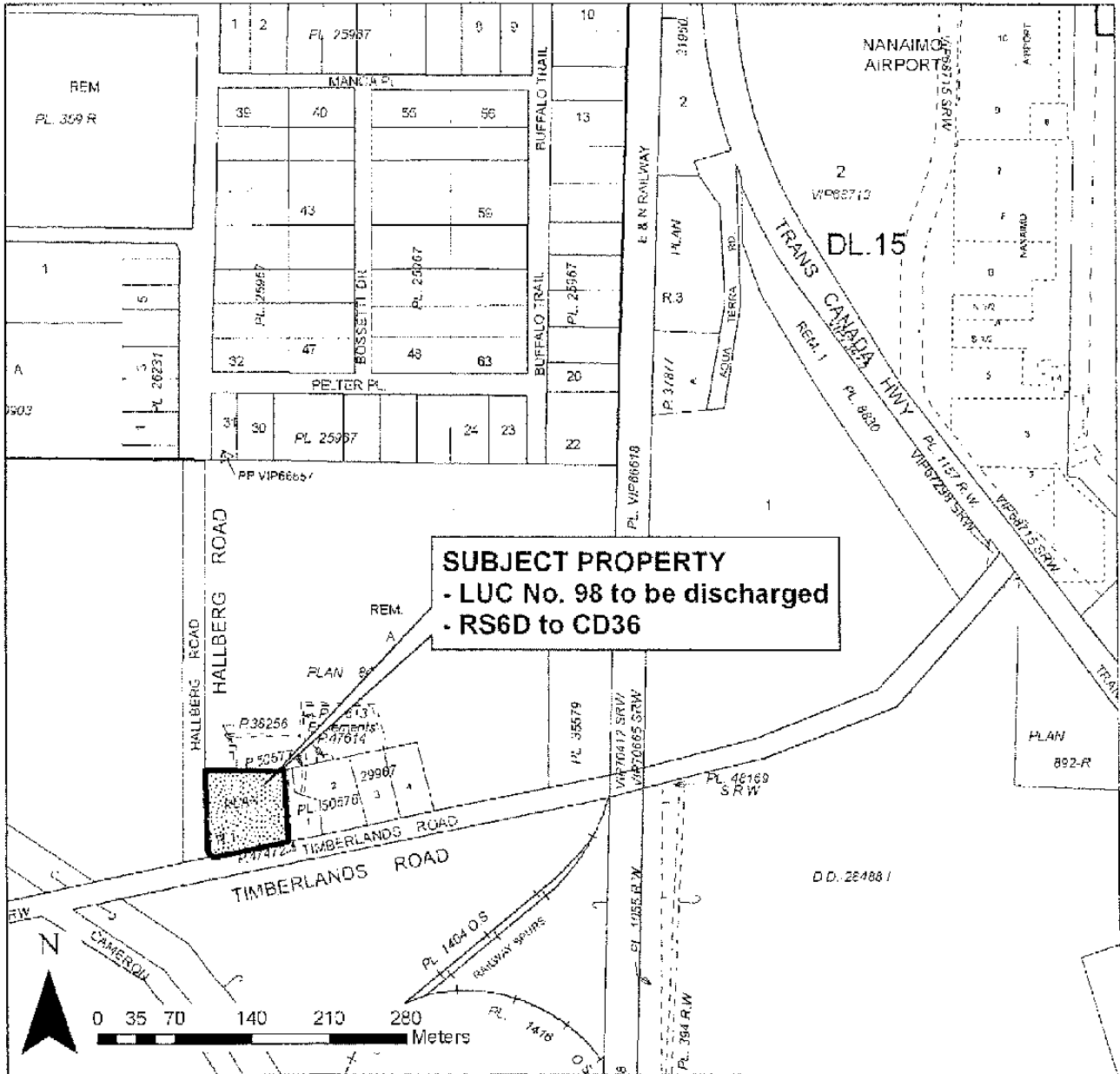
COMMENTS:

Schedule No. 1
Discharge of Land Use Contract No. 98 and Zoning Amendment Application No. ZA0702
Amendment Bylaws No. 239.03 & 500.341
Amended Conditions of Approval

The applicant is to complete the following prior to the corresponding amendment bylaw being considered for 4th reading:

1. Applicant to provide reasonable proof of potable water in a quantity to meet minimum Bylaw No. 500, 1987 standard of 3.5 m³ per day on a year round basis and of a quality to meet the Canadian Drinking Water Standards (CDWS) for health and aesthetics to the satisfaction of the Regional District. Proof shall be via a drilled well (constructed as per the current well regulations) and pump tested and certified by a qualified professional as set out, as a minimum, in the Preliminary Hydrogeological Impact Assessment prepared by EBA Engineering Ltd. and dated April 5, 2007 including wellhead/aquifer protection.
2. Applicant to provide a reserve area for septic disposal to the satisfaction of the Vancouver Island Health Authority. If a section 219 covenant is required, this covenant must be registered prior to consideration of the amendment bylaw.
3. The applicant is to prepare and register on title of the subject property, at his expense, the following section 219 covenant documents. These documents must be registered prior to the amendment bylaw being considered for 4th reading. Draft covenant documents are to be submitted for review to Regional District prior to registration at Land Title Office, Victoria:
 - a. The two page report entitled Assurance of Compliance report prepared by Qualicum Engineering Services and dated March 27, 2007; and
 - b. The seven page report plus attachments entitled Preliminary Hydrogeological Impact Assessment prepared by EBA Engineering Ltd. and dated April 5, 2007. Applicant is to follow the recommendations of this report in the development of the subject property.
 - c. A covenant restricting that, at the time the subject property becomes capable of connecting to community water and/or community sewer, the owner shall at his expense, disconnect the private water and septic services to current standards and connect to the community services.
4. The applicant is to pay the associated legal costs to discharge the land use contract from title. A deposit in the amount of \$500.00 is to be submitted prior to consideration of 4th reading of the amendment bylaw.
5. That the building plans incorporate access for persons with disabilities in order to provide full access to the 2nd floor hotel units subject to compliance with the BC Building Code."

Attachment No. 1
Discharge of Land Use Contract No. 98 and Zoning Amendment Application No. ZA0702
Amendment Bylaws No. 239.03 & 500.341
Location of Subject Property



REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, FEBRUARY 12, 2008, AT 6:00 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director D. Bartram	Chairperson
Director J. Burnett	Electoral Area A
Director M. Young	Electoral Area C
Director G. Holme	Electoral Area E
Director L. Biggemann	Electoral Area F
Alternate	
Director L. Derkach	Electoral Area G

Also in Attendance:

M. Pearse	Senior Manager, Corporate Administration
G. Garbutt	A/General Manager, Development Services
N. Tom	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Alternate Director Derkach to the meeting.

MINUTES

MOVED Director Holme, SECONDED Director Biggemann, that the minutes of the Electoral Area Planning Committee meeting held January 8, 2008 be adopted.

CARRIED

UNFINISHED BUSINESS

Development Permit Application No. 60703 (reconsideration) – Ring Contracting Ltd. – 470 Nanaimo River Road – Area C.

MOVED Director Young, SECONDED Director Burnett, that Development Permit Application No. 60703 submitted by Ring Contracting Ltd., in conjunction with the subdivision on the parcel legally described as Lot 2, Section 6, Range 5, Cranberry District, Plan VIP55807 and located at 470 Nanaimo River Road in Electoral Area 'C' and designated within the Watercourse Protection and Fish Habitat Protection Development Permit Areas, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

Development Permit Application No. 60735 (reconsideration) and Request for Relaxation and Request to Discharge a Section 219 Covenant – Fern Road Consulting Ltd. on behalf of Meade – Lundine Lane – Area G.

MOVED Director Holme, SECONDED Director Derkach, that Development Permit No. 60735 submitted by Fern Road Consulting Ltd., on behalf of M & C Meade, in conjunction with the subdivision on the parcel legally described as Lot 6, District Lot 49, Nanoose District, Plan VIP52245 and designated within the Fish Habitat Protection Development Permit Area pursuant to OCP Bylaw No. 1115, 1998, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

MOVED Director Holme, SECONDED Director Derkach, that the request from Fern Road Consulting Ltd., on behalf of M & C Meade, to relax the minimum 10% perimeter frontage requirement for Proposed Lots 2 and 3 in conjunction with the proposed subdivision of Lot 6, District Lot 49, Nanoose District, Plan VIP52245 be approved.

CARRIED

MOVED Director Holme, SECONDED Director Derkach, that the request from Fern Road Consulting Ltd., on behalf of M & C Meade, to discharge the section 219 covenant concerning no further subdivision be approved subject to the conditions set out in Schedule No. 1 of the corresponding staff report.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60742 and Request for Relaxation – Chris Everett, BCLS, on behalf of Davidson – Adjacent to Norman Road – Area ‘A’.

MOVED Director Burnett, SECONDED Director Biggemann, that Development Permit Application No. 60742, submitted by Chris Everett BCLS, on behalf of F & P Davidson, in conjunction with the subdivision of the parcel legally described as Lot 1, Section 3, Range 4, Cedar District, Plan VIP53412 and designated within the Watercourse Protection and Fish Habitat Development Permit Areas, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

MOVED Director Burnett, SECONDED Director Biggemann, that the request for relaxation of the minimum 10% frontage requirement for Proposed Lots A and B in conjunction with the subdivision of the property legally described as Lot 1, Section 3, Range 4, Cedar District, Plan VIP53412 be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

Development Permit Application No. 60743 – Fern Road Consulting Ltd. on behalf of Foulds – Henry Morgan and Maple Guard Drives – Area ‘H’.

MOVED Director Holme, SECONDED Director Biggemann, that Development Permit Application No. 60743 submitted by Fern Road Consulting Ltd., on behalf of J & L Foulds, in conjunction with the subdivision on the parcel legally described as Lot 2, District Lot 36, Newcastle District, Plan VIP61726 and designated within the Environmentally Sensitive Features and Natural Hazards Development Permit Areas pursuant to the Electoral Area ‘H’ 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

MOVED Director Holme, SECONDED Director Biggemann, that staff be directed to prepare required amendments to "Regional District of Nanaimo Building Inspection Extended Service Establishment Bylaw No. 787, 1989" to include the parent parcel within a Building Inspection Service area.

CARRIED

MOVED Director Holme, SECONDED Director Biggemann, that staff be directed to pursue, with the Ministry of Transportation and the developer of Lot 2, VIP61726, District Lot 36, Newcastle District, and 85 Henry Morgan Drive, the connection of the gazetted road link between Henry Morgan Drive and Sundry Road in the Village Node of Bowser to enhance mobility, emergency response and safety.

CARRIED

Director Holme left the meeting citing a possible conflict of interest with the next item.

Development Permit Application No. 60802 – JE Anderson & Associates, BCLS, on behalf of Dubyna – 2520 and 2528 East Wellington Road – Area 'C'.

MOVED Director Young, SECONDED Director Burnett, that Development Permit Application No. 60802 submitted by JE Anderson, BCLS, on behalf of R Dubyna, in conjunction with the subdivision on the parcel legally described as Parcel A (DD9237N) of Section 13, Range 5, Mountain District with Exceptions and designated within the Environmentally Sensitive Areas and Fish Habitat Protection Development Permit Areas pursuant to the East Wellington – Pleasant Valley OCP Bylaw No. 1055, 1997, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report.

CARRIED

Director Holme returned to the meeting.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90715 – D'Angelo – 335 Butler Avenue – Area 'G'.

The Chairperson noted that this item has been tabled.

Mr. D'Angelo submitted correspondence to staff with respect to this application.

Development Variance Permit Application No. 90802 – Murray Hamilton on behalf of the Horne Lake Strata No. 5160 – Horne Lake – Area 'H'.

MOVED Director Holme, SECONDED Director Derkach, that Development Variance Permit Application No. 90802 submitted by Murray Hamilton on behalf of the Horne Lake Strata Corporation Plan VIS5160, in conjunction with the subdivision on the bare land strata lots legally described as Strata Lots 1 – 400, District Lot 251, Alberni District, VIS5160 be approved subject to Schedules No. 1 and 2 of the corresponding staff report and to the notification procedure pursuant to the *Local Government Act*.

CARRIED

OTHER

Request for Relaxation – McElhanney Consulting Services Ltd. on behalf of 547808 BC Ltd. – 2298 Pylades Drive – Area 'A'.

The Chairperson noted that this item has been removed from the Agenda.

Request for Relaxation and Request to Discharge a Section 219 Covenant-- Fern Road Consulting Ltd., on behalf of Lundine -- Lundine Lane -- Area 'G'.

MOVED Director Derkach, SECONDED Director Biggemann, that the request from Fern Road Consulting Ltd., on behalf of J Lundine to relax the minimum 10% perimeter frontage requirement for Proposed Lots 1 and The Remainder of Lot A, in conjunction with the proposed 2 lot subdivision of Lot A, District Lot 49, Nanoose District, Plan VIP81015, be approved.

CARRIED

MOVED Director Derkach, SECONDED Director Biggemann, that the request from Fern Road Consulting Ltd., on behalf of J Lundine, to discharge the section 219 covenant concerning no further subdivision be approved subject to the conditions set out in Schedule No. 1 of the corresponding staff report.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:15 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON TUESDAY, FEBRUARY 12, 2008 AT 7:00 PM IN THE RDN BOARD CHAMBERS

Present:

Director I. McNabb	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
Alternate	
Director L. Derkach	Electoral Area G
Director D. Bartram	Electoral Area H
Alternate	
Director C. Burger	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Director C. Haime	District of Lantzville
Director G. Korpan	City of Nanaimo
Director B. Bestwick	City of Nanaimo
Director J. Manhas	City of Nanaimo
Director D. Brennan	City of Nanaimo
Director B. Holdom	City of Nanaimo
Alternate	
Director L. Sherry	City of Nanaimo

Also in Attendance:

C. Mason	Chief Administrative Officer
M. Pearse	Senior Manager, Corporate Administration
N. Avery	Gen. Manager of Finance & Information Services
D. Trudeau	General Manager of Transportation Services
J. Finnie	General Manager of Environmental Services
G. Garbutt	A/General Manager of Development Services
D. Porteous	A/General Manager of Recreation & Parks
N. Tonn	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Alternate Directors Derkach, Burger and Sherry to the meeting.

DELEGATIONS

Art Skipsey, Qualicum Beach Historical & Museum Society, re Museum Expansion.

Mr. Skipsey provided a visual and verbal presentation on the Qualicum Beach Museum and the Qualicum Beach Historical & Museum Society's plans to expand the museum to provide an area for an extensive paleontology collection owned by Mr. Graham Beard. The Society is seeking a letter of support from the RDN to accompany grant applications to the Provincial and Federal governments.

MOVED Director Brennan, SECONDED Director Young, that the Board provide the Qualicum Beach Historical & Museum Society with a letter of support for their museum expansion.

CARRIED

Michele Deakin, Mid-Island Vancouver Habitat Enhancement Society, re Drinking Water Watershed Protection Action Plan.

Michele Deakin and Faye Smith informed the Board of the Mid Island Vancouver Habitat Enhancement Society's involvement in the District toward the conservation and protection of drinking water and watershed protection. MIVHES requested that the Board approve the Drinking Water Watershed Protection Action Plan and establish a function within the District to deal with drinking water and watershed issues, and to provide the resources needed to implement a plan to provide enough clean water for generations to come.

Sheila Malcolmson, Gabriola Island Local Trustee, re Drinking Water Watershed Protection Action Plan.

Ms. Malcolmson noted Island Trust's involvement in the protection and preservation of drinking water and watersheds, and applauded the Regional District of Nanaimo's initiative in the formation of the Drinking Water Watershed Protection Action Plan.

LATE DELEGATIONS

MOVED Director Holme, SECONDED Director Bartram, that a late delegation be permitted to address the Committee.

CARRIED

Chuck Addison, re Rezoning/OCP Amendment Application No. A00604 – 2610 Myles Lake Road – Area C.

Mr. Addison provided information regarding Amendment Application No. A00604 and requested that the Board approve the rezoning of his property to "residential" from the existing "resource lands" which was put in place when properties in the area were under the FLR.

MINUTES

MOVED Director Manhas, SECONDED Director Brennan, that the minutes of the Committee of the Whole meeting held January 8, 2008 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

George Abbott, Minister of Health, re Meat Inspection Regulation.

MOVED Director Holme, SECONDED Director Bestwick, that the correspondence from the Minister of Health regarding the Regional District's concerns with the impact of the Meat Inspection Regulation on small businesses in the Regional District and on Vancouver Island be received.

CARRIED

Association of Film Commissioners International, re Funding Request for Vancouver Island North Film Commission.

MOVED Director Holme, SECONDED Director Bestwick, that the letter of support from the Association of Film Commissioners International with respect to the Vancouver Island North Film Commission's request for funding be received.

CARRIED

B. Sepos, Oceanside Tourism Association (OTA), re OTA 4th Quarter Progress Report, 2008 Marketing Plan and 2008 Publications.

MOVED Director Holme, SECONDED Director Bestwick, that the correspondence from the Oceanside Tourism Association to provide their progress report and marketing plan, be received.

CARRIED

South Wellington & Area Community Association, re Nanaimo Airport Expansion Plans.

MOVED Director Holme, SECONDED Director Bestwick, that the correspondence from the South Wellington and Area Community Association regarding proposed Nanaimo Airport expansion plans, be received.

CARRIED

Ken & Henrietta Vanderkooi, re Development Variance Permit Application No. 90704 – Five Cedar Poultry Farm.

MOVED Director Holme, SECONDED Director Bestwick, that the correspondence from Ken and Henrietta Vanderkooi with respect to Development Variance Permit Application No. 90704 be received.

CARRIED

CORPORATE ADMINISTRATION SERVICES

Policy – Bylaws Not Requiring Inspector Approval.

MOVED Director Bartram, SECONDED Director Manhas, that the “Bylaws Not Requiring Inspector Approval Policy” be approved.

CARRIED

Administration & Transit Building Projects.

MOVED Director Bartram, SECONDED Director Brennan, that the Regional District of Nanaimo retain NSDA Architects, including their listed sub-consultants, to complete the Final Design, prepare the Tender Documents and oversee the Construction Phase of the Project for a proposed fee of \$176,000 for the administration building and \$132,000 for the transit facility.

CARRIED

MOVED Director Bartram, SECONDED Director Brennan, that the Board direct staff to hire sustainability and commissioning consultants for LEED certification for the administration and transit building expansion project for \$95,000.

CARRIED

FINANCE & INFORMATION SERVICES

FINANCE

Amendments to Purchasing Policy.

MOVED Director Westbrook, SECONDED Director Holdom, that the purchasing authority limits in Policy A2.9 be established as follows:

	Revised Limit
Supervisors	\$ 5,000
Superintendent	\$ 10,000
Manager	\$ 20,000
General Manager	\$ 50,000
Chief Administrative Officer	\$ 150,000

CARRIED

MOVED Director Westbrook, SECONDED Director Holdom, that a new section 8.2 under Emergencies/Legal Actions be added as follows:

- 8.2 Legal actions and claims against the Regional District may be settled with the approval of:
- (a) for amounts up to \$5,000 – the General Manager, Finance & Information Services.
 - (b) for amounts up to \$25,000 – the Chief Administrative Officer.

CARRIED

Local Calling Between the Nanaimo and Cowichan Valley Regional Districts.

MOVED Director Bestwick, SECONDED Director Biggemann, that the Regional District of Nanaimo support an application to the CRTC to introduce local calling between the Nanaimo and Cowichan Valley Regional Districts at a single unified rate.

CARRIED

MOVED Director Bestwick, SECONDED Director Biggemann, that the 2008 budget be amended to include a share of referendum costs, which are approved to be recovered on the basis of converted taxable values within both Regional Districts.

CARRIED

DEVELOPMENT SERVICES

BUILDING INSPECTION

Building Inspection Service Bylaw Amendment Bylaw No. 787.07.

MOVED Director Bartram, SECONDED Director Manhas, that "Regional District of Nanaimo Building Inspection Service Bylaw Amendment Bylaw No. 787.07, 2008" be given three readings.

CARRIED

Zoning & Building Bylaw Contravention – 2663 Barnes Road – Area A.

Mr. Vanderkooi provided additional information regarding the zoning and building bylaw contravention and raised his concerns with the denial of a development permit application for the property located at 2663 Barnes Road.

MOVED Director Bartram, SECONDED Director Westbrook, that this item be referred back to staff for further information and consideration.

CARRIED

BYLAW ENFORCEMENT

Agreement for Use of Nanaimo Animal Shelter Facilities.

MOVED Director Bestwick, SECONDED Director Manhas, that the agreement between the City of Nanaimo and the Regional District of Nanaimo for use of the animal shelter at 1260 Nanaimo Lakes Road for the administration of animal control services be approved.

CARRIED

Unightly Premises – 1989 Main Road – Area ‘A’.

Mr. Nemecek provided additional information to the Committee and requested a time extension to allow him to remove the wood materials and stack them as firewood when the ground is dry.

MOVED Director Burnett, SECONDED Director Young, that should this matter not be rectified by May 30, 2008, pursuant to “Unightly Premises Regulatory Bylaw No. 1073, 1996”, the Board directs the owner of the above-noted property to remove from the premises those items as set out in the attached Resolution within fourteen (14) days, or the work will be undertaken by the Regional District of Nanaimo’s agents at the owner’s cost.

CARRIED

PLANNING

Regional Growth Strategy Review Background Report.

MOVED Director Holdom, SECONDED Director Bartram, that the Regional District of Nanaimo receive the *State of Sustainability* implications report as outlined in Attachment 1, Shaping our Future: Implications of the State of Sustainability Report for the Regional Growth Strategy.

CARRIED

Sustainable Future Awards Program.

MOVED Director Holdom, SECONDED Director Manhas, that the Board approve the development and implementation of the Regional District of Nanaimo Sustainable Future Awards Program, and the establishment of a Sustainable Future Awards Advisory Committee with the attached Terms of Reference.

CARRIED

Cable Bay Development Proposal.

MOVED Director Bestwick, SECONDED Director Manhas, that the Regional District Board receive this report for information and provide this report as the RDN’s comments on the City of Nanaimo’s referral on the Municipal Boundary Extension, Cable Bay Lands.

MOVED Director Burnett, SECONDED Director Westbroek, that the motion be amended as follows:

That the Regional District Board receive the staff report for information and advise the City of Nanaimo that the Regional District Board does not support the Municipal Boundary extension and that the inclusion of the 39 hectares of Rural Resource Land into the City of Nanaimo for Urban Development is not consistent with the vision and goals of the Regional District of Nanaimo Regional Growth Strategy.

DEFEATED

The question was called on the main motion.

The motion CARRIED.

ENVIRONMENTAL SERVICES

LIQUID WASTE

2008 Water & Sewer Infrastructure Planning (Study) Grant Applications.

MOVED Director Bartram, SECONDED Director Westbroek, that the Board support applications to the Ministry of Community Services for Infrastructure Planning (Study) Grant applications for the following 2008 Environmental Services program initiatives:

Liquid Waste Department

1. Asset Management/Maintenance Planning
2. Innovative Technology Review for French Creek Pollution Control Centre
3. Innovative Technology Review for Greater Nanaimo Pollution Control Centre
4. Wet Weather Upgrade Strategy for French Creek
5. Nanoose Pollution Control Centre Long Term Capital Planning
6. Septic Education Program
7. Health and Safety Audit for Pollution Control Centres

Utilities Department

1. Well Re-Development Program Study
2. French Creek Water Service Area Iron & Manganese Removal Study
3. Comprehensive Capital Plan Development Strategy for the Nanoose Bay Peninsula Water Service Area

CARRIED

Package Sewage Treatment Systems Review.

MOVED Director Bartram, SECONDED Director Holdom, that the Board accept this report for information and direct staff, as part of the Liquid Waste Management Plan review, to develop for the Board's consideration a policy regarding the acquisition of new Package Sewage Treatment Systems within the RDN's Urban Containment Boundary.

CARRIED

UTILITIES

Fairwinds Sewerage Facilities Local Service Area Amendment Bylaw No. 947.03.

MOVED Director Holme, SECONDED Director Manhas, that "Fairwinds Sewerage Facilities Local Service Area Amendment Bylaw No. 947.03, 2008" be introduced and read three times.

CARRIED

Team WaterSmart Corporate Sponsorship – Fairwinds Community & Resort.

MOVED Director Holme, SECONDED Director Bestwick, that the Board approve the request by Fairwinds Community and Resort to sponsor Team WaterSmart in the amount of \$9,000 in cash and in-kind funding for a period of 5 years beginning in 2008 and ending in 2012 and that staff provide a status report after the first year.

CARRIED

MOVED Director Holme, SECONDED Director Manhas, that a letter be sent to the Fairwinds Community and Resort, thanking them for their generous sponsorship in the Team WaterSmart educational outreach program.

CARRIED

Proposed Drinking Water Watershed Protection Action Plan.

MOVED Director Bartram, SECONDED Director Sperling,:

1. That the Board receive the Drinking Water/Watershed Protection Action Plan.
2. That the Board direct staff to proceed with the necessary preparations for a communications strategy and an electoral area wide referendum to be held in conjunction with the Local Government Elections in November of 2008 and that funding in the amount of \$65,000 be included in the 2008 Electoral Area Feasibility Budgets for this purpose; and
3. That the Electoral Area Directors meet with staff to consider the wording of the referendum question and resulting participation when the referendum results are computed.

CARRIED

RECREATION AND PARKS SERVICES

2008 Brant Wildlife Festival.

MOVED Director Bartram, SECONDED Director Holme, that the Natures Trust of BC request for funding be referred to the Regional Parks and Trails Advisory Committee for their consideration of entering into a funding agreement for the Brant Wildlife Festival for a three year term commencing in 2009, to be funded through the Regional Parks function.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

Intergovernmental Advisory Committee.

MOVED Director Korpan, SECONDED Director Young, that the minutes of the Intergovernmental Advisory Committee meeting held December 13, 2007 be received for information.

CARRIED

Transit Select Committee.

MOVED Director Korpan, SECONDED Director Young, that the minutes of the Transit Select Committee meeting held January 17, 2008 be received for information.

CARRIED

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

MOVED Director Korpan, SECONDED Director Brennan, that the minutes of the Electoral Area 'E' Parks and Open Space Advisory Committee meeting held December 3, 2007 be received for information.

CARRIED

MOVED Director Holme, SECONDED Director Bartram, that the following resolution from the Electoral Area 'E' Parks and Open Space Advisory Committee meeting be received for information:

- a. That the 2008 Electoral Area 'E' Parks Function Provisional Budget be supported as presented.

CARRIED

Electoral Area 'A' Recreation and Culture Commission.

MOVED Director Korpan, SECONDED Director Burnett, that the minutes of the Electoral Area 'A' Recreation and Culture Commission meeting held January 9, 2008 be received for information.

CARRIED

MOVED Director Burnett, SECONDED Director Biggemann, that staff further research with School District 68 senior officials the School Board's interest in a potential agreement with the Regional District to supply recreation and cultural services in Electoral Area 'A' through the Community Schools program.

CARRIED

MOVED Director Burnett, SECONDED Director Biggemann, that staff explore the option of the Regional District retaining a coordinator to provide recreation and cultural services in Electoral Area 'A'.

CARRIED

MOVED Director Burnett, SECONDED Director Biggemann, that staff prepare an Electoral Area 'A' Recreation and Culture Grant In Aid Program for review at the next Area 'A' Recreation and Culture Commission meeting.

CARRIED

District 69 Recreation Commission.

MOVED Director Bartram, SECONDED Director Sperling, that the minutes of the District 69 Recreation Commission meeting held January 17, 2008 be received for information.

CARRIED

MOVED Director Bartram, SECONDED Director Brennan, that an Agreement in Principal be approved with the Under 17 Hockey Challenge Society to host the allocated tournament games at Oceanside Place, and direct staff to work with the Society to work out the details of a formal partnership contract.

CARRIED

MOVED Director Bartram, SECONDED Director Brennan, that funding be allocated for the U17 Hockey Challenge event from the Oceanside Place Function Budget and that the requisition be adjusted accordingly.

CARRIED

MOVED Director Bartram, SECONDED Director Brennan, that staff prepare a report on the safety issues and the use of fifteen passenger vans by the RDN Recreation and Parks Department.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Nanaimo Airport Expansion Plans.

MOVED Director Burnett, SECONDED Director Young, that staff reply to the South Wellington & Area Community Association, advising them of the Regional District of Nanaimo's role and authority in regard to the Nanaimo Airport Commission and advise the South Wellington & Area Community Association who they should be directing their concerns to.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 8:58 PM

CHAIRPERSON



ADMINISTRATIVE	
CAO APPROVAL	
EAP	
COW	
FEB 21 2008	
RHD	
BOARD	✓ Feb. 20th

MEMORANDUM

TO: Board of Directors **DATE:** February 20, 2008

FROM: C. Mason **FILE:**
Chief Administrative Officer

SUBJECT: City of Nanaimo Municipal Boundary Extension Request

PURPOSE:

To refer the City of Nanaimo Municipal Boundary Extension Request back to staff to provide a detailed technical review pursuant to the Ministry of Community Services “Municipal Boundary Extension Criteria”.

BACKGROUND:

At the January 22, 2008 Board meeting, the Board endorsed the following motion:

That Regional District staff be directed to prepare a report for consideration by the Board outlining the specifics of the Cable Bay development proposal, particularly as it relates to Electoral Area lands proposed for incorporation, the implications of the incorporation of these lands for development within the context of the Regional Growth Strategy, and the statutory requirements for review of this application (including boundary adjustment process and RGS amendment – UCB change process).

In response to the Board direction, a staff report was prepared for the February 12th Committee of the Whole meeting which considered the proposed development of the electoral area lands within the context of the Regional Growth Strategy (RGS). Subsequent to the preparation of the staff report, the Regional District received formal referral from the City of Nanaimo advising that it would be applying for a municipal boundary extension on those lands pursuant to s. 20 of the *Local Government Act*. Staff recommended that the comments included in the staff report be forwarded to the City of Nanaimo as part of the referral process for the boundary extension request.

At the Tuesday February 12th Committee of the Whole Meeting there was considerable discussion about the process to be followed by a regional district in reviewing a municipal boundary extension request. The staff report did not provide adequate detail on the provincial process for considering boundary extensions, so this report has been prepared to give the Board a more comprehensive overview of the provincial criteria and the role of the Regional District in this process.

Municipal Boundary Extension Request Process

As advised at the Committee meeting, the decision on a boundary extension rests solely with the Province. The Ministry of Community Services has published a document entitled “Municipal Boundary Extension Criteria” (revised July 2005) which sets out the parameters under which it will consider a boundary extension request. A copy of the criteria has been circulated to Board members for information. The Provincial legislation and policy framework requires that citizens of a municipality requesting a boundary extension, as well as those living within a proposed boundary extension area, must have an

opportunity to object or consent to the proposal. The criteria do not require that a municipality consult specifically with adjacent property owners, though the municipality is expected to consult with affected jurisdictions such as regional districts or improvement districts. The provincial guidelines state the following:

The regional district is the local government for areas outside municipal boundaries and they may provide services in the area. Consequently, regional district interests must be considered and municipalities should make their best efforts to accommodate those interests. However, the regional district does not have a veto on municipal boundary extensions.

Municipalities take the lead in consulting with citizens, the regional district and others whose interests might be affected by a boundary extension. This information is then submitted to the ministry so that the application can be assessed against the "Municipal Boundary Extension Criteria". If the application meets the requirements of the Criteria, an amendment to the Letters Patent is drafted and the proposal is forwarded to the minister and to Cabinet for a decision.

With respect to the Regional District's role, the Municipal Boundary Extension Criteria explains that it is to simply identify issues that may need to be resolved, including comments from the affected electoral area director. An excerpt from the criteria is provided below.

The Province approves municipal boundary extensions and as such the regional district is not in the position of approving or rejecting a boundary extension proposal. The regional district does not have a veto on municipal boundary extensions. The role and responsibilities of the regional district are:

- *to review a boundary extension proposal when requested by the municipality;*
- *to provide comments to the municipality, particularly in relation to regional district services that may be affected by the proposal; and*
- *to participate in discussions required to resolve any issues raised by the review of a proposal, particularly in relation to regional district services.*

The regional district may determine the method by which it wishes to respond to a municipal boundary extension proposal. This may include either administrative comments, or a regional district board resolution, or both. Individual electoral area directors are encouraged to address any concerns that they may have through the regional district board to the municipality, rather than addressing them directly to the ministry.

Regional District Submission to Municipality

Although the discussion on Tuesday evening spent considerable time focusing on the proposed development of the lands in relation to the RGS, the Provincial criteria for boundary extensions (Appendix 1) notes that the boundary extension process is intended to be independent of processes that consider development approval or land use planning issues. It further notes that the Ministry will not evaluate land use planning issues as part of the boundary extension review process.

Staff have contacted Ministry of Community Services staff and confirmed that the information that the Province requires is a technical assessment of the impact to lands proposed to be excluded from an electoral area. Issues to be addressed would include the property assessment impact (if the area to be excluded is significant), the proposed mitigation provisions, and the impact on regional district services currently provided. While not within Regional District jurisdiction, an assessment on the impact to local roads would also be appropriate in consultation with the Ministry of Transportation.

ALTERNATIVES:

1. Receive the report for information and refer the Municipal Boundary Extension Request back to staff to prepare a more detailed technical review based on the Ministry of Community Services Criteria;
2. Receive the report for information and forward the comments from the "Cable Bay Development Proposal" report to the City of Nanaimo for information.

FINANCIAL IMPLICATIONS:

There are no financial implications associated with the alternatives.

CONCLUSIONS:

At the February 12, 2008 Committee of the Whole meeting, the Board spent considerable time debating a resolution to either support or not support the City of Nanaimo's request to pursue a boundary extension to lands within Electoral Area 'A'. Since that meeting, staff have had an opportunity to review the Provincial Criteria in more detail and to speak with Ministry of Community Services staff to confirm the Regional District's role in a boundary extension request.

While it is not uncommon for regional districts to endorse resolutions either supporting or not supporting boundary extension requests, these motions are not considered as a 'veto' to the Province's consideration of a boundary amendment. The Province is specifically interested in receiving technical comments from a Regional District in relation to regional servicing of those lands and the potential tax impact to the remaining electoral area. The Province also has an interest in understanding where there may be areas of concern identified by a regional district and what mitigation measures are proposed to address those concerns. Ultimately, with respect to the proposed future use of the lands; the Province does not take these comments into consideration as it recognizes the autonomy of local government with respect to land use decisions.

Given that the previous staff report only focused on the implications of the proposed development of electoral area lands with respect to the RGS, staff would recommend that the issue be referred back to staff for further review. This will provide staff with the opportunity to prepare a more comprehensive technical analysis of the proposed boundary extension and to provide the Electoral Area Director with an opportunity to more formally respond to concerns on behalf of Electoral Area 'A' constituents. This information would then be received by the Board and forwarded to the City of Nanaimo in accordance with the Provincial criteria consultation requirements.

RECOMMENDATION:

1. That the report be received for information; and
2. That the City of Nanaimo Municipal Boundary Extension Referral be referred back to staff to prepare a more detailed technical review of the proposed boundary extension based on the Ministry of Community Services "Municipal Boundary Extension Criteria".



Chief Administrative Officer

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA 'H' PARKS AND OPEN SPACE ADVISORY
REGULAR COMMITTEE MEETING HELD FEBRUARY 15, 2008**

- Attendance:** David Bartram, Director RDN Board
Patty Biro
Brenda Wilson
Valeria Wiesmiller
Michael Procter
- Staff:** Jonathan Lobb, Parks Operations Coordinator
- Delegation:** Sandra Stephens, Beach Access McColl Road
- Absent:** Marguerite Little
Barry Ellis

CALL TO ORDER

- 1 Mr. Bartram called the meeting to order at 9:00am. Mr. Bartram assumed the role of Chair until the election of the new Chair.

ELECTION OF CHAIR AND SECRETARY

- 2.1 Mr. Bartram called for nominations for the position of Chair.

MOVED D. Bartram, SECONDED B. Wilson, that Mr. Procter be nominated for the position of Chair.

CARRIED

As no other nominations were received, Mr. Bartram declared Mr. Procter as Chair.

- 2.2 Mr. Bartram called for nominations for the position of Secretary.

MOVED B. Wilson, SECONDED D. Bartram, that Ms. Biro be nominated for the position of Secretary.

CARRIED

As no other nominations were received, Mr. Bartram declared Ms. Biro as Secretary.

Mr. Bartram passed the Chair to Mr. Procter.

DELEGATIONS

- 3 Ms. Stephens addressed the Committee noting her concern that public land and a potential beach access may become land locked by current development on McColl Road.

MOVED D. Bartram, SECONDED V. Weismiller, that Ms. Stephens, McColl Road Beach Access delegation be received.

CARRIED

MINUTES

- 3.1 MOVED B. Wilson, SECONDED V. Weismiller, that the Minutes of the Electoral Area 'H' Parks and Open Space Advisory Committee Meeting held November 21, 2007, be approved.
CARRIED

BUSINESS ARISING FROM THE MINUTES

5.1 Pearl Road Subdivision

Mr. Bartram reviewed for the Committee, correspondence from Fern Road Contracting proposing a land in lieu opportunity with regard to the Pearl Road subdivision.

MOVED D. Bartram, SECONDED B. Wilson, that the Electoral Area 'H' Parks and Open Space Advisory Committee recommend the Board accept the proposal of park land with regard to the Pearl Road subdivision, as outlined in the Fern Road Contracting letter dated February 4, 2008.

CARRIED

REPORTS

9.1 Director's Report

Mr. Bartram reported a ten lot subdivision application has been approved at Henry Morgan and Thompson Clarke, Mapleguard Road. A condition of the subdivision approval requires Sundry Road be extended across the E & N Railway tracks to connect with the subdivision, providing an alternate access out of the Jamieson Road subdivision.

The Drinking Water and Watershed Protection Action Plan is now available on the RDN website. All residents are encouraged to review and support the plan.

A Solid Waste Management Open House will be held March 31, 2008, from 2:00 to 4:00pm and presentation from 7:00 to 9:00pm.

A public meeting will be held mid March to review proposed land use regarding the large parcel of land located at the top of Chrome Point Road.

MOVED V. Weismiller, SECONDED B. Wilson, that the Reports be received.

CARRIED

NEW BUSINESS

10.1 McColl Road Area Beach Access

MOVED D. Bartram, SECONDED B. Wilson, that the Electoral Area 'H' Parks and Open Space Advisory Committee consider the development of the McColl Road beach access in the next budget process.

CARRIED

10.2 Lighthouse Community Centre Society Funding Agreement

Staff reviewed the Funding Agreement report with the Committee.

10.3 Five Year Park Development Plan

Committee members requested staff re-assess and re-inventory the current park properties and report back to the Committee to allow an informed decision to be made on the Five Year Park Development Plan. Future park development recommendations should be included in the report. A park tour will also be held prior to the Five Year Park Development Plan discussion.

COMMITTEE ROUND TABLE

11 Ms. Weismiller reported area trails appear to be in good shape for this time of year.

Ms. Biro requested staff do a safety inspection of the Lighthouse Community Centre playground.

MOVED D. Bartram, SECONDED P. Biro, that staff contact the Lions Club regarding the improvement of the ball field at the Lighthouse Community Centre Community Park.

ADJOURNMENT

13 MOVED D. Bartram that the meeting be adjourned at 10:30am.

CARRIED

NEXT MEETING

Thursday, March 27, 2008
9:00 a.m., Lighthouse Community Centre

Chair



RDN REPORT	
CAO APPROVAL <input checked="" type="checkbox"/>	
EAP	
COW	
DEC 11 2007	
RHD	
BOARD	<input checked="" type="checkbox"/> Feb. 26th
Area 'H' POSAC - Feb 15th	

MEMORANDUM

TO: Carol Mason
Chief Administrative Officer

DATE: December 11, 2007

FROM: Tom Osborne
General Manager, Recreation and Parks Services

FILE:

SUBJECT: Lighthouse Community Centre Society – Funding Agreement

PURPOSE

To consider renewal of the Funding Agreement with the Lighthouse Community Centre Society to assist with maintenance costs and capital facility upgrades to the Lighthouse Community Centre in Electoral Area H.

BACKGROUND

The Lighthouse Community Centre Society constructed and operates the Lighthouse Community Centre that is located at Qualicum Bay in Electoral Area H. The Centre is used for community recreation purposes and is situated on Community Park lands owned by the RDN and leased to the Society under a separate lease. The current land use lease with the Society expires on January 31, 2011.

In April 2004 the Regional District established an agreement with the Lighthouse Community Centre Society to provide up to \$15,000 annually from the Area H Community Parks Function over a four year term for capital facility upgrades to the Community Centre. The agreement was later revised in June 2006 to include an additional \$1,000 to assist the Society with maintenance costs associated with the operation of the hall.

To date, the Society has used the funds to assist with the following upgrades to the Centre:

- Renovation of the hall's four restrooms which included new floor and wall ties, tile replacement, new vanities, new water conservation toilets and refinishing of stall doors.
- Renovation of the kitchen area including floor replacement, painting, refinishing of cupboards, grill hood upgrades, new fridge, and plumbing upgrades.
- Renovation to the main hall including refinishing ceilings and walls, and carpentry work on doorways.

At the August 28, 2007 Regional Board Meeting the following resolution was approved:

"That the Regional Board direct staff to review funding options from the Area 'H' Community Parks Function Budget for the floor replacement at Lighthouse Community Centre through a renewed funding agreement with the Lighthouse Community Centre Society and to fund \$1,000 for annual maintenance costs at the facility over the next four years beginning in 2008."

Staff have met with the Society to review floor replacement options. With the cost of replacing the floor being above the annual funding provided by the Regional District, staff have advised the Society that if they wish to replace the floor, they will need to apply for funds through other fundraising mechanisms in order to augment the funds received by the RDN.

The current funding agreement expires on December 31, 2007 and now requires renewal. Staff are recommending that a three year term be considered in order for the funding agreement to end prior to the expiration date of the current park land lease of which the hall is situated on, which is January 31, 2011.

ALTERNATIVES

1. That the Funding Agreement with the Lighthouse Community Centre Society be approved for a three year term ending on December 31, 2010, to be funded by the Electoral Area 'H' Community Park Function.
2. That the Funding Agreement with the Lighthouse Community Centre Society not be approved and alternative direction be provided.

FINANCIAL IMPLICATIONS

Currently the Society is provided with \$16,000 per year through the Agreement with the Regional District. \$15,000 is to be used annually to assist with capital upgrades to the facility and \$1,000 is to be used annually to assist with general maintenance and operation costs.

The 2008 Area H Community Park Provisional Budget and Five Year Financial Plan provide the necessary funding for this purpose.

Should the annual funding from the Regional District not be approved, the Society will not be able to complete the hall upgrades as anticipated until other funding sources have been secured.

CONCLUSION

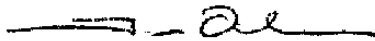
The Lighthouse Community Centre Society constructed and operates the Lighthouse Community Centre that is located at Qualicum Bay in Electoral Area H. The Centre is used for community recreation purposes and is situated on Community Park lands owned by the RDN and leased to the Society.

The Regional District currently has an agreement with the Lighthouse Community Centre Society to provide up to \$15,000 annually for capital facility upgrades to the Community Centre and an additional \$1,000 annually to assist the Society with maintenance costs associated with the operation of the hall.

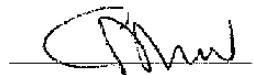
The current Funding Agreement expires on December 31, 2007 and requires renewal. Given the non-profit society has continued to meet their past agreement obligations that have in turn improved the local community centre, staff are recommending that the Funding Agreement as provided in *Appendix 1* be renewed for a three year term.

RECOMMENDATION

That the Funding Agreement with the Lighthouse Community Centre Society be approved for a three year term commencing on April 1, 2008 and ending on December 31, 2010, to be funded by the Electoral Area 'H' Community Park Function.



Report Writer



CAO Concurrence

Appendix 1

FUNDING AGREEMENT

THIS AGREEMENT made this _____ day of April, 2008

BETWEEN:

REGIONAL DISTRICT OF NANAIMO

**6300 Hammond Bay Road
Nanaimo, BC V9T 6N2**

(the "RDN")

(OF THE FIRST PART)

AND:

LIGHTHOUSE COMMUNITY CENTRE SOCIETY

**240 Lions Way
Qualicum Beach, BC V9K 2E2**

(the "Society")

(OF THE SECOND PART)

WHEREAS:

- A. The RDN has established the service of Community Parks in Electoral Area 'H';
- B. The Society has constructed and maintains a hall for community recreation purposes on Community Park lands owned by the RDN and leased to the Society (the "Hall").
- C. The Society has requested and the RDN has agreed to contribute certain funds to the Society by way of a Grant for the maintenance and upgrading of the Hall.
- D. The RDN is authorized, pursuant to section 176(1)(c) of the *Local Government Act* to provide assistance for the purpose of benefiting the community or any aspect of the community.

NOW THIS AGREEMENT WITNESSES that in consideration of the premises, and the mutual covenants and agreements herein contained, the parties hereto agree with each other as follows:

1.0 DEFINITIONS

"Grant" means funds provided to the Society by the RDN pursuant to this Agreement to carry out Authorized Purposes.

"Authorized Purposes" means those projects described in Schedule 'A' hereto and approved by the RDN.

2.0 TERM

The term of this Agreement shall be for a period of three (3) years commencing on the 1st day of April 2008 and terminating on the 31st day of December, 2010.

3.0 EARLY TERMINATION

3.1 This Agreement may be terminated by the RDN in the event that the RDN determines in its sole discretion that the Grant provided to the Society in any year is not expended for Authorized Purposes as defined in this Agreement.

3.2 If this Agreement is terminated as set forth above, the Society shall remit to the RDN within thirty (30) days from the effective date of such termination, any amount of the Grant expended by the Society on account of any expenditure which is not for an Authorized Purpose plus any unexpended amounts Grants paid to date.

4.0 AMOUNT OF GRANT

4.1 The RDN hereby agrees to provide the Society with a Grant to be expended on Authorized Purposes.

4.2 The Society shall submit a request annually for the Grant which amount shall be considered in conjunction with the preparation of the Electoral Area H Community Park budget. The RDN shall in its sole discretion determine what amount if any will be funded and will consider information provided by the Society pursuant to Section 6.0 of this Agreement.

4.3 Notwithstanding Section 4.2 above, the RDN agrees to pay a Grant of FIFTEEN THOUSAND (\$15,000.00) DOLLARS to the Society on the 3rd day of May 2008, 2009 and 2010 unless this Agreement is terminated in accordance with Section 3.0.

4.4 In addition to the amounts paid under Section 4.3 the RDN agrees to pay to the Society ONE THOUSAND (\$1,000.00) DOLLARS on or after the 3rd Day of May in 2008, 2009 and 2010 to assist the Society in funding operational and regular maintenance costs for the Lighthouse Community Centre unless this Agreement is terminated in accordance with Section 3.0.

5.0 APPLICATION OF FUNDS

The Society will use the Grant only for Authorized Purposes as set forth in Schedule 'A' to this Agreement.

6.0 BUDGET AND REPORTING REQUIREMENTS

The Society shall deliver to the RDN on or before January 15th of each year of the Agreement:

- (a) a report on how the Grant provided in the previous year has been utilized;
- (b) a report on the Society's fundraising efforts; and,
- (c) a capital improvement plan and budget as these relate to the Authorized Purposes to be undertaken in the coming year.

7.0 SOCIETY TO MAINTAIN FINANCIAL RECORDS

- 7.1 The Society must prepare, keep and maintain detailed financial records covering all aspects of the receipt and use of the Grant monies for Authorized Purposes provided for under this Agreement, including all associated expenses, in accordance with generally accepted accounting principles.
- 7.2 The Society shall at all reasonable times make all financial books and records available for inspection, audit and copying by the RDN.

8.0 MAINTENANCE OF THE SOCIETY

The Society agrees that it shall at all times during the term of the Agreement fulfil all of its obligations under the *Society Act* in order to maintain the Society in good standing.

9.0 NOTICE

- 9.1 Any notice, direction or other instrument required or permitted to be given under this Agreement shall be in writing and may be given by the delivery of the same or by sending the same by mail, courier or fax, in each case addressed as set out above in this Agreement.
- 9.2 Any notice, direction or other instrument aforesaid will be deemed to have been given and received when delivered.
- 9.3 Either party may at any time give to the other party notice in writing of any change of address of the party giving such notice and from and after the giving of such notice the address or addresses therein specified will be deemed to be the address of such party for the purposes of giving notice hereunder.

10.0 TIME

Time is to be the essence of this Agreement.

11.0 BINDING EFFECT

This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and permitted assignees.

12.0 WAIVER

The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.

13.0 HEADINGS

The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.

14.0 LANGUAGE

Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.

15.0 CUMULATIVE REMEDIES

No remedy under this Agreement is to be deemed exclusive but will, where possible, be cumulative with all other remedies at law or in equity.

16.0 LAW APPLICABLE

This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

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

For the REGIONAL DISTRICT OF NANAIMO
by its authorized signatories:

_____) (Seal)
Chairperson)
)
_____)
Senior Manager, Corporate Administration)

For the THE LIGHTHOUSE COMMUNITY CENTRE SOCIETY
by its authorized signatories:

_____) (Seal)
Authorized Signatory)
)
_____)
Authorized Signatory)

SCHEDULE 'A'

Projects

The Lighthouse Community Centre Society has compiled the following list of facility improvements that they feel are necessary at this time to complete. Projects will be partly funded through Regional District of Nanaimo Funds as per the Funding Agreement in addition to in-kind donations, through other funding sources to be secured by the Society and volunteer labour.

- A) Installation of wood composite flooring in the main hall.
(Estimated cost - \$50,000)
- B) Installation of new floor covering in both side-halls and stage.
(Estimated cost - \$6,000)
- C) Replacement of front stage curtain and repairs or upgrades to closure-track mechanism.
(Estimated cost - \$3,000)
- D) Paint walls in both side-halls.
(Estimated cost - \$4,000)
- E) Finish exterior of rear storage addition including siding and soffits.
(Estimated cost - \$2,000)
- F) Finish interior of storage area and EOC area above stage including insulation, drywall, and paint.
(Estimated cost - \$12,000)
- G) Insulate the attic area of the main hall walls above the kitchen, bathrooms, senior's room, and side halls.
(Estimated cost - \$8,000)
- H) Installation of a emergency generator capable of operating lights and heating system in entire building.
(Estimated cost - \$10,000)
- I) Installation of metal roofing on former wood shed and upgrade the security door. Shed to be used for storage of landscaping and maintenance equipment.
(Estimated cost - \$2,000)
- J) Replace the signage on Highway 19A at the entrance to Lions Way
(Estimated cost - \$1,000)



RDN REPORT	
CAD APPROVAL	
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BOARD	✓ Feb 26th

MEMORANDUM

TO: Paul Thorkelsson
General Manager, Development Services

DATE: February 20, 2008

FROM: Tom Armet
Manager, Building & Bylaw Services

SUBJECT: 2663 Barnes Road – Zoning and Building Bylaw Contravention

PURPOSE

To obtain Board approval to file a Notice of Bylaw Contravention on the title of the above-noted property.

BACKGROUND

- Property: 2663 Barnes Road, Electoral Area 'A'
- Legal Description: The westerly 10 acres of the easterly 45 acres of Section 17, Range 3, Cedar Land District
- Property Owner: Five Cedar Poultry Farm Ltd., Inc. No. 283,025

The Board will recall that Mr. Ken Vanderkooi addressed the Committee of the Whole on February 12, 2008, in response to the staff recommendation to file a Notice on the title of his property. Mr. Vanderkooi requested re-consideration of the Board decision to decline their Development Variance Permit application in 2007. As a result, the Committee referred the matter back to staff for "further information and consideration."

For the Board's consideration, this report provides further background on the process undertaken by staff to resolve the building and land-use contraventions.

This property is zoned Rural 4 (RU4) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." Agricultural buildings that house livestock or store manure are required to meet a setback of 30.0 metres from property lines. Other agricultural buildings, specifically those that house poultry, are required to meet a setback of 8.0 metres (*see Attachment No. 1 for subject property map*).

The previous owners rebuilt and expanded an agriculture building on the subject property, which previously had non-conforming status pursuant to Section 911 of the *Local Government Act*. The new rebuilt and expanded building was built without a Building Permit; and due to the extent of the modifications, it resulted in the loss of the non-conforming status of the building. As outlined above, the building is now required to meet the 8.0 metre setback requirements of the RU-4 zone. *Please see Attachment No. 2 for site plan.*

Staff conducted an investigation in response to a complaint from the adjacent property owner regarding the encroaching building. The owner's agent complied with staff instructions to apply for a building permit for the work carried out by the previous owners and to make an application for a Development Variance Permit for the setback encroachment.

Development Variance Permit (DVP) application No. 90704, submitted by Dwayne Vanderkooi on behalf of owners Ken and Henrietta Vanderkooi, was considered at the Special Electoral Area Planning Committee (EAPC) meeting on July 24, 2007. The requested variance was for the existing poultry barn approximately 257 m² located 1.28 metres from the interior side lot line. In order to comply with the zoning setbacks, approximately 6.72 metres of the illegal structure would need to be removed. The agent, Dwayne Vanderkooi, attended the EAPC meeting and was given an opportunity to speak in support of the application. The EAPC received the application and sent it for notification pursuant to the requirements of the Local Government Act.

Following receipt of the DVP notice, adjacent property owners contacted the RDN to voice their concerns and invited staff to a site visit to fully understand and experience the odour and external impacts on their Agriculture Land Reserve (ALR) property related to the requested variance. Based on the input by adjacent property owners and the staff experience on the property after the EAPC meeting, it was determined that the required building setbacks would address odour issues.

At the August 28, 2007, Board meeting, adjacent property owners who were impacted by the application spoke (and provided a written submission) in opposition to the requested variance highlighting odour impacts on their proposal for future farming on their ALR property. RDN staff provided the Board with information on their experience on the site and potential for impacts related to the requested variance as well as the implications for the subject property if the required 8.0 metre zoning setback was adhered to. Staff advised the Board that, in their experience, bylaw compliance would address potential impacts of odour on the adjacent property. The agent, Dwayne Vanderkooi, attended the Board meeting and was given an opportunity to speak in support of the application. Following consideration of the input received, the Board did not support the requested variance and directed staff to take steps necessary to bring the property into compliance with all applicable land-use and building regulations.

Dwayne Vanderkooi informed staff that while he intends to comply with these requirements, at this time the building is occupied by approximately 1500 laying chickens. He further states that it is impossible to carry out these modifications while the chickens are in the building without suffering significant losses due to the stress to the birds. The cycle for the current batch of chickens will end in May 2008, at which time the building will be empty and the modifications to the building can be undertaken. In order to comply prior to May 2008, the owner states the current batch of chickens would have to be terminated in the middle of their laying cycle.

ALTERNATIVES

1. That a Notice of Bylaw Contravention be registered on the title of the property and that staff be directed to take the necessary legal action should these contraventions remain unresolved after June 30, 2008.
2. That a Notice of Bylaw Contravention be registered on the title of the property and that staff be directed to take the necessary legal action to obtain compliance as soon as possible.
3. That a Notice of Bylaw Contravention not be registered on title at this time and staff be directed to continue to seek voluntary compliance with the zoning and building regulations.

FINANCIAL IMPLICATIONS

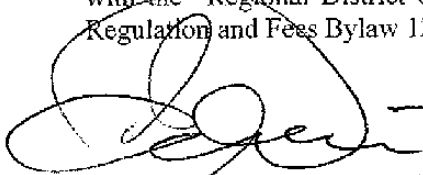
Staff are of the opinion that pursuing legal action to obtain immediate compliance would be pointless as those proceedings could easily run into May, at which time the owner's agent states he will voluntarily correct the contravention. Voluntary compliance and compliance through legal action started now would both result in a resolution after May 2008. One direction could cost taxpayers up to \$4,000, and the other direction would have no financial implications.

CONCLUSION

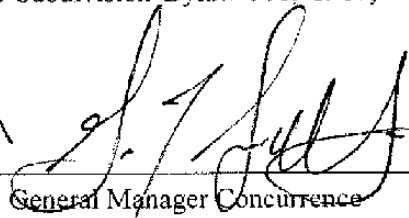
The Board previously declined to approve a Development Variance Permit to legalize the siting of a large building currently housing approximately 1500 chickens. The owner's agent provided staff with assurances that the building would be modified to comply with setbacks but requested further time to avoid the economic hardship of premature termination of the poultry production cycle. While voluntary compliance is the desired outcome, the building is currently in contravention of the RDN building regulations; therefore, staff are recommending that a Notice of Bylaw Contravention be registered on the title.

RECOMMENDATIONS


That staff be directed to register a Notice of Bylaw Contravention on the subject property title pursuant to Section 57 of the *Community Charter*; and should the outstanding bylaw contravention not be resolved by June 30, 2008, further legal action be taken to ensure that the property, legally described as the westerly 10 acres of the easterly 45 acres of Section 17, Range 3, Cedar Land District, is in compliance with the "Regional District of Nanaimo Land Use and Subdivision Bylaw 500, 1987," and "Building Regulation and Fees Bylaw 1250, 2001."



Report Writer

ALGM
for 

General Manager Concurrence



CAO Concurrence

COMMENTS:

