

REGIONAL DISTRICT OF NANAIMO

**BOARD MEETING
TUESDAY, AUGUST 12, 2003
7:00 PM**

(RDN Board Chambers)

A G E N D A

PAGES

- 1. CALL TO ORDER**
- 2. DELEGATIONS**
- 3. BOARD MINUTES**
9-20 Minutes of the Board meeting held on July 8, 2003.
- 4. BUSINESS ARISING FROM THE MINUTES**
- 5. COMMUNICATIONS/CORRESPONDENCE**
21-22 **Hans Larsen**, re Request by the City of Nanaimo for Extension of the Urban Containment Boundary.
- 6. UNFINISHED BUSINESS**
From the June 10, 2003 Board Meeting:
Section 700 Filings.
That a notice be filed against the title of the property listed, pursuant to Section 700 of the Local Government Act and that if the infractions are not rectified within ninety (90) days, legal action may be pursued:
Lot 1, Section 1, Range 6, Plan VIP68894, Cedar Land District, 3460 Whiting Way, Electoral Area 'A', owned by Pieter Van Westen.
BYLAWS
For Adoption.
Bylaw No. 1353 – Englishman River Community Streetlighting Service Area Establishment Bylaw. (All Directors – One Vote)
23-25 **Bylaw No. 500.293** – Fern Road Consulting Ltd., on behalf of Sarkozy – Wembley Road – Area G. (Electoral Area Directors except EA 'B' – One Vote)
- 7. STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS**

7.1 ELECTORAL AREA PLANNING STANDING COMMITTEE

26-28 Minutes of the Electoral Area Planning Committee meeting held July 22, 2003.
(for information)

PLANNING

Request for Temporary Commercial Use Permit Application No. 0301 – Michael Rosen & Associates on Behalf of Englishman River Land Corporation – Kaye Road – Area G. (Electoral Area Directors except EA 'B' – One Vote)

That Temporary Commercial Use Permit No. 0301, submitted by Michael Rosen & Associates on behalf of Englishman River Land Corporation for the property legally described as Lot A, Block 564, Nanoose District, Plan VIP75278, to allow a temporary realty sales office use be approved subject to the conditions outlined in Schedules No. 1 and 2 and the notification requirements pursuant to the Local Government Act.

Request for Park Land Dedication – Peter Mason, BCLS on behalf of G. Greer & K. Butchko – Davenham Road & Dolphin Drive – Area E. (Electoral Area Directors except EA 'B' – One Vote)

That the request, submitted by Peter Mason, BCLS, on behalf of George Greer and Kathleen Butchko, to dedicate park land be refused and the applicants be required to provide cash in-lieu-of park land dedication as part of the five-lot subdivision proposal of Lot 3, District Lot 137, Nanoose District, Plan 31921.

DEVELOPMENT PERMIT APPLICATIONS

DP Application No. 60307a – Heringa – Strata Lot 1, 799 Miller Road – Area G. (Electoral Area Directors except EA 'B' – One Vote)

That Development Application No. 60307a, to legalize the drainage works within the Watercourse Protection and Sensitive Lands Development Permit Areas on the property legally described as Strata Lot 1, District Lot 28, Nanoose District, Plan VIS4363, be approved subject to the conditions outlined in Schedules No. 1 and 2.

DP Application No. 60329 – Friesen on behalf of Ming's Stores Ltd. Inc. – 1694 Cedar Road – Area A. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to DP Application No. 60329.

That Development Permit Application No. 60329, submitted by Friesen's Rentals and Hardware on behalf of Ming's Stores Ltd. Inc., to construct an addition to the principal building and allow for signage on a parcel located within the Cedar Village and Cedar Commercial/Industrial Properties Development Permit Area No. 3 for Lot A, Section 15 and 16, Range 8, Cranberry District, Plan VIP71569 be approved, subject to the conditions outlined in Schedule Nos. 1, 2, 3 and 4 of the corresponding staff report and to the notification requirements of the Local Government Act.

DP Application No. 60335 – Janes – 2353 Higginson Road – Area E. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to DP Application No. 60335.

That Development Permit Application No. 60335 to construct a shoreline protection device in the form of a retaining wall for the property legally described as Lot 12, District Lot 102, Nanoose District, Plan 21022 be approved, subject to the conditions outlined in Scheduled Nos. 1, 2, 3 and 4 of the corresponding staff report and to the notification requirements pursuant to the Local Government Act.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

DVP Application No. 90314 – Shaw – 3531 Vera Way – Area D. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to DVP Application No. 90314.

That Development Variance Permit Application No. 90314 to vary the minimum setback from a watercourse from 15.0 metres to 4.0 metres to legalize the siting of a recently constructed 5.5 m² pump house on the property legally described as Lot B, Section 17, Range 4, Mountain District, Plan 24600 be approved subject to the requirements outlined in Schedules No. 1, 2, 3 and 4 and subject to notification requirements pursuant to the Local Government Act.

That staff be directed to include the issue of exemptions from setbacks in the technical review of Bylaw No. 500.

DVP Application No. 90315 – Clan Oil Inc. – 1025 Qualicum Road – Area G. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to DVP Application No. 90315.

That Development Variance Permit Application No. 90315 to vary the minimum setback from a watercourse from 15.0 metres to 0.0 metres to facilitate the construction of two pump houses on the property legally described as Remainder of Lot 1, Sections 3 and 4, District Lots 42 and 78, Newcastle District, and District Lot 144, Nanoose District, Plan 11091 Except Plan 38048 and 42931 be approved subject to the requirements outlined in Schedules No. 1, 2 and 3 and subject to notification requirements pursuant to the Local Government Act.

7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE

29-32

Minutes of the regular Committee of the Whole meeting held July 22, 2003. (for information)

COMMUNICATIONS/CORRESPONDENCE

Jim Abram, Chair, Comox-Strathcona Regional District, re Bill 48 – Agriculture Food & Fisheries Statutes Amendment Act. (All Directors – One Vote)

That the correspondence from Comox Strathcona Regional District with respect to the Agriculture Food & Fisheries Statutes Amendment Act be received.

Bill Mills, Nanaimo Port Authority, re Election of Board Chairman. (All Directors – One Vote)

That the correspondence from the Nanaimo Port Authority with respect to the appointment of Dave Bakes as Chairperson of the Board, be received.

Derek Appleton, Alberni-Clayoquot Regional District, re BC Hydro Heritage Contract. (All Directors – One Vote)

That the correspondence from the Alberni-Clayoquot Regional District with respect to BC Hydro's Heritage Contract proposal to the British Columbia Utilities Commission, be received.

CORPORATE SERVICES

ADMINISTRATION

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

That the Board has no objection to the Cassidy Inn's request for a temporary change to their Liquor Licence to provide for an extended patio area for their Show 'n Shine event scheduled for September 7, 2003.

DEVELOPMENT SERVICES

BUILDING INSPECTION

Section 700 Filings. (All Directors – One Vote)

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

(a) Parcel E (DD 4013781) of Section 21, Gabriola Island, Nanaimo Land District, 371 Berry Point Road, Electoral Area 'B', owned by B & K Shopping Centre.

PLANNING

Permanent Change to a Liquor Licence – Hours of Liquor Sales – Frontiersman Neighbourhood Pub & Restaurant – Area F. (All Directors – One Vote)

That the application for a permanent change in a liquor licence for the purpose of amending the hours of liquor sales, as submitted by the Frontiersman Neighbourhood Pub and Restaurant, legally described as Lot A, Salvation Army Lots, Nanoose District, Plan VIP60993, be supported.

Power Generation for Vancouver Island. (All Directors – One Vote)

That the staff report on power options for Vancouver Island be received for information.

ENVIRONMENTAL SERVICES

LIQUID WASTE

2003 Local Government Grant Program – Infrastructure Planning (Study) Grants. (All Directors – One Vote)

That staff be directed to make application to the Ministry of Community, Aboriginal & Women's Services for a planning grant of \$5,000 to evaluate potential groundwater contamination of Site #57 on Gabriola Island.

2002 Annual Report on the Liquid Waste Management Plan. (All Directors – One Vote)

That the 2002 Annual Report on the Liquid Waste Management Plan be received.

Greater Nanaimo Pollution Control Centre Boiler Building Upgrade – Boiler Supply Tender Award and Construction Project Tender Award. (All Directors – Weighted Vote)

That the Regional District of Nanaimo award the contract to supply boilers for the GNPCC boiler building upgrade to Cleaver Brooks for the tendered price of \$206,995.39 and award the construction contract for the boiler building upgrade to Knappett Construction for the tendered price of \$2,654,411.90.

Greater Nanaimo Pollution Control Centre – Sludge Heating & Boiler Building Upgrade Construction Services. (All Directors – Weighted Vote)

That the Board direct staff to award the construction services consulting project for the GNPCC Sludge Heating and Boiler Upgrade to Associated Engineering Ltd.

Southern Community LSA Wastewater Treatment System & Facilities Reserve Fund Expenditure Bylaw No. 1356 – Greater Nanaimo Pollution Control Centre Boiler Building Upgrade – Release of Reserve Funds. (All Directors – 2/3)

That "Southern Community Local Service Area Wastewater Treatment System and Facilities Reserve Fund Expenditure Bylaw No. 1356, 2003" be introduced for three readings.

That "Southern Community Local Service Area Wastewater Treatment System and Facilities Fund Expenditure Bylaw No. 1356, 2003" having received three readings be adopted.

UTILITIES

Rural Streetlighting LSA Boundary Amendment Bylaw No. 791.08 – Area G. (All Directors – One Vote)

That "Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.08, 2003" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

COMMISSION, ADVISORY & SELECT COMMITTEE

Municipal Insurance Association. (All Directors – One Vote)

33-35

That a letter be sent to Honourable Geoff Plant, Attorney General, requesting that the Ministry reform its laws on joint and several liability for local government.

NEW BUSINESS

Protection of Eagle Trees. (All Directors – One Vote)

That staff be directed to report back to the Committee with respect to establishing development permit areas and guidelines to protect eagle trees within all electoral areas of the Regional District of Nanaimo except Electoral Area 'B'.

7.3 EXECUTIVE STANDING COMMITTEE

7.4 COMMISSIONS

7.5 SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

36-39 Minutes of the Intergovernmental Advisory Committee meeting held July 30, 2003. (for information)

40-42 Minutes of the Community Policing Select Committee meeting held July 31, 2003. (for information)

43-47 **Policing Services. (All Directors -- One Vote)**

That the following resolution be forwarded to the UBCM, the Minister of Public Safety and Solicitor General and the Minister of Community, Aboriginal and Women's Services by August 13, 2003:

WHEREAS policing services are delivered to unincorporated areas and to municipalities of less than 5,000 by the RCMP and are under the direct jurisdiction of the Provincial and Federal Governments, where regional districts have no role in the provision of this service;

AND WHEREAS the Province of BC has determined that rural areas and municipalities under 5,000 will contribute 50% towards the cost of rural police financing beginning in 2004;

AND WHEREAS the Province of BC has also determined that the Rural Area Tax will remain at the current level and will not be reduced and they are proposing that the new policing tax will be levied as a Regional District Tax in which regional districts will collect from electoral areas and municipalities under 5,000 and remit these funds to the Province;

THEREFORE BE IT RESOLVED that any tax to be implemented by the Provincial Government to recover policing costs be identified as a Provincial Tax and not as a Regional District Tax for the purpose of collection, and that information be provided to the public and to local government explaining why there are different levels of contribution based upon the size of a jurisdiction;

AND FURTHER, that any formula implemented to recover policing costs be established on the principle of fairness and equity, in which all regional districts are treated equally and contribute to policing by paying their share based upon the service provided, and not through the provincially proposed 'ability to pay' formula; and that the Province provide information to regional districts and to their taxpayers explaining why the Rural Area Tax is increasing for rural road maintenance and provide the cost breakdown for this service.

AND FURTHER, that if the Province wishes to assist local governments who do have greater financial challenges than other local governments, that it do so through another mechanism including revisiting the issue of reimbursement of fine revenues.

48-50 ***Police Financing Position Paper.*** (All Directors – One Vote)

That the attached Police Financing Position Paper be approved as amended.

That the entire issue of regional policing services and cost sharing be referred to the current phase 2 of the Regional Services Review of the Regional District of Nanaimo.

8. ADMINISTRATOR'S REPORT

51-52 Gabriola Island Emergency Evacuation Wharf Counter Petition Results – Bylaw No. 1352. (All Directors – One Vote)

53-66 City of Nanaimo Urban Containment Boundary and Regional Context Statement Change Proposal. (All Directors except EA 'B' – One Vote)

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

That pursuant to section 242.2(1)(e) of the Local Government Act the Board proceed to an In Camera meeting to consider the acquisition of land.

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE REGULAR MEETING OF THE BOARD OF THE REGIONAL DISTRICT OF NANAIMO HELD ON TUESDAY, JULY 8, 2003, AT 7:00 PM IN THE RDN BOARD CHAMBERS

Present:

Director J. Stanhope	Chairperson
Director H. Kreiberg	Electoral Area A
Director G. Lund	Electoral Area B
Director E. Hamilton	Electoral Area C
Alternate	
Director B. Jepson	Electoral Area D
Director P. Bibby	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H
Director R. Longmuir	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Alternate	
Director B. Dempsey	District of Lantzville
Director G. Korpan	City of Nanaimo
Director R. Cantelon	City of Nanaimo
Director T. Krall	City of Nanaimo
Director L. Sherry	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

K. Daniels	Chief Administrative Officer
J. Finnie	Gen. Mgr. of Environmental Services
N. Avery	Manager of Financial Services
P. Shaw	Manager of Community Planning
M. Donnelly	Manager of Transportation Services
N. Tonn	Recording Secretary

The Chairperson welcomed Alternate Director Brian Dempsey to the Board as the alternate representative for the District of Lantzville.

Director Kreiberg introduced his newly appointed Alternate, Joe Burnett, to the Board.

BOARD MINUTES

MOVED Director Sherry, SECONDED Director Krall, that the minutes of the regular Board meeting held on June 10, 2003 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Ted Armstrong, Cariboo Regional District, re Province Wide Strategy for Management of Invasive Plants.

MOVED Director Sherry, SECONDED Director McNabb, that the correspondence received from the Cariboo Regional District with respect to the establishment of a Provincial Weeds Strategy, be received.

CARRIED

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David Gawley, District of Lantzville, re District of Lantzville Appointment to Regional District of Nanaimo Board of Directors.

MOVED Director Sherry, SECONDED Director McNabb, that the correspondence received from the District of Lantzville with respect to the appointment of Mayor Colin Haimre as the District's representative on the RDN Board of Directors, be received.

UNFINISHED BUSINESS

CARRIED

BYLAWS

Bylaw No. 500.293 – Land Use & Subdivision Bylaw Amendment – Fern Road Consulting Ltd. on behalf of Paul Sarkozy – Wembley Road – Area G.

MOVED Director Hamilton, SECONDED Director Bartram, that the minutes of the Public Hearing held Thursday, June 26, 2003 as a result of Public notification of "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw 500.293, 2003", be received

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.293, 2003" be given 3rd reading.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.293, 2003" be forwarded to the Ministry of Transportation for consideration pursuant to Section 54(2) of the *Highway Act*.

CARRIED

Bylaw No. 869.03.

MOVED Director Sherry, SECONDED Director McNabb, that "Morningstar Streetlighting Local Service Area Requisition Limit Amendment Bylaw No. 869.03, 2003" be adopted.

CARRIED

Bylaw No. 869.04.

MOVED Director Sherry, SECONDED Director McNabb, that "Morningstar Streetlighting Local Service Area Boundary Amendment Bylaw No. 869.04, 2003" be adopted.

CARRIED

Bylaw No. 975.27.

MOVED Director Sherry, SECONDED Director McNabb, that "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.27, 2003" be adopted.

CARRIED

Bylaw No. 1301.

MOVED Director Sherry, SECONDED Director Bibby, that "Regional District of Nanaimo Driftwood Water Security Issuing Bylaw No. 1301, 2003" be adopted.

CARRIED

Bylaw No. 1354.

MOVED Director Sherry, SECONDED Director Krall, that "Englishman River Community Water Supply Service Area Establishment Bylaw No. 1354, 2003" be adopted.

CARRIED

ELECTORAL AREA PLANNING STANDING COMMITTEE

MOVED Director Hamilton, SECONDED Director Bibby, that the minutes of the Electoral Area Planning Committee meeting held June 24, 2003 be received for information.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

DP Application No. 60325 – Brooks – 3352 Rockhampton – Area E.

MOVED Director Hamilton, SECONDED Director Bibby, that Development Permit Application No. 60325, submitted by Fern Road Consulting, Agent, on behalf of Peter Brooks and Patricia Brooks, to permit the construction of a single dwelling unit and associated retaining walls within a Residential 1 (RS1) zone by varying the minimum permitted setbacks to the front lot line and interior side lot lines subject to the conditions outlined in Schedule No. 1 and the siting as illustrated in Schedule No. 2, for the property legally described as Lot 17, District Lot 30, Nanoose District, Plan VIP57407, be approved, subject to notification procedures pursuant to the Local Government Act.

CARRIED

DP Application No. 60326 – Pinneo – 3500 Berton Road – Area D.

MOVED Director Hamilton, SECONDED Director Jepson, that Development Permit No. 60326 submitted by Ron and Mern Pinneo to legalize the siting of two accessory structures within the Environmentally Sensitive Areas Development Permit Area and to vary the western interior side lot line from 8.0 metres to 6.9 metres to accommodate the 71.5 m² accessory structure on the property legally described as Strata Lot A, Section 16, Range 3, Mountain District, Strata Plan VIS167 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V, be approved as recommended by staff, subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification process pursuant to the Local Government Act.

CARRIED

DP Application No. 60327 – McKinnon – 2377 Higginson Road – Area E.

MOVED Director Hamilton, SECONDED Director Bibby, that Development Permit Application No. 60327 to construct a shoreline protection device in the form of the retaining wall for the property legally described as Lot 8, District Lot 102, Nanoose District, Plan 21022 be approved, subject to the conditions outlined in Schedule Nos. 1, 2, 3 and 4 of the corresponding staff report and to the notification procedure subject to the Local Government Act with respect to the proposed variances to Bylaw No. 500, 1987.

CARRIED

DP Application No. 60330 – Marshall – 1117 Surfside Drive – Area G.

MOVED Director Hamilton, SECONDED Director Biggemann, that Development Permit Application No. 60330, submitted by Maureen Greta Marshall for the property legally described as Lot A of District Lots 9, 11 and 110, and part of the bed of the Strait of Georgia and of parts of the bed of the Little Qualicum River, Newcastle District, Plan 27752 to allow for the construction of an addition to the existing dwelling unit be approved subject to the conditions outlined in Schedule No. 1 and as shown on Schedules No. 2 and 3.

CARRIED

DP Application No. 60331 – Wiens – 1355 Marina Way – Area E.

MOVED Director Hamilton, SECONDED Director Bibby, that Development Permit Application No. 60331 submitted by Stephen Wiens and Pamela Wiens, to legalize the siting of an existing detached deck within the leave strip of the Watercourse Development Permit Area and to allow the reconstruction and partial enclosure of the attached middle and lower decks to the existing dwelling unit within the minimum interior side setback area on the property legally described as Lot 26, Block A, District Lot 38, Nanoose Land District, Plan 10777 be approved, subject to the conditions outlined in Schedules 1, 2, 3 and 4 and the notification requirements pursuant to the Local Government Act.

CARRIED

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DP Application No. 60332 – Yorke/Turner – 1435 Private Road – Area G.

MOVED Director Hamilton, SECONDED Director Biggemann, that Development Application No. 60332 to vary the maximum height requirements of the Residential 2 (RS2) zone from 8.0 metres to 8.3 metres, and to recognize the siting of a concrete retaining wall, patio, steps and hot tub located a minimum of 5.3 metres from the natural boundary of the sea, within an Environmentally Sensitive Area and Natural Hazard Development Permit Area on the property legally described as Lot 1, District Lot 80, Newcastle District, Plan 15785, be approved subject to the requirements outlined in Schedule Nos. 1, 2, 3 and 4 and subject to notification requirements pursuant to the Local Government Act.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

CARRIED

DVP Application No. 90313 – Alexander – 5093 Seaview Drive – Area H.

MOVED Director Hamilton, SECONDED Director Bartram, that Development Variance Permit Application No. 90313, submitted by Kathryn Alexander, to legalize the existing rip rap retaining wall within a Residential 2 (RS2) zone by varying the minimum permitted setback to an interior side lot line from 2.0 metres to 0.0 metres, and to a watercourse from 18.0 metres horizontal distance from a stream centerline to 0.0 metres, for the property legally described as Lot 4, District Lot 28, Newcastle District, Plan 22249, be approved subject to notification procedures pursuant to the Local Government Act and subject to the conditions outlined in Schedule No. 1.

COMMITTEE OF THE WHOLE STANDING COMMITTEE

CARRIED

MOVED Director Krall, SECONDED Director Sherry, that the minutes of the regular Committee of the Whole meeting held June 24, 2003 and the Electoral Area Director Seminar held June 10, 2003 be received for information.

COMMUNICATIONS/CORRESPONDENCE

CARRIED

Mary Smith, City of Nanaimo, re 2006 BC Seniors Games – Letter of Endorsement.

MOVED Director Krall, SECONDED Director Sherry, that the correspondence from the City of Nanaimo with respect to the 2006 BC Seniors Games be received.

CARRIED

MOVED Director Krall, SECONDED Director Bartram, that the RDN prepare a letter of intent supporting a bid for the 2005 or 2006 BC Seniors Games and that the supporting letter for the bid may take the form of either a joint application or be submitted individually on behalf of the City of Nanaimo and District 69.

CARRIED

Alan Andison, Environmental Appeal Board, re RDN et al v. August 19, 2002 Issuance of a Sewage Permit for Lot 11, Plan 1964, Nanoose District (Church & Valley Road Subdivision).

MOVED Director Sherry, SECONDED Director Hamilton, that the correspondence from the Environmental Appeal Board with respect to the decision of the Board (Church & Valley Road Subdivision), be received.

CARRIED

David Emerson, BC Ferry Authority, re Nominations for Directors of BC Ferry Authority.

MOVED Director Sherry, SECONDED Director Bibby,:

1. That the correspondence from the BC Ferry Authority with respect to nominations for Directors to the BC Ferry Authority, be received.

2. That staff be instructed to advertise for qualified individuals interested in an appointment to the BC Ferry Authority Board of Directors.

COMMUNITY SERVICES

CARRIED

RECREATION AND PARKS

Park Land Acquisition Reserve Fund Expenditure Bylaw No. 1355.

MOVED Director Westbrook, SECONDED Director Korpan, that "Electoral Area 'G' Park Land Acquisition Reserve Fund Expenditure Bylaw No. 1355, 2003" be introduced and given three readings.

CARRIED

MOVED Director Westbrook, SECONDED Director Korpan, that "Electoral Area 'G' Park Land Acquisition Reserve Fund Expenditure Bylaw No. 1355, 2003", having received three readings, be adopted.

Official Regional Park Plan Designation Amendment Bylaw No. 921.02.

CARRIED

MOVED Director Krall, SECONDED Director Westbrook, that the "Official Regional Park Plan Designation Amendment Bylaw No. 921.02, 2003" be given three readings and forwarded to the Minister of Water, Air and Land Protection for approval.

CARRIED

Development Permit Applications for Electoral Area 'B' – Ministry of Transportation Access to Water Sites.

MOVED Director Lund, SECONDED Director Holdom, that the Regional District apply to the Ministry of Transportation for permits to develop two beach accesses in Electoral Area 'B' at Descanso Bay Road and The Strand and that staff be directed to request the Ministry of Transportation deal with encroachment issues at three other sites on Gabriola, identified on the Access to Water Sites map as Nos. 27, 38 and 52.

CARRIED

Development Permit Applications for Electoral Area 'H' – Ministry of Transportation Access to Water Sites.

MOVED Director Bartram, SECONDED Director Westbrook, that the Regional District apply to the Ministry of Transportation for permits to develop three beach accesses in Electoral Area 'H' at Shoreline Drive, Buccaneer Beach Road and Crane Road.

CARRIED

CORPORATE SERVICES

ADMINISTRATION

Vancouver Island Health Authority – Memorandum of Understanding.

MOVED Director Westbrook, SECONDED Director Longmuir, that the Memorandum of Understanding between the Vancouver Island Health Authority and the six regional hospital districts be approved.

CARRIED

FINANCE

2002 Financial Information.

MOVED Director Holdom, SECONDED Director Hamilton, that the 2002 Financial Information Act report be received and approved.

CARRIED

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

MOVED Director Krall, SECONDED Director Biggemann, that the 2002 report on remuneration and expenses for Board and committee members be received.

SPECIAL EVENT/SPECIAL OCCASION APPLICATIONS CARRIED

Status Reports.

MOVED Director Holdom, SECONDED Director Cantelon, that the Special Event/Special Occasion application status reports be received for information.

DEVELOPMENT SERVICES CARRIED

BUILDING INSPECTION**Section 700 Filings.**

The Chairperson noted that Mr. and Mrs. Andrew were in attendance and wished to address the Board.

Mr. Andrew reported that the final outstanding infraction with respect to their property, the installation of siding, should be completed within the next two weeks.

MOVED Director Krall, SECONDED Director Cantelon, that the following filing be deferred for two weeks:

- (a) Lot 3, Section 19, Range 2, Plan VIP67150, Cedar Land District, 1370 Kurtis Crescent, Electoral Area 'A', owned by R. and E. Andrew.

CARRIED

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

- (a) Lot A, Plan 35426, Cranberry Land District, 2170 Bramley Road, Electoral Area 'A', owned by D. Randle;
- (b) Lot 7, Block 11, Section 12, Range 2, Plan 716, Cranberry District, 2139 Bramley Road, Electoral Area 'A', owned by K. Vanderberg;
- (c) Lot 3, Section 4, Gabriola Island, Plan 16716, Nanaimo Land District, 1802 Stalker Road, Electoral Area 'B', owned by J. Bishop;
- (d) Lot 1, Sections 18 and 23, Plan VIP51655, Nanaimo Land District, 695 Horseshoe Way, owned by L. Stark and W. Jacques.

ENVIRONMENTAL SERVICES CARRIED

LIQUID WASTE**Ministry of Health Amendment to the Sewage Disposal Regulation.**

MOVED Director Bartram, SECONDED Director Sherry, that the report on the Ministry of Health's draft Sewage Regulation be received and that staff be directed to send a letter to the Ministry of Health that states that any new standards created under the new regulation be done in a manner that provides maximum long-term protection of the region's drinking water resources and other sensitive environments and that regulations be put in place for mandatory inspection of an entire septic system prior to the sale of a residence or commercial property utilizing a septic system and mandatory septic tank pump-out every three years for all residential and commercial properties utilizing a septic system.

CARRIED

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MOVED Director Bartram, SECONDED Director Holdom, that staff monitor the impacts of new legislation with respect to implications on the subdivision approval process and building inspection.

CARRIED

Pump and Haul LSA Amendment Bylaw No. 975.29.

MOVED Director Sherry, SECONDED Director Bibby, that "Regional District of Nanaimo Pump & Haul Local Service Area Amendment Bylaw No. 975.29, 2003" for the inclusion of 3037 Park Place, Nanoose Bay (Motta) be read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

UTILITIES

Outdoor Water Use Restrictions – Bylaws No. 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349 and 1350 – Ticket Information Utilization Bylaw No. 873.01.

MOVED Director Sherry, SECONDED Director Biggemann, that the motions be amended to replace the penalty commencement date of September 30, 2003 in all bylaws with a penalty commencement date of August 15, 2003.

CARRIED

MOVED Director Cantelon, SECONDED Director Holdom, that "Regional District of Nanaimo San Pareil Water Use Restrictions Bylaw No. 1340, 2003" be introduced for first three readings.

CARRIED

MOVED Director Cantelon, SECONDED Director Holdom, that "Regional District of Nanaimo San Pareil Water Use Restrictions Bylaw No. 1340, 2003" having received three readings, be adopted.

CARRIED

MOVED Director Cantelon, SECONDED Director Holdom, that "Regional District of Nanaimo Driftwood Water Use Restrictions Bylaw No. 1341, 2003" be introduced for first three readings.

CARRIED

MOVED Director Cantelon, SECONDED Director Holdom, that "Regional District of Nanaimo Driftwood Water Use Restrictions Bylaw No. 1341, 2003" having received three readings, be adopted.

CARRIED

MOVED Director Cantelon, SECONDED Director Holdom, that "Regional District of Nanaimo Decourcey Water Use Restrictions Bylaw No. 1342, 2003" be introduced for first three readings.

CARRIED

MOVED Director Cantelon, SECONDED Director Holdom, that "Regional District of Nanaimo Decourcey Water Use Restrictions Bylaw No. 1342, 2003" having received three readings, be adopted.

CARRIED

MOVED Director Westbrook, SECONDED Director McNabb, that "Regional District of Nanaimo French Creek Water Use Restrictions Bylaw No. 1343, 2003" be introduced for first three readings.

CARRIED

MOVED Director Westbrook, SECONDED Director McNabb, that "Regional District of Nanaimo French Creek Water Use Restrictions Bylaw No. 1343, 2003" having received three readings, be adopted.

CARRIED

MOVED Director Biggemann, SECONDED Director Sherry, that "Regional District of Nanaimo Madrona Water Use Restrictions Bylaw No. 1344, 2003" be introduced for first three readings.

CARRIED

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MOVED Director Cantelon, SECONDED Director Holdom, that "Regional District of Nanaimo Madrona Water Use Restrictions Bylaw No. 1344, 2003" having received three readings, be adopted.

CARRIED

MOVED Director Cantelon, SECONDED Director Holdom, that "Regional District of Nanaimo Nanoose Water Use Restrictions Bylaw No. 1345, 2003" be introduced for first three readings.

CARRIED

MOVED Director Cantelon, SECONDED Director Holdom, that "Regional District of Nanaimo Nanoose Water Use Restrictions Bylaw No. 1345, 2003" having received three readings, be adopted.

CARRIED

MOVED Director Cantelon, SECONDED Director Holdom, that "Regional District of Nanaimo Surfside Water Use Restrictions Bylaw No. 1346, 2003" be introduced for first three readings.

CARRIED

MOVED Director Cantelon, SECONDED Director Holdom, that "Regional District of Nanaimo Surfside Water Use Restrictions Bylaw No. 1346, 2003" having received three readings, be adopted.

CARRIED

MOVED Director Krall, SECONDED Director McNabb, that "Regional District of Nanaimo Wall Beach Water Use Restrictions Bylaw No. 1347, 2003" be introduced for first three readings.

CARRIED

MOVED Director Krall, SECONDED Director Bibby, that "Regional District of Nanaimo Wall Beach Water Use Restrictions Bylaw No. 1347, 2003" having received three readings, be adopted.

CARRIED

MOVED Director Krall, SECONDED Director Bibby, that "Regional District of Nanaimo West Bay Water Use Restrictions Bylaw No. 1348, 2003" be introduced for first three readings.

CARRIED

MOVED Director Krall, SECONDED Director Bibby, that "Regional District of Nanaimo West Bay Water Use Restrictions Bylaw No. 1348, 2003" having received three readings, be adopted.

CARRIED

MOVED Director Biggemann, SECONDED Director Bibby, that "Regional District of Nanaimo Fairwinds Water Use Restrictions Bylaw No. 1349, 2003" be introduced for first three readings.

CARRIED

MOVED Director Bibby, SECONDED Director Krall, that "Regional District of Nanaimo Fairwinds Water Use Restrictions Bylaw No. 1349, 2003" having received three readings, be adopted.

CARRIED

MOVED Director Biggemann, SECONDED Director Krall, that "Regional District of Nanaimo Arbutus Park Water Use Restrictions Bylaw No. 1350, 2003" be introduced for first three readings.

CARRIED

MOVED Director Cantelon, SECONDED Director Bibby, that "Regional District of Nanaimo Arbutus Park Water Use Restrictions Bylaw No. 1350, 2003" having received three readings, be adopted.

CARRIED

MOVED Director Cantelon, SECONDED Director Biggemann, that "Regional District of Nanaimo Ticket Information Utilization Amendment Bylaw No. 873.01, 2003" be introduced for first three readings.

CARRIED

MOVED Director Holdom, SECONDED Director Cantelon, that "Regional District of Nanaimo Ticket Information Utilization Amendment Bylaw No. 873.01, 2003" having received three readings, be adopted.

Policy on Water Bill Reduction Due to Leaks in Service Lines.

CARRIED

MOVED Director Sherry, SECONDED Director Krall, that an Adjustment for Water Leak Policy providing for one adjustment in billing every five years on the main service line from the meter to the residence or building, be approved.

French Creek Water LSA Advisory Committee - Terms of Reference.

CARRIED

MOVED Director Sherry, SECONDED Director Bibby,:

1. That the Board approve the Terms of Reference for the French Creek Water Local Service Area Advisory Committee.
2. That the Board direct staff to advertise for applications for membership on the committee for Board review and selection.

COMMISSION, ADVISORY AND SELECT COMMITTEES

CARRIED

Restructure Committee - Remainder of Electoral Area 'D'.

MOVED Director Hamilton, SECONDED Director Krall,:

1. That the minutes of the Restructure Committee for the Remainder of Electoral Area 'D' meetings held March 24, April 14 and May 5, 2003, be received for information.
2. That two public meetings be held, one in each Electoral Area, and that a newsletter be sent out to the residents of Electoral Areas C and D for the purpose of obtaining the residents' opinions on the option of either combining Electoral Areas C and D, or of retaining separate Electoral Areas, and that funds from the Public Consultation budget be used for this purpose.
3. That the Regional District of Nanaimo seek financial support from the Ministry of Community, Aboriginal and Women's Services for costs incurred during the public consultation process.

Electoral Area 'A' Parks & Green Spaces Advisory Committee.

CARRIED

MOVED Director Kreiberg, that the minutes of the Electoral Area 'A' Parks & Green Spaces Advisory Committee meeting held May 15, 2003 be received for information.

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

CARRIED

MOVED Director Westbroek, SECONDED Director McNabb, that the minutes of the Electoral Area 'G' Parks & Open Space Advisory Committee meeting held March 13, 2003, be received for information.

District 69 Recreation Commission.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that the minutes of the District 69 Recreation Commission meeting held June 12, 2003, be received for information.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that the fees and charges for Oceanside Place for September 2003 to August 2004, be approved in Appendix A.

CARRIED

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MOVED Director Bartram, SECONDED Director Westbroek, that the Regional District enter into a five-year Lease Agreement with the City of Parksville for the lands on which the District 69 Arena is located for a term from June 1, 2003 to May 31, 2008.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that the Management Services Agreement with RG Facilities (Parksville) Ltd. for the provision of commercial events and trade shows at Oceanside Place, for a three-year term commencing on September 1, 2003 and ending on August 31, 2006, be approved.

CARRIED

Transit Business Plan Update Select Committee.

MOVED Director Krall, SECONDED Director Holdom, that the minutes of the Transit Business Plan Update Select Committee meeting held June 12, 2003 be received for information.

CARRIED

MOVED Director Krall, SECONDED Director Cantelon, that the Transit Business Plan Update 2003-5 Final Report be approved as a guiding document for Transit service delivery, planning and budgeting.

CARRIED

MOVED Director Krall, SECONDED Director Westbroek, that a letter be forwarded to School District 68 and School District 69 requesting that consideration be given to the integration of transportation services with Regional Transit where feasible.

CARRIED

MOVED Director Krall, SECONDED Director Westbroek, that the Transit Business Plan Update Select Committee be requested to consider the placement of appropriate signage on transit buses to inform the public of the cost per ride on our transit system.

CARRIED

NEW BUSINESS

Vancouver Island Generation Project.

MOVED Director Bibby, SECONDED Director Holdom, that staff be directed to invite the proponents of the Vancouver Island Generation Project, the NorskeCanada proposal and the Terasen proposal to the next available meeting of the Committee of the Whole or the RDN Board to present on the details of their proposals and on the larger issue of energy needs for Vancouver Island, and that the invitation also be extended to the BC Utilities Commission.

CARRIED

MOVED Director Bibby, SECONDED Director Kreiberg, that staff be instructed to prepare a report which would provide a base level of information prior to presentation by the Vancouver Island Generation Project proponents which would address the following concerns:

- a) Do we need more energy?
- b) If so, is this the project to provide it?
- c) What is the environmental impact of the proposal?
- d) Concerns with reliability of gas supply and pricing.

CARRIED

Hogweed.

MOVED Director Hamilton, SECONDED Director Westbroek, that the Ministry of Agriculture be requested to add hogweed to their toxic vegetation list and that a copy of this resolution be submitted to UBCM.

CARRIED

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SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

Community Policing Select Committee.

MOVED Director Bartram, SECONDED Director Biggemann, that the minutes of the Community Policing Committee meetings held June 4 and June 17, 2003, be received for information.

CARRIED

Electoral Area 'A' Parks & Greenspace Advisory Committee.

MOVED Director Kreiberg, SECONDED Director Korpan, that Barbara Metcalf be appointed to the Electoral Area 'A' Parks & Greenspace Advisory Committee.

CARRIED

ADMINISTRATOR'S REPORT

District of Lantzville Agreements.

MOVED Director Dempsey, SECONDED Director Longmuir, that the Service Agreements between the Regional District of Nanaimo and the District of Lantzville for Planning and Land Use Management, Animal Control Services, Building Inspection, Bylaw Enforcement, House Numbering, Noise Regulations, Nuisance Control and Unsightly Premises be approved.

CARRIED

UNFINISHED BUSINESS

BYLAWS

Bylaw No. 791.07.

MOVED Director Sherry, SECONDED Director Krall, that "Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.07, 2003" be adopted.

CARRIED

Bylaw No. 975.28.

MOVED Director Sherry SECONDED Director Krall, that "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.28, 2003" be adopted.

CARRIED

Bylaw No. 1230.01.

MOVED Director Krall, SECONDED Director McNabb, that "Southern Community Transit Service Area Amendment Bylaw No. 1230.01, 2003" be adopted.

CARRIED

NEW BUSINESS

Presentation from City of Parksville.

Director Longmuir presented the Regional District with a painting depicting the Parksville area on behalf of the residents of the City of Parksville on the opening of the new Board Chambers.

IN CAMERA

MOVED Director Sherry, SECONDED Director Westbroek, that pursuant to Section 242.2(1)(b) of the *Local Government Act* the Board proceed to an In Camera meeting to consider personal information about an individual being considered for a municipal honour.

CARRIED

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ADJOURNMENT

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

TIME: 7:40 PM

CARRIED

The meeting reconvened at 7:43 PM

District 69 Recreation Commission.

MOVED Director Bartram, SECONDED Director Longmuir, that Oceanside Place Rink #1 be named the Howie Meeker Arena, subject to the acceptance of Mr. Meeker.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that Oceanside Place Rink #2 be named the Victor Kraatz Arena, subject to the acceptance of Mr. Kraatz.

CARRIED

MOVED Director Bartram, SECONDED Director Longmuir, that the Oceanside Place Leisure Ice be named The Pond.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 7:45 PM

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

REGIONAL DISTRICT OF NANAIMO			
AUG 07 2003			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
3rd Agenda			✓

August 5, 2003

Mr. Joe Stanhope, Chairman
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, B. C.

Re: Request by the City of Nanaimo for Extension of Urban Containment Boundary and Modification of the Regional Context Statement to Enable the 'Jeffs' and 'Cattrall' Properties to be Rezoned and Densely Developed

Dear Mr. Chairman,

As I sit here late at night and just before the start of my summer vacation having to make time to write this letter to express my strong opposition to the densification of the above-mentioned properties, I am left to wonder why these critical decisions always seem to come up over the summer months. Back in June, I was told by Neil Connolly/Bob Lapham that this issue would come before the Board in September when the public would have adequate opportunity to be involved in the discussion. Yet, here we are at the height of summer, with many people on vacation or just not in the frame of mind to be thinking about regional politics and this significant issue is now before us.

I regret that I am unable to address the Board directly and speak to the specific points brought forward by staff's report on this item but I will be hundreds of kilometres away at the time of your meeting. If I was able to be there in person, I would look each of you in the eye and ask if the RDN has been offered a "carrot" or a "stick". The way impediments/requirements/conditions have just "melted away" in the face of the push by the provincial government to have these properties developed, it is clear to me that the "fix" is in. The City claims (playing "loose with the facts") that they are being pushed by the Minister of Community, Aboriginal and Women's Services - who are you going to say is to blame?

I will begin my formal comments by repeating some of the key points which I made in my presentation to City Council on May 26th when I asked them to respect the spirit of democracy, honour their commitment to our Area Director and NOT proceed with the annexation of these two properties:

- * the Minister started all of this by unilaterally excluding these properties from Lantzville's incorporation boundary, the residents of Lantzville were not informed as promised and, contrary to both our OCP and the Municipal Boundary Extension Criteria, Lantzville was not consulted by the City of Nanaimo regarding annexation
- * properties like these are the only buffer that we have from the intense development around Woodgrove, even if they have been cleared. It is obvious that Nanaimo is not going to provide any buffering so we must retain the ability to do it for ourselves
- * the traffic, noise and pollution (visual and physical) is already significant, this proposal would only make it worse
- * the residents of Lantzville want a semi-rural community with larger lots and lots of trees and open space and our OCP envisages a "green-belt" approach to properties such as these
- * the process keeps shutting out the very people who are most affected by the changes
- * MLA Judith Reid has been quoted as saying that the Provincial government will not pass "a cabinet order to

08/07/2003

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change Nanaimo's boundary", yet that is exactly what has happened, and she also said that the land owners have to work with the Regional District, which they have studiously avoided so far

* Watt Ventures (Jeffs property) was being extremely disingenuous when they claimed that the Minister's actions of excluding their property from Lantzville placed them at such a disadvantage that the only reasonable thing to do was to allow them to join the City, which is precisely what they had lobbied for all along

* Mr. Jeffs has been refused support for inclusion into the City by the RDN twice in recent history. What is it now that has changed so drastically that it is now O.K.?

An issue of which I was unaware when I made my presentation to Council has since come to light:

* all of the talk about how London Drugs would be the main tenant in a second Nanaimo store on the Jeffs property which would not negatively impact downtown, but would create new jobs and pay more taxes was dropped a mere three weeks of the City giving their support for inclusion of these two properties. Who knows if the replacement tenant will meet the same criteria.

There are also a number of specific Regional District issues which must be considered:

* this application does not follow the Regional Growth Management Plan policy/procedures. All the "stops" have been pulled out - criteria and requirements which were initially necessary (e.g., seeking RDN support up-front, having the proponents initiate a concurrent rezoning application, holding a public information meeting for Lantzville residents have been dropped. This time, they are playing "hardball" - to quote Mr. Jeffs from the Vancouver Sun article, "(w)e're going after this one. I've been treading water for years, playing with these people."

One of the key goals of the Regional Growth Management Plan is to prevent urban sprawl and protect rural integrity. This proposal to add .3 km to the 20 km of existing urban sprawl fails that test miserably. The 'Urban Containment and Fringe Area Management Implementation Agreement', 4.2 Criteria, "is required to meet documented community needs which cannot be met on other lands inside the urban containment boundary" is also not met because the City has admitted that they had 15-20 years of developable land within the previous boundaries. On Dec. 11/02, Pa Murphy of the City wrote, "these applications are driven by an effort to rationalize boundaries around the Parkway... and not a need for additional urban land (emphasis is mine)". He further writes that "City planning policies have evolved to promote infill development... rather than promote further expansion", yet here we are! In an editorial in the Nanaimo Bulletin on June 9/03, they write, "the RDN Board... should also fight any other infringements on the rural nature of the RDN that come forward, Lantzville and Cedar are becoming dangerously close to becoming urban extensions of Nanaimo." We would all do well to heed that observation.

If, against all odds and logic, I have not been able to persuade you to defeat this motion on the basis of my arguments, then consider this an opportunity to "poke a stick in the provincial government's eye" for their downloading of costs and services on Regional governments. Although that is not the way I would have liked important issues like this to be decided, given the impediments that have been placed on the general public in terms of process and timing, and the importance of these properties to our quality of life, I can live with it if that's how you come to convince yourselves to defeat this request.

Sincerely,
Hans J. Larsen
7010 Owen Road
Lantzville, B. C. V0R 2H0

REGIONAL DISTRICT OF NANAIMO			
AUG 06 2003			
MEMORANDUM			
CHAIR		GMCRS	
CAO		GMDS	
GMCRS		GMES	
<i>Oct. Bgkoda</i>			
August 1, 2003			

TO: Pamela Shaw
Manager of Community Planning

DATE: August 1, 2003

FROM: Susan Cormie
Senior Planner

FILE: 3360 30 0305

SUBJECT: Amendment Bylaw No. 500.293, 2003 – Fern Road Consulting Ltd., on behalf of Sarkozy
Electoral Area 'G', Wembley Road

PURPOSE

To consider the "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.293, 2003" for adoption.

BACKGROUND

Bylaw No. 500.293, 2003 was introduced and given 1st and 2nd reading on June 10, 2003 and forwarded to a public hearing. The corresponding public hearing was held on June 26, 2003. The Board granted 3rd reading for the bylaw on July 8, 2003 and referred the bylaw to the Ministry of Transportation for its consideration of approval.

This amendment application was submitted by Fern Road Consulting Ltd., on behalf of Paul Sarkozy, to amend the land use from Residential 1 (RS1) to a new Residential 2.1 (RS2.1) zone for the purposes of permitting a duplex (defined as two self-contained dwelling units oriented side-by-side with separate ground level entrances and adjoined by a common wall) (*See Attachment No. 1 for location of property*).

ALTERNATIVES

1. To adopt "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.293, 2003".
2. To not adopt Bylaw No. 500.293, 2003.

MINISTRY OF TRANSPORTATION REFERRAL

As the subject property is within 800 metres of a controlled access intersection pursuant to the *Highway Act*, Bylaw No. 500.293, 2003 was forwarded to the Ministry of Transportation for approval. This approval was granted on July 29, 2003.

VOTING

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

SUMMARY

The "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.293, 2003" was considered by the Board and given 1st and 2nd reading on June 10, 2003. Subsequent to that, a public hearing was held on June 26, 2003, and the Board granted 3rd reading on July 8, 2003. Approval pursuant to the *Highway Act* was received from the Ministry of Transportation. As approval from the Ministry of Transportation has been received, this bylaw may now be considered for adoption.

The following recommendation is provided for the Board's consideration.

RECOMMENDATION

That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.293, 2003" be adopted.



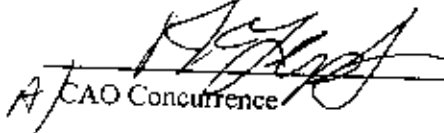
Report Writer



General Manager Concurrence



Manager Concurrence

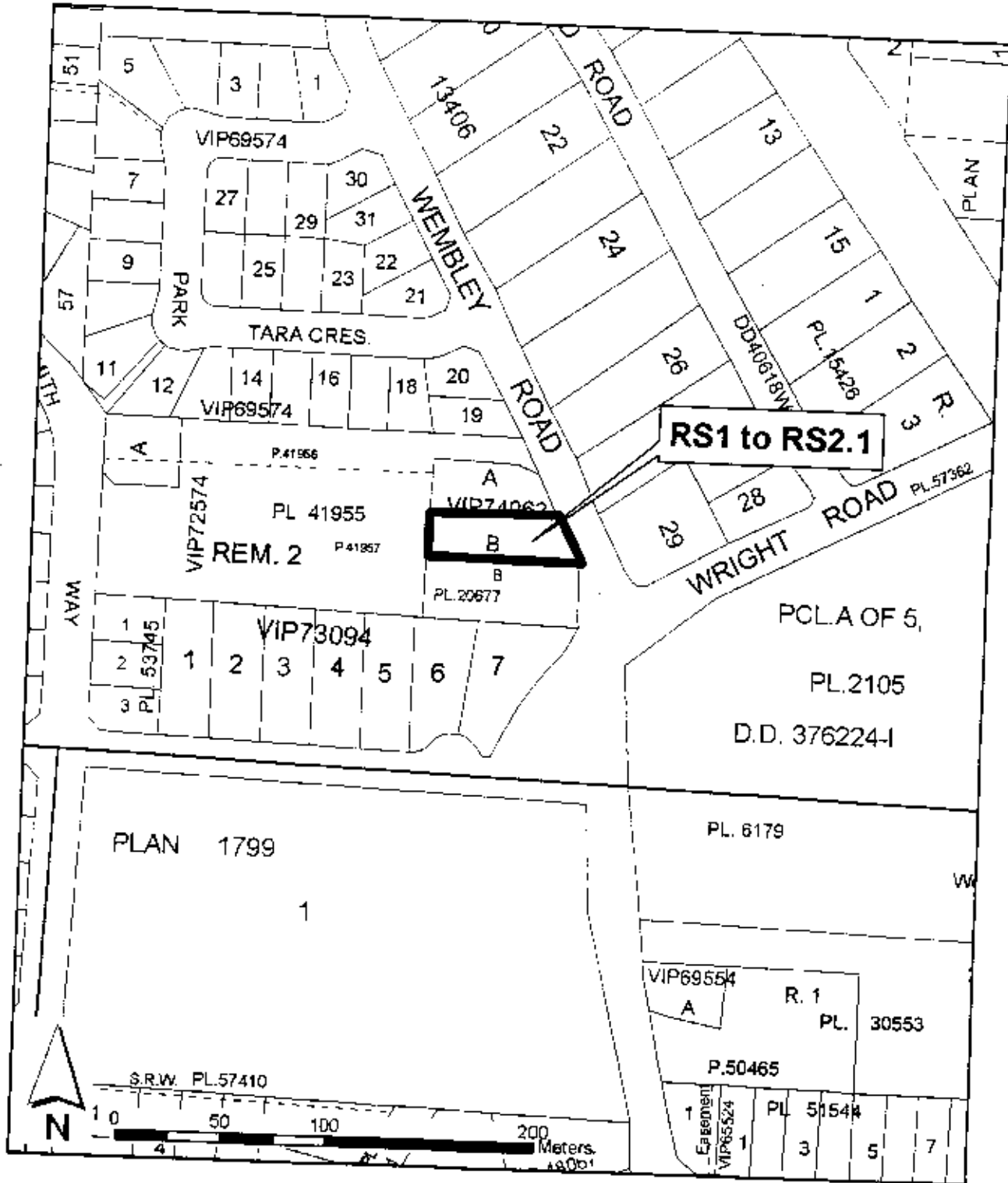


CAO Concurrence

COMMENTS:

devsvs/reports/2003/3360 30 0305 au brd Sarkozy 500.293 Adopt

ATTACHMENT NO. 1
LOCATION OF SUBJECT PROPERTY



REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, JULY 22, 2003, AT 6:30 PM
IN THE RDN BOARD CHAMBERS

Present:

Director E. Hamilton	Chairperson
Director H. Kreiberg	Electoral Area A
Director D. Haimé	Electoral Area D
Director P. Bibby	Electoral Area E
Director L. Biggemann	Electoral Area F
Director Joe Stanhope	Electoral Area G
Director D. Bartram	Electoral Area H
Director L. Sherry	City of Nanaimo

Also in Attendance:

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

DELEGATIONS

Dennis Shaw re DVP No. 90314 - Shaw - 3531 Vera Way - Area D.

Mr. Shaw was not in attendance.

MINUTES

MOVED Director Bartram SECONDED Director D. Haimé, that the minutes of the Electoral Area Planning Committee meeting held June 24, 2003 be adopted.

PLANNING

CARRIED

Request for Temporary Commercial Use Permit Application No. 0301 - Michael Rosen & Associates on Behalf of Englishman River Land Corporation - Kaye Road - Area G.

MOVED Director Stanhope, SECONDED Director Bibby, that Temporary Commercial Use Permit No. 0301, submitted by Michael Rosen & Associates on behalf of Englishman River Land Corporation for the property legally described as Lot A, Block 564, Nanoose District, Plan VIP75278, to allow a temporary realty sales office use be approved subject to the conditions outlined in Schedules No. 1 and 2 and the notification requirements pursuant to the *Local Government Act*.

CARRIED

Request for Park Land Dedication - Peter Mason, BCLS on behalf of G. Greer & K. Butchko - Davenham Road & Dolphin Drive - Area E.

MOVED Director Bibby, SECONDED Director Biggemann, that the request, submitted by Peter Mason, BCLS, on behalf of George Greer and Kathleen Butchko, to dedicate park land be refused and the applicants be required to provide cash in-lieu-of park land dedication as part of the five-lot subdivision proposal of Lot 3, District Lot 137, Nanoose District, Plan 31921.

CARRIED

The Chairperson noted that the delegation was not in attendance.

Dennis Shaw re DVP No. 90314 - Shaw - 3531 Vera Way - Area D.

Mr. Shaw provided information with regard to his development variance permit application. Mr. Shaw also noted that the cost of his development variance permit application was greater than the value of the building for which the application was required and requested a review of Bylaw 500 with respect to application fees.

DEVELOPMENT PERMIT APPLICATIONS

DP Application No. 60307a - Heringa - Strata Lot 1, 799 Miller Road - Area G.

MOVED Director Stanhope, SECONDED Director Biggemann, that Development Application No. 60307a, to legalize the drainage works within the Watercourse Protection and Sensitive Lands Development Permit Areas on the property legally described as Strata Lot 1, District Lot 28, Nanoose District, Plan VIS4363, be approved subject to the conditions outlined in Schedules No. 1 and 2.

CARRIED

DP Application No. 60329 - Friesen on behalf of Ming's Stores Ltd. Inc. - 1694 Cedar Road - Area A.

MOVED Director Kreiberg, SECONDED Director Bartram, that Development Permit Application No. 60329, submitted by Friesen's Rentals and Hardware on behalf of Ming's Stores Ltd. Inc., to construct an addition to the principal building and allow for signage on a parcel located within the Cedar Village and Cedar Commercial/Industrial Properties Development Permit Area No. 3 for Lot A, Section 15 and 16, Range 8, Cranberry District, Plan VIP71569 be approved, subject to the conditions outlined in Schedule Nos. 1, 2, 3 and 4 of the corresponding staff report and to the notification requirements of the *Local Government Act*.

DP Application No. 60335 - Janes - 2353 Higginson Road - Area E.

CARRIED

MOVED Director Bibby, SECONDED Director Biggemann, that Development Permit Application No. 60335 to construct a shoreline protection device in the form of a retaining wall for the property legally described as Lot 12, District Lot 102, Nanoose District, Plan 21022 be approved, subject to the conditions outlined in Scheduled Nos. 1, 2, 3 and 4 of the corresponding staff report and to the notification requirements pursuant to the *Local Government Act*.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

CARRIED

DVP Application No. 90314 - Shaw - 3531 Vera Way - Area D.

MOVED Director D. Haime, SECONDED Director Bartram:

1. That Development Variance Permit Application No. 90314 to vary the minimum setback from a watercourse from 15.0 metres to 4.0 metres to legalize the siting of a recently constructed 5.5 m² pump house on the property legally described as Lot B, Section 17, Range 4, Mountain District, Plan 24600 be approved subject to the requirements outlined in Schedules No. 1, 2, 3 and 4 and subject to notification requirements pursuant to the *Local Government Act*.

2. That staff be directed to include the issue of exemptions from setbacks in the technical review of Bylaw No. 500.

CARRIED

DVP Application No. 90315 – Clan Oil Inc. – 1025 Qualicum Road – Area G.

MOVED Director Stanhope, SECONDED Director Biggemann, that Development Variance Permit Application No. 90315 to vary the minimum setback from a watercourse from 15.0 metres to 0.0 metres to facilitate the construction of two pump houses on the property legally described as Remainder of Lot 1, Sections 3 and 4, District Lots 42 and 78, Newcastle District, and District Lot 144, Nanoose District, Plan 11091 Except Plan 38048 and 42931 be approved subject to the requirements outlined in Schedules No. 1, 2 and 3 and subject to notification requirements pursuant to the *Local Government Act*.

ADJOURNMENT

CARRIED

MOVED Director D. Haime, SECONDED Director Bartram, that this meeting terminate.

TIME: 6:46 PM

CARRIED

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE COMMITTEE OF THE WHOLE
MEETING HELD ON TUESDAY, JULY 22, 2003, AT 7:05 PM
IN THE RDN BOARD CHAMBERS

Present:

Director J. Stanhope	Chairperson
Director H. Kreiberg	Electoral Area A
Director G. Lund	Electoral Area B
Director E. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
Director P. Bibby	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H
Director R. Longmuir	City of Parksville
Director T. Westbrook	Town of Qualicum Beach
Director C. Haime	District of Lantzville
Director L. Sherry	City of Nanaimo
Alternate	
Director D. Brennan	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director G. Korpan	City of Nanaimo
Director T. Krall	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

K. Daniels	Chief Administrative Officer
C. Mason	General Manager of Corporate Services
J. Finnie	General Manager of Environmental Services
B. Lapham	General Manager of Development Services
P. Shaw	Manager of Community Planning
T. Osborne	Manager of Recreation & Parks
D. Trudeau	Manager of Liquid Waste
N. Tonn	Recording Secretary

MINUTES

MOVED Director Sherry, SECONDED Director Westbrook, that the minutes of the regular Committee of the Whole meeting held June 24, 2003, be adopted.

COMMUNICATIONS/CORRESPONDENCE

CARRIED

Jim Abram, Chair, Comox-Strathcona Regional District, re Bill 48 – Agriculture Food & Fisheries Statutes Amendment Act.

MOVED Director Sherry, SECONDED Director Krall, that the correspondence from Comox Strathcona Regional District with respect to the Agriculture Food & Fisheries Statutes Amendment Act be received.

CARRIED

Bill Mills, Nanaimo Port Authority, re Election of Board Chairman.

MOVED Director Sherry, SECONDED Director Krall, that the correspondence from the Nanaimo Port Authority with respect to the appointment of Dave Bakes as Chairperson of the Board, be received.

CARRIED

Derek Appleton, Alberni-Clayoquot Regional District, re BC Hydro Heritage Contract.

MOVED Director Sherry, SECONDED Director Krall, that the correspondence from the Alberni-Clayoquot Regional District with respect to BC Hydro's Heritage Contract proposal to the British Columbia Utilities Commission, be received.

CORPORATE SERVICES

CARRIED

ADMINISTRATION

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

MOVED Director Kreiberg, SECONDED Director D. Haime, that the Board has no objection to the Cassidy Inn's request for a temporary change to their Liquor Licence to provide for an extended patio area for their Show 'n Shine event scheduled for September 7, 2003.

DEVELOPMENT SERVICES

CARRIED

BUILDING INSPECTION

Section 700 Filings.

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

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

- (a) Parcel E (DD 4013781) of Section 21, Gabriola Island, Nanaimo Land District, 371 Berry Point Road, Electoral Area 'B', owned by B & K Shopping Centre.

PLANNING

CARRIED

Permanent Change to a Liquor Licence – Hours of Liquor Sales – Frontiersman Neighbourhood Pub & Restaurant – Area F.

MOVED Director Biggemann, SECONDED Director Bartram, that the application for a permanent change in a liquor licence for the purpose of amending the hours of liquor sales, as submitted by the Frontiersman Neighbourhood Pub and Restaurant, legally described as Lot A, Salvation Army Lots, Nanoose District, Plan VIP60993, be supported.

PRESENTATION

CARRIED

Ted Olynyk, re Vancouver Island Generation Project.

Mr. Olynyk provided a verbal and visual overview of the Vancouver Island Generation Project proposal currently under review by the British Columbia Utilities Commission.

Power Generation for Vancouver Island.

MOVED Director Krall, SECONDED Director McNabb, that the staff report on power options for Vancouver Island be received for information.

ENVIRONMENTAL SERVICES

CARRIED

LIQUID WASTE

2003 Local Government Grant Program - Infrastructure Planning (Study) Grants.

MOVED Director Sherry, SECONDED Director Krall, that staff be directed to make application to the Ministry of Community, Aboriginal & Women's Services for a planning grant of \$5,000 to evaluate potential groundwater contamination of Site #57 on Gabriola Island.

2002 Annual Report on the Liquid Waste Management Plan.

CARRIED

MOVED Director Sherry, SECONDED Director Biggemann, that the 2002 Annual Report on the Liquid Waste Management Plan be received.

CARRIED

Greater Nanaimo Pollution Control Centre Boiler Building Upgrade - Boiler Supply Tender Award and Construction Project Tender Award.

MOVED Director McNabb, SECONDED Director Sherry, that the Regional District of Nanaimo award the contract to supply boilers for the GNPCC boiler building upgrade to Cleaver Brooks for the tendered price of \$206,995.39 and award the construction contract for the boiler building upgrade to Knappett Construction for the tendered price of \$2,654,411.90.

CARRIED

Greater Nanaimo Pollution Control Centre - Sludge Heating & Boiler Building Upgrade Construction Services.

MOVED Director Sherry, SECONDED Director McNabb, that the Board direct staff to award the construction services consulting project for the GNPCC Sludge Heating and Boiler Upgrade to Associated Engineering Ltd.

CARRIED

Southern Community LSA Wastewater Treatment System & Facilities Reserve Fund Expenditure Bylaw No. 1356 - Greater Nanaimo Pollution Control Centre Boiler Building Upgrade - Release of Reserve Funds.

MOVED Director Sherry, SECONDED Director McNabb,:

1. That "Southern Community Local Service Area Wastewater Treatment System and Facilities Reserve Fund Expenditure Bylaw No. 1356, 2003" be introduced for three readings.
2. That "Southern Community Local Service Area Wastewater Treatment System and Facilities Fund Expenditure Bylaw No. 1356, 2003" having received three readings be adopted.

CARRIED

AGE
31

UTILITIES

Rural Streetlighting LSA Boundary Amendment Bylaw No. 791.08 – Area G.

MOVED Director Sherry, SECONDED Director Bartram, that "Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.08, 2003" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

COMMISSION, ADVISORY & SELECT COMMITTEE

CARRIED

Municipal Insurance Association.

MOVED Director Westbrook, SECONDED Director Bartram, that a letter be sent to Honourable Geoff Plant, Attorney General, requesting that the Ministry reform its laws on joint and several liability for local government.

NEW BUSINESS

CARRIED

Protection of Eagle Trees.

MOVED Director Bibby, SECONDED Director D. Haime, that staff be directed to report back to the Committee with respect to establishing development permit areas and guidelines to protect eagle trees within all electoral areas of the Regional District of Nanaimo except Electoral Area 'B'.

ADJOURNMENT

CARRIED

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

CARRIED

TIME: 7:46 PM

CHAIRPERSON

MEMORANDUM

To: MIA Board of Directors
From: Councillor Janis Elkerton
Chair
Date: Thursday, July 3, 2003
Re: Civil Liability Review

As you may recall from our discussions at the June 13th board meeting, it would be very helpful if each director could convey MIA's views on reforming the law of civil liability to their MLA over the summer.

The Attorney General may be introducing legislation as early as the fall sitting of the Legislature, which begins October 6. So it is important for each of us to meet with our MLA (and any other MLAs you know) before then.

The simplest way to do this is to make an appointment with your MLA at his or her constituency office for a one-on-one meeting. MLAs will also be attending a variety of community events, summer barbeques and social occasions throughout the summer, so you may have opportunities to chat informally too.

The main messages we'd like conveyed to each MLA are attached.

In order to ensure that we communicate effectively with all of the MLAs, **could you please keep me informed of which ones you meet, and when?** Just call or send an e-mail to let me know who you've met and how it went. And if an MLA raises concerns or wants more information (or is not supportive of MIA's position) please let me know ASAP.

Thank you for your help. If you have any questions or want to talk further about our efforts in this regard, please call me at 604-465-5541 or send me an e-mail at jelkerton@shaw.ca.

Have a great summer!

Janis Elkerton
Chair

Message to MLAs

The Problem

- The law of joint and several liability has effectively cast local government in the role of the insurer of insolvent or uninsured co-defendants and plaintiffs. This is not a role that local governments can afford to fill and still provide the services expected by their residents and the provincial government.
- Reforms are needed to reverse the alarming trends of expanding liability, increasing legal costs and shrinking insurance coverage. They will provide a measure of certainty to the budgetary responsibilities of local government.
- No local government in British Columbia is seeking to avoid responsibility for its share of any loss or damage it causes. They are not asking for any expansion of municipality immunity to avoid these responsibilities. Proportionate liability will ensure that where a municipality causes loss or damage it will be responsible to the injured party. A 10-year limitation period will give Plaintiffs sufficient time to make their claim while enabling municipalities to better manage risk and plan their expenditures.
- The changes sought will eliminate the inherent unfairness that requires local government to make good the fault of others. They will encourage insurers and reinsurers to re-enter the market. And they will allow municipalities to get on with the tasks assigned to them by the Province, namely to provide a range of important services to local residents, businesses, taxpayers and voters.
- If nothing is done many local governments could see increased property taxes, special assessments and reduced municipal services.

The Solution

MIA has made several recommendations to the Attorney General for reforming the laws of civil liability.

The main ones are:

1. In claims for property damage and economic loss, replace the current system of "joint and several liability" with "proportionate liability" so that liability is assigned in proportion to each Defendant's role in causing damage or loss.
2. Reduce the ultimate limitation period from 30 years to 10 years, with time running from the date of the act or omission giving rise to the claim and not from the date of discovery of damages or loss by the Plaintiff.

30702A2

MIA Director

MLA

Gordon Brookfield
New Denver

Blair Suffredine, Nelson-Creston

Ken Buchanan
Hazelton

Dennis MacKay, Bulkley Valley-Stikine

Tony Chong
Port Coquitlam

Karn Manhas, Port Coquitlam – Burke Mountain

Dennis Clark
Mission

Randy Hawes, Maple Ridge – Mission

Kathy Clement
Princeton

Dave Chutter, Yale – Lillooet

Janis Elkerton
Pitt Meadows

Ken Stewart, Maple Ridge – Pitt Meadows

Charles Hamilton
Quesnel

John Wilson, Cariboo North

Bonny Hawley
Houston

Dennis MacKay, Bulkley Valley – Stikine

Dora MacQuarrie
Chase

Kevin Krueger, Kamloops – North Thompson

Bill Matthews
Comox-Strathcona

Rod Visser, North Island

Colin Mayes
Salmon Arm

George Abbott, Shuswap

Faye Salisbury
Peace River

Blair Lekstrom, Peace River South

Teunis Westbroek
Qualicum Beach

Gillian Trumper, Alberni-Qualicum

Jack Peake
Lake Cowichan

Graham Bruce, Cowichan – Laysmith

**Minutes for the Meeting held:
Wednesday, July 30, 2003 @ 1:30 PM
Regional District of Nanaimo Administration Office – Committee Room
6300 Hammond Bay Road, Nanaimo, BC**

Present:

Christina Thomas, RDN
Bob Lapham, RDN
Sharon Fletcher, Nanaimo
Ted Swabey, Nanaimo
Cheryl Wirsz, Parksville
Jane Ayers, Lantzville
Mac Fraser, Lantzville
Will Marsh, Lantzville
John Finnie, RDN

Absent:

Neil Connelly, RDN
Cynthia Hawksworth, MCWAS
Roger Cheetham, LRC
Sharon Erickson, MWLAP
Gayle Jackson, Parksville
Dan Biggs, MF
Dave Edgar, MT
Wayne Haddow, MA
Paul Butler, Qualicum Beach

Item

1. Call to order.

C. Thomas called the meeting to order at approximately 1:30 PM, and introduced new Committee members and guests in attendance. It was noted that Cheryl Wirsz was in attendance on behalf of Gayle Jackson of the City of Parksville, that Ted Swabey was in attendance in addition to Sharon Fletcher for the City of Nanaimo, that Jane Ayers was in attendance as the new representative for the District of Lantzville, and that Mac Fraser and Will Marsh of the Small Town Group Initiative were in attendance in addition to Jane Ayers for the District of Lantzville.

2. Minutes from Last Meetings (Feb.6, 12, March 14, 20, 27)

The minutes were received as presented.

3. New Business

City of Nanaimo Urban Containment Boundary and Regional Context Statement Change Proposal

C. Thomas introduced the City of Nanaimo requests (1) to move the Urban Containment Boundary pursuant to the Urban Containment and Fringe Area Management Implementation Agreement (UCFAMIA); and (2) to amend their Regional Context Statement (RCS) pursuant to the *Local Government Act*. It was noted that the purpose of the changes is to enable urban development on two City properties adjacent to the Woodgrove commercial area (i.e. the properties referred to as the Jeffs and Catrail properties in recent discussion). The regional policy direction applicable to the request was outlined. Detailed information about these matters was circulated to the Committee in advance of the meeting in the form of a report.

S. Fletcher described the City of Nanaimo requests, the reasons for the requests, and how the

requests meet the requirements of the Regional Growth Strategy and the Urban Containment and Fringe Area Management Implementation Agreement. Detailed information about the City's request was circulated to the Committee in advance of the meeting in the form of a letter and an impact assessment of the proposal, pursuant to the UCFAMIA. It was noted that the City had not proactively pursued the incorporation of additional lands adjacent to the Lantzville area into the City, and that it was responding to a developer request and a situation created by a Provincial government decision regarding the boundaries of the new District of Lantzville.

M. Fraser outlined the District of Lantzville perspectives about the City of Nanaimo proposal. It was noted that the District was surprised about the Ministry of Community, Aboriginal and Women's Services' decision regarding the District boundary, particularly as it relates to the Jeffs property, and that the District's concerns regarding the City proposal relate to the Jeffs property and not the Cattrall property. In regard to the Jeffs property, it was noted that the District would like to secure a commitment from the property developer, as a part of any decision to support the City's requests, the necessary land dedication and payment of road construction costs to connect Dover and Lantzville roads, and the Gateway lands buffering of the more rural District from the more urban Nanaimo as well as a community buffer, via a covenant.

There was substantial discussion regarding the appropriate *type* of conditions that could be secured as a part of requests to change the Urban Containment Boundary generally, and in relation to the City proposal. There was agreement that policy direction contained in applicable official community plans should be considered, in addition to the UCFAMIA criteria. There was agreement that the UCFAMIA 'community need' criteria refers to need for additional housing or commercial space, as well as other aspects such as connectivity between parcels, significant geographical or physical constraints, access restrictions or connections, and serviceability. In the case of the City proposal, it was noted that the applicable official community plan (i.e. Lantzville) designates the subject properties as Gateway Lands, and that this designation intends for development on the lands to be oriented towards the City and for a landscape buffer to provide a gradual transition from the urban City-oriented use to the more rural Lantzville area. The applicable official community plan also supports the connection of Lantzville and Dover Roads.

Some ideas discussed for consideration include the fact that a less costly rural road standard would be appropriate for the portion of the road in the District between Lantzville and Dover Roads, and that the City could require that the portion of the road in the City between Lantzville and Dover Roads be constructed at a standard that would provide a transition between the rural road standard portion of the road and the urban road standard portion of the road. Other ideas include the developer of the Jeffs property asking the Ministry of Transportation for financial assistance to construct the road connection given that the road connection is supported by the applicable official community plan road network which was, until recently, under the Ministry's jurisdiction. It was noted that the Jeffs property owner had donated \$100,000 towards to the City (money that is being used to purchase park land in the Linley Valley area in the City), and as such, there may be less room to negotiate additional conditions of development approval.

There was substantial discussion regarding the *methods of securing* conditions of development approval at the regional growth strategy, the official community plan, the rezoning and the development permit levels. Restrictive covenants, memorandums of understanding and development agreements were discussed as potential options to secure approval conditions. Parties to these mechanisms could include the District of Lantzville, the City of Nanaimo, the RDN, the owners of the Jeffs and Mor Courage properties, and potentially the Ministry of Highways.

S. Fletcher stated that the City had received a copy of a letter from Brian Senini (lawyer for the

owner of the Jeffs property), to the District of Lantzville Mayor and Council, dated July 28, 2003, that indicates the owner of the Jeffs property has purchased the lot adjacent to the Jeffs property (referred to in previous discussions as the Mor Courage property) for the purpose of securing the land necessary for connecting Lantzville and Dover Roads and providing a landscape buffer between the City and the District. The letter also indicates that the owner of the Jeffs property is requesting an indication of support from the District regarding the District's support to rezone the Mor Courage property to a comprehensive development zone to permit uses that would not require water or sewage disposal facilities, such as a parking lot, a lumber storage yard, outdoor sales, etc. The letter further states that the owner of the Jeffs property will not only dedicate the land required to construct the connecting roadway, but also construct it, in exchange for the requested upzoning.

M. Fraser indicated that the District might have different perspectives given the new information in the above-discussed letter.

C. Thomas indicated that although Paul Butler was unable to attend the IAC meeting he had stated in a telephone conversation that he had no strong opinions about the City's proposal.

C. Wirsz indicated that she was not aware of any City of Parksville concerns about the proposal.

The IAC agreed that the following recommendation be made to the RDN Board:

That the City of Nanaimo proposal to include inside the Urban Containment Boundary the property legally described as Lot 2, District Lot 26, Wellington District, Plan 37425, Except Part in Plan VIP70172 (referred to as the Jeffs property) and a triangular portion of property legally described as Lot A, District Lot 26, Wellington District, Plan 12781, Except Part in Plan VIP62700 (referred to as the Catrall property), be supported, subject to the following conditions of development for the subject properties, to mitigate any potential impacts and establish a gradual transition from urban to rural land uses:

- a. designating the Catrall property as within the City of Nanaimo DPA 22 (Nanaimo Parkway) and DPA 21 (Commercial, Industrial, Institutional, Multiple Family Residential, and Mixed Commercial/Residential Development), and designating the Jeffs property as within the City of Nanaimo DPA 21 (Commercial, Industrial, Institutional, Multiple Family Residential, and Mixed Commercial/Residential Development), to ensure the form and character of any future urban development is complementary to adjacent properties (both urban and rural);
- b. adding as a guideline in the above noted DPA 21 a new criteria, applicable to both the Catrall and Jeffs property, that the development on the properties be physically and architecturally focused and oriented towards the Woodgrove commercial area;
- c. adding as a guideline in the above noted DPA 21 a new criteria, applicable to both the Catrall and Jeffs property, that natural vegetation be used to establish a more gradual transition from urban to rural on the properties when they are developed and, in the case of the Jeffs property in particular, to buffer the adjacent community of Lantzville;
- d. securing a commitment from the developer of the Jeffs property to improve the traffic network in the Dover and Dickenson Road area by contributing the property necessary to establish a connection between Dover and Lantzville Roads and constructing this road;
- e. addressing that the issues and concerns as described in the May 28, 2003, letter from Mr. Brian Mehaffey, City of Nanaimo, General Manager of Development Services, to RDN Electoral Area D Director Denise Haime;
- f. the landscape buffering and road construction requirements for the development of the Jeff's property may be entirely located on the property legally described as Lot 1, District Lot 26, Wellington District, Plan 37425, Except Part in Plan VIP70172 (the Mor Courage property), located adjacent to the Jeffs property;

- g. in the case of the development of the Jeffs property, securing the buffering and road construction requirements through a mutually agreeable mechanism, such as an agreement or covenant.

4. **Old Business**

Growth Management Plan Review

C. Thomas updated the Committee about the status of the Growth Management Plan Review. It was noted that all of the member municipalities and adjacent regional districts accepted the new regional growth strategy bylaw in May of 2003, and that the RDN Board adopted the bylaw on June 10, 2003.

State of Sustainability Project

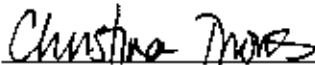
C. Thomas updated the Committee about the status of the State of Sustainability Project. It was noted that the RDN had recently advertised for applications to fill the nine resident positions on the associated committee, and that the RDN Board would consider appointments to the Committee at its August 12, 2003 meeting.

2001-2002 Regional Growth Strategy Implementation Progress Report

C. Thomas updated the Committee about the status of the 2001-2002 Regional Growth Strategy Implementation Progress Report. It was noted that a report is being drafted, will be circulated for comments in mid-August, and forwarded to the RDN Board in September.

5. **Adjournment.**

The meeting was adjourned at 3:00 PM.



Acting Chair, Christina Thomas

IMAGE

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE COMMUNITY POLICING SELECT COMMITTEE MEETING HELD ON TUESDAY, JULY 31, 2003 AT 2:00 PM IN THE RDN COMMITTEE ROOM

Present:

Director D. Bartram	Chairperson
Director E. Hamilton	Electoral Area C
Director L. Biggemann	Electoral Area F
Director J. Stanhope	Electoral Area G
Director I. McNabb	City of Nanaimo

Also in Attendance:

C. Mason	Gen. Mgr. of Corporate Services
Inspector J. Lott	Nanaimo RCMP Detachment
Corporal G. Cox	Oceanside RCMP Detachment

MINUTES

MOVED Director McNabb, SECONDED Director Stanhope, that the minutes of the Community Policing Select Committee Meeting held on July 16, 2003 be adopted.

CARRIED

PRESENTATION

Inspector Lott and Corporal Cox provided information on police services to the unincorporated areas within the Regional District of Nanaimo. They explained that there are 13 rural members for Oceanside and an additional two positions will be added in the future. These officers do not include those provided for the municipalities of Parksville and Qualicum Beach. In Nanaimo there are 130 police officers, including 112 in the City of Nanaimo, 11 assigned to rural areas, 1 federal position and 2 first nation positions. The Committee was told that officers are not specifically assigned to an area, but can be dispatched to any location. Highway patrol officers mostly work on numbered highways unless there are specific projects assigned to rural roads.

It was noted that Citizen on Patrol and Neighbourhood Watch Programs are important tools in crime prevention. However, these programs are not taken into account when determining the number of officers assigned to an area. The presence of these programs often results in higher incidence of crimes reported, which gives the appearance of a higher crime rate for an area, though this does not necessarily mean that an area has more crime than another area with less reports. Auxiliary police are also essential to providing policing services.

ADMINISTRATION

Rural Police Financing

MOVED Director Westbrook, SECONDED Director Biggemann, that the following resolution be forwarded to the UBCM, the Minister of Public Safety and Solicitor General and the Minister of Community, Aboriginal and Women's Services by August 13, 2003:

WHEREAS policing services are delivered to unincorporated areas and to municipalities of less than 5,000 by the RCMP and are under the direct jurisdiction of the Provincial and Federal Governments, where regional districts have no role in the provision of this service;

AND WHEREAS the Province of BC has determined that rural areas and municipalities under 5,000 will contribute 50% towards the cost of rural police financing beginning in 2004;

AND WHEREAS the Province of BC has also determined that the Rural Area Tax will remain at the current level and will not be reduced and they are proposing that the new policing tax will be levied as a Regional District Tax in which regional districts will collect from electoral areas and municipalities under 5,000 and remit these funds to the Province;

THEREFORE BE IT RESOLVED that any tax to be implemented by the Provincial Government to recover policing costs be identified as a Provincial Tax and not as a Regional District Tax for the purpose of collection, and that information be provided to the public and to local government explaining why there are different levels of contribution based upon the size of a jurisdiction;

AND FURTHER, that any formula implemented to recover policing costs be established on the principle of fairness and equity, in which all regional districts are treated equally and contribute to policing by paying their share based upon the service provided to their electoral areas and municipalities under 5,000, and not through an 'ability to pay' formula; and that the Province provide information to regional districts and to their taxpayers explaining why the Rural Area Tax is increasing for rural road maintenance and provide the cost breakdown for this service.

MOVED Director Westbrook, SECONDED Director McNabb, that the motion be amended as follows: with the words "to their electoral areas and municipalities under 5,000" being deleted and the words "level of" being inserted between the words "upon the" and "service provided" and that the words "through the provincially proposed" replace the words "through an" so that the revised clause reads as follows:

AND FURTHER, that any formula implemented to recover policing costs be established on the principle of fairness and equity, in which all regional districts are treated equally and contribute to policing by paying their share based upon the service provided, and not through the provincially proposed 'ability to pay' formula; and that the Province provide information to regional districts and to their taxpayers explaining why the Rural Area Tax is increasing for rural road maintenance and provide the cost breakdown for this service.

And that an additional clause be added as follows:

AND FURTHER, that if the Province wishes to assist local governments who do have greater financial challenges than other local governments, that it do so through another mechanism including revisiting the issue of reimbursement of fine revenues.

CARRIED

The motion was called on the main motion, as amended.

The motion CARRIED.

MOVED Director Stanhope, SECONDED Director Hamilton, that the attached Police Financing Position Paper be approved as presented.

MOVED Director Westbrook, SECONDED Director McNabb, that the motion be amended by revising the second recommendation in the position paper to be consistent with the proposed UBCM resolution and that the words "local governments" replace the words "regional districts" in the fourth recommendation.

CARRIED

The motion was called on the main motion, as amended.

The motion CARRIED.

MOVED Director Westbrook, SECONDED Director McNabb, that the entire issue of regional policing services and cost sharing be referred to the current phase 2 of the Regional Services Review of the Regional District of Nanaimo.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 3:36 PM

CHAIRPERSON

TO: K. Daniels
Chief Administrative Officer

DATE: July 24, 2003

FROM: C. Mason
General Manager, Corporate Services

FILE:

SUBJECT: Rural Police Financing

PURPOSE:

To consider the attached position paper and the proposed UBCM resolution with respect to Rural Police Financing.

BACKGROUND:

In June 2003 the Minister of Public Safety and Solicitor General circulated a discussion paper entitled "Police Financing in British Columbia ... a new approach". A copy of the paper is attached for the Board's information. It describes the Province's proposal to have all municipalities under 5000 population and rural areas contribute to their own policing costs, with costs allocated under an 'ability to pay' formula. The Province is looking for feedback from UBCM members prior to the UBCM Convention so that a revised report finalizing the financial model can be circulated prior to the Convention. The Board established a Select Committee of Electoral Area and Municipal Directors last fall to review the Province's proposal and report back to the Board with recommendations.

Current Status

The current financing model for provincial police services in BC provides for municipalities over 5,000 to pay for local policing costs (70% for municipalities between 5,000 and 15,000 and 90% for municipalities exceeding 15,000), rural areas contribute a small amount representing approximately 30% of the provincial tax levy towards policing costs, and municipalities under 5,000 do not make any contributions towards policing costs. Municipalities over 5,000 also contribute towards police detachment offices and civilian staff resources within their municipalities.

According to the discussion paper, the breakdown of the total cost to deliver provincial and municipal police services in BC in 2001/2002 was estimated at \$806 million, with contributions as follows:

- Municipal Governments over 5000 - \$551 million
- Provincial Government - \$153 million
- Federal Government - \$101 million

The \$153 million contribution from the Province is for RCMP services to 83 municipalities under 5,000, unincorporated areas and Indian Reserves. Of this \$153 million, \$39 million represents service to unincorporated areas and \$15 million represents service to municipalities under 5,000.

New Financing Model

The Province is proposing to recover 50% of the cost for these services (\$27 million) through a tax requisition to electoral areas and municipalities under 5,000. Amounts currently paid by rural areas in the form of the rural tax levy will not be deducted – the amount currently raised in the provincial tax levy will be allocated 100% towards the cost of maintaining local roads in rural areas. A new separate tax levy will be applied to rural areas for policing costs. No rationale is provided to explain why the percentage of 50% was selected by the Province, or how this relates to the contribution levels of municipalities over 5,000 and 15,000.

The model proposes that the collection of the new policing tax will be through a provincial invoice to each Regional District, based upon an 'ability to pay' formula, with the amount to be recovered from municipalities under 5,000 and unincorporated areas. Regional District's have the choice of opting out of the standard arrangement, but only if they wish to set up their own regional police financing scheme.

Impact to the Regional District of Nanaimo

The Provincial proposal does not affect current financing agreements with municipalities over 5,000 – Nanaimo, Parksville & Qualicum Beach. The Provincial Police Service Agreement with the RCMP will not change the costs to these municipalities and will stay in place until March 31, 2012. Within the RDN, this proposal only affects Electoral Areas A to H and the newly incorporated District Municipality of Lantzville.

It is estimated that actual policing costs to provide rural services to the Regional District of Nanaimo is \$1.8 Million. Using the proposed 'ability to pay' formula, the Regional District will be invoiced \$1.6 Million, or 86% of its policing costs. Only the Capital Regional District is higher, with 94% of its costs to be recovered. Over the last two months, the Board Select Committee has reviewed this proposal and the revised Discussion Paper presented at a provincial workshop in late June. Based on the information reviewed by the Select Committee, it has developed a position paper for consideration by the Board, along with a resolution proposed for submission to the Fall UBCM Conference.

ALTERNATIVES:

1. That the Regional District Board endorse the attached Select Committee Position Paper on Rural Police Financing and resolution for submission to the Fall UBCM Conference, as presented;
2. That the Regional District Board endorse the attached Select Committee Position Paper and UBCM resolution, with amendments;
3. That the Regional District Board take no position on the proposed Rural Police Financing Model and defer to the Electoral Areas and District Municipality of Lantzville to respond to the Province and UBCM on this issue.

FINANCIAL IMPLICATIONS:

As noted above, the Province is proposing to recover 50% of total rural policing costs based on an ability to pay formula. While the Province is suggesting that this model begins to address the inequity between municipalities and rural areas, using the proposed formula will result in some regional districts contributing proportionally more towards the overall cost of policing than other areas. For example, for the RDN this translates into an 86% recovery rate of direct provincial policing costs, the second highest in the Province.

CITIZEN IMPLICATIONS:

Ability to Pay. While the Select Committee has reviewed the issue and agrees that rural areas and municipalities under 5,000 should contribute towards their fair proportion of policing costs based upon the service received, it does not agree with the financing model set out by the Province. In particular, it does not believe that the proposed ability to pay formula addresses equity or improves fairness between regional district taxpayers. In fact, the proposal suggests that areas with higher assessed values will pay more than those with lower assessed values, "those regional districts with weak tax bases will pay a smaller portion of their actual costs than those with stronger tax bases." This philosophy ignores the basic principle that regional districts pay for services based upon the actual service received.

Regional Tax Levy. The Province's proposal is to invoice regional districts and require them to allocate invoice costs among electoral areas and municipalities under 5,000 and remit the police invoice amount to the Minister of Finance by September 1 of each year. The Committee disagrees with this approach, as it will appear on regional tax notices as a regional district tax rather than a provincial tax levy. The RDN does not have a policing function and has no role in determining service levels. As this is a provincial responsibility, it is inappropriate for the Province to portray this tax as a regional district service levy.

Rural Area Tax. Because the Province has indicated that it has no intention of reducing the rural tax levy once a separate policing tax is imposed, the Province should be direct in acknowledging that it is also increasing the electoral area taxpayer contribution towards maintaining rural roads. While the entire focus of the Province's Discussion Paper has been directed towards restructuring policing financing, it has downplayed the increased contribution towards rural roads maintenance. In fact, significant increases in contributions will be made by regional districts and more detailed information on this service should also be made available to regional districts and to their taxpayers.

The Province's approach of identifying the police tax as a separate regional district tax is a deliberate strategy to give taxpayers the impression that provincial taxes are not increasing.

CONCLUSIONS:

The Province released a Discussion Paper on a revised approach to Police Financing in late June which affects only rural areas and municipalities less than 5,000. This new financing model will impact property owners in Electoral Areas A to H and the District Municipality of Lantzville, but will not change the current structure for police financing for municipalities over 5,000. A Select Committee formed by the Board last fall has reviewed the information presented by the Province and has a number of concerns with respect to this proposal. These concerns are shared by many other regional districts across the province. As a result, the Committee has developed a Position Paper and UBCM resolution with respect to the proposed financing model for consideration by the Board.

It is acknowledged that larger municipalities may agree with the Province on the subject of requiring rural areas and small municipalities to pay more towards policing costs. The concerns outlined by the Select Committee do not disagree with the concept of paying a fair and equitable share towards police services. Rather, the concerns of the Committee are directed towards the general principle that payment for service should be based upon the service received and not the ability to pay. Furthermore, the Committee disagrees with the proposal that this levy be shown separately as a Regional District Tax, while the existing Rural Area Tax be retained to give the appearance that provincial taxes have not increased.

RECOMMENDATION:

1. That the attached Police Financing Position Paper be approved as presented.
2. That the following resolution be forwarded to the UBCM, the Minister of Public Safety and Solicitor General and the Minister of Community, Aboriginal and Women's Services by August 13, 2003:


WHEREAS policing services are delivered to unincorporated areas and to municipalities of less than 5,000 by the RCMP and are under the direct jurisdiction of the Provincial and Federal Governments, where regional districts have no role in the provision of this service;

AND WHEREAS the Province of BC has determined that rural areas and municipalities under 5,000 will contribute 50% towards the cost of rural police financing beginning in 2004;

AND WHEREAS the Province of BC has also determined that the Rural Area Tax will remain at the current level and will not be reduced and they are proposing that the new policing tax will be levied as a Regional District Tax in which regional districts will collect from electoral areas and municipalities under 5,000 and remit these funds to the Province;

THEREFORE BE IT RESOLVED that any tax to be implemented by the Provincial Government to recover policing costs be identified as a Provincial Tax and not as a Regional District Tax for the purpose of collection, and that information be provided to the public and to local government explaining why there are different levels of contribution based upon the size of a jurisdiction;

AND FURTHER, that any formula implemented to recover policing costs be established on the principle of fairness and equity, in which all regional districts are treated equally and contribute to policing by paying their share based upon the service provided to their electoral areas and municipalities under 5,000, and not through an 'ability to pay' formula; and that the Province provide information to regional districts and to their taxpayers explaining why the Rural Area Tax is increasing for rural road maintenance and provide the cost breakdown for this service.


Report Writer


C.A.O. Concurrence

Squamish Lillooet Regional District
 Analysis of Police Invoice Costs for Rural Areas

Regional District	70 % of Actual Police Costs	Invoice Amounts	Per cent recovery
Alberni Clayoquot	779,180	363,367	47
Bulkley Nechacko	1,749,613	457,531	26
Capital	1,331,083	1,246,721	94
Caribou	2,889,340	1,375,596	48
Central Coast	208,982	49,009	23
Central Kootenay	2,668,297	1,210,664	45
Central Okanagan	1,740,700	991,276	57
Columbia Shuswap	1,577,785	893,663	57
Comox Strathcona	2,935,108	1,444,155	49
Cowichan Valley	3,057,070	1,259,670	41
East Kootenay	1,977,188	1,132,268	57
Fraser Fort George	1,375,909	922,032	67
Fraser Valley	1,562,211	489,106	31
Greater Vancouver	493,486	389,025	79
Kitimat Stikine	1,289,728	261,891	20
Kootenay Boundary	1,336,377	625,961	47
Mount Waddington	643,901	154,337	24
Namaimo	1,813,699	1,567,270	86
North Okanagan	1,335,273	316,002	24
Northern Rockies	839,343	597,151	71
Okanagan Similkameen	1,857,308	706,032	38
Peace River	2,033,947	2,033,947	100
Powell River	419,633	265,691	63
Skeena Queen Charlotte	606,521	99,357	16
Squamish Lillooet	670,563	217,831	32
Stikine	166,189	48,642	29
Sunshine Coast	1,231,047	1,008,368	82
Thompson Nicola	2,634,851	1,254,108	48
	41,224,332	21,380,471	52
Collected from present Rural Area Property Taxation		20,000,000	
	41,224,332	41,380,471	100

Regional District of Nanaimo Position Paper

July 2003

Police Financing for Municipalities under 5,000 and Unincorporated Areas

Guiding Principles

The following principles have been developed with respect to police financing:

1. Fair & Equitable Cost Sharing

Federal, provincial and municipal levels of government should each pay a proportionate share of the cost of RCMP service, based on the service that the RCMP provides in enforcing the laws within their jurisdiction. The Province of BC should provide a comprehensive rationale to justify why different rates are applied to communities based upon the size of the community. Specifically, why is 90% of the cost charged to communities greater than 15,000, 70% to communities between 5,000 and 15,000, approximately 30% to unincorporated areas and no charge to municipalities less than 5,000?

2. Cost Sharing Model

The tax levy applied to collect local property taxes towards police costs should be identified as a separate provincial tax levy. The local government should have input to determine what cost allocation formula will be applied to collect the proportionate share through local property taxes. Alternatives that may be considered by a Regional District would include taxation based on assessment, population, a combination of assessment and population, or through a flat parcel tax.

3. Governance Model

Governance of community policing is a responsibility of the Provincial Government and should remain at the provincial level. However, it is recognized that open communication should exist between local government authorities and the RCMP. Therefore, there should be a mechanism in place to provide for the local government to act in an advisory capacity on issues affecting local communities.

4. Provincial Downloading

It is the Regional District's position that it will not accept downloading of functions which are clearly within the mandate of a provincial responsibility.

Background

The current financing model for provincial police services in BC provides for municipalities over 5,000 to pay for local policing costs (70% for municipalities between 5,000 and 15,000 and 90% for municipalities exceeding 15,000), rural areas contribute a small amount representing approximately 30% of the

provincial tax levy towards policing costs, and municipalities under 5,000 do not make any contributions towards policing costs. Municipalities over 5,000 also contribute towards police detachment offices and civilian staff resources within their municipalities.

According to the information provided by the Provincial Government, the breakdown of the total cost to deliver provincial and municipal police services in BC in 2001/2002 was estimated at \$806 million, with contributions as follows:

- Municipal Governments over 5000 - \$551 million
- Provincial Government - \$153 million
- Federal Government - \$101 million

The \$153 million contribution from the Province is for RCMP services to 83 municipalities under 5,000, unincorporated areas and Indian Reserves. Of this \$153 million, \$39 million represents service to unincorporated areas and \$15 million represents service to municipalities under 5,000.

Proposed Financing Model

The Province is proposing to recover 50% of the cost for these services (\$27 million) through a tax requisition to electoral areas and municipalities under 5,000. Amounts currently paid by rural areas in the form of the rural tax levy will not be deducted – the amount currently raised in the provincial tax levy will be allocated 100% towards the cost of maintaining local roads in rural areas. A new separate tax levy will be applied to rural areas for policing costs. No rationale is provided to explain why the percentage of 50% was selected by the Province, or how this relates to the contribution levels of municipalities over 5,000 and 15,000.

The model proposes that the collection of the new policing tax will be through a provincial invoice to each Regional District, based upon an 'ability to pay' formula, with the amount to be recovered from municipalities under 5,000 and unincorporated areas. Regional District's have the choice of opting out of the standard arrangement, but only if they wish to set up their own regional police financing scheme.

Impact to the Regional District of Nanaimo

The Provincial proposal does not affect current financing agreements with municipalities over 5,000 – Nanaimo, Parksville & Qualicum Beach. The Provincial Police Service Agreement with the RCMP will not change and will stay in place until March 31, 2012. Within the RDN, this proposal only affects Electoral Areas A to H and the newly incorporated District Municipality of Lantzville.

It is estimated that actual policing costs to provide rural services to the Regional District of Nanaimo is \$1.8 Million. Using the proposed 'ability to pay' formula, the Regional District will be invoiced \$1.6 Million, or 86% of its policing costs. Only the Capital Regional District is higher, with 94% of its costs to be recovered.

Ability to Pay. While it is acknowledged that rural areas and municipalities under 5,000 should contribute towards their fair proportion of policing costs based upon the service received, the financing model set out by the Province does not address this issue. In particular, the proposed ability to pay formula does not address equity or improve fairness between regional district taxpayers. In fact, the proposal suggests that areas with higher assessed values will pay more than those with lower assessed

values, "those regional districts with weak tax bases will pay a smaller portion of their actual costs than those with stronger tax bases." This philosophy ignores the basic principle that regional districts pay for services based upon the actual service received.

Regional Tax Levy. The Province's proposal is to invoice regional districts and require them to allocate invoice costs among electoral areas and municipalities under 5,000 and remit the police invoice amount to the Minister of Finance by September 1 of each year. This approach will present the tax on the regional tax notices as a regional district tax rather than a provincial tax. The RDN does not have a policing function and has no role in determining service levels. As this is a provincial responsibility, it is inappropriate for the Province to portray this tax as a regional district service levy.

Rural Area Tax. Because the Province has indicated that it has no intention of reducing the rural tax levy once a separate policing tax is imposed, the Province should be direct in acknowledging that it is also increasing the electoral area taxpayer contribution towards maintaining rural roads. While the entire focus of the Province's Discussion Paper has been directed towards restructuring policing financing, it has downplayed the increased contribution towards rural roads maintenance. In fact, significant increases in contributions will be made by regional districts and more detailed information on this service should also be made available to regional districts and to their taxpayers. The Province's approach of identifying the police tax as a separate regional district tax is a deliberate strategy to give taxpayers the impression that provincial taxes are not increasing.

Recommendations:

1. That any tax to be implemented by the Provincial Government to recover policing costs be identified as a Provincial Tax and not as a Regional District Tax for the purpose of collection, and that information be provided to the public and to local government explaining why there are different levels of contribution based upon the size of a jurisdiction;
2. That any formula implemented to recover policing costs be established on the principle of fairness and equity, in which all regional districts are treated equally and contribute to policing by paying their share based upon the service provided, and not through the provincially proposed 'ability to pay' formula; and that the Province provide information to regional districts and to their taxpayers explaining why the Rural Area Tax is increasing for rural road maintenance and provide the cost breakdown for this service;
3. That the Province provide information to regional districts and to their taxpayers explaining why the Rural Area Tax is increasing for rural road maintenance and provide the cost breakdown for this service.
4. That if the Province wishes to assist local governments who do have greater financial challenges than other local governments, that it do so through another mechanism, such as grant funding, rather than through an 'ability to pay' formula tied directly to policing costs.

AUG 06 2003

MEMORANDUM

CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
<i>Brd. Agenda</i>			
August 6, 2003			

TO: N. Connelly
General Manager, Community Services

DATE:

FROM: M. Donnelly
Manager, Transportation Services

FILE:

**SUBJECT: Gabriola Emergency Evacuation Wharf
Counter Petition Process Results**

PURPOSE:

To bring forward the results of the counter petition process for the establishment of the Descanso Bay Wharf Service.

BACKGROUND

At the June 10th, 2003 meeting of the Board the following resolutions were passed with respect to the development of a wharf function for an emergency evacuation wharf at Descanso Bay on Gabriola Island.

That "Descanso Bay Wharf Service Bylaw No. 1352, 2003", be given 1st, 2nd and 3rd readings and proceed to counter petition pursuant to section 801.3 of the Local Government Act.

That the Counter Petition deadline of July 25, 2003 be established for "Descanso Bay Wharf Service Bylaw No. 1352, 2003".

As of the July 25th, 2003 deadline there were 532 counter petitions received (please see attached). The legislation for the counter petition process deems that the electorate has accepted the bylaw if less than 5% (135) of registered voters file a counter petition. Greater than 5% of the electorate filed a counter petition therefore the bylaw has not been accepted by the electorate.

For this bylaw to proceed the approval of the electorate is required. An opportunity exists with the referendum process to gain a full response from the electorate under Section 172.7 of the Local Government Act. November 1st, 2003 is the first available date to hold the referendum. Results of the referendum would be brought forward to the November Board meeting.

ALTERNATIVES

1. That the bylaw proceed to referendum on November 1, 2003 to obtain the assent of the electors.
2. That the bylaw be abandoned.
3. That a decision on the bylaw be postponed to the September Board Meeting to review issues related to the initiative.

FINANCIAL IMPLICATIONS

Estimated costs to carry out the referendum process is \$10,000. The funding for the referendum process would come from General Administration which would be reimbursed from the new wharf function once it is established.

CITIZEN IMPLICATIONS

While the counter petition process failed to gain approval for the bylaw there still remains a significant proportion of residents in favour of the bylaw and subsequent development of an emergency wharf. The referendum process will allow those in favour to come forward and express their support for the project.

SUMMARY/CONCLUSIONS

In order to establish a wharf function to allow for the construction of an emergency evacuation wharf at Descanso Bay on Gabriola Island it was necessary to gain the consent of the electorate. The counter petition process considers the electorate approves of the project if less than 5% sign the counter petition. As of the July 25th 2003 deadline there were 532 counter petitions received. This is greater than 5% of the electorate so therefore the bylaw cannot proceed based on the counter petition process.

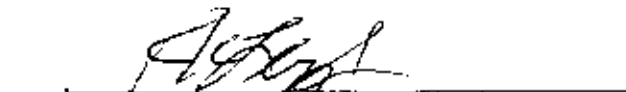
A referendum would allow all residents an opportunity to express their approval or opposition to this bylaw. The referendum would be held on November 1st, 2003 with the results brought forward to the November Board meeting. The Area Director wishes more time to evaluate whether proceeding to referendum is the best alternative for this service, and has requested that a decision on the bylaw be postponed to the September Board Meeting.

RECOMMENDATION

That the "Descanso Bay Wharf Service Bylaw No. 1352, 2003" be referred to the September 9, 2003 Board Meeting to determine whether to proceed to referendum or to abandon the bylaw.


Report Writer


General Manager Concurrence


A/C.A.O. Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO	
AUG 01 2003	
CHAIR	GMCrs
CAO	GMDS
GRCms	GMES
MEMORANDUM	
b/d. Agenda ✓	

TO: Neil Connelly
General Manager, Community Services

DATE: August 6, 2003

FROM: Christina Thomas
Senior Planner, Community Services

FILE: 6780-40-RGSS
6780-30-RUCB

SUBJECT: CITY OF NANAIMO URBAN CONTAINMENT BOUNDARY (UCB) &
REGIONAL CONTEXT STATEMENT (RCS) CHANGE REQUEST:
JEFFS & CATTRALL PROPERTIES

PURPOSE

The purposes of this report are to consider the City of Nanaimo requests to:

- move the Urban Containment Boundary (UCB), pursuant to the Urban Containment and Fringe Area Management Implementation Agreement (UCFAMIA); and
- amend their Regional Context Statement (RCS), pursuant to the *Local Government Act*.

BACKGROUND

On July 7, 2003, the RDN received a request from the City of Nanaimo Council requesting RDN Board support:

- to include two properties adjacent to the Woodgrove area commercial development inside the UCB; and
- to amend the City of Nanaimo RCS to enable urban development on properties presently designated by the Regional Growth Strategy (RGS) as Resource Lands and Open Space (*see Attachment 1*).

These requests were generated as a result of the Provincial Cabinet's recent approval of the inclusion of the two properties into the City of Nanaimo with Order in Council No. 0601 on June 19, 2003. Prior to that the properties comprised an isolated island of Electoral Area D land, completely surrounded by the City of Nanaimo and the recently formed District of Lantzville.

City of Nanaimo Proposal

The City of Nanaimo is proposing that the UCB be moved to include:

- a 2.2 hectare property legally described as *Lot 2, District Lot 26, Wellington District, Plan 37425, Except Part in Plan VIP70172*, located adjacent to the old Island Highway, Mary Ellen Drive, and Dover Road (hereafter referred to as the Jeffs Property), and
- a 2.3 hectare triangular portion¹ of the property legally described *Lot A, District Lot 26, Wellington District, Plan 12781, Except Part in Plan VIP62700*, located between Mary Ellen Drive, the old Island Highway and the new Island Highway, (hereafter referred to as the Cattrall Property)

¹ The Cattrall property presently consists of two pieces: the subject triangular piece between the two highways and a remainder piece to the southwest of the new highway. The construction of the new highway severed the property into two pieces. The remainder piece is in Electoral Area D, and the subject property piece is in the City of Nanaimo.

inside the UCB (*see Attachment 2*).

The City of Nanaimo is also proposing that their Regional Context Statement (RCS) be amended to enable the use of the subject properties, which are designated by the Regional Growth Strategy (RGS) as *Resource Lands and Open Space*, for urban development. RCSs establish the relationship between a RGS and Official Community Plans (OCP) by identifying the consistencies and inconsistencies between an OCP and a RGS. In the case of inconsistencies, RCSs specify how the inconsistency will be resolved. This amendment is requested to enable the City to designate the subject properties in their OCP as Woodgrove Regional Shopping Town Centre. If approved, the OCP amendment could proceed immediately and the designation of the land by the RGS would be changed from Resource Lands and Open Space to Urban Area when the RGS is next reviewed. As a part of the City's current round of OCP changes it is only proposing to change the land use designation of the Jeffs property from the Lantzville OCP Gateway Lands designation to the Nanaimo OCP Woodgrove Regional Shopping Town Centre designation; the City intends to consider OCP land use designation changes for the Catrall property at a later date.

The stated intended purpose of the UCB, RCS and land use designation amendments is to enable development consistent with the City of Nanaimo Official Community Plan Woodgrove Regional Shopping Town Centre land use designation on the Jeffs and Catrall properties at some point in the future. This land use designation serves primarily as a regional shopping centre. Shopping plazas and malls are permitted in the designation, as are a wide range of other uses (i.e. varying densities of residential development, commercial, institutional and community uses).

Legislation Applicable to Urban Containment Boundary Changes

The Regional Growth Strategy (RGS) establishes regional policy direction regarding changes to the Urban Containment Boundary. Specifically, Policy IC of the RGS states that:

- Urban Containment Boundaries (UCBs) should only be amended every five years in conjunction with the review of the regional growth strategy, or at an interval specified in an official community plan; and that
- all UCB changes should be considered according to the process and criteria of the Urban Containment and Fringe Area Management Implementation Agreement (UCFAMIA).

The UCFAMIA specifies that UCB changes are to satisfy five criteria. Specifically, the land proposed for inclusion:

1. is required to meet documented community needs which cannot be met on other lands inside the UCB;
2. can be serviced in a cost effective manner with reference to plans and capital programs for municipal and regional district provided services;
3. is not in the ALR or FLR;
4. will not lead to adverse changes to the health and ongoing viability of sensitive ecosystems, and will be subject to conditions to ensure this;
5. will not lead to adverse changes to the resource productivity of adjacent lands and will be subject to conditions to ensure this.

The UCFAMIA also establishes the process for changing UCBs. It specifies that:

- UCB changes will only be considered at periodic review intervals specified in the regional growth strategy and municipal official community plans, and will require amendment to both the RGS and OCP provisions regarding applicable urban containment policies and UCBs;
- UCB changes will be supported with information, impact assessments and impact management conditions which address the above criteria;

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- UCB changes will be subject to a technical review and recommendations by a sub-committee formed of the Intergovernmental Advisory Committee (IAC); the IAC is to make recommendations in relation to the Regional Growth Strategy (in municipalities, the Regional Context Statement in the OCP), and environmental and resource land use impacts and their management; and,
- UCB changes, if approved, and where advised by the responsible government agencies, will be subject to conditions to protect ongoing resource production and environmental quality.

The City of Nanaimo proposal was discussed at an Intergovernmental Advisory Committee meeting on July 30, 2003, pursuant to the above-described process. Minutes for this meeting are included in the August 12, 2003 Board Meeting agenda.

ALTERNATIVES

1. Support the City of Nanaimo proposal subject to the following conditions to mitigate any potential impacts and establish a gradual transition from urban to rural land uses:
 - a) designating the Cattrall property as within the City of Nanaimo DPA 22 (Nanaimo Parkway) and DPA 21 (Commercial, Industrial, Institutional, Multiple Family Residential, and Mixed Commercial/Residential Development), and designating the Jeffs property as within the City of Nanaimo DPA 21 (Commercial, Industrial, Institutional, Multiple Family Residential, and Mixed Commercial/Residential Development), to ensure the form and character of any future urban development is complementary to adjacent properties (both urban and rural);
 - b) respecting the existing Lantzville Official Community Plan policies for land in the Gateway Lands designation for any future development of the Cattrall and Jeffs properties;
 - c) respecting the existing Lantzville Official Community Plan policies regarding road networking as a part of any future development of the Cattrall and Jeffs properties;
 - d) securing a commitment from the developer of the Jeffs property to improve the traffic network in the Dover and Dickenson Road area by contributing the property necessary to establish a connection between Dover and Lantzville Roads and constructing this road; and
 - e) addressing that the issues and concerns as described in the May 28, 2003, letter from Mr. Brian McHaffey, City of Nanaimo, General Manager of Development Services, to RDN Electoral Area D Director Denise Haine (*see Attachment 3*);
 - f) the landscape buffering and road construction requirements for the development of the Jeffs property may be entirely located on the property legally described as Lot 1, District Lot 26, Wellington District, Plan 37425, Except part in Plan VIP70172 (the Mor Courage property), located adjacent to the Jeffs property;
 - g) in the case of the development of the Jeffs property, securing the buffering and road construction requirements through a mutually agreeable mechanism, such as an agreement or covenant.
2. Not support the City of Nanaimo proposal.

REGIONAL GROWTH STRATEGY IMPLICATIONS

Approval of the City of Nanaimo request to change the Urban Containment Boundary (UCB) to include the Jeffs and Cattrall properties would be consistent with the criteria established for UCB changes in the Urban Containment and Fringe Area Management Implementation Agreement as described below:

- a) *Required to meet documented community need which cannot be met on other lands inside the UCB*

From a regional perspective, it is difficult to argue that more land is required inside the Urban Containment Boundary (UCB). Currently, there is approximately 10,400 hectares of land inside the UCB, and the Land Inventory Analysis conducted as a part of the Regional Growth Strategy Review

confirmed that there is more than enough land inside the UCB to accommodate residential development for the population projected for the region for the next 25 years. Further, given that the only policy within the RGS related to commercial land use is to direct commercial development to lands inside the UCB and, in particular, to encourage commercial development in nodes, there would also appear to be adequate opportunities for commercial development within the existing urban land base. However, documented community need for a UCB expansion may not only relate to residential or commercial development capacity. Documented community need may also result from issues concerning connectivity between parcels, significant geographical or physical constraints, access restrictions or connections, and serviceability.

With respect to the City of Nanaimo proposal, an unusual situation was created when the subject properties were isolated from Electoral Area D with the development of the new island highway and the recent Provincial government decision to not include the lands in the District of Lantzville. The adjacent commercial activity and the circulation of traffic, together with the significant road and highway frontage of the subject properties limits the type of uses that would be considered desirable on them. It is also noted that the Woodgrove area is the most significant regional retail centre in the region (and the central Island), and as such, serves a much wider market than most other commercial areas in the region. Therefore, the demand for additional land to accommodate regional scale commercial uses may be greater than the land base that is traditionally required in community-scale nodes. This would appear to lend support to the City's request.

- b) *Can be serviced in a cost effective manner with reference to plans to capital programs for municipal and regional district provided services*

The Jeffs and Cattrall properties are to be serviced by the City of Nanaimo, and the City currently provides community water and community sewer services to adjacent properties. The development of the Jeffs property provides an opportunity to improve the road network in the area. Specifically, it provides an opportunity to have a road constructed to connect the existing Lantzville and Dover Roads, thereby providing an alternative access route into Lantzville. This should reduce vehicular traffic through residential areas along Dickenson and Roslyn Roads.

- c) *Not in the ALR or FLR*

The subject properties are not in the ALR or FLR.

- d) *Will not lead to adverse changes to the health and ongoing viability of sensitive ecosystems, and will be subject to conditions to ensure this.*

Development of the subject properties will not lead to adverse changes to the health and ongoing viability of sensitive ecosystems as there are no environmentally sensitive areas present on the subject or adjacent properties according to the Environmentally Sensitive Areas Atlas. The environmentally sensitive area that was once present on the Cattrall property according to the Environmentally Sensitive Areas Atlas is no longer in existence due to the construction of the Nanaimo Parkway on top of it.

- e) *Will not lead to adverse changes to the resource productivity of adjacent lands and will be subject to conditions to ensure this*

No resource lands are adjacent to the subject properties, and as such the proposal will not reduce resource productivity.

AGE
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OFFICIAL COMMUNITY PLAN IMPLICATIONS

Approval of the City of Nanaimo request to move the Urban Containment Boundary to include the Jeffs and Cattrall properties and to use these lands for urban development is consistent with the applicable official community plan for the lands (i.e. Lantzville), as outlined in Alternative #1. The current Lantzville OCP land use designation of the subject properties as Gateway Lands anticipates the urban development of the subject properties. Specifically, Gateway Lands Policy 3 states, "the Regional District shall recommend that all potential future development within the Gateway Lands be physically and architecturally focused and directed towards the service commercial node in the City of Nanaimo". The Lantzville OCP also advocates the provision of "appropriate green belt buffers" on the Gateway Lands. It should be noted that the subject properties are the only lands within the Gateway Lands designation that are considered to have potential for urban development due to access restrictions and distance and availability of City services.

INTERGOVERNMENTAL IMPLICATIONS

The Intergovernmental Advisory Committee (which includes representatives from all of the member municipalities, including the new District of Lantzville) considered the City's proposal at its July 30, 2003 meeting. The minutes for this meeting are included in the August 12, 2003 Board Agenda.

It should also be noted that, pursuant to the *Local Government Act*, the City of Nanaimo is required to consult with the District regarding any amendments to its official community plan for land adjacent to the District, and that the City has requested the District's feedback about the proposal separate from the referral of the matter to the IAC.

SUMMARY

The City of Nanaimo has requested RDN Board support to include inside the Urban Containment Boundary (UCB) two properties adjacent to the Woodgrove area commercial development, and to amend the City of Nanaimo Regional Context Statement to enable the urban development of the properties. The stated intended purpose of the UCB, RCS and OCP land use designation amendments is to enable development consistent with the City of Nanaimo Official Community Plan "Woodgrove Regional Shopping Town Centre" land use designation on the Jeffs and Cattrall properties at some point in the future. The proposal, if approved pursuant to Alternative #1, would meet the criteria of the Urban Containment and Fringe Area Management Implementation Agreement and respect the Lantzville Official Community Plan, which is applicable to the subject properties.

RECOMMENDATIONS

1. That the report "Urban Containment Boundary Change Request: City of Nanaimo: Jeffs and Cattrall Properties" be received.
2. That the City of Nanaimo proposal to include inside the Urban Containment Boundary the property legally described as Lot 2, District Lot 26, Wellington District, Plan 37425, Except Part in Plan VIP70172 (referred to as the Jeffs property) and a triangular portion of property legally described as Lot A, District Lot 26, Wellington District, Plan 12781, Except Part in Plan VIP62700 (referred to as the Cattrall property) and to amend their regional context statement, be supported subject to the following conditions, to mitigate any potential impacts and establish a gradual transition from urban to rural land uses:
 - a) designating the Cattrall property as within the City of Nanaimo DPA 22 (Nanaimo Parkway) and DPA 21 (Commercial, Industrial, Institutional, Multiple Family Residential, and Mixed Commercial/Residential Development), and designating the Jeffs property as within the City of

Nanaimo DPA 21 (Commercial, Industrial, Institutional, Multiple Family Residential, and Mixed Commercial/Residential Development), to ensure the form and character of any future urban development is complementary to adjacent properties (both urban and rural);

- b) respecting the existing Lantzville Official Community Plan policies for land in the Gateway Lands designation for any future development of the Cattrall and Jeffs properties,;
- c) respecting the existing Lantzville Official Community Plan policies regarding road networking as a part of any future development of the Cattrall and Jeffs properties,;
- d) securing a commitment from the developer of the Jeffs property to improve the traffic network in the Dover and Dickenson Road area by contributing the property necessary to establish a connection between Dover and Lantzville Roads and constructing this road;
- e) addressing that the issues and concerns as described in the May 28, 2003, letter from Mr. Brian Mehaffey, City of Nanaimo, General Manager of Development Services, to RDN Electoral Area D Director Denise Haime;
- f) the landscape buffering and road construction requirements for the development of the Jeffs property may be entirely located on the property legally described as Lot 1, District Lot 26, Wellington District, Plan 37425, Except part in Plan VIP70172 (the Mor Courage property), located adjacent to the Jeffs property;
- g) in the case of the development of the Jeffs property, securing the buffering and road construction requirements through a mutually agreeable mechanism, such as an agreement or covenant.

Christina Thomas

Report Writer

N. Connelley

General Manager Concurrence

R. Jeffs

CAO Concurrence

ATTACHMENT #1



2003-July-07

File: 6480-20-86-A01
0470-30-R01-02

Kelly Daniels
Chief Administrative Officer
Regional District of Nanaimo
5300 Hammond Bay Road
Nanaimo, B.C. V9T 6N2

SUBJECT: Proposed Official Community Plan Amendments for the Jeffs and Catrall Properties

The purpose of this letter is to:

- outline the intended land use for the recently amalgamated Jeffs and Catrall properties located along the north boundary of the City of Nanaimo, and
- initiate the process required under the Growth Management Strategy for adjusting the Urban Containment Boundary and amending the Regional Context Statement to recognize the proposed Woodgrove Regional Shopping Town Centre land use designation.

Background:

Order in Council No. 0601 for the Supplementary Letters Patent extending the City boundary to include the Jeffs and Catrall properties was passed on 2003-Jun-19. In order for the City of Nanaimo to consider development options for these properties, Official Community Plan (OCP) amendments which move the Urban Containment Boundary (UCB) to include these properties and provide a designation allowing alternate land uses need to be considered.

Where a Regional Growth Strategy applies, the Local Government Act requires Council to seek a resolution of the Regional Board for adjustments to the UCB and amendments to the Regional Context Statement recognizing discrepancies between the Regional District's Regional Growth Management Plan and Nanaimo's OCP with a mechanism for resolving inconsistencies in the future.

Intended Land Use:

The City of Nanaimo is considering amendments to the UCB and the designation of the above properties during the current OCP amendment review period. Those amendments would be to include the Jeffs and Catrall properties inside the UCB and designate the Jeffs property Woodgrove Regional Shopping Town Centre.

Process for Initiating Amendments:

The Local Government Act requires Council to adopt a Regional Context Statement (RCS), which recognizes the relationship between Nanaimo's OCP and Regional matters. It is the RCS which enables a municipality to consider a designation amendments that is inconsistent with the Regional District's Growth Management Plan. If a designation other than Rural Resource is applied to these properties, the discrepancy between the Regional Growth Management Plan and Nanaimo's OCP needs to be recognized in the Regional Context Statement with a mechanism for resolving the inconsistencies in the future.

In order to change the designation, the properties must be inside the UCB. The process for considering UCB adjustments was developed as part of the Urban Containment and Fringe Area Management Implementation Agreement (UCFAMIA). The process includes undertaking an Impact Assessment based on the criteria set out in the UCFAMIA, and requires the Inter-Governmental Advisory Committee, formed under Growth

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RDN Referral – Jeffs/Catrall Properties

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Management policies in the Local Government Act, to review the Impact Assessment and provide recommendations to the Regional Board. The rationale outlined in the Impact Assessment recognizes the unique circumstances of these two properties; namely, that a portion of the Catrall property was separated from the RDN by the new Parkway and the Jeffs property was separated from the Regional District following the creation of the District Municipality of Lantzville, which left the properties sandwiched between two municipalities. The Impact Assessment recognizes the opportunity to improve traffic flows and deal with safety issues currently experienced in neighbourhoods adjacent to the Jeffs property (see Impact Assessment attached).

Proposed Amendments:


The proposed amendments are summarized below:

- adjust the UCB to include the following properties:
 - Jeffs property - Lot 2, District Lot 26, Wellington District, Plan 37425 except part in Plan VIP70172; and
 - Catrall property - that part of Lot A, District Lot 26, Wellington District, Plan 12781, except part in Plan VIP62700 located within City boundaries.
- amend the Regional Context Statement by adding the following:
 - Inconsistency - The Woodgrove Regional Shopping Town Centre designation is inconsistent with the Growth Management Plan designation of Resource Lands and Open Space for the property at Lot 2, District Lot 26, Wellington District, Plan 37425 except part in Plan VIP70172 (Jeffs property)
 - Resolution of Inconsistencies - The Regional Map of Land Uses would need to be updated during the next five year review of the Growth Management Plan by designating the following properties Urban Area designation: Lot 2, District Lot 26, Wellington District, Plan 37425 except part in Plan VIP70172 (Jeffs property); and that part of Lot A, District Lot 26, Wellington District, Plan 12781, except part in Plan VIP62700 located within City boundaries (Catrall property).

Both the amendment to the Regional Context Statement and the UCB adjustment require a resolution from the Regional District of Nanaimo Board. Please note that the amendment to the Regional Context Statement anticipates a designation change for the Catrall property to Woodgrove Regional Shopping Town Centre at some point in the future.

If you have any questions regarding the intended land use changes proposed for these two properties or the City's expectations regarding the process for considering the amendments outlined above, please do not hesitate to call me at 755-4450.

Sincerely,



Sharon Fletcher, Manager
Community Planning, Development Services Dept.

Attach.

pc: Christina Thomas, Senior Planner, Community Services

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IMPACT ASSESSMENT FOR ADJUSTING THE URBAN CONTAINMENT BOUNDARY

With the recent decision of the Province not to include the Jeffs property inside the new District Municipality of Lantzville boundary and the completion of the Parkway, a unique situation has been created where two Regional parcels of land could potentially have been isolated from the rest of the Regional District. The boundary decision for the District Municipality of Lantzville left the Jeffs and the portion of the Catrall property east of the Parkway sandwiched between two municipalities, the City of Nanaimo and District Municipality of Lantzville. Both properties are also isolated from services and access except through the City of Nanaimo. Given these unique situations, these two properties have been amalgamated into the City of Nanaimo with the Province of B.C. issuing the Supplementary Letters Patent on 2003-June-19th.

Now that the properties are in the City, land use designations for the two properties are being considered. Since both properties are adjacent to or surrounded by the Woodgrove commercial area, it is logical to designate them Woodgrove Regional Shopping Town Centre. In order to give them this designation, they need to be inside the UCB.

This Impact Assessment identifies the impacts of including the two properties inside the UCB based on the Urban Containment and Fringe Area Management Implementation Agreement criteria. The criteria and rationale for moving the Urban Containment Boundary are shown in the table below.

Criteria	Rationale
<ul style="list-style-type: none"> Is required to meet documented community needs which cannot be met on other lands inside the Urban Containment Boundary 	<p>Jeffs – rationalizes the land use following the determination of the new District Municipality of Lantzville and City of Nanaimo boundary</p> <p>Catrall – rationalizes the land use in the area following construction of the Parkway</p>
<ul style="list-style-type: none"> Can be serviced in a cost-effective manner with reference to plans and capital programs for municipal and regional district provided services 	<p>When the Jeffs property develops there is an opportunity to improve traffic volumes and deal with safety issues currently experienced in adjacent neighbourhood areas (ie new connector road dedication as promised by the developer</p> <p>Servicing and vehicle access to the Catrall property is only possible from the City of Nanaimo</p>
<ul style="list-style-type: none"> Is not in the ALR or FLR 	Properties are not in the ALR or FLR
<ul style="list-style-type: none"> Will not lead to adverse changes to the health and ongoing viability of sensitive ecosystems and will be subject to conditions to ensure this 	No EAS's are present on the properties
<ul style="list-style-type: none"> Will not lead to adverse changes to resource productivity of adjacent lands and will be subject to conditions to ensure this 	No resource lands are directly adjacent and the properties, once logged, were not maintained as productive resource lands prior to amalgamation

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CONTEXT FOR THE RATIONALE

Jeffs Property

The current Lantzville Official Community Plan (OCP) identifies the Jeffs property as a Gateway property with no plans for Lantzville to provide services and recommends that any commercial development on the site shall be physically and architecturally focused toward the Woodgrove commercial node (see maps 4 & 5 sewer and water development areas and section 9(3)). With the property now within the City of Nanaimo and adjacent to the Woodgrove commercial node, the proposed extension of the commercial node to include this property is both logical and appropriate. Other land uses such as single family or multi family residential uses for this gateway property adjacent to major commercial development and the convergence of two highways is difficult to justify as the best use for these lands. Furthermore, as referenced above, a possible commercial use for this property appeared to be implied in the existing Lantzville OCP and therefore does not appear to contradict the proposed land use being advanced at this time.

A vegetated buffer to protect Lantzville neighbourhoods from major roads and the existing intense urban uses in the Woodgrove Regional Shopping Town Centre area is currently anticipated in the Lantzville OCP with the gateway property expected to provide that buffer (see Section 9(1) of the Lantzville OCP). While this OCP policy did not appear to have the ability to prevent the property from being logged due to its Resource designation, there are significant opportunities within Nanaimo's development application processes to secure a buffer as the land use intensifies. In addition to the rezoning processes both the Jeffs and Catrall properties will be subject to Development Permit Area 21 - Form and Character for Commercial and Multi-family, and Development Permit Area 22 - Parkway Design Guidelines.

Also, the development of the Jeffs property will provide a necessary components to completing the collector road network that will link Lantzville Road to Dover Road, providing a more direct route to and from the Woodgrove Regional Shopping Town Centre. The road connection to Lantzville Road will improve traffic flow, decrease traffic pressure in the existing neighbourhood and deal with future traffic safety and volume issues in the neighbourhood area that expects significant density increases as Lantzville develops out under the Growth Management Plan and Lantzville's OCP.

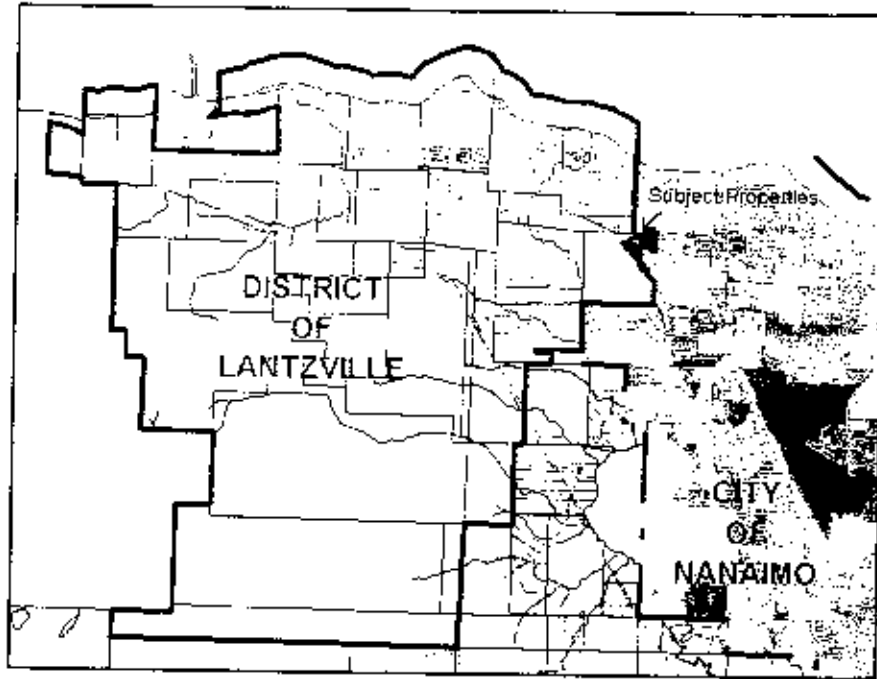
Catrall Property

The section of the Catrall property being considered in this application was isolated from other Resource Lands when the Parkway was constructed. It has long been recognized that the Catrall property would become part of the City of Nanaimo when the property owner was ready to initiate the municipal boundary adjustment process and it is logical to designate the property Town Centre since access to the property and services can only be achieved through the adjacent Town Centre property to the south. Staff has, however, placed a condition on the owner to legally separate the portion east of the Parkway from the remainder prior to finalizing any amendments to the OCP designation on this property.

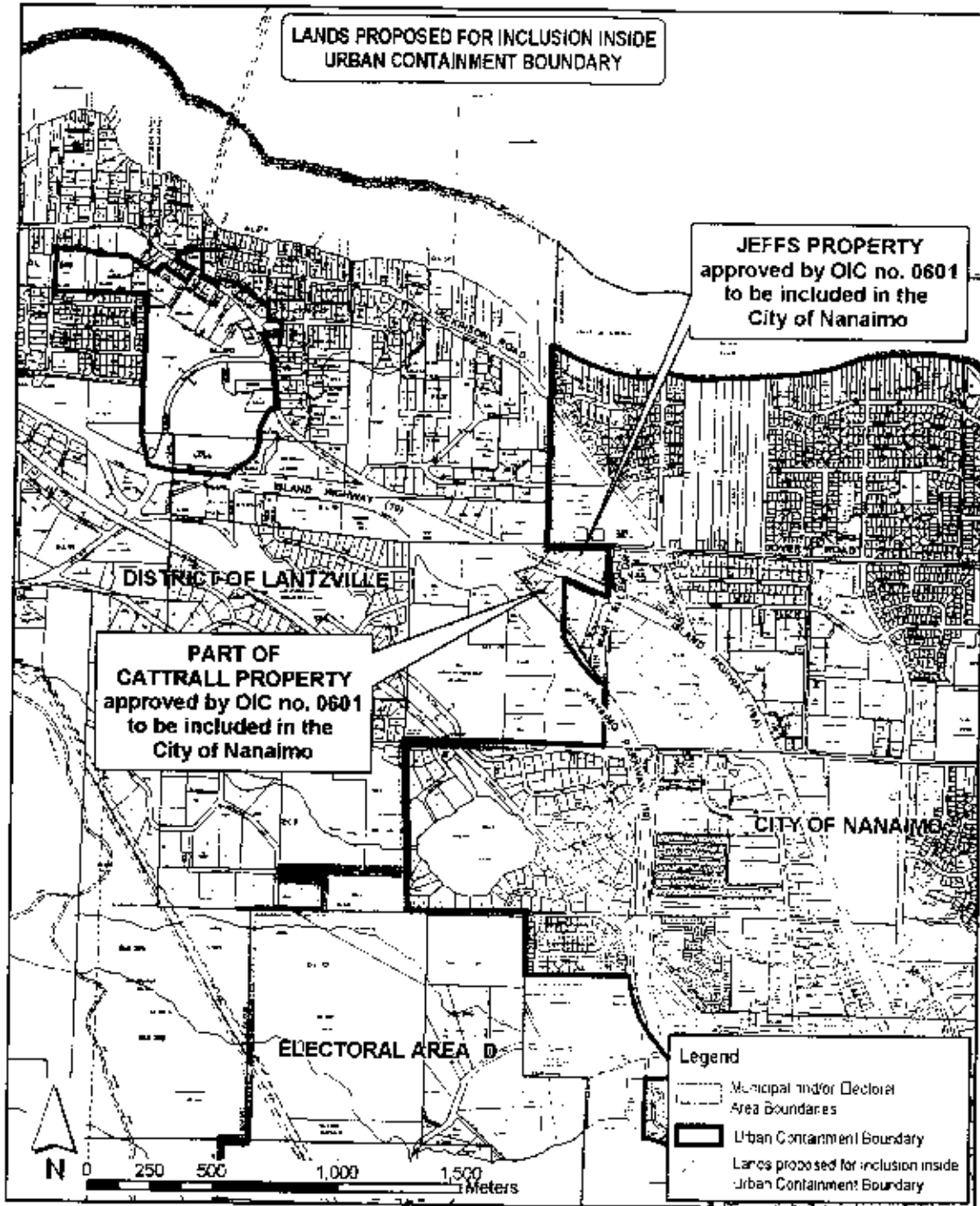
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ATTACHMENT # 2



AGE
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ATTACHMENT #3



100-241005
C. BARNES
IN CHARGE /
11-2003

2003-May-28

File: CIL188, 197, 198

via fax: 390-7511

Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC V9T 8N2

Attention: Director Denise Haime

Dear Ms. Haime:

Re: Urban Containment Boundary Amendment

I am writing to follow up on our meeting of Friday last, regarding the process underway to expand the City's boundaries to take in two parcels of land (commonly known as the Jeffs and Catrall properties) which are currently located within Area D. The purpose of the meeting was to talk about the process and time frame for the boundary expansion as referenced in our letter of May 16th and associated regulatory changes. As well, City Staff were hoping to gain a better understanding of your position with regards to the future development of the Jeffs property. (I advised you that no changes were proposed to the regulatory framework impacting the Catrall property at this time and that any future plans for development of the site would be the subject of a later discussion.)

Of primary concern as I understand it, is the need to address existing traffic network issues in the Dover/Dickerson area. Towards this end, the owners of the Jeffs property have optioned an adjoining parcel and have committed to dedicate sufficient land to allow the connection of Dover and Lantzville Roads. I indicated to you that the owners have made a commitment to Nanaimo to do so and that the City would ensure that the dedication takes place prior to the proposed relocation of the Urban Containment Boundary (UCB). I also understand that it is your position that the connecting road should be constructed at the time the development occurs and ideally at the developer's cost. I indicated that to the best of my knowledge there has been no design work done in relation to the road, but that a full study would be required as part of the access review undertaken at the rezoning stage which may or may not require some or all of the works to be done in order to provide suitable and safe access to the site. We discussed the possibility that provincial assistance might be provided in this regard and that it may be necessary to lobby the Minister of Transportation and Highways towards this end in future. Regardless of the funding source, I clearly understood it to be your position that the road link is important to the community of Lantzville and that other works such as the creation of a cul-de-sac at the intersection of Schook and Roselyn Roads are also contemplated as a means to address existing concerns.

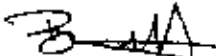
Regional District of Nanaimo
Director Denise Hsime
2003-May-28
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You also indicated that a further area of importance was the protection of existing wells. Towards this end, concerns have been expressed that stormwater from the property could cause drainage problems for downstream residents or alternatively introduce pollutants into the groundwater. I advised you that, for obvious reasons, the final design of the stormwater system had not been undertaken, but that the basic parameters would address the issue of volume, limiting the flow of stormwater from the property to pre-development volumes and that any water emanating from the parking area would be treated by way of an oil/water separator as part of the system.

We also discussed your desire to see an appropriate buffer to deal with the impact of site lighting and noise originating from the site. I advised you that in my experience, buffers would likely have a limited impact in both cases. There is substantial background noise in the area currently due to the close proximity to the Island Highway however, there is no question that the size of delivery vehicles and the timing of deliveries can sometimes be problematic for residents in close proximity to commercial projects. In my experience, the most effective way to deal with this issue is to consider potential impacts on neighbouring properties when determining the location of delivery bays. The same general principle holds true with lighting. In the case of building/parking lot lighting, it is possible to try and shield adjoining parcels as much as possible. In the case of vehicle lighting however, buffers are not a particularly effective tool. In any event, both these issues need to be considered at the rezoning/development permit stage when design details will be available.

I would like to thank you for taking the time to discuss the project. Up until this point, my understanding of your concerns was based on discussions with the owner's agent and I appreciated the opportunity to talk to you directly on them. I have summarized my understanding of your positions on this project in the hopes of clarifying both your expectations and how the City will work to address them. If I have missed anything or I have not successfully captured your intent, please let me know and I will address it accordingly.

Yours truly,



Brian McHaffey, General Manager,
DEVELOPMENT SERVICES

BMM/whp
Prepared: CIL188, 197, 198

cc: P. Murphy, Manager, Property Services, DSD
K. Daniels, Chief Administrative Officer, RDN - fax 390-4163
N. Connolly, Director of Development Services, RDN - fax 390-7511
B. Lapham, Manager of Planning Services, RDN - fax 390-7511