

**REGIONAL DISTRICT OF NANAIMO**

**REGULAR BOARD MEETING  
TUESDAY, FEBRUARY 12, 2002  
7:30 PM**

*(Nanaimo City Council Chambers)*

**A G E N D A**

**PAGES**

- 1. CALL TO ORDER**
- 2. DELEGATIONS**
  - 11 **Lila & John Mandziuk**, re DVP Application No. 0202 - Shetland Place - Area E.
  - 12 **Don Levirs, Parksville and District Save the Park Committee**, re District 69 Arena.
  - 13 **Howard Fowler**, re ALR Exclusion No. 0115 - Virginia Road - Area F.
- 3. BOARD MINUTES**
  - 14-18 Minutes of the Board meeting held on Tuesday, January 8, 2002.
- 4. BUSINESS ARISING FROM THE MINUTES**
- 5. COMMUNICATIONS/CORRESPONDENCE**
  - 19-20 **A. D. Kemp, Thompson-Nicola Regional District**, re Waste Export to the Cache Creek Landfill.
  - 21-22 **Honourable Joyce Murray, Minister of Water, Land and Air Protection**, re Waste Export to the Cache Creek Landfill.
  - 23 **Shirley Hine, City of Parksville**, re Request for Reduction in Water Rates at the District 69 Arena.
  - 24-25 **Honourable George Abbott, Minister of Community, Aboriginal and Women's Services**, re Restructure Planning Grant for Gabriola Island Study.
  - 26-27 **Kirk Miller, Land Reserve Commission**, re Improvements to BC's Land Reserve Commission.
- 6. UNFINISHED BUSINESS**
  - Public Hearing.**
    - 28-33 Minutes of the Public Hearing held January 23, 2002 with respect to Bylaw No. 500.279 - Maibach Industries/Brown - 2093 South Wellington Road - Area A. (All Directors except EA 'B' - One Vote)

34-43 Minutes of the Public Hearing held January 31, 2002 with respect to Zoning Amendment Application No. 0107 - Senini - Dickinson Road - Area D. (Electoral Area Directors except EA 'B' - One Vote)

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

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

44-46 Minutes of the regular Electoral Area Planning Committee meeting held January 22, 2002. (for information)

**DEVELOPMENT PERMIT APPLICATIONS**

**Application No. 0201 – Sort – 1105 Surfside Drive – Area G.** (Electoral Area Directors except EA 'B' - One Vote)

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

**Application No. 0202 – Green – 1390 Madrona Drive – Area E.** (Electoral Area Directors except EA 'B' - One Vote)

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

**Application No. 0203 – Klassen/Sims Associates – Crocus Corner – Area G.** (Electoral Area Directors except EA 'B' - One Vote)

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

**DEVELOPMENT VARIANCE PERMIT**

**Application No. 0201– Mills – 2705 Shady Mile Way – Area D.** (Electoral Area Directors except EA 'B' - One Vote)

**Delegations wishing to speak to Application No. 0201.**

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

**Application No. 0202 – Mandziuk – Shetland Place – Area E.** (Electoral Area Directors except EA 'B' - One Vote)

**Delegations wishing to speak to Application No. 0202.**

*That Development Variance Permit No. 0202, submitted by John Mandziuk and Lila Mandziuk, to facilitate the construction of a dwelling unit within the Residential 1 (RS1) zone by varying the maximum height of the dwelling unit from 8.0 metres to 10.4 metres for the property legally described as Strata Lot 30, District Lot 78, Nanoose District, Plan VIS3393 Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1, be approved as submitted subject to site inspection of the applicant's property and neighbouring properties and the notification requirements pursuant to the Local Government Act.*

**Application No. 0203 – Ronkainen/Earthy – 3452 Jingle Pot Road – Area D.** (Electoral Area Directors except EA 'B' - One Vote)

**Delegations wishing to speak to Application No. 0203.**

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

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

47-55

Minutes of the regular Committee of the Whole Committee meeting held January 22, 2002. (for information)

**COMMUNICATIONS/CORRESPONDENCE**

**Paula Barrett, Georgia Strait Crossing Pipeline Limited, re Pipeline Progress.** (All Directors - One Vote)

*That the correspondence received from Georgia Strait Crossing Pipeline Limited with respect to an update on the Georgia Strait Pipeline project, be received for information.*

**Walter Gray, City of Kelowna, re Provincial Cycling Network Program.** (All Directors - One Vote)

*That the correspondence received from the City of Kelowna with respect to support for the Provincial Cycling Network Program, be received for information.*

**Barry O'Neill, CUPE BC, re Community Charter.** (All Directors - One Vote)

*That the correspondence received from CUPE BC with respect to CUPE BC's submission to the Community Charter Council, be received for information.*

**DEVELOPMENT SERVICES**

**BUILDING INSPECTION**

**Section 700 Filings.** (All Directors - One Vote)

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

- (a) Lot 2, Section 16, Range 1, Plan 27225, Cedar Land District, 2022 Walsh Road, Electoral Area 'A', owned by W. Pirart;
- (b) Lot A, Section 6, Ranges 1 and 2, Plan VIP68448, Cedar Land District, 2683 Cedar Road, Electoral Area 'A', owned by G. and D. Laird;
- (c) Lot B, Section 19, Plan 33183, Gabriola Island, Nanaimo Land District, 900 Bertha Avenue, Electoral Area 'B', owned by C. and D. Guest;
- (d) Lot 21, Section 3, Plan 23540, Gabriola Island, Nanaimo Land District, 1815 Lackehaven Drive, Electoral Area 'B', owned by D. Rinaldi;
- (e) Lot 15, Section 9, Plan 30347, Gabriola Island, Nanaimo Land District, 1440 Hess Road, Electoral Area 'B', owned by P. Edge and L. Holbrook;
- (f) Lot 24, Section 21, Plan 24297, Gabriola Island, Nanaimo Land District, 280 Malaspina Drive, Electoral Area 'B', owned by C. O'Dell and D. Smith;
- (g) Lot 28, Section 9, Plan 30347, Gabriola Island, Nanaimo Land District, 1575 Hess Road, Electoral Area 'B', owned by R. Johannes and E. Foley;
- (h) Lot E, District Lots 1 and 181, Plan 10875, Nanoose Land District, 951 Shorewood Drive, Electoral Area 'E', owned by F. Ariello;
- (i) Lot 24, Block E, District Lot 38, Plan 13054, Nanoose Land District, 1392 Pilot Way, Electoral Area 'F', owned by C. Eggins;
- (j) Lot 7, Block 5, District Lot 11, Plan 1223, Newcastle Land District, 230 Cortes Road, Electoral Area 'G', owned by L. and A. Jensen.

## **BYLAW ENFORCEMENT**

### **Land Use and Building Bylaw Contraventions – D. Dorman – 2220 Cedar Road – Area A. (All Directors - One Vote)**

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

## **PLANNING**

### **ALR Exclusion No. 0115 - Fowler – Virginia Road – Area F. (All Directors - One Vote)**

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

## **COMMUNITY SERVICES**

## **RECREATION & PARKS**

### **Haslam Creek Bridge Funding – Trans Canada Trail. (Electoral Area Directors - Weighted Vote)**

*That a reallocation of \$40,000 in capital from the Regional Parks budget for the construction of the Trans Canada Trail Haslam Creek Bridge by August 31, 2002, be approved.*

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

(All Directors - 2/3 - Weighted Vote)

- 1. That "Parkland Acquisition Fund (Electoral Area F) Expenditure Bylaw No. 1282, 2002" receive three readings.*
- 2. That "Parkland Acquisition Fund (Electoral Area F) Expenditure Bylaw No. 1282, 2002" having received three readings, be adopted.*

### **MacMillan Park in Cathedral Grove. (All Directors - One Vote)**

*That the update report on the Western Canada Wilderness Committee request to the Board on the proposed expansion of MacMillan Provincial Park be received for information.*

*That a letter be sent to the Honourable Joyce Murray, Minister of Water, Land and Air Protection, supporting a cost benefit study regarding expanding MacMillan Provincial Park by acquiring approximately 500 hectares of private land from Weyerhaeuser which includes both old growth and second growth forest to the south*

*of the current park, instead of the 100 hectares currently being considered where the oldest and largest giants were logged one year ago.*

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

**Community Parks Local Service Amendment Bylaw No. 805.03 – Area G and Bylaw No. 804.02 – Area F. (All Directors - One Vote)**

- 1. That "Electoral Area 'G' Community Parks Local Service Requisition Amendment Bylaw No. 805.03, 2002" be given three readings and forwarded to the Inspector of Municipalities for approval.*
- 2. That "Electoral Area 'F' Community Parks Local Service Requisition Amendment Bylaw No. 804.02, 2002" be given three readings and forwarded to the Inspector of Municipalities for approval.*

**ENVIRONMENTAL SERVICES**

**LIQUID WASTE MANAGEMENT**

**Newcastle Island – Transfer of a Fee Simple Interest to the City of Nanaimo. (All Directors - One Vote)**

*That the Board approve the transfer of "That part of Newcastle Island, Nanaimo District, shown outlined in red on Plan 1172 RW" to the City of Nanaimo.*

**SOLID WASTE MANAGEMENT**

**Amendments to Water and Sewer User Fee Rates.**

*(All Directors - 2/3 Vote)*

- 1. That "Regional District of Nanaimo French Creek Sewer Specified Area Regulation and Rates Amendment Bylaw No. 422.09, 2002" be introduced for first three readings.*

*That "Regional District of Nanaimo French Creek Sewer Specified Area Regulation and Rates Amendment Bylaw No. 422.09, 2002" having received three readings be adopted.*

- 2. That "Regional District of Nanaimo Nanoose Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 524.11, 2002" be introduced for first three readings.*

*That "Regional District of Nanaimo Nanoose Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 524.11, 2002" having received three readings be adopted.*

- 3. That "Regional District of Nanaimo French Creek Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 619.07, 2002" be introduced for first three readings.*

*That "Regional District of Nanaimo French Creek Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 619.07, 2002" having received three readings be adopted.*

4. *That "Regional District of Nanaimo Surfside Properties Water Specified Area Regulations and Rates Amendment Bylaw No. 700.08, 2002" be introduced for first three readings.*

*That "Regional District of Nanaimo Surfside Properties Water Specified Area Regulations and Rates Amendment Bylaw No. 700.08, 2002" having received three readings be adopted.*

5. *That "Regional District of Nanaimo Arbutus Park Estates Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 726.08, 2002" be introduced for first three readings.*

*That "Regional District of Nanaimo Arbutus Park Estates Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 726.08, 2002" having received three readings be adopted.*

6. *That "Regional District of Nanaimo Madrona Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 727.08, 2002" be introduced for first three readings.*

*That "Regional District of Nanaimo Madrona Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 727.08, 2002" having received three readings be adopted.*

7. *That "Regional District of Nanaimo Fairwinds Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 764.10, 2002" be introduced for first three readings.*

*That "Regional District of Nanaimo Fairwinds Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 764.10, 2002" having received three readings be adopted.*

8. *That "Regional District of Nanaimo Fairwinds Sewerage Specified Area Regulations and Rates Amendment Bylaw No. 765.08, 2002" be introduced for first three readings.*

*That "Regional District of Nanaimo Fairwinds Sewerage Specified Area Regulations and Rates Amendment Bylaw No. 765.08, 2002" having received three readings be adopted.*

9. *That "Regional District of Nanaimo West Bay Estates Water Local Service Area Regulations and Rates Amendment Bylaw No. 815.06, 2002" be introduced for first three readings.*

*That "Regional District of Nanaimo West Bay Estates Water Local Service Area Regulations and Rates Amendment Bylaw No. 815.06, 2002" having received three readings be adopted.*

10. *That "Regional District of Nanaimo Wall Beach Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 886.05, 2002" be introduced for first three readings.*

*That "Regional District of Nanaimo Wall Beach Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 886.05, 2002" having received three readings be adopted.*

11. *That "Regional District of Nanaimo Decourcey Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1097.03, 2002" be introduced for first three readings.*

*That "Regional District of Nanaimo Decourcey Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1097.03, 2002" having received three readings be adopted.*

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

(All Directors - Weighted Vote)

12. *That "Regional District of Nanaimo Garbage and Recyclable Materials Collection Rates Amendment Bylaw No. 1009.05, 2002" be introduced for first three readings.*

(All Directors - 2/3)

*That "Regional District of Nanaimo Garbage and Recyclable Materials Collection Rates Amendment Bylaw No. 1009.05, 2002" having received three readings be adopted.*

**Illegal Dumping Prevention Program – Penalties and Program Publicity. (All Directors - One Vote)**

*That the Board receive the 2002 Illegal Dumping Program - Penalties and Program Publicity report for information and that as suggested by MWLAP Conservation Officer Service and the RDN Bylaw Enforcement staff, a letter not be sent to AVICC recommending a \$2,000 minimum fine for illegal dumping.*

**UTILITIES/ENGINEERING**

**Morningstar Streetlighting LSA Boundary Amendment Bylaw No. 869.02 – Area G. (All Directors - One Vote)**

*That "Morningstar Streetlighting Local Service Area Boundary Amendment Bylaw No. 869.02, 2002" be introduced and read three times, and forwarded to the Inspector of Municipalities for approval.*

**San Pareil Water Supply LSA Rates & Regulations Amendment Bylaw No. 1172.01 – Area G. (All Directors - 2/3 Vote)**

1. *That "San Pareil Water Supply Local Service Area Rates and Regulations Amendment Bylaw No. 1172.01, 2002" be introduced and read three times.*
2. *That "San Pareil Water Supply Local Service Area Rates and Regulations Amendment Bylaw No. 1172.01, 2002" be adopted.*



**CORPORATE SERVICES**

**COMMISSION, ADVISORY & SELECT COMMITTEE**

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

*That the minutes of the Lantzville Parks & Open Space Advisory Committee meetings held November 26, 2001 and January 7, 2002 be received for information.*

*That the Board of the Regional District of Nanaimo write to the BC Assets and Land Corporation to expand on the rationale for the lands and request reconsideration for a portion of DL 105 to be provided for a staging area for recreational opportunities within the Lantzville Foothills.*

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

**7.(IV) COMMISSION**

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

**Gabriola Island Parks and Recreation Commission.** (All Directors - One Vote)

56-58 *Minutes from the Gabriola Island Parks and Recreation Commission meeting held December 13, 2001. (for information)*

59-61 *Minutes from the Gabriola Island Parks and Recreation Commission meeting held January 21, 2002. (for information)*

(All Directors - Weighted Vote)

62-65 *That the staff report be received and that the Regional District enter into an agreement with School District No. 68 that provides for the upgrade of the Gabriola Elementary School field under the financial terms of four annual payments of \$5,000 and arrangements for community use and access to the field and school facility as specified in the report.*

(All Directors - One Vote)

66-70 *That the staff report be received and that a water chlorination system be purchased and installed to service the washrooms and concession at Rollo McClay Community Park and that a temporary fence be placed around the perimeter of the wellhead.*

**District 69 Recreation Commission.** (All Directors - One Vote)

71-73 *Minutes from the District 69 Recreation Commission meeting held January 17, 2002. (for information)*

(Electoral Areas, Parksville, Qualicum Beach - Weighted Vote)

74-76 *That the two temporary part time Recreation Assistant positions involved with the delivery of direct youth recreation services be extended from April 1 to December 31, 2002.*

**Growth Management Plan - Performance Review Committee.** (All Directors - One Vote)

77-79 *Minutes from the Growth Management Plan Performance Review Committee meeting held January 31, 2002. (for information)*

**8. ADMINISTRATOR'S REPORT**

80-95 Development Variance Permit Application No. 0202 - Mandziuk - 3573 Shelby Lane - Area E. (Electoral Area Directors except EA 'B' - One Vote)

96-102 Development Permit Application No. 0201 - Sort - 1105 Surfside Drive - Area G. (Electoral Area Directors except EA 'B' - One Vote)

103-105 Unsightly Premises Regulatory Bylaw No. 1073, 1996 - E. Stenberg, H. O'Connor, A. Wallace - 1010 Descanso Valley Drive - Area B. (All Directors - One Vote)

106-194 Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, and Electoral Area 'F' Official Community Plan Amendment Bylaw No. 1152.02. (All Directors except EA 'B' - One Vote)

195-201 RDN Security Issuing (City of Parksville) Bylaw No. 1283. (All Directors - Weighted Vote)

202-212 Provision of an Additional Ice Sheet in District 69. (Additional information included as separate enclosure)(Voting - see report)

**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(a) and (i) of the Local Government Act the Board proceed to an In Camera meeting to consider personal information related to the selection of candidates to a Board appointment and to consider a legal matter.*

REGIONAL DISTRICT OF NANAIMO	
JAN 23 2002	
CHAIR	GMCrs
CAO	GMDS
GMCms	GMS
Board-Delegation	

Jan 23/2002

To: Carol Mason  
RDIV

General Manager Corporate Services

Re: Variance Application Lot 30 Shetland Place

Please add our names to appear as a delegation re: our application for height variance..

Meeting is Feb 12, 2002 7:30 p.m.  
We will contact you to confirm

Thanks so much.  
John Mandziuk  
Lila Mandziuk

468-5957  
3384 Rockhampton Rd  
Nanose Bay, BC

PAGE  
II

**Burgoyne, Linda**

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**From:** Don Levirs [dlevirs@bcsupernet.com]  
**Sent:** Monday, February 04, 2002 10:39 AM  
**To:** Burgoyne, Linda  
**Subject:** Linda Burgoyne

Hello Linda.

I would like to have a delgation speak at the February 12,2002 meeting of the Nanaimo & District Meeting. On the Arena Issue for District 69 Arena. (referendum)

Delegation Name.

Parksville and District Save the Park Committee.

Don Levirs ,Member . Phone Number 248-5117

589 Martindale Rd.

Parksville,B.C. Canada. V9P-1R1.

As you may see we are not using the Forfathers name. For this was a given name by someone. For we started out as The Parksville & District Save the Park Committee. So we would like to be known as this from now on. We feel this is more respeckt full to our Pioneers of Parksville and District.

Can you please let me now if our Delagation is okay to speak. Thank You very Much,Don Levirs.

E/M address is [DLevirs@bcsupernet.com](mailto:DLevirs@bcsupernet.com)

P/S Do you now of any other Meeting that we might beable to attend.To get our point accross to the Regional Board. Don L.

To : Administration Services  
Yamaino Regional District  
Attention: Maureen Pearce  
FAX: 250-390-4163

From: Howard M. Lawler  
891 Virginia Road  
Coombs, B.C.  
P.O. Box 59  
VOR-1M0  
Ph: (250) 248-3882  
FAX: (250) 248-3882  
Date: February 4, 2002

I understand my A.P.R. Exclusion Application No. 0115 -  
Virginia Road - Area F comes before the Regional  
Board on February 12, 2002. I request permission  
to speak to the Board with respect to that  
application, and will be available to answer  
any questions the Board may have.

Respectfully requested:

Howard M. Lawler  
owner of the parcel subject  
of application.

Phone: (250) 248-3882

FAX: (250) 248-3882

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE REGULAR MEETING OF THE BOARD  
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON  
TUESDAY, JANUARY 8, 2002, AT 7:32 PM IN THE  
NANAIMO CITY COUNCIL CHAMBERS**

**Present:**

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

**Also in Attendance:**

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

**LATE DELEGATIONS**

MOVED Director Stanhope, SECONDED Director Haime, that the following delegation be permitted to address the Board.

CARRIED

**Red Williams, re Area F Zoning Bylaw and Boundary Study.**

Mr. Williams spoke of his concerns with respect to the proposed Area F zoning bylaw and advised the Board that in his opinion there were fundamental flaws in the proposed bylaw that needed to be addressed before the process could be continued.

**BOARD MINUTES**

MOVED Director Sherry, SECONDED Director McNabb, that the minutes of the regular Board meeting held on Tuesday, December 11, 2001 be adopted.

CARRIED

**COMMUNICATIONS/CORRESPONDENCE**

**David Heenan, re Horne Lake – Area H.**

MOVED Director Haime, SECONDED Director McNabb, that the correspondence from David Heenan with respect to Horne Lake, be received.

CARRIED

**Trevor Wicks, re Area F Zoning Bylaw.**

MOVED Director Haime, SECONDED Director McNabb, that the correspondence from Trevor Wicks with respect to the Area 'F' zoning bylaw, be received.

CARRIED

**AVICC, re Deadline for Resolutions.**

MOVED Director Haime, SECONDED Director McNabb, that the correspondence from AVICC with respect to the deadline for all resolutions for the 2002 AVICM Conference, be received.

CARRIED

**UNFINISHED BUSINESS**

**BYLAWS**

**Bylaw No. 889.19.**

MOVED Director Macdonald, SECONDED Director Westbrook, that "Regional District of Nanaimo Northern Community Sewer Local Service Area Amendment Bylaw No. 889.19, 2001" be adopted.

CARRIED

**Bylaw No. 1216.01.**

MOVED Director Krall, SECONDED Director Sherry, that "Municipal Benefitting Area Amendment Bylaw No. 1216.01, 2001" be adopted.

CARRIED

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

**G. Holme, re 2002 Appointments to Scheduled Standing Committees.**

The Board appointments to the Scheduled Standing Committees for the year 2002 are as follows:

Municipal Finance Authority – J. Stanhope, D. Haime, Alternate.

District 69 Recreation Commission – D. Quittenton, J. McLean, Alternate.

Deep Bay Harbour Authority – D. Quittenton

Regional Library Board – J. Stanhope, L. Elliott, Alternate.

Treaty Advisory Committee – E. Hamilton, B. Sperling, Alternate.

North Island 911 Corporation – G. Holme, T. Westbrook, Alternate.

Grants-in-Aid Committee – E. Hamilton.

Municipal Insurance Association (MIA) – E. Hamilton.

RDN Emergency Planning Committee – G. Holme and E. Hamilton.

Mt. Arrowsmith Biosphere Foundation – J. Stanhope.

Arrowsmith Water Project Management Committee – G. Holme.

Solid Waste Advisory Committee (SWAC) – L. Sherry and J. Stanhope.

Liquid Waste Management Plan Monitoring Committee – L. Sherry.

CVIsland Health Regional Project Building Committee – G. Holme, B. Holdom, Alternate.

CVIsland Health Region Joint Capital Planning Committee – T. Krall, J. Stanhope, Alternate.

MOVED Director Stanhope, SECONDED Director McNabb, that the information with respect to the appointments for the year 2002 be received for information.

CARRIED

Horne Lake Park Advisory Committee.

MOVED Director Stanhope, SECONDED Director Quittenton, that Jack Pipes, Robert Reeves, Frank Van Eynde and Kenneth Wur be appointed to the Horne Lake Park Advisory Committee.

CARRIED

#### ADMINISTRATOR'S REPORT

**Amendments to Electoral Area 'F' Zoning & Subdivision Bylaw.**

Director Holme turned the Chair over to Director McNabb to deal with the next issue.

Director Holme requested that the items be dealt with seriatim.

MOVED Director Elliott, SECONDED Director McLean, that a moratorium be placed on the Area F zoning bylaw until the boundary review and incorporation study are completed.

Director McNabb advised that the first 3 resolutions would be dealt with first before the question on the moratorium.

MOVED Director Cantelon, SECONDED Director Stanhope,:

1. That the Select Committee Report and the Select Committee Recommendation Matrix be received.
2. That the minutes of the November 21<sup>st</sup>, Electoral Area 'F' Zoning and Subdivision Bylaw Public Information Meeting and written submissions be received.
3. That the minutes of the December 5<sup>th</sup> and 21<sup>st</sup>, Electoral Area 'F' Select Committee meetings be received.

A recorded vote was requested.

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

The question was called on the motion of the moratorium.

The motion was DEFEATED.

MOVED Director Korpan, SECONDED Director Krall, that staff be directed to proceed with necessary actions to amend the Electoral Area 'F' Official Community Plan to permit a minimum permitted parcel size of 2.0 hectares for lands within the Agricultural Land Reserve.



MOVED Director Westbrook, SECONDED Director Macdonald, that this item be referred to the next Committee of the Whole meeting.

DEFEATED

The question was called on the main motion.

MOVED Director Korpan, SECONDED Director Holme, that the motion be amended to 4.0 hectares.

A recorded vote was requested.

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

The question was called on the main motion.

The motion CARRIED.

MOVED Director Cantelon, SECONDED Director Stanhope, that staff be directed to proceed with amendments to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1155, 2001" as recommended by the Select Committee and bring an amended draft bylaw back to the Board to be reintroduced and referred to a public hearing.

CARRIED

Director Holme returned to the Chair.

#### **Year 2002 Parcel Tax Rolls.**

MOVED Director Stanhope, SECONDED Director Cantelon, that "Regional District of Nanaimo Assessment Roll Preparation Bylaw No. 1270, 2002" be introduced for first three readings.

CARRIED

MOVED Director Cantelon, SECONDED Director Stanhope, that "Regional District of Nanaimo Assessment Roll Preparation Bylaw No. 1270, 2002" having received three readings, be adopted.

CARRIED

#### **Development Permit Application No. 0128 – Lemanski/Geurrier – 5533 Deep Bay Drive – Area H.**

MOVED Director Quittenton, SECONDED Director Macdonald, that Development Permit Application No. 0128 to permit the construction of a dwelling unit within an Environmentally Sensitive Area and Hazard Land Development Permit Area on the property legally described as Lot 51, District Lot 1, Newcastle Land District, Plan 20442 be approved subject to the conditions as outlined in Schedule No. 1.

CARRIED

#### **Green Landing Wharf – Gabriola Island – Long Term Lease Status.**

MOVED Director Haime, SECONDED Director McNabb,:

That the Public Works and Government Services offer to extend the temporary lease of Green Wharf Landing from January 1, 2002 to March 31, 2002 to the Regional District of Nanaimo be accepted; and

That the Regional District request a formal written position from the BC Assets and Lands Corporation regarding their position and conditions required for a transfer of the wharf.

CARRIED

**Eagle Tree Re-location – Nanoose Bay – Area E.**

MOVED Director Sherry, SECONDED Director Macdonald, that an agreement with Fairwinds Community and Resort for the installation of an artificial eagle nest platform in Community Park E-25 be approved with all construction and operational costs to be covered by Fairwinds.

CARRIED

**Growth Management Plan Review – Event Schedule – Phase III and IV.**

MOVED Director Stanhope, SECONDED Director Cantelon, that the schedule of events for Phases III and IV of the Growth Management Plan Review be approved.

CARRIED

**IN CAMERA**

MOVED Director Sherry, SECONDED Director Cantelon, that pursuant to Section 242.2 1(e) of the *Local Government Act* the Board proceed to an In Camera meeting to consider matters related to land acquisition.

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 8:40 PM

The meeting reconvened at 8:45 PM

**Old Errington School.**

MOVED Director McLean, SECONDED Director Cantelon, that the Regional District complete the purchase arrangements with School District 69 for the acquisition of the old Errington School for \$150,000 and under the payment terms outlined in the staff report.

CARRIED

MOVED Director McLean, SECONDED Director McNabb, that staff be directed to develop a report and Terms of Reference for the establishment of a group in Area F that would assume full management responsibilities for the facility on behalf of the Regional District.

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 8:47 PM



# Thompson-Nicola Regional District

Department: Environmental Health Services

January 21, 2002

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

Attention: Mr. George Holme, Chair

Dear Sirs:

Subject: Regional District of Nanaimo Waste Export to the Cache Creek Landfill

The Thompson-Nicola Regional District Board of Directors, at its Regular Meeting held on January 10, 2002, considered your letter dated December 18, 2001, requesting a 5-year extension to the authorization to accept up to 17,000 tonnes per year of Regional District of Nanaimo (RDN) refuse at the Cache Creek Landfill.

The following resolution was passed:

"That a letter be forwarded to the Regional District of Nanaimo approving an extension of the Board of Directors' February, 1998 authorization to dispose of up to 17,000 tonnes per year of refuse from the Regional District of Nanaimo to the Cache Creek landfill for a period of five years to January, 2007;

AND FURTHER, that the letter include a request that the Regional District of Nanaimo provide the Thompson-Nicola Regional District with an annual update of waste reduction initiatives, annual waste tonnage exported to Cache Creek, and significant developments with regard to ongoing development of disposal options in Stage 3 of their solid waste management plan.

CARRIED Unanimously"

... 12

REGIONAL DISTRICT OF NANAIMO			
JAN 30 2002			
CHAIR		GMCrs	
CAO		GMDS	
GMCm8		GMES	
<i>Board Comm</i>			

300 - 465 Victoria Street  
Kamloops, British Columbia  
Canada V2C 2A9  
Tel. (250) 377-8673  
Fax. (250) 372-5048  
Toll Free in BC: 1-877-377-8673  
Email: admin@tnrd.bc.ca  
Website: www.tnrd.bc.ca

MUNICIPALITIES: Kamloops, Merritt,  
Ashcroft, Cache Creek, Clinton,  
Logan Lake, Osoyoos  
ELECTORAL AREAS: "A" "B" "C" "D" "E" "F" "G" "H" "I" "J"  
"L" "M" "N" "O" "P"

PAGE 12


January 21, 2002

Page 2

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We trust the above is self-explanatory, however, if you require clarification or have any questions please contact Mr. Donald May, Manager of Environmental Health Services, at (250) 377-8673.

Yours truly,

  
A.D. KEMP,  
Chair

DKM/sjs

**PAGE**  
30



BRITISH COLUMBIA

Reference: 65486

JAN 21 2002

REGIONAL DISTRICT OF NANAIMO			
JAN 25 2002			
CHAIR	<input checked="" type="checkbox"/>	GMCrs	
CAO	<input checked="" type="checkbox"/>	GMDS	
GMCms	<input checked="" type="checkbox"/>	GMS	
B.A. Comm			

George Holme, Chair, and Directors  
Regional District of Nanaimo  
6300 Hammond Bay Rd  
Nanaimo BC V9T 6N2

Dear George Holme and Directors:

Thank you for your letter of December 18, 2001, requesting approval to continue to export approximately one-third of the Regional District of Nanaimo's (RDN's) municipal solid waste to the Cache Creek landfill until December 31, 2007.

The RDN solid waste management plan (SWMP) was originally approved in October 1988. I understand that in 1992, RDN began a SWMP amendment which was later split into two parallel processes: the 3Rs process (reduce, reuse, recycle) and the residual management process. The 3Rs plan amendment was approved in April 1997. The Stage 2 Residual SWMP report has been approved by the RDN Board and submitted to the regional waste manager for approval. As stated in your letter, the Stage 2 Residual SWMP report indicates that waste export is the preferred residual waste management option; however, given that the cost of waste export has increased significantly, the RDN is currently reviewing this recommendation before proceeding to stage 3. Ministry staff is working with the RDN during this review.

I approve the amendment of your solid waste management plan to authorize the export of approximately one-third (up to 17,000 tonnes per year) of the RDN's municipal solid waste to the Cache Creek landfill until December 31, 2007. Any necessary authorizations of the appropriate local governments, related solid waste management plans and the landfill owner are also required.

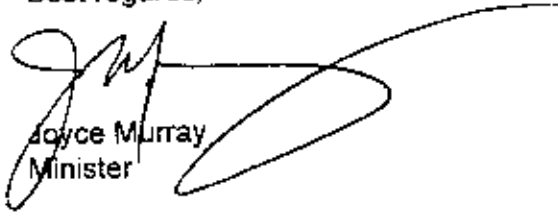
I understand that, if necessary, the RDN has the ability to cease waste export before December 31, 2007. The Stage 3 SWMP Report can also supersede previous SWMP approvals. As required by legislation, public review and consultation shall occur during stage 3.

.../2

- 2 -

Please continue to consult with David Brown, Regional Waste Manager, Vancouver Island Region, 2080-A Labieux Road, Nanaimo, British Columbia, V9T 6J9, telephone 250 751-3176, during your SWMP amendment.

Best regards,



Joyce Murray  
Minister

cc: David Brown, Regional Waste Manager, Vancouver Island Region



# City of PARKSVILLE

PO Box 1390, 100 E. Jensen Avenue, Parksville, BC, V9P 2H3  
Telephone: (250) 248-6144 Fax: (250) 248-6650  
www.city.parksville.bc.ca

REGIONAL DISTRICT OF NANAIMO	
JAN 25 2002	
CHAIR	GMCrs
CAO	GMDS
GMCms	GMES
<i>Red Comm</i>	

FILED

January 23, 2002

Regional District of Nanaimo  
Recreation and Parks  
P.O. Box 1119  
Parksville, BC V9P 2H2

Attention: Tom Osborne, Manager of Recreation and Parks.

Dear Mr. Osborne:

Re: Request for Reduction in Water Rates at the District 69 Arena.

At the regular meeting of Council held on Monday, January 21, 2002 the following resolution was passed regarding the request for a reduction in water rates at the District 69 Arena:

- 02-14      That the report from the City Manager, dated January 10, 2002 entitled "RDN Request to Reduce Water Rates for the District 69 Arena" and the correspondence from the Regional District of Nanaimo, dated December 28, 2001, be received;
- And That the Regional District of Nanaimo be advised the City is not prepared to subsidize the water or other utility charges for the District 69 Arena.

Yours very truly,

SHIRLEY E. HINE, CMC  
Director of Administrative Services

:dbm

PAGE  
23



BRITISH COLUMBIA

JAN 26 2002

REGIONAL DISTRICT RECEIVED	
JAN 30 2002	
CHARRIGAL DISTRICTS	<input checked="" type="checkbox"/>
CAO OF NANAIMO	<input checked="" type="checkbox"/>
GMCMS	GMES
Board Comm	
-Dir Spelling	

George Holme, Chair  
Regional District of Nanaimo  
6300 Hamond Bay Rd  
Nanaimo BC V9T 6N2

Dear George Holme:

Further to the letter dated July 31, 2001, from Jim Ramsay, Chair, Gabriola Governance Review Committee, I am pleased to advise you that a Restructure Planning Grant in the amount of \$40,000, has been approved for the Regional District of Nanaimo, as follows:

- **Regional District of Nanaimo (Gabriola Island Study)**      **\$40,000**      **FSB #RS02011**

I acknowledge that the grant request from the Governance Review committee is greater than \$40,000, and I am prepared to consider a supplementary grant later in the study process. Restructure Planning Grants represent part of the Ministry's commitment to assist communities to study the possible restructuring of local government. The grant is based on the understanding that the above project will result in completion of a restructure study and the public information process being managed by the Gabriola Governance Review Committee. This grant will be paid upon completion of the study, based on actual costs as documented by invoices, including net GST.

Under separate cover your administration will receive a letter and a schedule specifying the terms and conditions of the grant. The schedule must be signed by the chief administrative officer and returned to the Ministry to indicate acceptance of the terms and conditions, before funds are committed and work commences on the project.

I offer my best wishes with this project, which will allow residents of the community of Gabriola Island to make an informed decision on the question of restructure. Ministry staff are available for advice and assistance during the restructure study process. Please note that Alixe Knighton, Director, Municipal Advice and Approvals, at 250 387-6701, will be the main contact for the project.

.../2



George Holme, Chair  
Page 2

Thank you for accepting responsibility for administering this grant for the Gabriola Governance Review Committee.

Yours truly,

A handwritten signature in black ink that reads "George Abbott". The signature is written in a cursive, slightly slanted style.

George Abbott  
Minister

pc: Mike Hunter, MLA, Nanaimo  
Jim Ramsay, Chair, Gabriola Governance Review Committee  
David Essig, Chair, Islands Trust



**Land Reserve Commission**  
Working Farms, Working Forests

REGIONAL DISTRICT OF NANAIMO			
FEB - 1 2002			
CHAIR	✓	GMCrs	
CAO	✓	GMDS	✓
GMCmS	✓	GMES	
D. A. Connors			

January 29, 2002

Chair and Directors  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

Chair and Members of the Board:

Re: Improvements to British Columbia's Land Reserve Commission

As you are no doubt aware the Provincial government has been conducting a review of its ministries, agencies, boards and commissions. This core review is a rigorous examination of all Provincial programs and activities. Its objectives are to identify and confirm government's core roles and responsibilities and to determine ways of improving the delivery of services to the citizens of British Columbia.

The core review of the Land Reserve Commission has now been completed. It determined that the Agricultural Land Reserve serves a compelling public interest by:

- protecting the land base and business environment needed by BC's agricultural producers to operate efficiently without undue restrictions or competition from other land uses; and
- preserving the limited supply of agricultural land that can provide a secure and healthy food supply for current and future generations.

In order to make the LRC more effective in meeting these goals, and to make it more responsive to regional needs, Cabinet on January 16<sup>th</sup> announced several new directions for the ALR and the Commission:

- Regional panels of the LRC will be created with Commissioners appointed from, and representing, regions;
- Authority for subdivision/non-farm uses within the ALR will be delegated to local governments and agencies on a voluntary basis, consistent with an approved land use plan;
- The Commission will continue to be the decision-maker for ALR applications where delegation agreements are not in place;
- In all areas the LRC will retain authority over ALR boundaries and in delegated areas it will monitor local government decisions;
- There will be a results-based approach to reviewing local government plans for land in the ALR; and
- Applications will be streamlined and additional compatible uses will be allowed in the ALR.

The government believes new Commissioners are necessary to implement these important changes. To that end the eleven former members of the LRC were replaced in November with an interim Commission consisting of five senior civil servants. Until more permanent appointees can be recruited later this year, the interim Commission will begin making the changes outlined above and will conduct the day-to-day business of the LRC.

In addition to myself as Chair the interim Commissioners include Jon O'Riordan, Deputy Minister of Sustainable Resource Management as Vice-Chair; Gordon Macatee, Deputy Minister of Agriculture, Food and Fisheries; Brian Underhill, the LRC's Director of Strategic Planning and Corporate Policy; and Colin Fry, the LRC's Director of Regional Operations.

**PAGE**  
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When the 18 new Commissioners are appointed later this Spring they will be assigned to six regional panels. Three Commissioners on each panel will ensure regional representation as well as provide sufficient diversity of viewpoints. One Commissioner on each panel will act as a Vice Chair. All will be appointed from within their respective regions. A Chair of the LRC will also be appointed at that time. The Chair and six Vice Chairs will form an executive committee which will meet at least three times each year to address overall Commission policy, legislative matters and province-wide issues.

The Hon. Stan Hagen, Minister of Sustainable Resource Management, has invited the Union of BC Municipalities to participate in identifying potential candidates for appointment to the Commission. He has also extended the same invitation to other groups such as the BC Agriculture Council. Potential candidates should be familiar with, and support the concept of, a provincial agricultural land preservation program. In addition it would be advantageous if they were acquainted with agriculture, land use planning and the operation of local government. Further information can be found on the internet at [www.flm.gov.bc.ca/abc](http://www.flm.gov.bc.ca/abc). If you have suggestions in this regard please forward them to the Union of BC Municipalities.

Interested candidates should be instructed to forward their resumes to:

Carrol Derksen  
Executive Coordinator  
Ministry of Sustainable Resource Management  
P.O. Box 9352 Stn Prov Govt  
Victoria, BC V8W 9M1

Fax: 250 387-3291  
E-mail: [Carrol.Derksen@gems9.gov.bc.ca](mailto:Carrol.Derksen@gems9.gov.bc.ca)

The core review also determined that land use regulation of private Managed Forests by the Commission was not an effective means of addressing the public interest. As a result, the Forest Land Reserve will be phased out over the next year. At the same time the provincial Working Forest Initiative, led by the Ministry of Sustainable Resource Management, will develop a science-based, principled approach to the management of BC's forest land base.

The core review determined that results-based regulation of forest practices on private lands serves a compelling public interest. To improve the effectiveness of this approach, administration of the Private Land Forest Practices Regulation will be transferred to another agency, industry or a public/private partnership over the next year.

In the interim, FLR applications will be considered on their own merits, keeping in mind that the FLR land use system will be phased out. The Commission will continue to manage the Private Land Forest Practices Regulation until it is transferred to another model.

If you have any questions about these changes please contact me at 604.660.7000. Or visit the LRC's website at: [www.lrc.gov.bc.ca](http://www.lrc.gov.bc.ca). I look forward to working with our local government partners, the agricultural industry and the LRC's many other stakeholders as we continue to preserve BC's foodlands for all British Columbians.

Yours sincerely,



Kirk B. Miller  
Chair and Chief Executive Officer



REGIONAL DISTRICT OF NANAIMO			
FEB - 4 2002			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
		<i>Bed</i>	<i>✓</i>

MEMORANDUM

TO: Pamela Shaw  
Manager of Community Planning

DATE: February 1, 2002

FROM: Deborah Jensen  
Planner

FILE: 3360 30 0106 & 3060 30 0125

SUBJECT: Bylaw No. 500.279 – Maibach Industries/Brown  
Lot 1, Section 12, Range 7, Cranberry District, Plan 18166  
Electoral Area 'A' – 2093 South Wellington Road

PURPOSE

To consider the minutes of the Public Hearing held January 23, 2002 with respect to Bylaw No. 500.279, and further, to consider Bylaw 500.279 for 3<sup>rd</sup> reading.

BACKGROUND

Bylaw No. 500.279 was considered by the Board and given 1<sup>st</sup> and 2<sup>nd</sup> reading on Tuesday, December 11, 2001.

Bylaw 500.279 is a result of an amendment application submitted by Maibach Industries Ltd. to rezone the above noted property from Commercial 4 (CM4) to South Wellington 2 Comprehensive Development 11 (CD11) (see Attachment No. 1). The purpose of this amendment application is to allow for the addition of a heavy equipment display use on the subject property. An application for a development permit is running concurrently with this application in order to address on-site signage within the South Wellington Development Permit Area for Form and Character.

The Public Hearing concerning the proposed amendment was held January 23, 2002. A summary of the proceedings is attached for the Board's consideration (see Schedule No. 2).

ALTERNATIVES

1. To grant 3<sup>rd</sup> reading to Bylaw No. 500.279 and, upon completion of the conditions outlined in Schedule 1, to consider Bylaw No. 500.279 for adoption.
2. To deny Bylaw 500.279.

INTERGOVERNMENTAL IMPLICATIONS

Should the Bylaw be granted 3rd reading, it would need to be forwarded to the Ministry of Transportation pursuant to the Highway Act prior to the Bylaw being considered by the Board for adoption.

## LEGAL IMPLICATIONS

Should the Bylaw be granted 3<sup>rd</sup> reading, a development permit would be registered as a notation on the Certificate of Indefeasible Title of the subject property to ensure the conditions of the development permit are fulfilled. These conditions are attached as *Schedule No. 1*.

## PUBLIC CONSULTATION IMPLICATIONS

No written submissions were received throughout the rezoning process, and no written submissions or verbal comments were received at the Public Hearing.

## VOTING

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

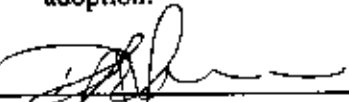
## SUMMARY/CONCLUSIONS

"Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.279, 2001" was given 1<sup>st</sup> and 2<sup>nd</sup> reading on Tuesday, December 11, 2001. A Public Hearing with respect to this Bylaw was conducted on Wednesday, January 23, 2002.

The following recommendations are provided for consideration by the Board.

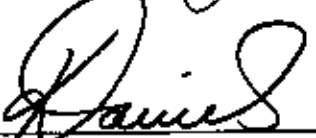
## RECOMMENDATION

1. That the Summary of Proceedings of the Public Hearing held Wednesday, January 23, 2002 as a result of public notification of "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw 500.279, 2001," be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.279, 2001", be given 3<sup>rd</sup> reading.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.279, 2001" be referred to the Ministry of Transportation for approval prior to consideration of adoption.

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

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

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

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

## COMMENTS:

devsvr/reports/2002/3360 30 fe brd Maibach 3<sup>rd</sup>.doc

**SCHEDULE NO. 1**

**Conditions for Approval  
Zoning Amendment Application No. 0106  
Development Permit Application No. 0125  
Maibach Industries Ltd.**

1. Applicant to provide confirmation of sign height and sign setbacks from lot lines for the free-standing, indirectly illuminated sign within a Commercial 4 zone as subject to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" height and minimum setback requirements.
2. Approval from Ministry of Transportation for placement of existing freestanding indirectly illuminated sign within the 4.5-metre setback from the road.
3. Applicant to provide confirmation of: sign dimensions; subject to the Regional District of Nanaimo Bylaw No. 993, 1995, "A Bylaw to Regulate Signs.
4. Vary the Regional District of Nanaimo Bylaw No. 993, 1995, "A Bylaw to Regulate Signs, by:
  - a) increasing the maximum number of allowable signs from two to four by:

***Signage***

***Dimensions***

- |   |   |
|---|---|
| • removing the existing "Wajax" sign attached to the fence facing South Wellington Road                                     | ≈ 4' x 16' (5.88 m <sup>2</sup> )                   |
| • removing the existing "Wajax" sign attached to the gate facing South Wellington Road                                      | ≈ 4' x 16' (5.88 m <sup>2</sup> )                   |
| • retaining the existing free-standing indirectly illuminated "Wajax Industries Limited" sign located south of the building | ≈ 2' x 11' (2.04 m <sup>2</sup> )<br>≈ 4.9 m height |
| • retaining the existing "Wajax" logo attached to the front building exterior   | ≈ 2 ½' x 3' (0.84 m <sup>2</sup> )                  |
| • retaining the existing directional parts and service sign attached to the fence facing South Wellington Road              | ≈ 2' x 3' (0.56 m <sup>2</sup> )                    |
| • retaining the existing "G&G Roofing" fascia sign attached to the front building exterior                                  | ≈ 2 ½' x 16' (3.72 m <sup>2</sup> )                 |

- b) varying the minimum setback requirements for a front lot line from 8.0 metres (26.2 feet) to 1.2 metres (4.0 feet) to allow for placement of the existing freestanding sign.

to allow for existing signage subject to all signs meeting the minimum setback and maximum surface area requirements.

**Schedule No. 2 (Page 1 of 1)  
Minutes of Public Hearing  
Held January 23, 2002**

**REGIONAL DISTRICT OF NANAIMO**

**SUMMARY OF PROCEEDINGS OF A PUBLIC HEARING  
HELD WEDNESDAY, JANUARY 23, 2002 AT 7:00 PM  
AT CRANBERRY COMMUNITY HALL  
TO CONSIDER BYLAW NO. 500.279, 2001**

Laurence Elliott	Director, Electoral Area 'A'
Pamela Shaw	Manager, Community Planning
Deborah Jensen	Planner

There were 2 people in attendance, consisting of the applicant and the agent for the applicant.

The Director called the Hearing to order at 7:02 p.m., introduced those present at the head table, and outlined the procedures to be followed during the Hearing.

The Planner provided a summary of the Bylaw.

The Director called for formal submissions with respect to Bylaw No. 500.279.

The Director called for further submissions.

The Director called for further submissions a second time.

The Director called for further submissions a third time.

There being no further submissions, the Director adjourned the Hearing at 7:09 p.m.

Certified true and correct this 23<sup>rd</sup> day of January, 2002.

---

Deborah Jensen  
Recording Secretary

---

Director Laurence Elliott  
Electoral Area 'A'

**Schedule No. 3  
 Proposed South Wellington 2  
 Comprehensive Development Zone**

Section 6.4.109

**SOUTH WELLINGTON 2  
 COMPREHENSIVE DEVELOPMENT 11**

**CD11**

**Section 6.4.109.1**

**Permitted uses and Minimum Site Area**

Permitted Uses	Required Site Area with:		
	Community Water & Sewer System	Community Water System	No Community Services
a) Fairground	1.0 ha	1.0 ha	2.0 ha
b) Fast Food Outlet	2000 m <sup>2</sup>	4000 m <sup>2</sup>	6000 m <sup>2</sup>
c) Gasoline Service Station	4000 m <sup>2</sup>	5000 m <sup>2</sup>	8000 m <sup>2</sup>
d) Nursery	4000 m <sup>2</sup>	5000 m <sup>2</sup>	8000 m <sup>2</sup>
e) Heavy Equipment Display	4000 m <sup>2</sup>	5000 m <sup>2</sup>	8000 m <sup>2</sup>
f) Produce Market	4000 m <sup>2</sup>	5000 m <sup>2</sup>	8000 m <sup>2</sup>
g) Public Assembly	4000 m <sup>2</sup>	5000 m <sup>2</sup>	8000 m <sup>2</sup>
h) Recreation Facility	4000 m <sup>2</sup>	5000 m <sup>2</sup>	8000 m <sup>2</sup>
i) Residential Use	n/a	n/a	n/a
j) Restaurant	2000 m <sup>2</sup>	4000 m <sup>2</sup>	6000 m <sup>2</sup>
k) Retail Store	1000 m <sup>2</sup>	1600 m <sup>2</sup>	2000 m <sup>2</sup>

**6.4.109.2 Maximum Number and Size of Buildings and Structures**

Dwelling units/parcel	- 1
Floor area ratio	- 0.60
Height	- 8.0 m
Parcel coverage	- 50%

**6.4.109.3 Minimum Parcel Area**

Subject to Section 7.4.4, no parcel having an area less than 2.0 ha may be created by subdivision, and for the purposes of this subsection, "parcel" includes a lot created by deposit of a strata plan under the Condominium Act (British Columbia)

**6.4.109.4 Minimum Setback Requirements**

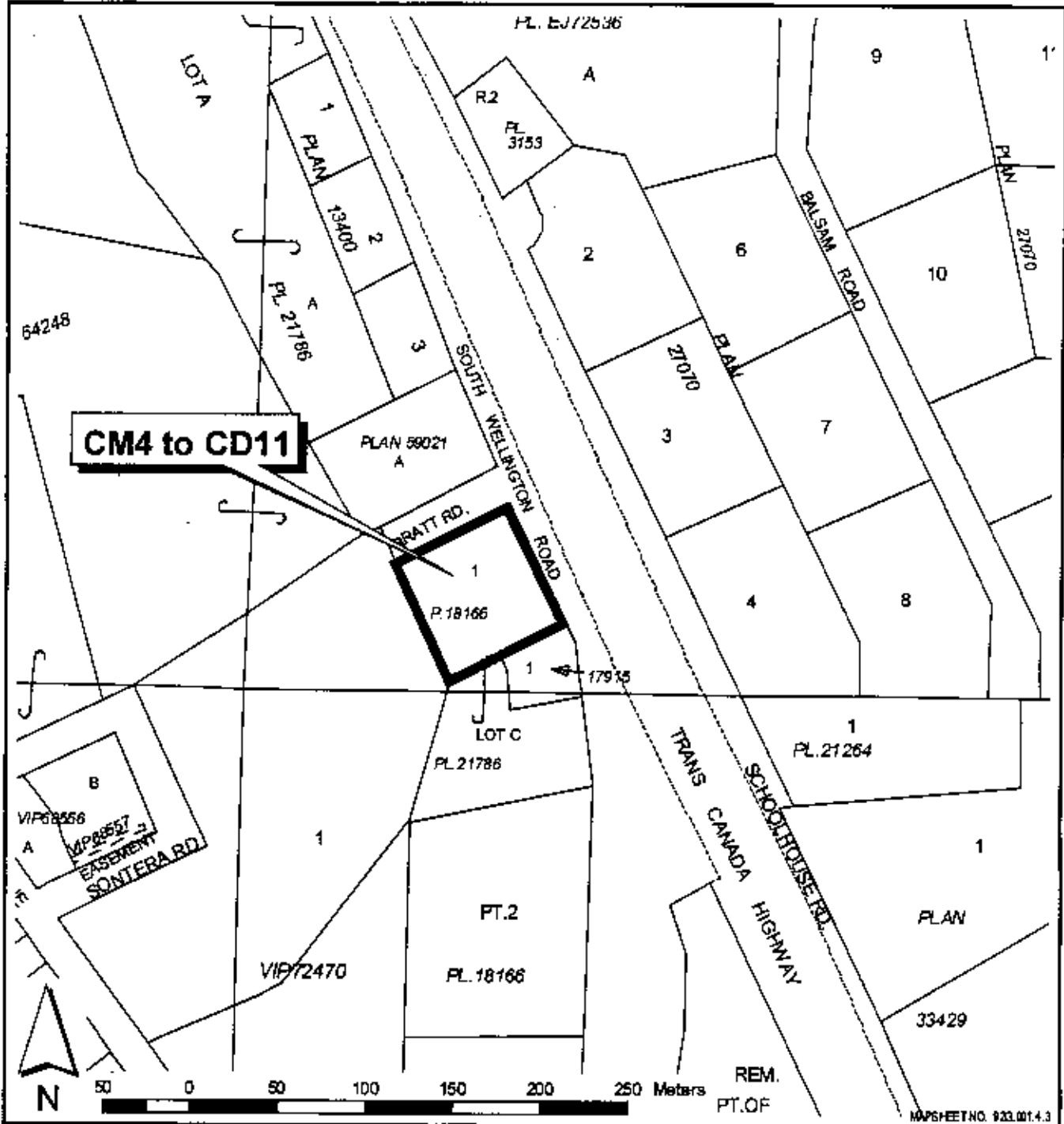
Front lot line	- 8.0 m
Other lot lines	- 5.0 m

except where:

- a) the adjoining parcel is zoned industrial or commercial then the setback from the common interior side lot line may be reduced to zero;
- b) any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 6.3.8 shall apply.



Attachment No. 1  
Subject Property Map





REGIONAL DISTRICT OF NANAIMO			
FEB - 5 2002			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	
		Bld	✓

**MEMORANDUM**

**TO:** Pamela Shaw  
Manager, Community Planning

**DATE:** February 4, 2002

**FROM:** Deborah Jensen  
Planner

**FILE:** 3360 30 0107

**SUBJECT:** Zoning Amendment Application - Senini  
Lot 2, District Lot 37, Wellington District, Plan VIP64358  
Electoral Area 'D' - Dickinson Road

**PURPOSE**

To receive the minutes of a Public Information Meeting held January 31, 2002 at Costin Hall on Zoning Amendment Application No. 0107 for Bruce Senini and Cindy Senini and to consider the application for 1<sup>st</sup> and 2<sup>nd</sup> reading.

**BACKGROUND**

The Regional District of Nanaimo received an application to rezone a 2.62 hectares (6.47 acres) property from Residential 2 (RS2), Subdivision District 'D' to Residential 1 (RS1), Subdivision District 'F' in order to facilitate the subdivision of the subject property into two parcels and allow for one dwelling unit per parcel. The subject property is located adjacent to Dickinson Road (*see Attachment No. 1*).

A Public Information Meeting for this application was held January 31, 2002 at Costin Hall. Approximately seven people attended this meeting (*see Schedule Nos. 2 and 3*).

Upon review of comments received from the public, the applicant is proceeding with the application to rezone the subject property.

**ALTERNATIVES**

1. To receive the minutes for information and introduce Amendment Bylaw No. 500.280 at 1<sup>st</sup> and 2<sup>nd</sup> reading and refer it to a public hearing.
2. To receive the minutes for information and deny Amendment Bylaw No. 500.280.

**PUBLIC CONSULTATION IMPLICATIONS**

The subject property is located in an area of predominately zoned Residential 1 (RS1) properties. The currently vacant subject property is a non-contiguous parcel separated by the undeveloped Owen Road dedication.

The submissions to the Public Information Meeting included requests for the RDN to provide a parkland trail adjacent to the subject property, running from Dickinson Road to Owen Road, and to have the

applicant remove wood waste piles that are creating a fire hazard. At this time, the applicant is not prepared to donate a parkland right of way due to other development costs such as road development.

### SUMMARY/CONCLUSIONS

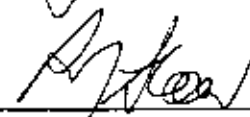
This is an application to rezone a 2.62 hectares (6.47 acres) property from Residential 2 (RS2), Subdivision District 'D' to Residential 1 (RS1), Subdivision District 'F' in order to facilitate the subdivision of the subject property into two parcels and allow for one dwelling unit per parcel. The subject property is located adjacent to Dickinson Road. Public concerns voiced at the Public Information Meeting focused primarily on (1) the ability of the applicant to further subdivide the property, and (2) dedication of a park land trail adjacent to the subject property, connecting Dickinson Road with Owen Road. The applicant is reluctant to consider the provision of the park land trail at this time due to development costs.

Based upon public comments received at a Public Information Meeting held January 31, 2002 at Costin Hall, the applicant is proceeding with this application to rezone the subject property.

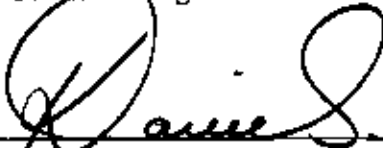
### RECOMMENDATIONS

1. That the minutes for a Public Information Meeting held January 31, 2002 for Amendment Application No. 0107 submitted by Bruce Senini and Cindy Senini, to rezone the subject property legally described as Lot 2, District Lot 37, Wellington District, Plan VIP64358 from Residential 2 (RS2), Subdivision District 'D' to Residential 1 (RS1), Subdivision District 'F' be received for information.
2. That Amendment Application No. 0107, submitted by Bruce Senini and Cindy Senini, to rezone the subject property legally described as Lot 2, District Lot 37, Wellington District, Plan VIP64358, from Residential 2 (RS2), Subdivision District 'D' to Residential 1 (RS1), Subdivision District 'F' be given 1<sup>st</sup> and 2<sup>nd</sup> reading.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.280, 2001" be advanced to a public hearing subject to the conditions outlined in Schedule No. 1.
4. That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.280, 2001" be delegated to Director Haime or her alternate.

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

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

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

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

### COMMENTS:

devs\reports\2002\za3360 30 0107 fe brd 1<sup>st</sup> 2<sup>nd</sup>.doc

**Schedule No. 1**  
**Conditions of Approval**  
**Rezoning Application ZA 0107**

1. Confirmation from the Ministry of Health indicating that septic disposal needs for each of the proposed two lots can be met on-site.
2. Confirmation of an adequate year-round potable water supply for each of the proposed two lots, acceptable to the Regional District of Nanaimo.

Schedule No. 2 (Page 1 of 2)  
Minutes of Public Information Meeting  
Held January 31, 2002  
REGIONAL DISTRICT OF NANAIMO

SUMMARY OF PROCEEDINGS OF A PUBLIC INFORMATION MEETING  
HELD THURSDAY, JANUARY 31, 2002 AT 7:00 PM  
AT COSTIN HALL  
TO CONSIDER DICKINSON ROAD/OWEN ROAD REZONING

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

**Present:**

D. Haime	Director, Electoral Area 'D'
Bruce Senini	Applicant
Cindy Senini	Applicant
Helen Sims	Agent for Applicant
Susan Cormie	Senior Planner
Deborah Jensen	Planner

There were approximately 7 people in attendance.

Director Haime opened the meeting at 7:00 pm and followed with greetings to the public and an introduction of the head table.

Director Haime stated the purpose of the public meeting.

Deborah Jensen provided a general overview of the proposed Dickinson Road rezoning.

Helen Sims provided a general overview of the history of the Dickinson Road property and provided a review of the proposal.

Director Haime read out written submission received from Peter Law, on behalf of the Lantzville Parks and Open Spaces Committee, requesting dedication of a park trail along the subject property, running from Dickinson Road to Owen Road.

Director Haime indicated a written submission from Brian Dempsey had been submitted to the Regional District but, due to technical difficulty, had not been received by the RDN office. The content of this submission is unknown.

Director Haime invited questions from the audience.

Barry Lapointe, 8465 Lisa Lane, Lantzville, BC, inquired if it were possible to further subdivide the property subsequent to this proposed subdivision and inquired as to form of septic disposal and whether the applicant would be digging a well or connecting to community services. Barry Lapointe also requested that the RDN advertise in the Lantzville Log for all applications within the area.

**Schedule No. 2 (Page 2 of 2)**  
**Minutes of Public Information Meeting**  
**Held January 31, 2002**

Jack de Jong, 6935 Dickinson Road, Lantzville, BC, stated he has no objection to the proposed rezoning, but requested the large woodpiles on the subject property be removed as they are creating a fire hazard.

Director Haime asked if there were any final questions or comments. Being none, the Director thanked those in attendance and announced that the public information meeting was closed.

The meeting concluded at approximately 7:13 pm.

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Deborah Jensen  
Recording Secretary

Schedule No. 3 (Page 1 of 4)  
Submissions

JAN-31-02 14:02 FROM: WATER LAND + AIR PROTECT. ID: 2587613103

PAGE 1

Peter Law

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From: "Peter Law" <pd.law@shaw.ca>  
To: <pshaw@rdn.bc.ca>  
Sent: January 31, 2002 12:50 PM  
Subject: Fw: Senini Property Re-Zoning

To: Pam Shaw  
Senior Planner  
Regional District of Nanaimo Planning Department

Re: Re-Zoning of Seninni property on Dicknson Road in Lantzville

On behalf of the Lantzville Parks and Open Spaces Committee, I would like to bring to the RDN's attention the opportunity to dedicate a percentage of the property being considered for re-zoning as a park. I am sorry I do not have the proper legal property name, but it was brought to our Committee's attention in November that a large lot owned by the Seninni family (sorry if my spelling is incorrect) was in the process of re-zoning. This is a large lot, and is located in the Dicknson Road area. As part of the March 2000 Lantzville Parks and Open Space Implementation Plan, the opportunity to acquire trails and greenways was identified as a high priority for the community. An opportunity to acquire a commitment from the property owner to dedicate a *trw* for a public access trail from Owen Road area, through the property to Dicknson Road, would be very desirable, and would help us achieve a goal of the plan.

If you need further information, please contact me at my email address [pd.law@shaw.ca](mailto:pd.law@shaw.ca)

  
Sincerely,

Peter Law  
1045 Northwind Drive, Lantzville  
on Behalf of the Lantzville Parks and Open Spaces Committee  
cc: Brenda McConachie, Chairperson  
If you have any questions

Schedule No. 3 (Page 2 of 4)  
Submissions

To: Denise Haime

From: Jack A. de Jong  
6935 Dickinson Rd.  
Lantzville V0R 2H0  
250-390-1006

Subject: proposed request for rezoning Lot 3, District Lot 37 Wellington district Plan 27449. located on Dickinson Rd.

I have no objection to the requested rezoning. However I do wish to input the following : This property was logged about 5 or 6 years ago . At the time I believe it was planned to burn any refuse .However, because of the large volume and the proximity to nearby structures (100 M) it was left on site and has remained there to dry out and become potentially more combustibile over this period..

There are I believe 11 or 12 large mounts of combustibile material of 5 to 10 cubic meters or more, which I now believe pose a hazard to the adjacent properties . This is especially more relevant now that (Vos Place ??? ) has developed. (5 or 6 new homes) The material is located both above and below Owen Rd which will split this property in two parcels.

I went to see the RDN staff indicating my concerns and believing now that this property has asked for a rezoning we could have this cleared up.

The RDN Staff although symphatetic believed this was a civil matter and had nothing to do with rezoning ??????

If a request is made for inputs to a public hearing and particularly when such an input deal with safety one would hope for more.

Anyways, the public hearing is still to be held and this is my input for your consideration.

Regards  
Jack A de Jong

PS the RDN use to send a notice to all adjacent properties when a requested zoning was made . Have they stopped this ??

  
30/4/2001



Schedule No. 2 (Page 3 of 4)  
Submissions

ATTN: DEBORAH JENSEN

Denise Barber

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From: Barb Royle  
Sent: 31-Jan-02 8:58 pm  
To: denisebarber@shaw.ca  
Subject: rezoning app of senini  
January 30/02

To the Chair and Board of Directors  
Regional District of Nanaimo

Re: **Zoning Amendment Application Senini  
Lot 2 District Lot 37, Wallington District, Plan VIP64358**

I have been a Trustee of the Lantzville Improvement District since 1990. I have served on the Lantzville APC. I was alternate Director for 1 term. I was also a member on the Regional Growth Management Round Table. I am a Lantzville resident and property owner for the past 15 years.

I am not opposed to the application to rezone the property back to R1 as it was several years ago. However, the rezoning application has raised a few concerns about how the Lantzville Official Community Plan has been totally overpowered by the Regional Growth Management Plan. According to the RGMP, Lantzville is considered to be a "node". *Policy 2A. Official Community Plans will direct development into nodes, and discourage development elsewhere.*

The property specified (in the rezoning application) is in the "suburban residential" designation according to the OCP. Further, this property should be serviced with sewer and water based on the Lantzville "comprehensive development plan". Such provisions for servicing allows for sharing of the servicing costs to existing lots. The servicing of land may encourage some subdivision, but according to the community plan "suburban residential allows for 1/2 acre lots. Should 1/2 acre lots be considered high density?

The Official Community Plan makes reference to parks and the possible contribution toward parks and trails. Without subdivisions, this vision is unlikely to occur. The RGMP makes many references to "efficient services" and "environmental protection." It also refers to the report by the Central Island Health Region which identified failed septic tanks in many areas of Lantzville. Ironically, the soil conditions of the property in this proposal would probably support smaller lots better than the properties in several areas of Lantzville where septic fields should never have been installed.

The comments of the RDN staff for this application makes reference to the OCP as if it is in conflict with the RGMP (an anomaly? See *Growth Plan Review Update December 4, 2001 page 7*).

The report states that the subject property is not within the Urban Containment Boundary. This came as a real surprise to me. In my opinion, the RGMP is micro-managing the Lantzville OCP.

The Lantzville OCP involved considerable public process, as well as input from planning staff, the Area Director and a representative from the RDN Board, Bill Holdom, as a member of the steering committee. I can specifically remember his comments about the comprehensive development plan. He made the comment that he thought the development plan one of the best plans he had ever seen. The RDN staff also supported the OCP, as it was the first community plan to be done in conjunction with the RGMP.

The OCP established comprehensive development zones showing the need for water and sewer services throughout much of the community. The "draft" RGMP also showed the UCB following the same comprehensive service boundaries as the OCP. There was a great deal more public input into the community plan than the RGMP.

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Schedule No. 2 (Page 4 of 4)  
Submissions

rather than zoning. Based on the small "sewer" area within the UCB, what size pipeline would be constructed? Would planners recommend a smaller pipe than what would be required to service the whole community? Has anyone considered the cost of sewer? With such a small UCB, it is probably not feasible to bring sewer into Lantzville due to the cost. Were previous planners and Regional Board in error when they sized the Regional trunk sewer line to Lantzville's boundary? Was the planning department in error when they supported the Lantzville OCP?

In the recent RGMP report, "Demographic and Socioeconomic Trends" the chart, on page 44, provides the Urban Containment Boundary Population Projections. This chart shows how ridiculous the UCB is for Lantzville, if this report is correct. For 2001, the chart shows 32 residents. Looking at the high rate of growth shown on the chart, by 2026 there will be 64 residents living within the UCB. Can this be correct? Who will bring sewer into the Lantzville UCB node for 64 residents? Where is the common sense? No wonder there will likely be more growth outside the UCB than within the UCB!

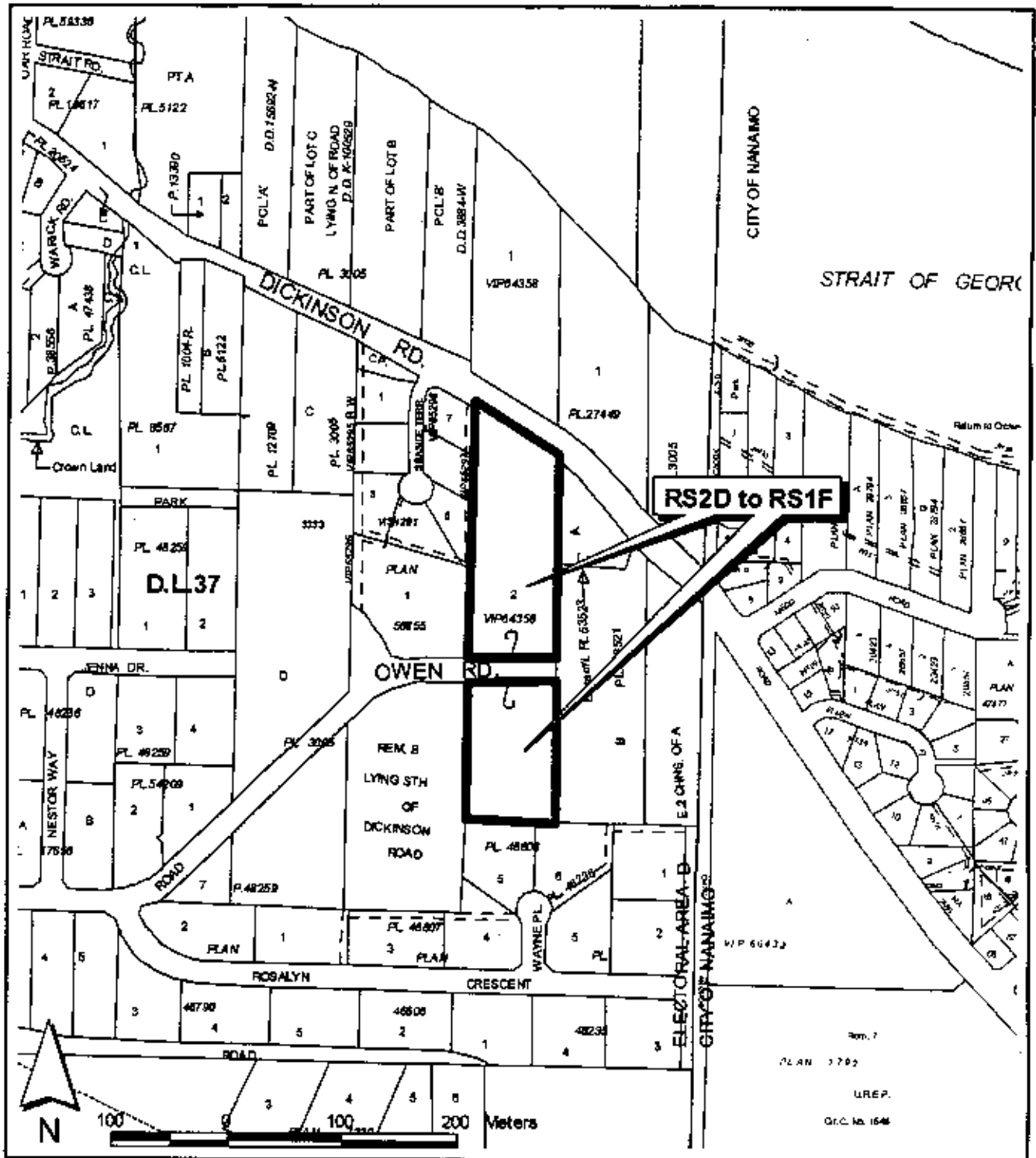
In October 2001, the RDN accepted a report by the Harris-Hudema Group. The title of this report is "An Assessment of Development Opportunities for the Regional District of Nanaimo". Whoever accepted this report must not have read it. I am sure that the report that has been distributed by the RDN is the "draft" copy judging by the number of errors in it. I hope that final payment has not yet been made. Acceptance of such a report does not provide much confidence in the quality of planning decisions being made in the RDN.

Ironically, the RDN transit system runs along Dickinson Road which is adjacent to the property that is being rezoned. Mobility studies do not support transit systems in "rural" large lot subdivisions.

I feel personally insulted that my name appears in the final RGMP document. At no time did I or would I support such a document that does not recognize the work that was done by those who participated in the public process involved in creating the OCP for Lantzville. The RGMP must be revised to recognize what the Lantzville OCP was adopted to do. Then in future, when applications come before the RDN Board, they will be able to act on the information where the Lantzville OCP and the RGMP no longer conflict.

Brian Dempsey  
6930 Owen Road  
Lantzville BC, V0R 2H0

Attachment No. 1  
Subject Property Map



**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE  
MEETING HELD ON TUESDAY, JANUARY 22, 2002, AT 6:00 PM  
IN THE CITY OF NANAIMO COUNCIL CHAMBERS,  
455 WALLACE STREET, NANAIMO, BC**

**Present:**

Director E. Hamilton	Chairperson
Director L. Elliott	Electoral Area A
Director D. Haime	Electoral Area D
Director G. Holme	Electoral Area E
Director J. McLean	Electoral Area F
Director J. Stanhope	Electoral Area G
Director R. Quittenton	Electoral Area H
Director D. Rispin	City of Nanaimo

**Also in Attendance:**

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

**ELECTION OF DEPUTY CHAIRPERSON**

The Chairperson called for nominations for the position of Deputy Chairperson for the year 2002.

Director Holme nominated Director Haime.

There being no further nominations, the Chairperson declared Director Haime Deputy Chairperson for the year 2002.

**DELEGATIONS**

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

Mr. Mandziuk presented an overview of his application, noting the difficulty in hooking up to sewer lines. He also noted that changes have been made to the original application in an effort to satisfy neighbouring residents' concerns.

Director Quittenton joined the meeting.

**LATE DELEGATIONS**

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

CARRIED

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

Mr. Allsop raised his concerns with respect to a possible constriction of view and infringement on neighbours' privacy if development variance permit application 0202 is approved by the Board. The possibility of setting a precedent with an approval is also a major concern of residents.

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

Mr. Lindberg noted that the majority of homes in the area are single level bungalows. The construction of a multi-level home will encroach on the privacy of these existing dwellings.

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

Mr. Myers noted that architectural guidelines within the Fairwinds development clearly warn new owners to investigate sewer requirements before construction. Mr. Myers also reiterated the concerns of other residents with respect to setting a precedent with approval of this application.

**PLANNING**

**DEVELOPMENT PERMIT APPLICATIONS**

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

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

CARRIED

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

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

CARRIED

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

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

CARRIED

**DEVELOPMENT VARIANCE PERMIT**

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

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

CARRIED

**Application No. 0202 - Mandziuk - Shetland Place - Area E.**

MOVED Director Holme, SECONDED Director Stanhope, that Development Variance Permit No. 0202, submitted by John Mandziuk and Lila Mandziuk, to facilitate the construction of a dwelling unit within the Residential 1 (RS1) zone by varying the maximum height of the dwelling unit from 8.0 metres to 10.4 metres for the property legally described as Strata Lot 30, District Lot 78, Nanoose District, Plan VIS3393 Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1, be approved as submitted subject to site inspection of the applicant's property and neighbouring properties and the notification requirements pursuant to the *Local Government Act*.

CARRIED

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

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

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 6:25 PM

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CHAIRPERSON

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE COMMITTEE OF THE WHOLE  
MEETING HELD ON TUESDAY, JANUARY 22, 2002, AT 7:30 PM  
IN THE CITY OF NANAIMO COUNCIL CHAMBERS,  
455 WALLACE STREET, NANAIMO, BC**

**Present:**

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

**Also in Attendance:**

C. Mason	General Manager of Corporate Services
B. Lapham	General Manager of Development Services
P. Shaw	Manager of Community Planning
S. Schopp	Manager of Inspection & Enforcement
J. Finnie	General Manager of Environmental Services
N. Connelly	General Manager of Community Services
N. Tonn	Recording Secretary

**ELECTION OF DEPUTY CHAIRPERSON**

The Chairperson called for nominations for the position of Deputy Chairperson for the year 2002.

Director Holme nominated Director Sherry.

There being no further nominations, the Chairperson declared Director Sherry Deputy Chairperson for the year 2002.

**DELEGATIONS**

**Glen Jamieson, Mount Arrowsmith Biosphere Region, re Presentation to the Board.**

Mr. Jamieson thanked the Regional District and in particular, Directors Stanhope, Holme, Westbroek and Macdonald as well as the staff for their support. In recognition of this support, the Board was presented a copy of the certificate presented to the Mount Arrowsmith Biosphere Foundation from the United Nations Educational, Scientific and Cultural Organization which designated the region for inclusion in the World Network of Biosphere Reserves.

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

Mr. Fowler presented an overview of his application for exclusion noting that he will accept any zoning designation in effect within the Official Community Plan and thereby deeming any amendments to either the Growth Management Plan or to the Electoral Area 'F' OCP Bylaw 1152 unnecessary. It was also noted that the correct area of the applicant's property is 12.15 hectares (30 acres).

**Lee England, re Construction of an IcePlex at Arbutus Meadows – Nanoose Bay – Area E.**

A verbal and visual presentation was made with respect to the proposed construction of a two storey IcePlex at Arbutus Meadows. The project will be completed in four stages and on completion, will host two ice surfaces, eight change rooms, referee rooms, zamboni servicing area, a restaurant and large capacity seating for spectators. Construction plans and a breakdown of projected income and operating expenses for the first year were distributed to Committee members. It was noted that a guarantee from District 69 for 1,520 hours of ice time must be obtained to make the proposal viable.

**MINUTES**

MOVED Director Sherry, SECONDED Director McNabb, that the minutes of the regular Development Services Committee meeting held November 20, 2001, be adopted.

CARRIED

MOVED Director Sherry, SECONDED Director McNabb, that the minutes of the regular Environmental Services Committee meeting held November 27, 2001, be adopted.

CARRIED

MOVED Director Sherry, SECONDED Director McNabb, that the minutes of the regular Corporate and Community Services Committee meeting held December 4, 2001, be adopted.

CARRIED

**COMMUNICATIONS/CORRESPONDENCE**

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

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

CARRIED

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

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

CARRIED

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

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

CARRIED

**DEVELOPMENT SERVICES**

**BUILDING INSPECTION**

**Section 700 Filings.**

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

- (a) Lot 2, Section 16, Range 1, Plan 27225, Cedar Land District, 2022 Walsh Road, Electoral Area 'A', owned by W. Pirart;
- (b) Lot A, Section 6, Ranges 1 and 2, Plan VIP68448, Cedar Land District, 2683 Cedar Road, Electoral Area 'A', owned by G. and D. Laird;
- (c) Lot B, Section 19, Plan 33183, Gabriola Island, Nanaimo Land District, 900 Bertha Avenue, Electoral Area 'B', owned by C. and D. Guest;
- (d) Lot 21, Section 3, Plan 23540, Gabriola Island, Nanaimo Land District, 1815 Lackehaven Drive, Electoral Area 'B', owned by D. Rinaldi;
- (e) Lot 15, Section 9, Plan 30347, Gabriola Island, Nanaimo Land District, 1440 Hess Road, Electoral Area 'B', owned by P. Edge and L. Holbrook;
- (f) Lot 24, Section 21, Plan 24297, Gabriola Island, Nanaimo Land District, 280 Malaspina Drive, Electoral Area 'B', owned by C. O'Dell and D. Smith;
- (g) Lot 28, Section 9, Plan 30347, Gabriola Island, Nanaimo Land District, 1575 Hess Road, Electoral Area 'B', owned by R. Johannes and E. Foley;
- (h) Lot E, District Lots 1 and 181, Plan 10875, Nanoose Land District, 951 Shorewood Drive, Electoral Area 'E', owned by F. Ariello;
- (i) Lot 24, Block E, District Lot 38, Plan 13054, Nanoose Land District, 1392 Pilot Way, Electoral Area 'E', owned by C. Eggins;
- (j) Lot 7, Block 5, District Lot 11, Plan 1223, Newcastle Land District, 230 Cortes Road, Electoral Area 'G', owned by L. and A. Jensen.

CARRIED

#### BYLAW ENFORCEMENT

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

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

CARRIED

#### PLANNING

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

MOVED Director Westbrook, SECONDED Director Macdonald, that the application for exclusion from the Agricultural Land Reserve for the property legally described as Lot 1, District Lot 141, Nanoose and Newcastle Districts, Plan 2273, Lying to the North of a Boundary Parallel to and Perpendicularly Distant 977 Feet from the Northerly Boundary of Said Lot 1, be referred to the Growth Management Review Process as an amendment consideration; thereby deferring a decision by the Board to allow the application to be considered until the Growth Management review process is completed.

DEFEATED

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

MOVED Director Holdom, SECONDED Director Krall, that the motion be amended by adding the words "subject to an amendment to the Growth Management Plan" between the words "approval" and "be forwarded".

CARRIED

The question was called on the main motion as amended.

The motion CARRIED.

**COMMUNITY SERVICES**

**RECREATION & PARKS**

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

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

CARRIED

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

MOVED Director McLean, SECONDED Director McNabb,:

1. That "Parkland Acquisition Fund (Electoral Area F) Expenditure Bylaw No. 1282, 2002" receive three readings.
2. That "Parkland Acquisition Fund (Electoral Area F) Expenditure Bylaw No. 1282, 2002" having received three readings, be adopted.

CARRIED

**MacMillan Park in Cathedral Grove.**

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

CARRIED

MOVED Director Holdom, SECONDED Director Haime,:

1. That a letter be sent to the Honourable Joyce Murray, Minister of Water, Land and Air Protection, supporting a cost benefit study regarding expanding MacMillan Provincial Park by acquiring approximately 500 hectares of private land from Weyerhaeuser which includes both old growth and second growth forest to the south of the current park, instead of the 100 hectares currently being considered where the oldest and largest giants were logged one year ago.
2. That a letter be sent to Weyerhaeuser supporting the request that they voluntarily suspend any logging in the 500 hectares adjacent to MacMillan Provincial Park for one year to give an opportunity to study and possibly acquire the lands for park expansion.

CARRIED

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

MOVED Director Westbrook, SECONDED Director Sherry,:

1. That "Electoral Area 'G' Community Parks Local Service Requisition Amendment Bylaw No. 805.03, 2002" be given three readings and forwarded to the Inspector of Municipalities for approval.
2. That "Electoral Area 'F' Community Parks Local Service Requisition Amendment Bylaw No. 804.02, 2002" be given three readings and forwarded to the Inspector of Municipalities for approval.

CARRIED

**ENVIRONMENTAL SERVICES**

**LIQUID WASTE MANAGEMENT**

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

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

CARRIED

**SOLID WASTE MANAGEMENT**

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

MOVED Director Krall, SECONDED Director Sherry,:

1. That "Regional District of Nanaimo French Creek Sewer Specified Area Regulation and Rates Amendment Bylaw No. 422.09, 2002" be introduced for first three readings.  
That "Regional District of Nanaimo French Creek Sewer Specified Area Regulation and Rates Amendment Bylaw No. 422,09, 2002" having received three readings be adopted.
2. That "Regional District of Nanaimo Nanoose Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 524.11, 2002" be introduced for first three readings.  
That "Regional District of Nanaimo Nanoose Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 524.11, 2002" having received three readings be adopted.
3. That "Regional District of Nanaimo French Creek Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 619.07, 2002" be introduced for first three readings.  
That "Regional District of Nanaimo French Creek Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 619.07, 2002" having received three readings be adopted.
4. That "Regional District of Nanaimo Surfside Properties Water Specified Area Regulations and Rates Amendment Bylaw No. 700.08, 2002" be introduced for first three readings.  
That "Regional District of Nanaimo Surfside Properties Water Specified Area Regulations and Rates Amendment Bylaw No. 700.08, 2002" having received three readings be adopted.
5. That "Regional District of Nanaimo Arbutus Park Estates Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 726.08, 2002" be introduced for first three readings.

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

6. That "Regional District of Nanaimo Madrona Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 727.08, 2002" be introduced for first three readings.

That "Regional District of Nanaimo Madrona Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 727.08, 2002" having received three readings be adopted.

7. That "Regional District of Nanaimo Fairwinds Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 764.10, 2002" be introduced for first three readings.

That "Regional District of Nanaimo Fairwinds Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 764.10, 2002" having received three readings be adopted.

8. That "Regional District of Nanaimo Fairwinds Sewerage Specified Area Regulations and Rates Amendment Bylaw No. 765.08, 2002" be introduced for first three readings.

That "Regional District of Nanaimo Fairwinds Sewerage Specified Area Regulations and Rates Amendment Bylaw No. 765.08, 2002" having received three readings be adopted.

9. That "Regional District of Nanaimo West Bay Estates Water Local Service Area Regulations and Rates Amendment Bylaw No. 815.06, 2002" be introduced for first three readings.

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

10. That "Regional District of Nanaimo Wall Beach Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 886.05, 2002" be introduced for first three readings.

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

11. That "Regional District of Nanaimo Decourcey Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1097.03, 2002" be introduced for first three readings.

That "Regional District of Nanaimo Decourcey Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 1097.03, 2002" having received three readings be adopted.

12. That "Regional District of Nanaimo Garbage and Recyclable Materials Collection Rates Amendment Bylaw No. 1009.05, 2002" be introduced for first three readings.

That "Regional District of Nanaimo Garbage and Recyclable Materials Collection Rates Amendment Bylaw No. 1009.05, 2002" having received three readings be adopted.

CARRIED

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

MOVED Director Westbrook, SECONDED Director Sherry, that the Board receive the 2002 Illegal Dumping Program – Penalties and Program Publicity report for information and that as suggested by MWLAP Conservation Officer Service and the RDN Bylaw Enforcement staff, a letter not be sent to AVICC recommending a \$2,000 minimum fine for illegal dumping.

CARRIED

**UTILITIES/ENGINEERING**

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

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

CARRIED

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

MOVED Director Holme, SECONDED Director McNabb,:

1. That "San Pareil Water Supply Local Service Area Rates and Regulations Amendment Bylaw No. 1172.01, 2002" be introduced and read three times.
2. That "San Pareil Water Supply Local Service Area Rates and Regulations Amendment Bylaw No. 1172.01, 2002" be adopted.

CARRIED

**CORPORATE SERVICES**

**ADMINISTRATION**

**Recovery of Feasibility Study Costs for New Services.**

MOVED Director Holdom, SECONDED Director Haime,:

1. That "Electoral Area A Feasibility Study Fund Bylaw No. 1271, 2002" be introduced for three readings.  
That "Electoral Area A Feasibility Study Fund Bylaw No. 1271, 2002" having received three readings be adopted.
2. That "Electoral Area B Feasibility Study Fund Bylaw No. 1272, 2002" be introduced for three readings.  
That "Electoral Area B Feasibility Study Fund Bylaw No. 1272, 2002" having received three readings be adopted.
3. That "Electoral Area C Feasibility Study Fund Bylaw No. 1273, 2002" be introduced for three readings.  
That "Electoral Area C Feasibility Study Fund Bylaw No. 1273, 2002" having received three readings be adopted.
4. That "Electoral Area D Feasibility Study Fund Bylaw No. 1274, 2002" be introduced for three readings.  
That "Electoral Area D Feasibility Study Fund Bylaw No. 1274, 2002" having received three readings be adopted.
5. That "Electoral Area E Feasibility Study Fund Bylaw No. 1275, 2002" be introduced for three readings.

That "Electoral Area E Feasibility Study Fund Bylaw No. 1275, 2002" having received three readings be adopted.

6. That "Electoral Area F Feasibility Study Fund Bylaw No. 1276, 2002" be introduced for three readings.

That "Electoral Area F Feasibility Study Fund Bylaw No. 1276, 2002" having received three readings be adopted.

7. That "Electoral Area G Feasibility Study Fund Bylaw No. 1277, 2002" be introduced for three readings.

That "Electoral Area G Feasibility Study Fund Bylaw No. 1277, 2002" having received three readings be adopted.

8. That "Electoral Area H Feasibility Study Fund Bylaw No. 1278, 2002" be introduced for three readings.

That "Electoral Area H Feasibility Study Fund Bylaw No. 1278, 2002" having received three readings be adopted.

9. That "School District 68 Feasibility Study Fund Bylaw No. 1279, 2002" be introduced for three readings.

That "School District 68 Feasibility Study Fund Bylaw No. 1279, 2002" having received three readings be adopted.

10. That "School District 69 Feasibility Study Fund Bylaw No. 1280, 2002" be introduced for three readings.

That "School District 69 Feasibility Study Fund Bylaw No. 1280, 2002" having received three readings be adopted.

11. That "Electoral Areas (All) Feasibility Study Fund Bylaw No. 1281, 2002" be introduced for three readings.

That "Electoral Areas (All) Feasibility Study Fund Bylaw No. 1281, 2002" having received three readings be adopted.

MOVED Director Holme, SECONDED Director Westbroek, that this item be referred to the next Ideas and Updates meeting.

CARRIED

**COMMISSION, ADVISORY & SELECT COMMITTEE**

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

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

CARRIED

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

CARRIED

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**Lee, England, re Construction of an IcePlex at Arbutus Meadows – Nanoose Bay – Area E.**

MOVED Director Holme, SECONDED Director Westbroek, that this item be referred to staff and that a report on the proposal be prepared for the Board.

CARRIED

**IN CAMERA**

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

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 8:43 PM

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CHAIRPERSON

**Minutes of the Gabriola Island Parks and Recreation Commission  
Held Thursday, December 13, 2001 at 7:00 p.m.  
Women's Institute Hall**

**Present:** Director B. Sperling  
Commissioner A. Lemieux      Chairperson  
Commissioner J. Labell  
Commissioner G. Murphy  
Commissioner M. Roux      Youth Representative

**Also in Attendance:**

Neil Connelly      General Manager of Community Services  
Dan Porteous      Recreation Program Supervisor

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Commissioner Lemieux (Chairperson) called the meeting to order at 7:07 p.m.

**Correspondence**

MOVED Director Sperling, SECONDED Commissioner Murphy, that the Commission receive the following correspondence:

Mary Wohlleben, Soccer Association, re: Thank you letter for grant funding.

Lynne Crouch, Chair of Youth Committee (PHC), re: Thank you letter for grant funding and request to utilize unused portion of funding for transportation purposes for Professional Development days to take students to Nanaimo for activities.      CARRIED

**Portables**

A discussion took place regarding the portables in Rollo McClay Park. Staff and the Commission addressed a number of issues including: building inspection concerns regarding the use of the portables and the need for tie downs, skirts and stairs that need to be completed; possible relocation - on site if kept by the Commission or offsite if purchased by somebody else, i.e. the Food Bank. At present the Commission is interested in keeping one portable, if not both, for office and storage space.

Staff will report back to the Commission with regard to options of use for the portables.

MOVED Commissioner Labell, SECONDED Director Sperling, that staff report back to the Commission with respect to the plans and costs to renovate one of the portables to office standards.      CARRIED

**Soccer Fields**

A discussion took place regarding the development of soccer fields. To date, there has been no proposal in writing from the School District with respect to the development of the school field with the Parks function assisting in the upgrade and providing for half of the costs (\$20,000). Currently \$20,000 in the 2002 provisional budget is earmarked as a contingency for sportfield development and an additional \$5,000 for consultative fees.



Staff suggested it would be prudent to develop a planning exercise before spending the allocated funds. Staff recommended establishing Terms of Reference for a committee and a process that would include a bringing together of user groups to discuss issues and potential plans for the park. Public consultation and support from the Commission would be imperative before soliciting approval from the Board to begin the work.

The Commission addressed concerns that an excessive amount of time has been spent in discussing the matter, that too much time and resources should not be spent on planning, and that it is time to get on with the work of developing a soccer field.

MOVED Director Sperling, SECONDED Commissioner Labelle, that staff develop an affordable plan to commence work on a multi-purpose field at Rollo McClay Park as soon as possible.

CARRIED

### New Society

Discussion took place regarding the establishment of the new Society to provide recreation services on Gabriola Island through a contract agreement with the RDN. The Commission informed staff that a name for the Society has been registered (Gabriola Recreation Society) and that a constitution has been written and needs to be approved.

The Society needs to provide a proposal to the RDN with regard to its services as soon as possible. Staff will review the proposal and complete a report for the Commission in January to be forwarded to the Board in early February. Once approved, an agreement with the Society will be established.

The Commission addressed two items of concern: management of Rollo McClay Park and the Grants-in-Aid process. The question of the role of the Commission was addressed with respect to changing the current bylaw and role from a recreation advisory body to a community parks advisory body that could include the management of Rollo McClay Park. Alternatively the Society could manage the Park through the agreement with the RDN. The Grants-in-Aid process could be administered by the Society. Otherwise, the option to disband the Commission could be considered.

### Equipment Loan to the RDN

Discussion took place regarding equipment on loan to the RDN. Two issues addressed were the photocopier and computer. Staff expressed to the Commission that the leased photocopier was returned to the company upon the expiry of the lease and that an effort to recoup some of the costs with other RDN departments was unsuccessful. The RDN computer used on Gabriola Island was borrowed for use in the summer program at District 69, is being stored in an office in District 69, and will be returned once an office space is established.

There seemed to be some confusion as to ownership of equipment; staff reminded the Commission that any equipment purchased with funding from the Gabriola Parks and Recreation function is owned by the RDN.

### Staff Update

School Telephone: A telephone was secured at the school for emergency purposes when staff were providing summer camp programs. The line to the phone has been disconnected; however, the future use of the phone has not been established. Staff will check on the status of the phone at the Gabriola Island Elementary School and report back to the Commission at the next meeting.

**Past Minutes**

MOVED Director Sperling, SECONDED Commissioner Labell, that the minutes of July 16, 2001 and September 17, 2001 be adopted. CARRIED

**Business Arising from Communications / Correspondence**

The aforementioned letter received from the PHC Youth Committee requested that unused grant funds of \$275.44 for their past summer day camp be used for transportation purposes to send young people to Nanaimo for activities during Professional Development days.

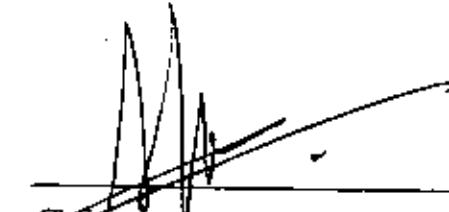
MOVED Director Sperling, SECONDED Commissioner Labell, that the PHC keep the unused funding and use it as requested. CARRIED

**Next Meeting**

A discussion took place regarding future meetings of the Commission due to changes with respect to Board meetings in the New Year. The next meeting of the Commission will be held on Monday, January 21, 2001, at 7:00 p.m. at the Women's Institute Hall. Future meetings of the Commission will be held on the second Monday of the month and depending on the role of the Commission in the New Year, the Commission may meet less regularly, i.e. quarterly.

**Adjournment**

MOVED Director Sperling, that the meeting be adjourned (8:30 p.m.).

  
Chairperson

# DRAFT

Minutes of the Gabriola Island Parks and Recreation Commission  
Held Thursday, January 21, 2002 at 7:00 p.m.  
Women's Institute Hall

REGIONAL DISTRICT OF NANAIMO			
FEB - 5 2002			
CHAIR		GMCrs	
CAO		GMDS	
GMCm&		GMES	

Present: Director B. Sperling  
Commissioner A. Lemieux  
Commissioner V. Hartman  
Commissioner G. Murphy

**Also in Attendance:**

Tom Osborne  
Dan Porteous  
Manager of Recreation and Parks  
Recreation Program Supervisor

The meeting was delayed until quorum was established. Tom Osborne, Acting Chair, called the meeting to order at 7:40 pm.

**Elections**

Director Sperling nominated Andre Lemieux as Chair and Commissioner Hartman as Vice Chair. Both Commissioners were designated to their respective positions by acclamation.

**Past Minutes**

MOVED Commissioner Murphy, SECONDED Commissioner Hartman, that the minutes of December 13, 2001 be adopted. CARRIED

**Communications / Correspondence**

MOVED Director Sperling, SECONDED Commissioner Hartman, that the letter from People for a Healthy Community regarding the Food Bank and the letter of response from Tom Osborne, Manager of Recreation and Parks, be received. CARRIED

**Discussion regarding the Gabriola Recreation Society Concept**

The development of the Society is underway including designate signature, now awaiting approval from the Province. Staff have requested that the Society prepare a proposal by the end of January so that a report can be completed for the Board regarding the direction of recreation services on Gabriola Island for 2002.

**Reports**

a) School District 68 Gabriola Island School Field Improvements.

The report was circulated. Mr. Osborne addressed the various components of the report including the 50% cost sharing of field upgrade between the RDN and the School District, the RDN payment schedule \$5,000 per year over four years, and plans for school facility and field access for residents under a system and agreement to be developed that recognizes the \$20,000 payment.

Director Sperling requested that staff ensure that there is clarification with respect to which areas of the school will be accessible within the agreement.

Staff were also requested to verify whether or not the RDN had input or involvement in the past upgrade of the school building.

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

b) Rollo McClay Water Filtration

Mr. Osborne spoke to the report outlining concerns with respect to Public Health issues that need to be addressed, the plan for a chlorination system and a temporary fence surrounding the water supply. Director Sperling requested that future references identify the field at Rollo McClay as a multi-purpose field, not a soccer field. As well, Director Sperling expressed concerns regarding the use of a fence surrounding the water supply.

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

c) Upgrade to Portables (Tom Osborne – verbal report)

Mr. Osborne presented information regarding the upgrade to the portables. An estimated \$4,500 is required to upgrade each portable to storage standards, which will include tie downs, skirting and stairs.

Estimated costs are not known at this time with regard to upgrading the portables to office standards; however, electrical hookup and accessible ramps are necessary for this type of upgrade. Washrooms are not necessary. Director Sperling expressed knowledge of some electrical quotes (approximately \$800) and will forward the information to Mr. Osborne.

Discussion also took place with respect to funding including options of selling one of the portables and / or utilizing funds from the Recreation function.

d) Rollo McClay Field Development Plans (Tom Osborne – verbal report)

The Commission supported staff to initiate a users meeting and public input in February or March with respect to future plans for the development of Rollo McClay.

e) GIPRC Phone on School Site (Dan Porteous – verbal report)

Mr. Porteous provided information related to the phone box at the school site. The School District Maintenance Department did install the phone box for the GIPRC. Telus attached a phone line, which is now disconnected. The school principal expressed no concerns with leaving the phone box attached to the school and agreed that if in the future the phone line is necessary that the responsible parties could use the system. The Commission agreed with the plans to maintain the box at the school site.

**Next Meeting**

The next meeting of the Commission will be held on Monday, February 4, 2002, at 7:00 p.m. at the Women's Institute Hall.

**Adjournment**

MOVED Director Sperling, that the meeting be adjourned (8:15 p.m.).

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Chairperson



REGIONAL DISTRICT OF NANAIMO			
JAN 21 2002			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
		<i>See Comm</i>	<input checked="" type="checkbox"/>

**MEMORANDUM**

**TO:** Neil Connelly  
General Manger of Community Services

**DATE:** January 21, 2002

**FROM:** Tom Osborne  
Manager Recreation and Parks

**FILE:**

**SUBJECT:** School Field Upgrades at Gabriola Island Elementary

**PURPOSE**

To provide information and a recommendation on proposed school field upgrades at Gabriola Island Elementary by School District 68.

**BACKGROUND**

Early in 2001, the Regional District was approached by School District 68 to participate in a joint venture that would see the play field at Gabriola Island Elementary School upgraded to sport field standards.

The School District was aware that the Gabriola Island community lacks suitable sport field space to meet the demands of the organized sport users of softball and minor soccer, with the minor soccer association in most need of a suitable playing surface. The fields constructed at Rollo McClay Park were primarily built for use by softball, and designed as such, however the Island has experienced and dramatic increase in soccer participants, a trend similar to other communities throughout British Columbia.

In December 2001, the Regional District was formally requested to participate in a joint venture with School District 68. The proposal from the School District would see the Regional District and the School District participate in a 50/50 split of the field upgrade costs at Gabriola Island Elementary, estimated to total \$40,000. The work that would be undertaken by the School District using their resources would consist of:

- A full irrigation system connected to the existing fire/potable water storage tank
- Fixing low spots on the edge of the field to gain more play space
- Top dress field with a sand and soil mix
- Over seed and aerate
- Provide a fence at school end of field if funding permits

The School District estimated that if construction begins in May or June 2002, the field would be ready for school and community use in September 2002. Their letter is attached.

On January 18<sup>th</sup>, 2002 a meeting was held with School District 68 to discuss their proposal. It was agreed that the two parties would need to enter into an agreement to outline their respective roles in any field upgrade project. An agreement would refer to the following key items:

- Payment by the Regional District to the School District of \$5,000 for 4 years; and,
- Provision for the School District to provide \$20,000 in credit value for Regional District use through community groups of the field and school building facilities such as the gymnasium.

The agreement would be developed jointly by the Regional District and the School District over the next several weeks to allow for planning to commence for the field work to be undertaken this summer. The final agreement and approach would be subject to approvals from the School District Trustees and Regional Board.

Parallel to this proposal, there has also been an expressed interest to see a soccer field constructed at Rollo McClay Park and the Gabriola Island Parks and Recreation Commission have requested Regional District staff to proceed with plans that would ultimately see an additional soccer field developed at this site. After a preliminary review of the Rollo McClay site, some of the issues that need to be addressed are as follows:

- Establishment of a new water well to serve the concession and field house, as it is likely the new field would be constructed overtop the existing wellhead.
- Determining water source requirements and supply for the increase in water usage.
- Geotechnical analysis of the site to determine soil content.
- Development of site drawings and specifications needed for either tendering purposes or for the local community to base their fundraising around for in-kind services, equipment donations or actual dollars.
- Confirmation of funding prior to tendering and / or commencement of project.
- Determining the method in which to proceed with the project either through a hired project manager or through a volunteer project manager through a society willing and capable to undertake the project.

An action plan for Rollo McClay park and field development is being prepared by staff and will be addressed in a separate report.

#### **ALTERNATIVES**

1. To enter into an agreement with School District No. 68 that provides for the upgrade of the Gabriola Elementary School field under the financial terms of four annual payments of \$5,000 and arrangements for community use and access to the field and school facility as specified in the report.
2. To receive the report and provide alternative direction to staff.

#### **FINANCIAL IMPLICATIONS**

Five thousand dollars (\$5,000.00) is available from the adopted 2002 Regional District Provisional Budget which has \$20,000 allocated in the Electoral Area B Community Parks Budget to fund sport field initiatives on Gabriola Island. The 2001 / 2002 School District 68 Annual Budget has the necessary funding allocated, subject to confirmation with their finance office, that would allow for the \$40,000 project to proceed.

## CITIZEN IMPLICATIONS

The sports field user group community has expressed an interest to see the development of additional playing fields on Gabriola Island. With no formal soccer fields on the Island, the minor soccer association is utilizing the fields at Rollo McClay Park during the soccer season as well as the play field at the Elementary School site. This group has expressed concern that there is an immediate need for soccer fields on the island but was reluctant to see the school field be out of commission for long-term upgrades. The proposal from the School District would see the field unusable for a short period over the summer months.

In addition, an agreement with the School District will provide for improved access to the field and school facilities at reduced costs to the various community recreation and related non-profit groups. Further work would be required to develop a Regional District policy approach and procedures on subsidized group access to the school field and facilities.

## SUMMARY

The Regional District has been requested by School District 68 to participate in a joint venture that would see the play field at Gabriola Island Elementary School upgraded to sport field standards. The proposal would see the Regional District contribute \$5,000 each year over four years to assist with field upgrade costs at Gabriola Island Elementary, estimated to total \$40,000. The \$5,000 would be available from the adopted 2002 Regional District Provisional Budget which has \$20,000 allocated in the Electoral Area B Community Parks Budget to fund sport field initiatives on Gabriola Island. The work that would be undertaken by the School District using their resources would consist of: a full irrigation system connected to the existing fire/potable water storage tank, fixing low spots on the edge of the field to gain more play space, top dress field with a sand and soil mix, over seed, aerate and provide a fence at school end of field if funding permits. The School District estimated that if construction begins in May or June 2002, the field would be ready for school and community use in September 2002. The two parties would need to enter into an agreement for the project before it could proceed to address the payment terms and the provision for community access to the field and school facilities.

## RECOMMENDATION

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

*per* J. McFarlane  
Report Writer

[Signature]  
General Manager Concurrence

[Signature]  
C.A.O Concurrence

COMMENTS

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# SCHOOL DISTRICT 68 (NANAIMO-LADYSMITH)

Today's Learner — Tomorrow's Future

395 Wakesiah Avenue  
Nanaimo, B.C. V9R 3K6

Telephone (250) 741-5265

Fax (250) 741-5282

OFFICE OF THE MANAGER OF PLANNING AND FACILITIES

December 20, 2001

Mr. Neil Connelly,  
General Manager of Community Services  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

**RECEIVED**

**DEC 24 2001**

**REGIONAL DISTRICT  
of NANAIMO**

Dear Mr. Connelly:

I am writing at the request of Mr. Inglehart to provide information regarding the proposed joint venture to improve the play field at Gabriola Elementary.

As you are aware, the District has set aside \$20,000 to put towards the improvement of the surface of the field. The estimated cost of installing an irrigation system and the work to improve the surface of the field is approximately \$40,000. Discussions to date have indicated that the improvements would be shared 50/50, meaning that the District and the RDN would each fund \$20,000.

Basically the work would consist of:

- a) a full irrigation system, connected to the existed fire/potable water storage tank
- b) fixing low spots on edge of field to gain more play space
- c) top dress with sand/soil mix
- d) over seed and aerate
- e) provide fence at school end of field - (funding permitting)

The District has estimated that the cost to maintain the field is in the order of \$10,000 per year.

With respect to schedule, the District believes that if construction starts by May/June 2002 that the field would be ready for school and community use by September 2002.

The District would like to meet with the RDN to advance discussions with the aim of reaching an agreement to proceed with the joint project.

Please feel free to contact me at 250-741-5265.

Yours truly,

Pete Sabo, A.Sc.T.  
Manager of Planning & Facilities

PS/mb

Cc E.C. Inglehart, Secretary-Treasurer, School District 68  
Carola Lane, Superintendent, School District 68  
Tom Osborne, Director of Parks & Rec - RDN

**PAGE**  
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REGIONAL DISTRICT OF NANAIMO			
JAN 15 2002			
CAO	GMOS		
GMCMS	GMES		
<i>Commissioner</i>			

**MEMORANDUM**

**TO:** Tom Osborne  
Manager of Recreation and Parks

**DATE:** December 12, 2001

**FROM:** Jonathan Lobb  
Parks Assistant

**FILE:** 6140-20-AREA B

**SUBJECT:** Water Chlorination System for Rollo McClay Community Park

**PURPOSE**

To consider the options available to the District for the protection and treatment of the public drinking water supply at Rollo McClay Community Park (B-14) in Electoral Area 'B'.

**BACKGROUND**

The public drinking water supply at this 7.8 ha community ball field has been failed on multiple occasions by the Ministry of Health for having an unacceptable level of choliforms present. On June 11, 2001, Parks staff attended a site visit with Wayne Moorman, Manager of Engineering and Utilities, and Glenn Stocker, an RDN Utilities Technician. Mr. Moorman's recommendations during the visit were to fence off the currently exposed wellhead to a 7.5m diameter perimeter, secure the top of the concrete cason currently surrounding the wellhead with a lock, and to make some corrections to the plumbing in the building, including the installation of a water chlorination system to remove any waterborne pathogens.

During this visit, Mr. Stocker 'shocked' the well with a high dose of liquid chlorine, and a subsequent test by Tim Bilyk, Vancouver Island Health Officer, deemed that the choliform count was acceptable for human consumption at that time. Due to the District's inability to continue treatment of the water, signs were later posted at the request of the Health Officer stating that the water supply was unsafe for domestic use or human consumption. Since this time, the 1200 gal supply tank has been shocked a second time with an amount of chlorine sufficient to kill all pathogens present in the system and a lock has been fitted to the cason lid. Prior to its reopening, the Health Officer approved that the building be used for the serving of 'prepared' foods only (i.e. canned drinks and foods). The washrooms have remained open to the public throughout the year, with signs posted at the sinks as described above.

Staff have determined costs for fencing the wellhead and installing a chlorination treatment system for the water supply. Chlorination is the preferred method of treatment as it is cost effective, and a detectable "chlorine residual" is proof that there are no pathogens present in the water at the tap.

Available infrared systems may not adequately treat the water due to the sometimes-high turbidity present in the local groundwater source. The suspended particles in the water prevent some of the UV light from fully penetrating the sample, leaving it untreated. Furthermore, UV systems, specifically on Gabriola, are known to be troublesome due to the fact that they require constant maintenance service and frequent filter replacement as a result of a buildup of suspended solids in the system. Both Mr. Moorman and Mr. Walsh (Senior Environmental Health Officer) stated that a UV system may provide a lesser degree of protection against pathogens and require a higher maintenance cost than a chlorine system.

One of the community-proposed development plans for Rollo field shows the inclusion of a soccer field located between the two existing softball diamonds. The existing well is within the proposed soccer field area. These two uses of that particular space are not compatible with one another. If the soccer field were to be developed in its proposed location, the well would have to be relocated and re-fenced. Staff are developing a report on a park and field development planning process and there will be an opportunity to hold a field users meeting to discuss future development of the Rollo McClay field in the coming months.

### ALTERNATIVES

1. To purchase and install a water chlorination system to service the washrooms and concession at Rollo McClay Community Park and to fence the area around the perimeter of the wellhead.
2. To provide alternative direction to staff.

### FINANCIAL IMPLICATIONS

The cost of permanent fencing around the wellhead would be in the region of \$3,250.00. An additional \$150 in heavy equipment time to develop adequate slope and drainage around the well would also be required. The cost of supplying and installing a chlorination system in the concession building, to service all taps and toilets would be approximately \$2,100.00.

Temporary fencing is also a possibility, though due to the proximity of bedrock to the surface, the cost of this option may be impractical. An estimate from a fencing company puts the total cost for a wooden (3" pencil post) fence with cattle wire and a gate at \$1,620.00. Pencil posts will not be able to be driven if rock is encountered. In this event, drilling would be required, and a narrower, metal 'T-post' would help to reduce costs. An estimate of this cost option is \$2,100.00.

The budget for the Rollo McClay field operations is channeled through the Southern (District 68) Recreation function. A requisition of \$16,550 has been provisionally approved for 2002. \$1,600 was identified for water treatment installation in 2001 but not spent as the budget was in a deficit position by year-end. The 2002 Provisional budget identifies fencing and ongoing water treatment costs totaling \$4,200.

There is the possibility, during future development of the park, that the existing water well will need to be abandoned and replaced with a well elsewhere on site. The approximate cost of drilling a new well would be \$5,000.00 plus taxes. There would be additional costs associated with running water lines from the new well head to the existing plumbing hookup within the park, but this would be negligible and could likely be accomplished with volunteer labour. The new well would also need to be fenced.

### INTERGOVERNMENTAL IMPLICATIONS

The Ministry of Health is not concerned with the closure of the water supply to the public; their concern is that if the supply were re-opened it be adequately treated and tested on a regular basis. Ministry staff will provide testing free of charge.

### CITIZEN IMPLICATIONS

The community on Gabriola Island uses Rollo McClay Community Park on a daily basis throughout most of the year. The washrooms are an expected and required amenity to the park, and so is, to a lesser degree, the adjacent concession building. The concession building has served the purpose of creating work experience programs for youth, generating revenue for the various non-profit sports groups that use the park, and providing refreshments for sports participants and spectators. The temporary closure of the water supply at this site has caused undue inconvenience and alarm for the residents in Electoral Area 'B'.

In addition to field related usage, the building has been the temporary home of the local food bank (operated by a non-profit society called People for a Healthy Community) since September 2001. It is anticipated this use will continue into March 2002.

### SUMMARY

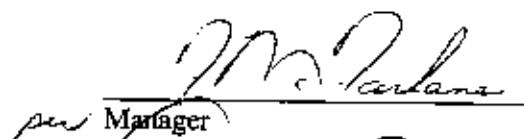
In order to keep the washrooms and concession building open at Rollo McClay Community Park, there needs to be a water chlorination system installed. This system will render the currently unsafe water fit for drinking and use by the public that regularly visits the park.

### RECOMMENDATION

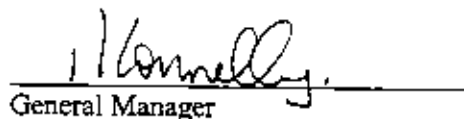
That a water chlorination system be purchased and installed to service the washrooms and concession at Rollo McClay Community Park and that a temporary fence be placed around the perimeter of the wellhead.



*per* Report Writer



*per* Manager

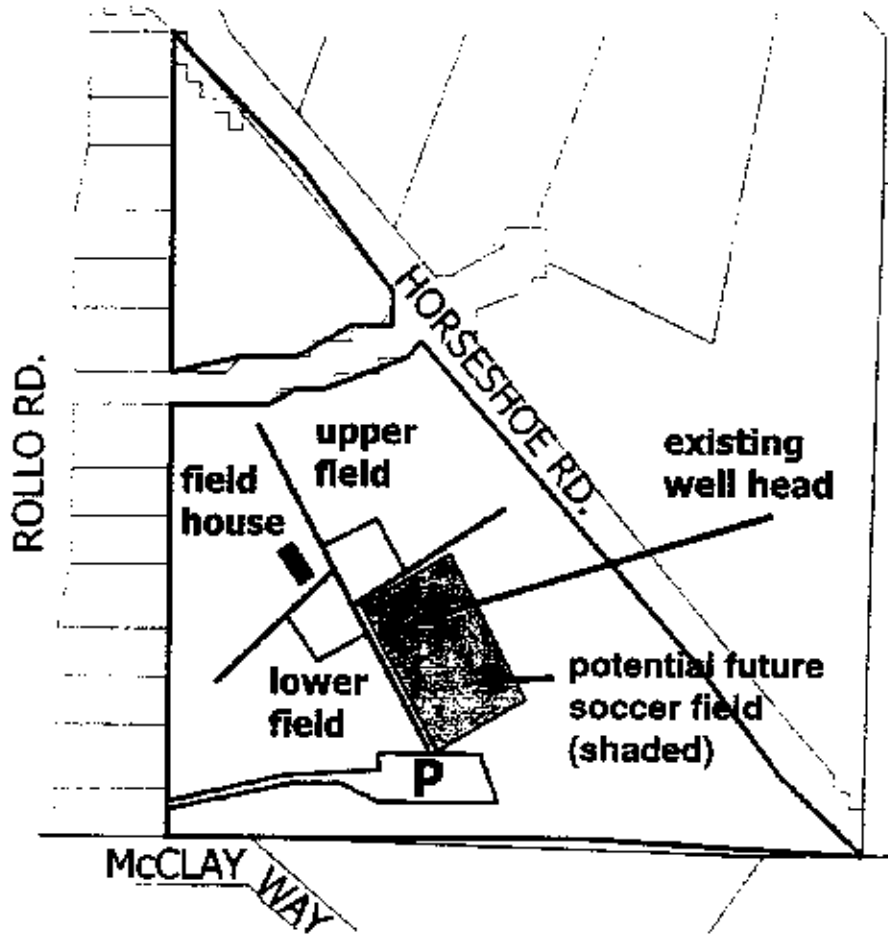


General Manager



C.A.O Concurrence

COMMENTS:

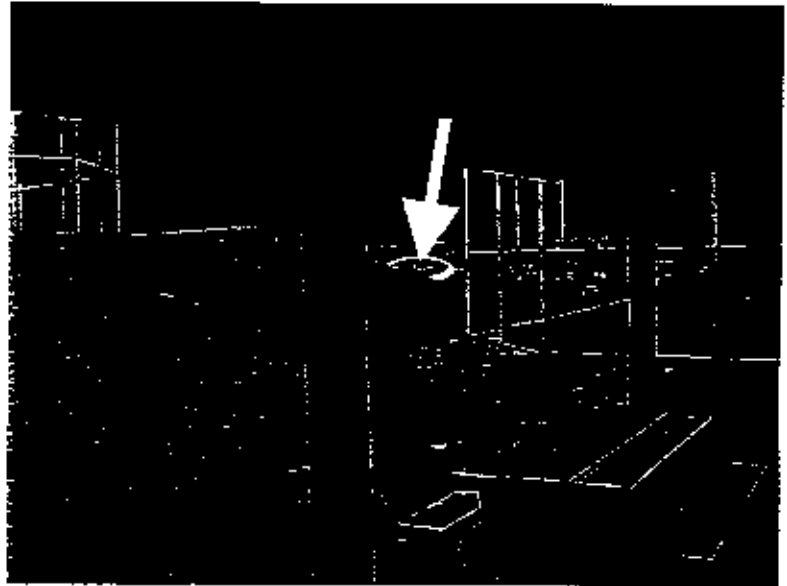


Site Plan (not to scale)

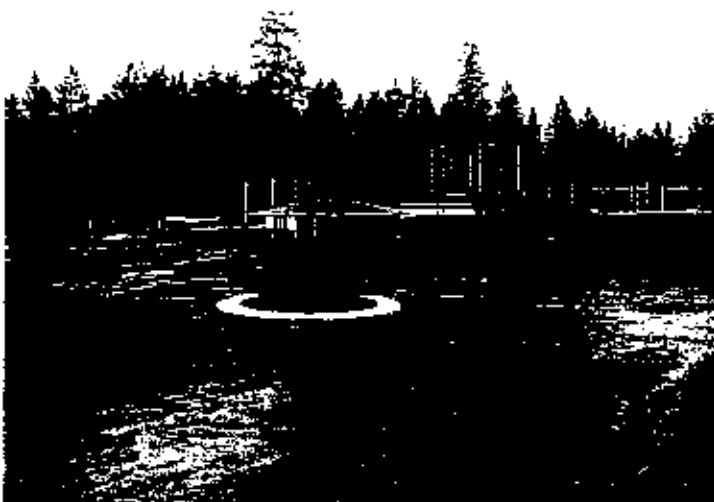
**Photo Sheet: Rollo McClay Community Park Wellhead Location**



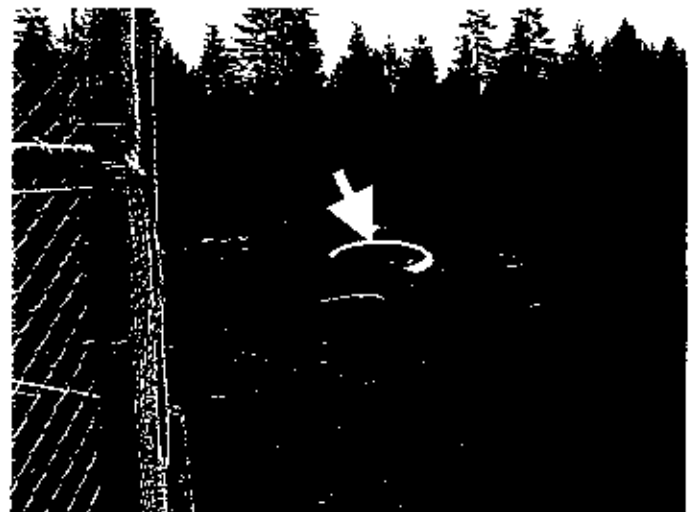
(above) Lock installed on well-head as per suggestion by Environmental Services.



(above) View of wellhead location (circled) from concession building.



(above) Wellhead as seen from access road within the park, just east of lower field.



(above) View of wellhead from upper field backstop (pictured in upper left of above photo).

**Minutes of the District 69 Recreation Commission Regular Meeting  
Held on Thursday, January 17, 2002, at 7:00 p.m.  
Qualicum Beach Civic Centre, Qualicum Beach, BC**

Attendance:            Barbara Terry  
                             Frank Van Eynde  
                             Richard Quittenton  
                             Reg Nosworthy  
                             Craig Young  
                             Scott Tanner  
                             Jack Pipes

Staff:                   Neil Connelly  
                             Dan Porteous

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Neil Connelly, Acting Chair, called the meeting to order at 7:05 p.m. and welcomed members and staff.

**Elections**

Commissioner Terry nominated Commissioner Van Eynde as Chair. Commissioner Van Eynde was designated Chair by acclamation.

Commissioner Tanner nominated Commissioner Pipes as Vice Chair. Commissioner Pipes was designated Vice Chair by acclamation.

**Minutes**

Commissioner Nosworthy requested that the minutes of November 15 be amended as follows:

That the word "recent" in the second paragraph under Commissioner Roundtable be changed to "proposed".

MOVED Commissioner Terry, SECONDED Commissioner Nosworthy that the minutes of the District 69 Recreation Commission Regular Meeting held on November 15, 2001 be approved as amended. CARRIED

**Communications / Correspondence**

MOVED Commissioner Nosworthy, SECONDED Commissioner Pipes that the correspondence from the City of Parksville, the Town of Qualicum Beach and Centra Gas be received. CARRIED

**Reports**

- a) Update on Provisional Budget Adoption (*Verbal*) – N. Connelly

Mr. Connelly presented an update regarding the Board's approval of the 2002 Provisional Budget. Mr. Connelly outlined the \$50,000 increase to the Recreation Coordinating function to raise the portion allocated to Grants-in-Aid and the increase to fees for the Arena function in January and September of 5% and 8% respectively. The Ravensong Aquatic Centre function budget was approved as presented. The ratification of the Annual Budget in March of 2002 will be reported on at a later date.

b) Youth Recreation Service Plan Review – D. Porteous

Mr. Porteous reviewed the report, which included commentary on the Grants Program and the youth worker positions. Discussion took place with regard to the promotion of grants. Staff will explore the opportunity to include a promotion of grants in the next RDN newsletter. Transportation issues were also addressed as a concern and that more follow up is necessary to explore these issues with youth throughout the District. Mr. Porteous expressed that a Youth Summit on Sustainable Transportation will be held in Ottawa and that the Department is involved in seeking a youth representative from the area to participate in the summit.

MOVED Commissioner Pipes, SECONDED Commissioner Terry that the report be received.  
CARRIED

c) Recreation Program Assistants (Roving Leaders) – D. Porteous

Mr. Porteous reviewed the report regarding the future status of the two, temporary youth worker positions. Discussion took place regarding the alternatives provided. The Commission addressed concerns regarding the long-term permanency of these staff. The Commission requested that staff provide more information on a monthly basis regarding the involvement of the youth workers with respect to number of programs initiated and number of youth contacted so the Commission may have a better understanding of the positions for evaluation purposes.

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

**Staff Reports**

Discussion took place with respect to the development of the Horne Lake Park Management Plan. Commissioners Pipes and Van Eynde are on the Management Committee and staff will be working with the committee to develop the Plan.

Discussion took place regarding Zamboni operations within the District 69 Arena function. There was some confusion with respect to maintenance and operating figures. Staff will provide a report to the Commission at the February meeting clarifying the administration and operations of Zambonis at the arena.

MOVED Commissioner Pipes, SECONDED Commissioner Young that staff reports on the Ravensong Aquatic Centre, District 69 Arena, Recreation Coordinating and Regional and Community Parks (District 69 Area) be received. CARRIED

**New Business**

a) Review 2002 District 69 Recreation Commission Event Calendar – N. Connelly

Mr. Connelly presented information related to specific dates for Commission business in 2002. Provisional Budget process dates have been moved to earlier in the year due to the November elections. Also the Commission is scheduled to meet on the 2<sup>nd</sup> Thursday of each month due to changes with respect to monthly Committee of the Whole and Board meetings.

b) Commission Member Registration at 2002 BCRPA Annual Conference – May 9 to 11 UVIC – D. Porteous



Craig Young and Jack Pipes have been designated as Commission representatives to the BCRPA Conference in Victoria. Staff will ensure that the Commissioners are registered.

**Commissioner Roundtable**

Commissioner Young presented a notice of motion for the next meeting as follows:

*"That each Electoral Area Parks Committee be encouraged to develop a Parks Plan for their area."*

Commissioner Nosworthy queried staff on the involvement of the Commission with respect to the Arbutus Meadows proposal for an arena complex. Mr. Connelly replied that the Regional Board Committee of the Whole is expected to receive a delegation of proponents involved with the Arbutus Meadows proposal at their January 22, 2002 meeting. Therefore, the process for dealing with the proposal is yet to be determined.

Commissioner Nosworthy presented a notice of motion for the next meeting as follows:

*"That the Arena referendum be postponed until the Fall of 2002 to coincide with municipal elections."*

Commissioner Terry presented information regarding the purchase of the old Errington School through the Area F Community Parks budget. Plans for the facility are yet to be determined.

Commissioner Tanner queried staff on the cost of the District 69 Arena function tax requisition if extraordinary costs associated with the referendum were not considered, and addressed a concern that the \$20,000 set aside for the referendum may not be enough. Mr. Connelly indicated that the figure has been explored thoroughly based on past experience and was the figure supplied to the department. Lastly, a question regarding the date for the completion of the seismic study for the arena proposal was asked. Mr. Connelly replied that the date will be January 22.

Commissioner Van Eynde presented information regarding the Parks Advisory Committee in Nanoose Bay. There is work being done with regard to the Claudette Road Park. A decision is to be made whether or not the area becomes a nature park or includes a sports field. There has also been some discussion to upgrade the field at Jack Bagley. The Committee will be meeting with the Lion's Club on February 11 to discuss the issue further.

**Adjournment**

MOVED Commissioner Quittenton that the meeting be adjourned at 8:40 p.m.

**Next meeting**

The next meeting will be held at 7:00 p.m., Thursday, February 14, 2001 at the Qualicum Beach Civic Centre.

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Chairperson

**MEMORANDUM**

JAN 11 2002

CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
			Rec Comm ✓

**TO:** Tom Osborne - Manager of Recreation and Parks      **DATE:** January 9, 2001  
**FROM:** Dan Porteous - Recreation Program Supervisor      **FILE:**  
**SUBJECT:** Recreation Program Assistants (Roving Leaders) Report

**Purpose:**

To provide information and a recommendation regarding the roles and future status of the two, temporary, part-time youth worker positions (Recreation Program Assistants - Roving Leaders) for consideration by the Commission for the 2002 Annual budget.

**Background:**

In November 2001 the Commission recommended that a review of the Youth Recreation Services Plan be undertaken in relation to the program and use of part-time youth workers so the Commission can consider options regarding the future of the positions for the 2002 Annual budget. The youth workers are scheduled to continue on a temporary basis until March of 2002.

An update review was presented to the Commission in March of 2001 regarding the roles and involvement of the Roving Leaders including the successes and challenges experienced. The Commission has continued to support the involvement of the part time staff on a temporary, part time, and trial basis since April of 2000.

As outlined in the Youth Recreation Services Review Report the youth workers have been involved in a number and variety of initiatives. During the past year and a half the presence of these staff in the community has been well received, not only by the youth themselves, but also by parents and youth serving agencies throughout the District. They have been building relationships with many of the youth in the community, providing leadership and advocacy roles. The community at large has benefited from the active participation of the youth workers in various community workshops and project initiatives, while the youth have benefited from the direct contact and assistance provided.

The decision that needs to be addressed is whether or not the youth workers should be considered for permanent status within the Department and if so, how that will be shaped?

**Alternatives:**

1. Reclassify the two positions as permanent, part-time, Recreation Program Assistants.

This alternative would provide for an ongoing commitment to the direct provision of youth services through the Department in keeping with recommendations outlined in the Department's Master Plan in 1995 and the Youth Services Plan in 2000. If this level of service is maintained existing initiatives will continue to be enhanced.

The ability to separate the two staff and have them working in the north and south of the District has worked effectively in the past allowing for a broader range of service provision within a combined 40 hours of service per week. This approach also allows for a coordinated effort when necessary, with the two workers assisting each other from time to time on particular projects or initiatives like assisting the Nights Alive Program.

2. Create one position and reclassify as a permanent, full time, Recreation Program Assistant.

This alternative would provide for a similar service to alternative one; however, the one staff would be challenged to provide as much service throughout the overall District within a 35-hour workweek.

3. Create one position and reclassify as a permanent, part time, Recreation Program Assistant.

By providing one, part time youth worker some of the programs, events and projects would continue; however, a decrease in service provision would be apparent. Although a significant savings in staff wages could be incurred with this alternative, the reduction in service would need to be seriously considered. One part time person would be challenged to maintain community contacts and community development efforts while trying to engage and work with youth directly. With an inability to maintain the current level of service, changes to the role of the position would need to be clarified to be effective. This alternative could jeopardize program development already established.

4. Provide alternative direction to the delivery of direct youth recreation services.

#### **Financial Implications:**

1. The 2002 Provisional budget for the two positions is approximately \$43,800 based on a minimum of 20 hours per week for each worker for 52 weeks for a total of 2080 hours at \$19.15 per hour. This includes 10% in lieu of benefits.

To reclassify the two positions to permanent full time status would cost \$48,117 based on the same hours as above and a 20.8% benefits package. The difference would be an approximate increase of \$5,300.

2. To create one position and reclassify to permanent full time status of 35 per week would cost approximately \$42,250. This would be approximately \$5,850 less than providing two permanent part time positions working 20 hours per week each (40 hours per week combined).
3. The cost to create one position and reclassify to permanent part time status of approximately 20 hours per week would be approximately \$24,000. The Department would have a surplus of approximately \$24,000. This surplus could be eliminated by reducing the tax requisition by \$24,000 or maintained as a surplus that would carry forward to the next year.

#### **Summary:**

Staff have presented a report that includes three options regarding the future status of the youth worker positions.

The Department has seen significant value in the work provided by the two workers during the past year and a half. The youth workers have been successful in the implementation of a number of the recommendations outlined in the Youth Recreation Services Plan. The quality of the level of service and the successes presented in the projects and initiatives outlined in the Youth Recreation Services Review support the continuation of the two positions on a permanent basis.

By continuing to provide this service with two staff resources each of the six participant communities in our District will continue to benefit from their involvement as they continue to liaise, network and work in a variety of capacities.

**Recommendation:**

That the two temporary, part time Recreation Program Assistant positions be reclassified as permanent, part time positions for the purpose of delivery of direct youth recreation services to youth in the District 69 community.

Burgoyne for Dan Porteous / Tom Osborne  
Report Writer

Manager

McConnell  
General Manager Concurrence

David  
CAO Concurrence

COMMENTS:

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**Minutes for the meeting held:  
Thursday, January 31, 2002, 7:00 PM  
Ramada Inn at Long Lake, 4700 North Island Highway, Nanaimo, BC**

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**Present:**  
Frank Van Eynde  
George Legg  
Terrence Knight  
Felicity Adams  
Carmi Simpson  
Graham Shuttleworth  
Arthur Lightburn  
Dennis Gell  
Director George Holme

**Regrets:**  
Allan Armstrong  
Suzanne Andre  
Angus Weller

**Staff Present:**  
Christina Thomas  
Neil Connelly

**Absent:**  
Robert Jepson  
Brian Anderson  
Ruth Matson  
Chuck Gahr

**1. Call to Order**

Director Holme called the meeting to order at 7:00 PM.

**2. Minutes of the Previous Meeting (November 19, 2001)**

The minutes were approved as presented.

**3. Recap of "Results of the PRC Interviews re: Mandate and Monitoring Program"**

N. Connelly provided an opportunity for Committee members to comment on the "Results of the PRC Interviews re: Mandate and Monitoring Program" in light of the Committee's November 19<sup>th</sup> meeting decision to postpone the discussion of the report, to allow Committee members more time to review and reflect on the report. It was noted that the purpose of the interviews was to examine the current terms of reference for the PRC and to evaluate work done to date with the intent of developing a viable, long-term approach to monitoring the Growth Management Plan. Committee comments included the following:

- The interview process was good, it provided an opportunity for us to share our perspectives.
- Will historical data be obtained for the indicators?

Staff indicated that additional historical data had not yet been obtained, but that it was possible to obtain additional historical data as budgets permit.

**4. Review of the Growth Management Plan Monitoring Program**

N. Connelly provided a review of the Growth Management Plan Monitoring Program. The review included the following:

- A brief history of the Committee, starting with the adoption of Terms of Reference for the Committee in the Spring of 1998 (after the adoption of the Growth Management Plan in January of 1997) and prior to the development of the approach to monitoring the GMP.
- The preparation of annual reports on progress towards the Growth Management Plan in 1998 and 1999 that were based primarily on subjective data about the Plan policies.

- The Regional Board providing one-time project funding in the amount of \$50,000 to establish a foundation for the Monitoring Program in response to the Committee's request for funding to develop the Monitoring Program.
- The Committee's help in establishing this foundation through its work at the September and November 2000 workshops in which 'indicators' were selected, baseline data obtained, and an 'indicator database' was established.
- The first product of this work - the 2000 Annual Report.
- The fact that the major priority of the 2001 regional planning work program is the Growth Management Plan Review.
- The fact that future approaches to monitoring the GMP need to be considered, particularly as it relates to the preparation of annual reports, the role of the PRC, and the limited resources available for plan monitoring. It was noted that given that the membership terms of the current PRC members all expire in July of 2002 the timing for such an assessment of the program was appropriate.
- To that end, it was noted that the RETHINK GROUP was retained to conduct one-on-one interviews with PRC members last November, to examine the current terms of reference for the PRC and to evaluate work to date, with the intent of developing a viable, long term approach to monitoring the GMP.
- The interview results point to the importance of monitoring the GMP.
- The interview results also highlighted a number of issues regarding the current monitoring program, including a need to develop a revised approach, a need for better linkages to the RDN Board, a need to match resources to program needs, Committee membership and training, public interest and participation.
- Key questions stemming from this review are: What is the future of the GMP Monitoring Program? What is the role of the PRC in the Monitoring Program?
- Possible options include: 1. PRC takes a larger role; 2. Status quo; and 3. Restructure.
- If the PRC takes a larger role this would mean that the PRC would share the workload, the PRC would advocate for and find resources, the PRC would provide advice on communications and policy, that the PRC membership would need to be updated to match the enhanced role.
- The 'status quo' option would entail significant revisions to the PRC Terms of Reference to provide for narrower Committee member role that would not require training and provide for a scope of activities that match resources available.
- The 'restructure' option would mean that the PRC would be dissolved at the end of the current Committee member's terms (July 2002), that annual reports would be prepared by staff based on the indicators selected by the Committee to date as well as direction regarding indicators from the interviews, that opportunities would be provided for volunteers to provide technical assistance in the development of the annual reports, and that annual public events including Regional Board participation would be conducted to publicize and get feedback about the annual report and progress towards the vision and goals of the Growth Management Plan.
- It was noted that staff recommend the 'restructure' option because it is believed that it would provide for more opportunities for the public to become informed about the Growth Management Plan and progress towards the Growth Management Plan vision and goals, it would provide more opportunities for Board involvement, and result in a more appropriate allocation of technical and political roles (i.e. elected officials making policy decisions and staff providing technical data). This recommendation would be carried forward as a part of staff report to the Regional Board, and the Regional Board would make a decision on the matter.

Director Holme stated that the Annual Reports on progress towards the Growth Management Plan had received limited attention from the Board to date.

Committee comments were invited by the Chair, and included the following:

- It was suggested that committee appointments be staggered, so there is continuity in membership.
- Concern was expressed regarding whether the public events proposed as a part of the 'restructure' option would attract the general public, and that people from all areas of the region need to be involved, given that changes are taking place rapidly in the region (e.g. discussion regarding whether Qualicum River Estates should be Electoral Area F, G or H). Concern was expressed that only people that are experts or are interested in monitoring would come to the public events, and that public events proposed as a part of the 'restructure' option might attract special interest groups. It was noted that events would need to be broadly advertised to attract the general public.
- Concern was expressed regarding the nature of the discussion, citing there was no indication on the agenda that such a discussion would take place. It was noted that the Master Implementation Agreement provides for ongoing consultation with the province and specifies the public plays an important role through monitoring. It was noted that the PRC provides the public input. Concern was expressed that the advisory role of the PRC has never been fulfilled. Concern was expressed that the PRC made recommendations in its first few years that were never acted upon, and that monitoring work to date did not match the Board's priorities. It was suggested that the RDN is getting behind on the technical aspects of plan monitoring. Concern was expressed that the consultants hired to date were not sufficiently knowledgeable about plan monitoring. Concern was expressed that the public events proposed as a part of the 'restructure' option would not provide a true opportunity for participation.
- Appreciation was expressed for the assessment of options for the future of the monitoring program. It was noted that Committee member meeting attendance illustrates the need to address the future of the program. It was suggested that a committee be retained, but that committee membership representation and composition be changed to provide for a membership that is better connected to the broader community and comfortable with the technical aspects of planning and monitoring. It was suggested that the Committee should include membership from governmental and non-governmental organizations with complementary interests in monitoring various aspects of the Plan. It was noted improved communications between such a committee and the Board would be required. The public events (proposed as a part of the 'Restructure' option) are a good idea to create awareness about the Growth Management Plan, monitoring and progress towards the Plan vision and goals and provide an opportunity for the general public to become involved in the program. The Committee should not be called the Performance Review Committee, as the name isn't very appealing. Monitoring should only be a small part of the Committee's work.

##### **5. Next Meeting**

In response to the Committee's request another meeting will be held on **Wednesday, February 27, 2002 at 7:00 PM** to provide an opportunity for all members to provide their perspectives on the role of the Committee and future approaches to monitoring the Growth Management Plan.

##### **6. Adjournment**

Director Holme adjourned the meeting at approximately 8:00 PM.

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Chair, Director George Holme



REGIONAL DISTRICT OF NANAIMO			
FEB - 4 2002			
CHAIR		GMCrs	
CAO		GMDS	
GMCmS		GMES	
		<i>B.A.</i>	<i>✓</i>

MEMORANDUM

TO: Pamela Shaw  
Manager, Community Planning

DATE: February 1, 2002

FROM: Lindsay Chase  
Planner

FILE: 3090 30 0202

SUBJECT: Development Variance Permit 0202 - Mandziuk  
Electoral Area 'E' - 3573 Shelby Lane

PURPOSE

To consider an application for a Development Variance Permit to vary the maximum permitted height for a building or structure to facilitate the construction of a dwelling unit for a parcel located on Shelby Lane in Electoral Area 'E'.

BACKGROUND

This application was initially considered by the Electoral Area Planning Committee (EAPC) on January 22, 2002 and the committee directed staff to do site visits on neighboring properties prior to the Board meeting to better assess the impact of the proposed variance. Subsequent to the Electoral Area Planning Committee, new information was submitted by the applicant (Attachments 1 and 2 to this report). The report that was submitted to the EAPC is attached for reference purposes (see Attachment 3 along with original attachments to the EAPC report).

The subject property is located in the Residential 1 (RS1) zone pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The maximum height allowed under the zone for a dwelling unit is 8.0 metres. The applicant is requesting a variance to the maximum dwelling unit height from 8.0 metres to 10.4 metres to facilitate the construction of a dwelling unit.

On January 31, 2002 staff visited the 3 properties immediately adjacent to the subject parcel and spoke with individual property owners with respect to their concerns about the application.

ALTERNATIVES

1. To approve the requested variance subject to the notification requirements pursuant to the *Local Government Act*.
2. To deny the requested variance.

PUBLIC CONSULTATION IMPLICATIONS

Staff conducted site visits on three properties on January 31, 2002. During the course of the site visits, the adjacent property owners indicated that they had concerns with respect to the loss of privacy on their parcels due to the height of the proposed dwelling unit, the visual appearance of the roof, and the impact of the dwelling on view corridors for the one dwelling unit immediately behind the proposed dwelling.

PAGE 60



The property owners also indicated that they were concerned that this application if approved, would set a precedent in the area. The adjacent property owners also verbally indicated that the height of the house would not be in character with surrounding development that is comprised of one and two storey dwellings. The property owners whose parcels staff attended all verbally indicated that they opposed the granting of a variance to facilitate the construction of the dwelling.

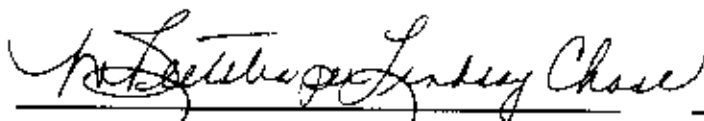
In order to mitigate the visual impact of the dwelling the applicant has proposed a schedule of plantings that would eventually partially screen the proposed dwelling from adjacent property owners (see Attachment 2). The proposed landscaping plan is attached for the Boards consideration. Prior to the initial application, the applicant did move the proposed dwelling slightly in order to not impact the view corridor of the adjacent property.

### SUMMARY/CONCLUSIONS

The surrounding property owners have verbally indicated their opposition to the approval of this development variance permit. While the applicant has attempted to mitigate the impact of the proposed dwelling unit on adjacent parcels, the adjacent property owners remain concerned that this application will set a precedent in the area. The applicant has indicated concern with respect to the potential for backflow with a sewer pump and with respect to the grade of the driveway. Staff note that there are other properties in the vicinity that utilize a sewer lift pump, and have very steep driveways.

### RECOMMENDATION

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



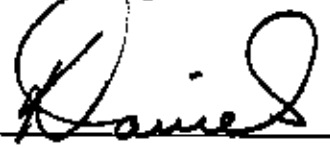
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

### COMMENTS:

devsrs/reports/2002/dvp\_fa\_brd 3090 30 0202 Mandziuk.doc

**Attachment No. 1**  
**Letter from Applicant subsequent to EAPC Meeting January 22, 2002**

To: Planning Department

January 28, 2002

Attention: George Holme

Re: Height Variance Application for Lila & John Mandziuk

Lot 30 Shetland Place, Nannoose Bay

After hearing the concerns of the neighbors at the initial planning meeting we decided it may be more likely for us to receive our variance if we addressed aesthetics for our neighbors with more detailed planning. Our primary concerns of the safety of our driveway, the water runoff concerns and sewer concerns have been outlined in our application as well as in my discussion at the planning meeting. The neighbours oppositions of aesthetics I believe can be addressed as outlined below. Because of our concerns with these issues we are hoping to increase our chances of receiving it by being willing to have many of the following suggestions made part of our variance. We feel the hardship on us of having a sewer pump, drainage problems and the safety issues of the driveway, greatly outweigh our effect on our neighbors (not to mention the possible environmental concerns regarding the water table should our sewer pump back up). With our lot being the natural drainage point for the surrounding lots, containment of such overflow would be next to impossible. Gravity flow of sewer would make this considerably less likely. We also believe that this plan will also greatly reduce the effect on our neighbors. By making it a requirement of our variance I hope to mitigate my neighbors concerns.

To reduce the neighbors sight lines of our house we are willing to implement a combination of berms and several plant screens on our property (See attached map). One such berm will run along the top of the rock face between us and lot twenty five to reduce their view of our roof and divert run off to the French drain topped with a dry creek bed. The planting on this berm will be comprised of a mixed planting of evergreen non-evergreen trees with rapid growth rates. This could include such trees as Leyland Cypress, Cedar green giant, Red Cedar, Mountain Ash, Tulip tree, Maple, Stella Cherry. By placing such trees on the ridge that is at an elevation of 30 to 32 meters, berming the edge an additional foot to two feet, planting trees ranging between 7 and 12 feet, with a growth rate between 3 and 5 feet a year will result in a tree line beyond the elevation of our roof line within the first year which greatly screens our roofline.

To address the privacy issues between us and lot 31 we would look at berming around there fence line in a similar fashion planting similar tall trees next to their existing fence with consecutively shorter trees (ie. Service Berry, Miniature evergreens, Miniature fruit trees) then shrubs (Mock Orange, Rhododendrons, Azaleas, Laurel) as they approach our home so as not to interfere with the ocean view which lot 29 has aquired since we removed the trees off our property. As shown on this California home a shallow berm with the appropriate plantings can provide great privacy. A short fence and gate with a short berm running along side are used here to block views to the street and houses beyond



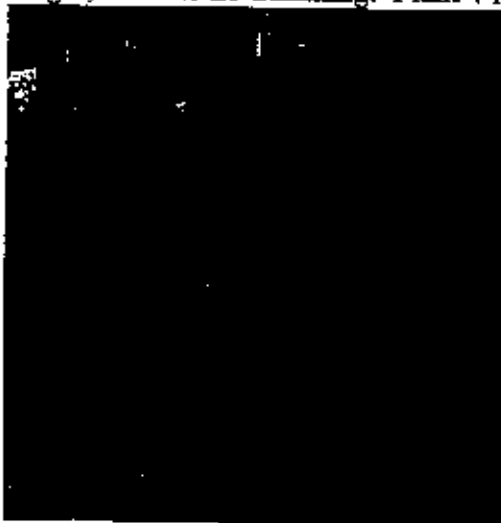
As taken from,

<http://www.sunset.com/Premium/Garden/2001/05-May/Privacy0501/Garden%20Privacy.html>

The use of such an arrangement using a waste high planting wall along the driveway would afford lot 29 an ocean view while dealing with both theirs and lot 31's concerns of the effect of our home on their pricey. Lot 29's further concerns of the effect of our homes façade on their home can be addressed easily with the use of the combination of the waist high planting wall (planted with slim growing azara, Japanese maple, weeping bamboo) along the driveway on the house side, a driveway circle with an island using a one meter berm and a similar planting to other areas, and berms on either side of the driveway. Such plantings would reduce the effect of our home to less than many of the homes in the area. Trees in the central island should nearly completely block their view of our home within the first year while leaving a channel for a view between the homes.

To address our neighbors concerns regarding clearing of the property causing an increased view of Dolphin road, we've already started to try address this concern with our initial excavation by building a three foot wall for planting hedging. In our next phase of excavation after we back fill our basement we will step back 1.5 to 2 feet from, this wall and build an additional 3 foot wall. On each of these steps we plan on planting a similar planting while reducing growth heights of the plants as it approaches the house so that we will then have an ocean view above the plantings. We would like to plant a Lombardy cypress in front of the telephone pole to address their concerns of the view of the pole.

X *Cupressocyparis leylandii* (Leyland Cypress) is among the finest evergreens for creating a dense screen. This biogenetic hybrid grows in upright pyramidal form 30 feet tall and 6 feet wide in 10 years. A splendid specimen or hedge, it is so dense that, unless you wish to restrict its height, it needs no trimming. Plant 4 feet apart in sun or light shade. Zones 6-9. One-gallon



Light Requirements: Full - Partial Sun  
Moisture Requirements: Moist but Well Drained  
Habit: Pyramidal  
Plant width: 0'-6'  
Plant Height: 0'-30'

<http://www.waysidegardens.com/webapp/commerce/command/ExecMacro/psProduct2.d2w/report?UNID=02717:39:44.697&itemnum=46680>

Cedar Green Giant Thuja Green Giant



Highly deer-resistant

Rare Cedar is Amazingly Hardy Grows by leaps and bounds 3 to 5 feet each year!

Thuja Green Giant is one of the fastest growing of all Conifers. This very rare hybrid between Western Red Cedar plicata and Thuja Standishii Cedar will put on 3 to 5 feet of growth per year!

Elegant and uniform, Green Giant's conical habit needs no shearing or pruning, and is cloaked in dense, dark, evergreen foliage clear to the ground- a stunning choice for a private screen. And this is a tough, easy plant to grow, tolerating almost any soil and resistant to damage from ice and snow. Green Giant is able to withstand drought well, exhibiting no significant pest or disease problems, and is highly deer resistant! Most vigorous growth will be in full sun, but it will also perform well in light shade. Eventually reaches 30 to 50 feet tall. Zones 5-9. One-gallon container

Light Requirements: Full Sun  
Moisture Requirements: Moist but Well Drained  
Habit: Pyramidal  
Plant width 7'-8'  
Plant Height 30'-50'

<http://www.waysidegardens.com/webapp/commerce/command/ExecMacro/psProduct2.d2w/report?UNID=02717:39:44.697&itemnum=47599>

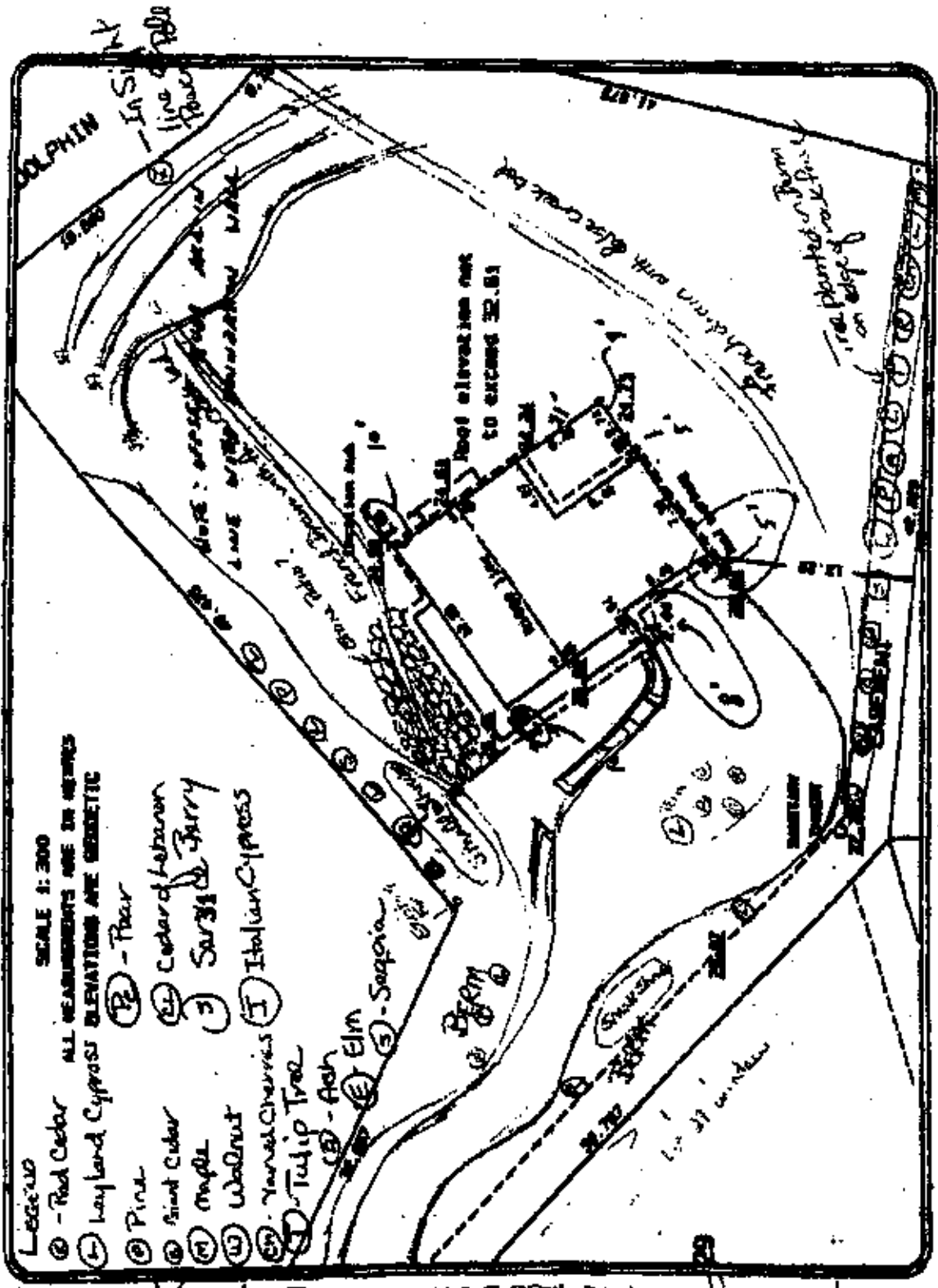
We appreciate the opportunity to provide additional input and ideas into this plan as you feel is appropriate.

If you have any questions or concerns please contact us at any time.

Sincerely,

Lila & John Mandziuk  
468-5957

Attachment 2  
 Landscaping Plan as Submitted by Applicant subsequent to EAPC Meeting January 22, 2002



- Legend  
 SCALE 1:200  
 ALL MEASUREMENTS ARE IN METERS  
 ELEVATIONS ARE METRIC
- ① - Red Cedar
  - ② - Bayland Cypress
  - ③ - Pine
  - ④ - Cedar of Lebanon
  - ⑤ - Maple
  - ⑥ - Walnut
  - ⑦ - Yucca/Cherries
  - ⑧ - Tulip Tree
  - ⑨ - Ash
  - ⑩ - Elm
  - ⑪ - Sycamore
  - ⑫ - Pear
  - ⑬ - Cedar of Lebanon
  - ⑭ - Sarsaparilla
  - ⑮ - Italian Cypress

Attachment 3  
Electoral Area Planning Committee Report January 22, 2002



MEMORANDUM

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**TO:** Pamela Shaw  
Manager, Community Planning

**DATE:** January 11, 2002

**FROM:** Lindsay Chase  
Planner

**FILE:** 3090 30 0202

**SUBJECT:** Development Variance Permit 0202 - Mandzuik  
Strata Lot 30, District Lot 78, Nanoose District, Plan VIS 3393  
Electoral Area 'E' - Shetland Place

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**PURPOSE**

To consider an application for a Development Variance Permit to vary the maximum permitted height for a building or structure to facilitate the construction of a dwelling unit for a parcel located on Shetland Place in Electoral Area 'E'.

**BACKGROUND**

This is an application to vary the maximum height of a dwelling unit from 8.0 metres to 10.4 metres in order to facilitate the construction of a dwelling unit in the Fairwinds area of Electoral Area 'E' (Nanoose Bay).

The subject property is zoned Residential 1 (RS1) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" (*see Attachment No. 1*). The maximum height allowed under the zone for a dwelling unit is 8.0 metres. The applicant is requesting a variance to the maximum dwelling unit height from 8.0 metres to 10.4 metres to facilitate the construction of a dwelling unit.

The subject property has a moderate slope that decreases towards Dolphin Bay Road. The topography in the area is such that Strata Lot 30 is the lowest lot of the parcels that are immediately adjacent (*see Attachment 2*).

The applicant has indicated that the house has been designed with the second storey within the roof line and the pitch of the roof has already been decreased in consultation with their truss manufacturer. As a result of the elevation of the lot and site constraints the applicant is requesting a variance in order to raise the floor level of the dwelling unit to lessen the grade of the driveway and avoid the need for a lift station to pump liquid waste up to the level of the existing services. The property has recently been cleared of vegetation and initial excavation work has commenced to determine the exact constraints and elevations for the purpose of obtaining a building permit.

## ALTERNATIVES

1. To approve the requested variance subject to the notification requirements pursuant to the *Local Government Act*.
2. To deny the requested variance.

## DEVELOPMENT IMPLICATIONS

The subject property has several easements and rights of way registered on Title, some of which limit the placements of buildings or structures on the subject property. Due to the easements that run along side the proposed driveway off of Shetland Place, and a gas easement that runs across this access route, a gently sloped driveway will be difficult to construct. The applicants have indicated that the gas easement was registered by the previous property owners immediately prior to the sale of the property, and without the apparent approval of the new (current) owners. The applicant has indicated two options are available for the driveway: first, to construct the driveway 'as is' with an steep slope, or second, to raise the floor elevation of the house to allow for a lesser slope. In addition, the building scheme on the Title dictates the building envelope on the property, further adding to the constraints of the lot. It should be noted that no setback variances are being requested by the applicant; the proposed dwelling unit will meet both the setbacks dictated by Fairwinds and those required by Bylaw No. 500.

The topography of Strata Lot 30 is such that it is lower in elevation than the surrounding properties. At the time the lot was created, sewer services and storm drains were installed at an elevation of 27.85 metres. The proposed building site is at an elevation of approximately 25.5 metres. The applicant has indicated that, should the house be constructed at the existing grade (where it would likely meet the height restrictions of the zone) a sewer pump would be necessary to access the sewer services.

Environmental Services Department staff has indicated that there may be a small possibility for sewage backflow if there is a blockage down the line and the valves on either the pipes or the lift pump fail. Environmental Services staff has also indicated that the long-term maintenance of a sewage pump can be costly. The applicant would like to avoid the need for a lift pump by elevating the floor of the proposed dwelling unit. However, by elevating the floor, the height of the dwelling will exceed the maximum height permitted by the zone (*see Attachment 3*).

The applicant has indicated that they are willing to locate the house to the side of the lot, and close to the lot line by Lot 25 in order to avoid impacting the views of neighboring properties. In addition, they have also verbally indicated that they will plant the area between Lot 25 and the subject property in order to minimize the appearance of their roof for the neighbour above them.

Ministry of Transportation staff has verbally indicated that the applicant has applied for an access permit for the subject property.

The applicant has also engaged Thomas Hoyt, BCLS to determine the floor elevation they require to avoid the need for a sewage pump, and to determine how much of a variance is required. The surveyor has determined that the maximum roof elevation will not exceed a geodetic elevation of 35.01 metres (*see Schedule 1*).

## SUMMARY/CONCLUSIONS

This is an application for a development variance permit within the Residential 1 (RS1) zone in the Fairwinds community. The subject property is at a lower elevation than the surrounding properties and has been recently cleared. The elevation of the proposed building site varies from 24.75 metres to 26.8 metres in elevation, with sewer services being at an elevation of 27.85 metres. In order for the applicant to utilize gravity feed for the services, the floor elevation of the dwelling unit needs to be increased to

about 28.0 metres. If the floor elevation is increased, the dwelling will no longer meet the height requirements of the zone. The application includes a request to vary the maximum height allowed under the zone from 8.0 metres to 10.4 metres. Staff recommends this application be approved, subject to notification procedures pursuant to the *Local Government Act*.

### RECOMMENDATION

That Development Variance Permit No. 0203, submitted by John Mandziuk and Lila Mandziuk, to facilitate the construction of a dwelling unit within the Residential 1 (RS1) zone by varying the maximum height of the dwelling unit from 8.0 metres to 10.4 metres for the property legally described as Strata lot 30, District Lot 78, Nanoose District, Plan VIS3393 Together With an Interest in the Common Property In proportion To The Unit Entitlement of the Strata Lot as Shown on Form 1 be approved as submitted subject to the notification requirements pursuant to the *Local Government Act*.

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Report Writer

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General Manager Concurrence

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Manager Concurrence

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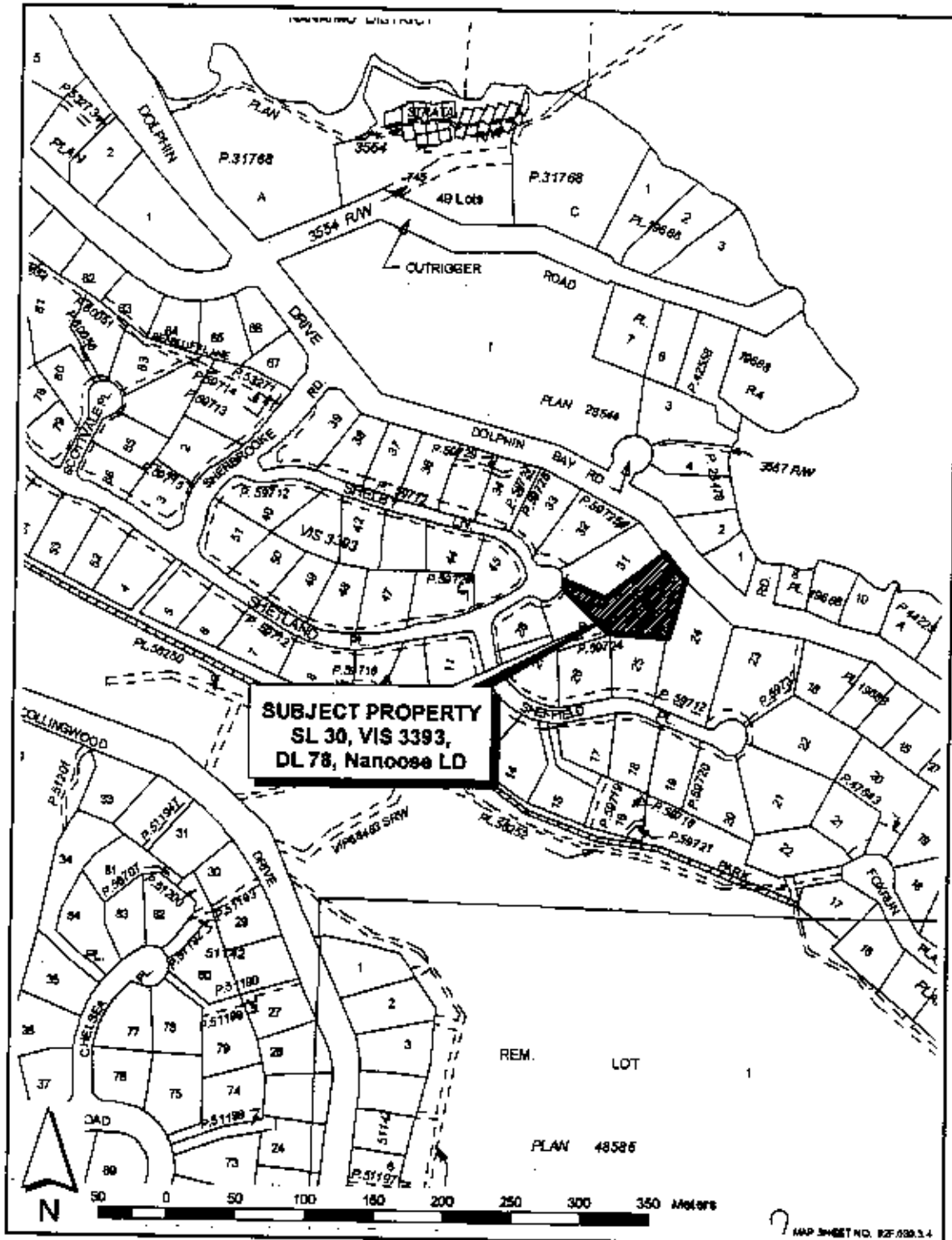
CAO Concurrence

### COMMENTS:

*devsvs/reports/2002/dvp ja 3090 30 0202Mandziuk.doc*



Attachment I  
Subject Property Location



Attachment 2  
 Topographic Survey of Subject Property and Adjacent Parcels

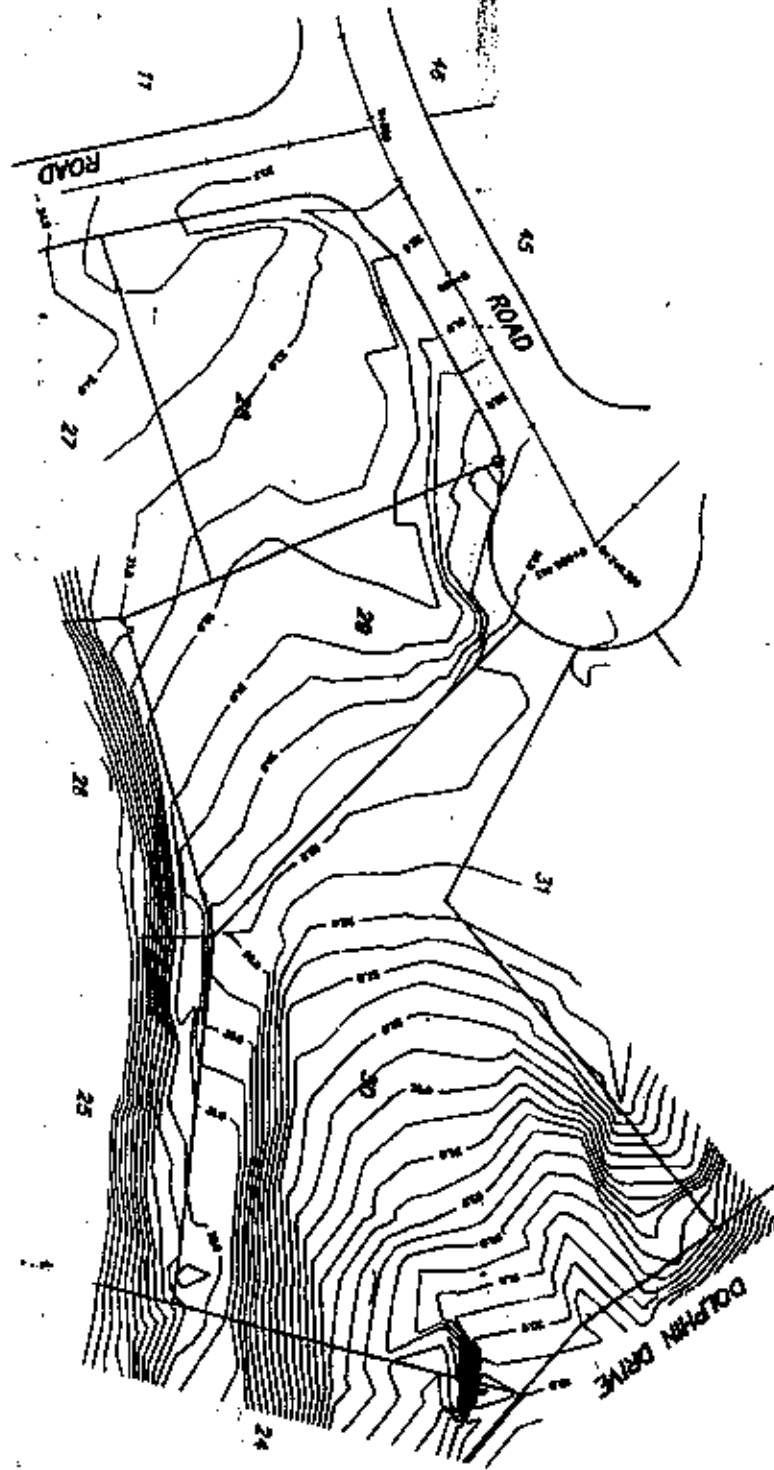


**KOERS & ASSOCIATES  
 ENGINEERING LTD.**  
 Consulting Engineers

**Fairwinds**  
 COMMUNITY

CLIENT: FARWINDS DEVELOPMENT CORPORATION  
 PROJECT: SCHOONER RIDGE LOT TOPOGRAPHY

TITLE: TOPOGRAPHY LOT 28, LOT 29 & LOT 30  
 APPROVED: [Signature]  
 DATE: APRIL 25, 1989  
 SCALE: 1/8" = 100'  
 DRAWING NO.: 84707-078





**KOERS  
& ASSOCIATES  
ENGINEERING LTD.**  
Consulting Engineers

**Fairwinds  
COMMUNITY**

CLIENT  
PROJECT

FAIRWINDS DEVELOPMENT CORPORATION  
SCHONNER RIDGE LOT TOPOGRAPHY

TITLE

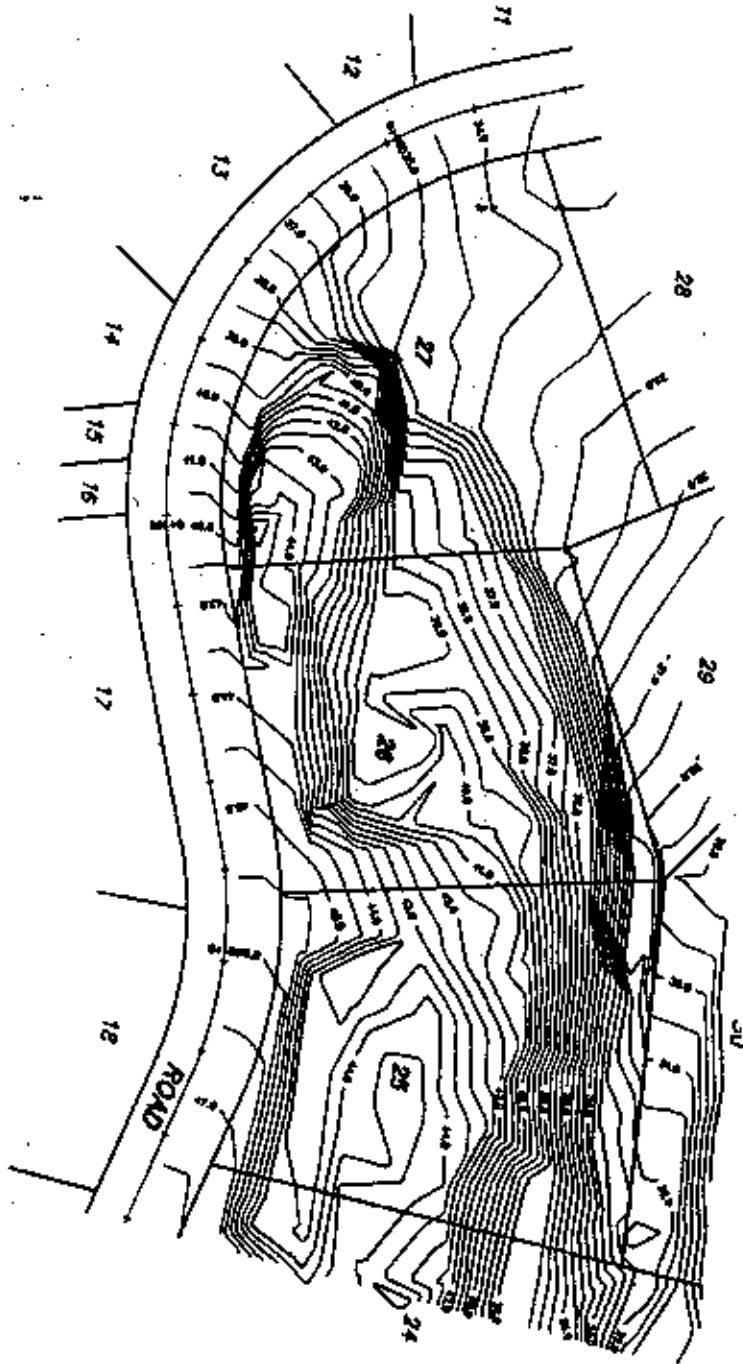
TOPOGRAPHY LOT 25, LOT 26 & LOT 29 37

APPROVED

DATE APRIL 29, 1984  
JOB No. 18777

SCALE

1:1000  
DWG No. 08707-277



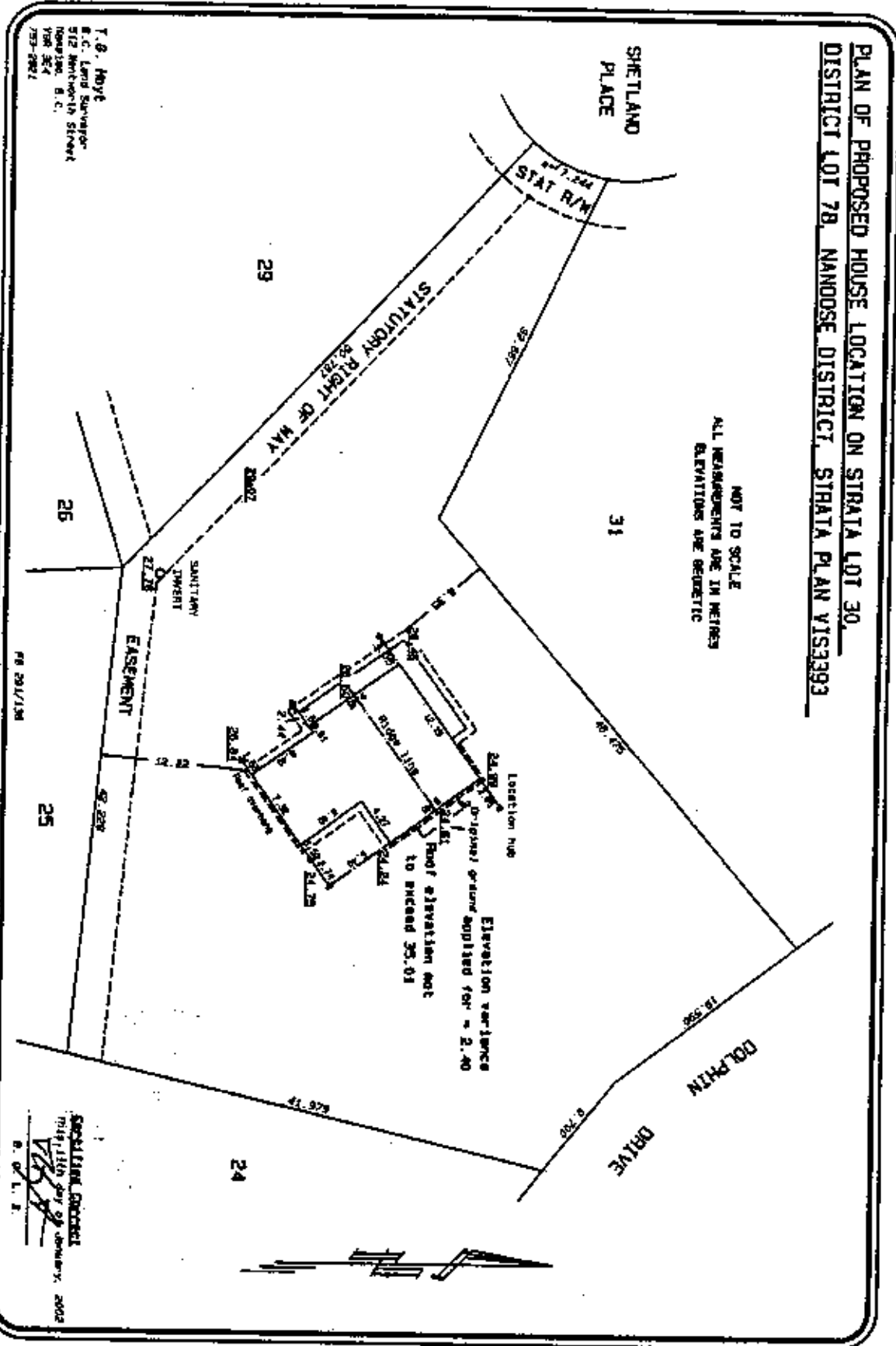




Schedule No. 1  
 Plan of Proposed House Location and Roof Elevation

PLAN OF PROPOSED HOUSE LOCATION ON STRATA LOT 30,  
 DISTRICT LOT 7B, NANDOSE DISTRICT, STRATA PLAN Y153393

NOT TO SCALE  
 ALL MEASUREMENTS ARE IN METRES  
 ELEVATIONS ARE GEODETIC



T. S. Hoyt  
 B.C. Land Surveyor  
 512 West North Street  
 Vancouver, B.C.  
 V6B 3C4  
 783-8982

Location high  
 Elevation variance  
 Drains/ground adjusted for + 2.40  
 Roof elevation not  
 to exceed 35.01

Sealed Document  
 15th day of January, 2002  
 T. S. Hoyt  
 B.C.L.S.





REGIONAL DISTRICT OF NANAIMO			
FEB - 4 2002			
CHAIR		GMCrS	
CAO		GMDS	
GMCm8		GMES	
		<i>Bed</i>	<input checked="" type="checkbox"/>
		DATE:	

MEMORANDUM

TO: Pamela Shaw  
Manager, Community Planning

FROM: Deborah Jensen  
Planner

SUBJECT: Development Permit Application No. 0201 - Sort  
Lot A, District Lot 9, Newcastle District, Plan VIP54706  
Electoral Area 'G' - 1105 Surfside Drive, Qualicum Beach

FILE: 3060 30 0201

DATE: February 4, 2002

PURPOSE

To consider an application for a Development Permit in the "Regional District of Nanaimo Shaw Hill - Deep Bay Official Community Plan Bylaw No. 1007, 1996" Natural Hazard and Environmentally Sensitive Development Permit Areas and vary the maximum height requirement and minimum setback requirement to a front lot line to facilitate the construction of a single dwelling unit, and further, to provide additional information to the Board subsequent to the staff report submitted at the January 22, 2002 meeting of the Electoral Area Planning Committee.

BACKGROUND

This is an application to facilitate the construction of a single dwelling unit on a residential property located near Qualicum Beach (see Attachment No. 1). The subject property is a 0.14-hectare (0.34 acre) parcel located along Surfside Drive.

The subject property is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The maximum dwelling unit height in this zone is 8.0 metres. The minimum setback requirements to lot lines are: 8.0 metres for the front lot line, 2.0 metres for interior side and rear lot lines; and 5.0 metres for other lot lines. The proposed siting and dimensions of the single dwelling unit are shown in Schedules 2 and 3. Due to the design of the proposed construction and floodplain elevations, the applicants are requesting a variance to the maximum permitted dwelling unit height from 8.0 metres (26.2 feet) to 9.5 metres (31.2 feet).

Further investigation subsequent to the January 22, 2002 Electoral Area Planning Committee has determined that a variance from 8.0 metres to 2.75 metres is required for the front lot line. The subject parcel is a panhandle shape; therefore, the front lot line is the westerly portion of the panhandle (see Schedule No. 2). As indicated, the front lot line becomes an extension of the easterly side lot line located between Lots A and B of Plan 54706. The eastern interior side lot line requires a minimum setback requirement of 2.0 metres. Therefore, the proposed dwelling unit will be located beyond side lot line setbacks; a variance is only required for the corner where the front line setbacks overlap with the interior side lot line. The applicant has indicated that site restrictions limit alternate available building sites on



the property due to the location of the septic field and the presence of an easement along the southern boundary of the property.

#### ALTERNATIVES

1. To approve Development Permit No. 0201 subject to the conditions outlined in Schedule No. 1, and with the addition of a variance to the front lot line.
2. To deny the requested permit.

#### VOTING

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

#### PUBLIC CONSULTATION IMPLICATIONS

Subsequent to the initial notification of property owners within a 50-metre radius, a second notification has been provided to the property owners advising of the additional variance. To date, discussions with these property owners have indicated there are no concerns with the proposed variances and construction of a dwelling unit.


#### SUMMARY/CONCLUSIONS

This is an application for a development permit within the Shaw Hill - Deep Bay Official Community Plan, Bylaw No. 1007, 1996 Hazard Lands and Environmentally Sensitive Development Permit Areas. The development permit area covers those lands within 15 metres of the natural boundary of the sea and establishes guidelines in recognition of the flood hazard and for the protection of the natural environment. The applicant is proposing to construct a new dwelling unit within the development permit area at a setback of 8.0 metres from the natural boundary, in keeping with the alignment of adjacent dwelling units. The application also requests a variance to the maximum dwelling unit height from 8.0 metres (26.2 feet) to 9.5 metres (31.2 feet) due to the flood plain elevation requirements of Bylaw No. 843 and a restrictive covenant that establishes a minimum floor elevation for construction on the property.

The applicant is also requesting a variance to the minimum setback requirement from the front lot line from 8.0 metres to 2.75 metres to accommodate placement of the dwelling unit, keeping the dwelling unit in line with the minimum setback requirement of 2.0 metres for the interior side lot line. In consideration of previous approvals for the subject property and the location of other dwelling units on adjacent lots, staff recommends the Development Permit be approved subject to the conditions of *Schedule No. 1* and subject to notification requirements pursuant to the *Local Government Act*.

## RECOMMENDATION

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




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Report Writer




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General Manager Concurrence



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Manager Concurrence



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CAO Concurrence

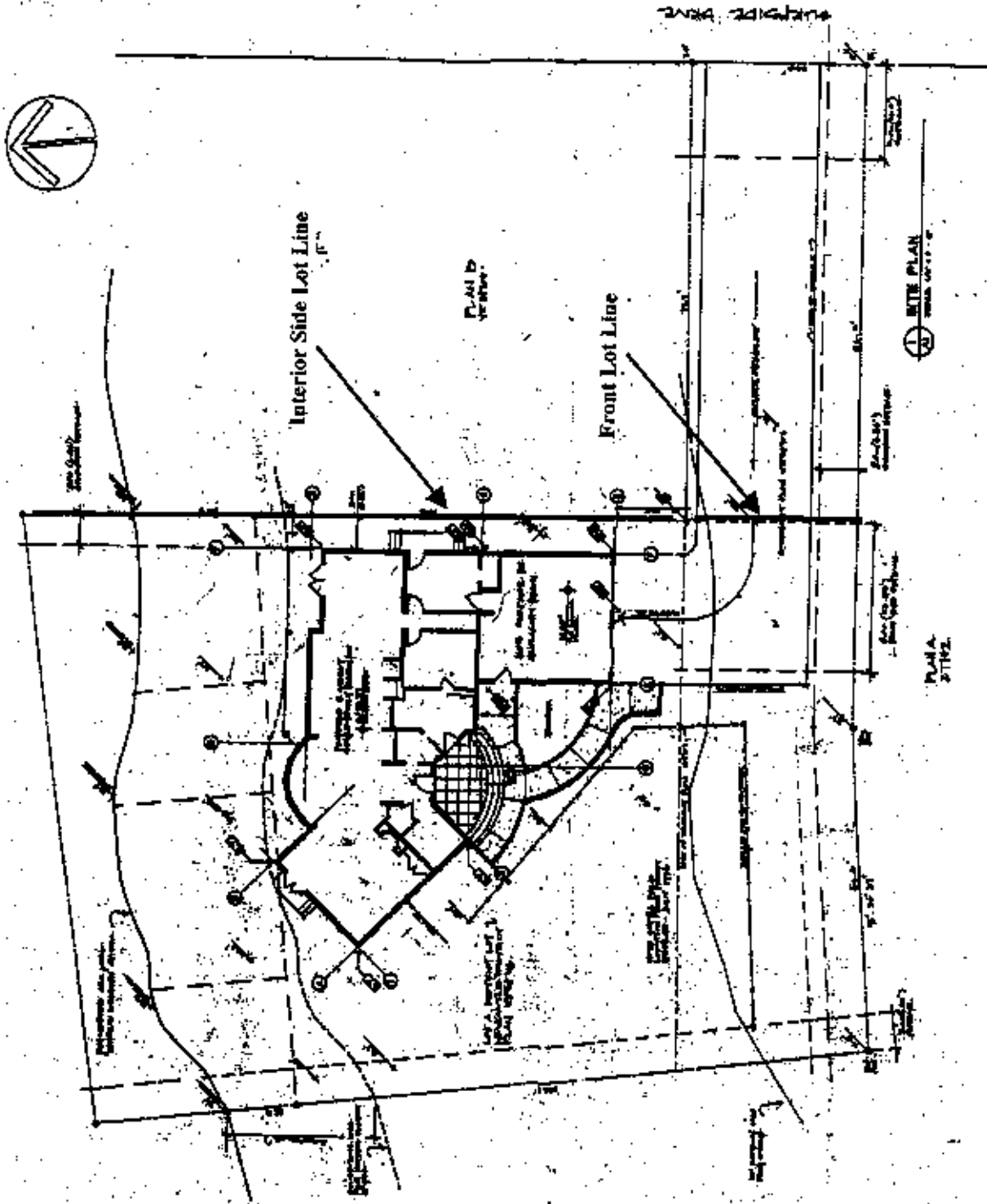
## COMMENTS:

*devsvs/reports/2002/dp\_fe\_brd\_3060\_30\_0201\_Sort.doc*

**Schedule No. 1  
Conditions of Approval  
Development Permit No. 0201**

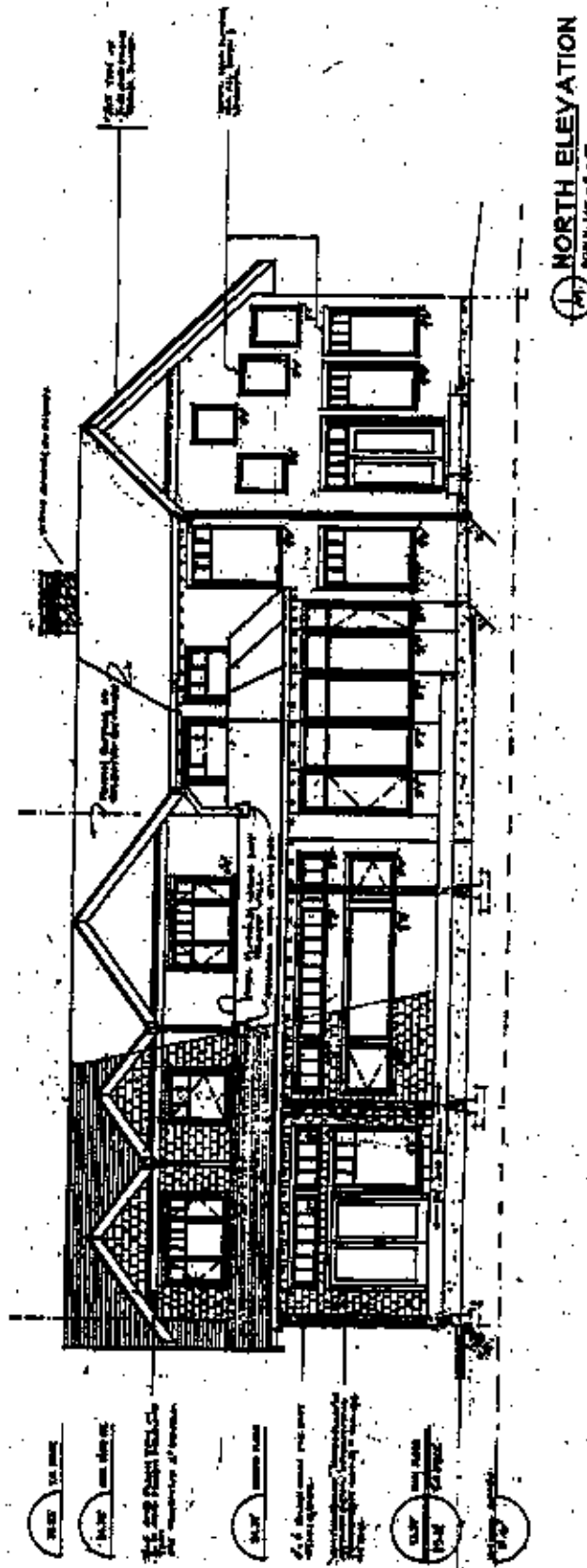
1. Confirmation of engineering certification for the design and construction of the seawall pursuant to Flood Control Bylaw No. 843 and Building Inspection requirements.
2. Install temporary fence (snow or 'hi-vis' fence) in the immediate vicinity of construction area to demarcate the disturbance area prior to any construction activity. Leave the temporary fencing in place until after construction is complete and materials and equipment are moved offsite.
3. Sediment and erosion control measures must be utilized to control sediment during construction and land clearing works and to stabilize the site after construction is complete. These measures must include:
  - Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be on site.
  - Direct run off flows away from marine environments using swales or low berms.
  - Exposed soils must be seeded immediately after disturbance. Soil surfaces to be treated should be roughened.
  - Cover temporary fills or soil stock piles with polyethylene or tarps.
4. Replant vegetation within the disturbed area. Replanting to use trees, shrubs and ground cover native to the area and selected to suit soil, light and groundcover conditions of the site.

Schedule No. 2  
Site Plan  
(As Submitted by Applicant)

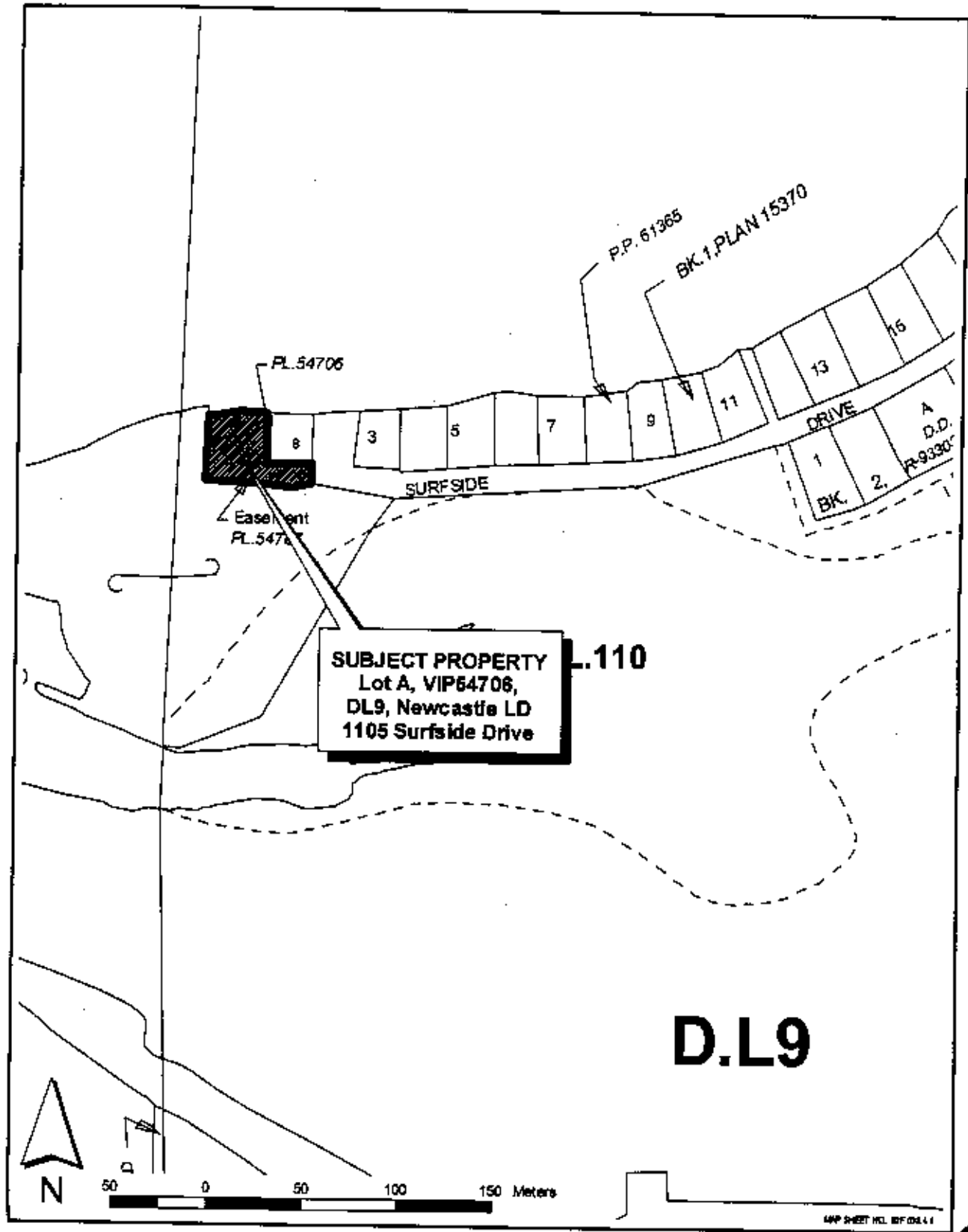


Scale: 1/4" = 1'-0"  
Date: 2/4/02  
Drawn by: [Name]  
Checked by: [Name]

Schedule No. 3  
Proposed Dwelling Unit Profile  
(As Submitted by Applicant)



Attachment No. 1  
Subject Property Map





REGIONAL DISTRICT OF NANAIMO			
FEB - 5 2002			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
<i>End</i>			
		DATE:	

**MEMORANDUM**

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

**DATE:** January 31, 2002

**FROM:** Maude Mackey  
Bylaw Enforcement Officer

**FILE:** 4020 20 01B225

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

**PURPOSE**

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

**BACKGROUND**

**Property:** 1010 Descanso Valley Drive

**Legal Description:** Lot 106, Section 12, Gabriola Island, Nanaimo District, Plan 23619

**Property Owner:** Ernest Stenberg & Helen O'Connor  
1010 Descanso Valley Drive  
Gabriola Island, B.C. V0R 1X0

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

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

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

### ALTERNATIVES

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

### FINANCIAL IMPLICATIONS

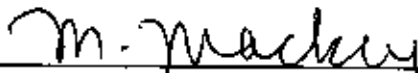
If the Board directs the property owner to remove the identified items from the property, any costs incurred by the Regional District or its agent with respect to the removal, shall be recovered from the property owner.

### SUMMARY/CONCLUSIONS

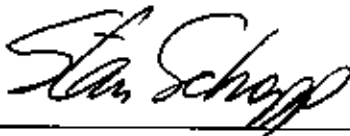
This property is subject to a property maintenance Bylaw and the discarded materials and derelicts stored on site would be in contravention of this regulation. Staff has repeatedly attempted to achieve voluntary compliance without success. The absentee property owners have been non responsive and their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

### RECOMMENDATION/S

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

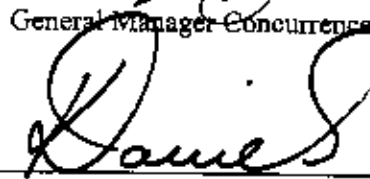


Report Writer



Manager Concurrence

  
General Manager Concurrence

  
CAO Concurrence

COMMENTS:  
*devsvs/reports/2002/*



# REGIONAL DISTRICT OF NANAIMO

## RESOLUTION

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

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

#### PROPERTY

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

LOCATION: 1010 Descanso Valley Drive

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

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

#### UNSIGHTLY

ACCUMULATION: Derelicts, household debris and discarded materials

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

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

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

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

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

**PAGE**  
105



REGIONAL DISTRICT OF NANAIMO	
FEB - 6 2002	
CHAIR	GMCrS
CAO	GMDS
GMCmS	GMES
Board	
DATE	

MEMORANDUM

TO: Pamela Shaw  
Manager of Community Planning

DATE February 4, 2002

FROM: Geoff Garbutt  
Senior Planner

FILE: 3900 20 EAF  
6480 00 1152.02

SUBJECT: Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002  
Electoral Area 'F' Official Community Plan Amendment Bylaw No. 1152.02, 2002

PURPOSE

1. To receive a summary of the amendments to the Electoral Area 'F' Zoning and Subdivision Bylaw and, further, to consider introducing the Zoning and Subdivision Bylaw for 1<sup>st</sup> and 2<sup>nd</sup> reading and refer the bylaw to a Public Hearing.
2. To receive the Consultation Strategy and a summary of the proposed amendments to the Electoral Area 'F' Official Community Plan and, further, to consider introducing an amendment bylaw for 1<sup>st</sup> reading and proceed to consultation.

BACKGROUND

At the October 30<sup>th</sup>, 2001 Special Board Meeting, the Board gave 1<sup>st</sup> reading to the Electoral Area 'F' Zoning and Subdivision Bylaw No. 1155, 2001. The Board moved that a Public Information Meeting be held prior to 2<sup>nd</sup> reading of the Bylaw to solicit additional community input on the proposed zoning for Electoral Area 'F'. Further, the Board moved that a Select Committee of Electoral Area Directors from Electoral Area 'F' and adjacent Electoral Areas be created to consider submissions on the proposed bylaw. The Committee was then directed to make recommendations on any proposed amendments to the Bylaw and report back to the Board.

Based on the direction from the Regional Board, it was important to ensure that there was broad public input on amendments to Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002. Advertisements were placed in area newspapers and a flyer, advertising the Public Information Meeting and the Electoral Area site office, was mailed to all property owners in the Electoral Area. In order to consult with as many residents as possible, the Electoral Area 'F' Site Office was reopened from November 5<sup>th</sup> to November 20<sup>th</sup>, 2001. Staff spoke to approximately 200 area residents at the Area 'F' site office and received a large number of written submissions.

The Public Information Meeting was held at the Bradley Centre in Coombs on the evening of November 21, 2001, with approximately 180 people in attendance. The Electoral Area 'F' Select Committee met on December 5<sup>th</sup> and 21<sup>st</sup> to consider recommendations on possible amendments to the proposed Electoral Area 'F' Zoning and Subdivision Bylaw. The Committee's review and recommendations were made based on two general criteria; first, the content of submissions and information received at the Electoral Area 'F' Site Office, by correspondence and at the Public Information Meeting; and second, an evaluation with respect to the criteria and policies outlined in the Electoral Area 'F' Official Community Plan, Growth Management Plan and other agency interests or statutory requirements.

At the January 8<sup>th</sup>, 2002 Regional Board Meeting, the Select Committee Report was received and staff was directed to proceed with amendments to the Electoral Area 'F' Zoning Bylaw as recommended by the Select Committee. Staff, as a result of the Committee's recommendations, were also directed to take the necessary actions to amend the Electoral Area 'F' Official Community Plan to permit a minimum permitted parcel size of 2 hectares for lands within the Agricultural Land Reserve.

## ALTERNATIVES

1. To receive the staff report and :
  - a) rescind Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1155, 2001 and introduce "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" and administrative bylaws at 1<sup>st</sup> and 2<sup>nd</sup> reading and proceed to public hearing; and
  - b) introduce "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Amendment Bylaw No. 1152.02, 2002" at 1<sup>st</sup> reading and proceed to consultation.
2. To receive the staff report and:
  - a) endorse additional amendments to the Electoral Area 'F' Zoning and Subdivision Bylaw that would require undeveloped lands zoned Industrial 1 and Industrial 2 in the Bellevue - Church Road Rural Separation Boundary Area to require connections to a community sewer system prior to permitting medium or heavy industrial uses and to otherwise only permit warehousing/wholesaling and product assembly, which must all be contained within a building.
  - b) rescind Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1155, 2001 and introduce the supporting administrative bylaws and "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" as amended according to Alternative No. 2 of the staff report, at 1<sup>st</sup> and 2<sup>nd</sup> reading and proceed to public hearing; and
  - c) introduce "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Amendment Bylaw No. 1152.02, 2002" at 1<sup>st</sup> reading and proceed to consultation.

## PUBLIC CONSULTATION IMPLICATIONS

Based on the feedback received from the public, adjacent municipalities and government agencies, clear issue areas were identified and these concerns/issues were presented to the Select Committee for consideration. The Select Committee report, outlined both general and specific amendments to the Zoning and Subdivision Bylaw that were received and endorsed by the Board and referred back to staff to be incorporated into the draft bylaw. With the amendments completed the bylaw may now proceed to the Board to be considered for 1<sup>st</sup> and 2<sup>nd</sup> reading and referred to a public hearing.

Based on the Select Committee recommendations, the Board has directed staff to take the necessary steps to amend the Electoral Area 'F' Official Community Plan to permit a minimum permitted parcel size of 2 hectares for lands within the Agricultural Land Reserve. The Regional Board's public consultation framework and Section 879 of the *Local Government Act* requires that a Consultation Strategy be prepared to ensure that the interests of landowners, the general public, stakeholders, government agencies, adjacent municipalities are taken into consideration when amending an Official Community Plan. Staff has prepared a Consultation Strategy that is included for consideration by the Board (*see Attachment No. 3*).

## GROWTH MANAGEMENT PLAN IMPLICATIONS

Two key issue areas with respect to the Regional Growth Management Plan (RGMP) are impacted by the proposed zoning regulations for Electoral Area 'F'. First, amending the minimum parcel size for lands located in the Agricultural Land Reserve from 4 ha to 2 ha may have an impact on the future development of a large portion of the electoral area, with a significant increase in the number of potential additional housing units directed away from the urban containment boundaries. It must be recognized however, that all new subdivisions will require approval by the Land Reserve Commission (LRC).

The second issue revolves around industrial development in the Church Road area and concerns surrounding the types of uses to be developed in this area in the future. These lands are designated as Industrial in the RGMP and correspondingly they have been designated Industrial in the Area 'F' Official Community Plan, and proposed to be zoned Industrial in Bylaw 1285. This area, particularly the lands located north of Church Road, is currently in the process of being subdivided and prepared for mixed use industrial development. If the Board decides that proposed industrial use is not appropriate due to concerns raised about the protection of ground water, both the RGMP and OCP must be amended to reflect this change in order to amend the draft zoning to permit alternative uses. Further, as the lands have or are in the process of being developed, landowners in this area should be consulted as to future development plans.

## OFFICIAL COMMUNITY PLAN IMPLICATIONS

As noted above, the Board endorsed the Select Committee recommendation to amend the minimum parcel size for land located in the Agricultural Land Reserve (ALR) from 4 ha to 2 ha. This change requires an amendment to the Electoral Area F Official Community Plan and must be considered concurrently with the introduction of the Zoning Bylaw in accordance with the *Local Government Act*. The *Act* also requires consultation in accordance with a Consultation Strategy accepted by the Board and approval by the Land Reserve Commission prior to being considered for Board approval.

Currently there are approximately 726 parcels located in the ALR. Given the size of existing parcels, under the current OCP policies, 175 new parcels could possibly be created if approved by the ALC. If the OCP is amended to permit a reduced minimum parcel size, the result is the potential to create approximately 1,000 new parcels on ALR lands if approved by the ALC. These potential parcels would still be located within the ALR and as such, would still be limited to agricultural oriented uses, with relatively large parcel sizes. It is staff's assessment that existing large parcels with good agricultural capabilities will tend to remain as large landholdings that support larger scale agricultural operations. The number of actual new lots created will therefore be considerably less than the full potential. Where smaller parcels are proposed due to soil conditions or adjacent parcelization, more intense agricultural operations including nursery or commercial greenhouse operations could be developed. Based on information received during the initial OCP consultation process, the Zoning Bylaw consultation process and comments from the Area Director, this is a significant community issue and this amendment has the potential to address concerns with respect to land use regulation in Area 'F'.

Initial discussions with the Land Reserve Commission (LRC) staff indicated that given significance of this issue to the land use planning process and characteristics of agricultural land specifically in Electoral Area 'F', the LRC would likely not object to the proposed amendment to the OCP, however it was noted that the LRC would continue to assess and approve all applications for subdivision based on their mandate, legislation and policies with respect to farmland protection. The proposed Official Community Plan Amendment Bylaw is included for the Board's review as *Attachment No. 2*.

## LAND USE IMPLICATIONS

Based on direction from the Board, the Zoning Bylaw has been amended as per the recommendations from the Select Committee. The following provides an overview of the key issue areas where there has been amendments to the proposed bylaw:

### *Site Specific Issues*

The majority of amendments to the Zoning Bylaw relate to requests for site specific zoning to recognize existing uses on individual properties. There were approximately 50 amendments requested for site specific uses, with the majority of these being for additional dwellings or to recognize existing businesses that exceed the home based businesses provisions. The site specific zoning amendments included, where required, regulations that lessen impacts on adjacent properties by ensuring that reasonable limitations on the extent and location of uses are established.

### *General Issues*

Based on direction from the Steering Committee and consultation with the ALC, the key general amendments to the Bylaw are as follows:

- Remove Food Processing as a general prohibited use in the Bylaw, as Health Unit indicated that septic disposal for this use is not a significant issue;
- Remove regulations prohibiting storage of unlicensed vehicles;
- Increase fence height to 2.5 m;
- Establish common setbacks of 4.5 m from front and exterior side lot line and 2 m from all other lot lines for all zones;
- Remove setback requirements for properties that are adjacent to the Highway 4 Connector;
- Restrict HBB to a maximum of 200 m<sup>2</sup> and 200 m<sup>2</sup> for accessory outdoor storage for parcels located in the Agricultural Land Reserve;
- Amend Runoff Control Standards so that a Home Based Business (HBB) is not subject to Section 2.5.6 Run Off Control Regulations;
- Amend definition of Value Added Lumber Remanufacture to limit production to a maximum of 240 m<sup>3</sup> (100,000 board feet) per day that reflects capacity of existing area mills based on information supplied by local owners;
- Add mini-storage, pub, and food processing as permitted uses to the C-3 zone;
- Add Tourist and Convenience Store as a permitted use to the C-4 zone; and
- Add Heliport and Value Added Lumber Remanufacture to I-1 zone.

### *Commercial and Industrial Issues*

There were a number of requests for amendments from individual property owners to allow for expanded commercial and industrial uses, additional uses on vacant lands, or to expand the definitions for uses. Where future uses were proposed within rural separation boundaries and these uses met the objectives of the OCP and Growth Management Plan and appear feasible in relation to future servicing, road networks and access limitations, the Bylaw has been amended to recognize these uses. These amendments apply to 3 parcels located within the group of Salvation Army lots located in the vicinity of Shearue Road.

As per the recommendations from the Select Committee, requests for additional provisions for proposed development outside rural separation boundaries were not included as amendments to the Bylaw except in relation to existing uses. An exception to these provisions is recommended to recognize the planned allowance for two dwellings on currently subdivided parcels (1 hectare or greater) within Qualicum River Estates.

### ***Industrial and Stormwater Runoff Impact Issues***

Lands in the Church Road Area are proposed to be zoned Industrial to recognize existing and future industrial land uses. During the consultation process, adjacent municipalities and residents raised the issue of groundwater protection and the potential impact that industrial uses may have on recharge areas. Recognizing the importance of this issue, the Bylaw includes three industrial zones with different intensities of land uses. The application of these three zones distinguish between existing verses future development particularly for vacant Crown owned parcels that have been zoned strictly for aggregate extraction.

In addition to the expanded industrial zones, the Bylaw has been amended to include regulations to protect against groundwater contamination. The regulations prohibit a range of uses and processes such as chemical manufacturing and treatment in all industrial and commercial zones, and include runoff control provisions for site development and restrictions on the discharge of potential groundwater contaminants. Site specific zones were established for vacant lands in proximity to known community wells to provide for added protection. These site specific zones include setbacks and a general prohibition on outdoor uses that may have an negative impact on groundwater sources.

Considerable debate has been raised regarding the implications of siting industrial uses in this area. A number of Board Members have attended a resident-sponsored area tour, highlighting existing developments throughout Area 'F' that have the potential to have a significant negative impact on groundwater. This tour highlighted the fact that in the Church Road area on some Crown parcels, aggregate development has locally removed the surficial native protective layer, exposing the aquifer. The RDN has received correspondence from Dr. Gilles Wendling of EBA Engineering highlighting this issue. EBA stands by its original assessment contained in its September and October 2001 Reports that assess and model the groundwater regime in the Church Road area, (ie. that the production wells are situated in a deep aquifer recharged from the Mount Arrowsmith area and that the wells that supply Parksville's domestic water supply are geologically separated from wells located in the Church Road area). However, the correspondence suggests that potential impacts from individual local developments (gravel extraction or land alteration activity on individual sites) should be assessed by further aquifer characterization and study.

One option available to reduce the potential for impact on groundwater from industrial development would be to draft zoning that requires waste water collection services (community sewer) be supplied to a parcel in order for medium or heavy industrial uses to be allowed. Without services, only warehousing/wholesaling and product assembly could be permitted. This regulation would effectively limit uncontained industrial uses with potential waste discharges until services are extended to Area 'F'.

Regardless of the condition of the soil strata in the Church Road area, there will always be the potential for industrial uses to impact groundwater. Recognizing this potential, the proposed Bylaw includes a series of regulations that will help to guard against longterm contamination of groundwater in the entire Electoral Area. First, the Bylaw includes a series of outright prohibited uses that have the potential to damage groundwater sources. Second, the Bylaw includes runoff control measures that require all landowners to manage stormwater to ensure that if potential contaminants are present on a property, they are not discharged into the ground or watercourses. Third, the Bylaw requires that all storage of potential

contaminants like gasoline, chemicals or fertilizers be above ground, in double walled containers or on containment pads.

The Select Committee and Regional District staff are of the opinion that these regulations are the best measures that can be taken while recognizing the OCP and Growth Management Plan designations for the industrial area. Staff note that the implementation of other regulatory authorities such as building inspection, development permit areas or drainage authority would be necessary to achieve a higher standard of protection over the industrial area.

### LEGAL IMPLICATIONS

The proposed zoning bylaw is a regulatory bylaw that will establish permitted uses, site regulations and subdivision standards for individual parcels of land. It should be noted that, despite the adoption of the bylaw, existing uses predating the adoption of the bylaw may be maintained as legal nonconforming uses; however, these parcels may be subject to standards as they are further developed or subdivided.

### FINANCIAL IMPLICATIONS

No new costs beyond those already budgeted for would be incurred by the consideration of this Zoning Bylaw for 1<sup>st</sup> and 2<sup>nd</sup> reading; however, it is noted that additional bylaw enforcement resources are anticipated and have been budgeted for in the Development Services 2002 provisional budget.

### SUMMARY/ CONCLUSIONS

Since the zoning project was initiated, comments have been received from over 900 area landowners representing an interest in over 1000 properties. Following direction from the Regional Board, staff engaged area residents to solicit additional input using a mail out newsletter, a Public Information Meeting and the Area 'F' Site Office located in Area 'F' for two weeks in November (prior to the Public Information Meeting). This input was collected and considered by the Select Committee of Electoral Area Directors who have made recommendations on issues raised by the community.

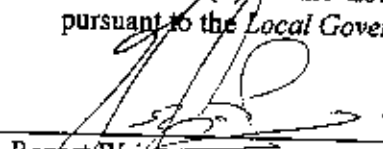
The purpose of the Select Committee was to identify issues and make recommendations with respect to amendments to the proposed Zoning Bylaw for Electoral Area 'F'. Careful consideration was given to requests for amendments and all recommendations were made relative to the criteria contained in the Official Community Plan with recognition of inter-jurisdictional and regional growth management impacts.


The Regional Board endorsed these recommendations and directed staff to make the necessary amendments. The attached Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002 is the result of this review (*see Attachment No. 1*). Staff are of the opinion that issues related to groundwater protection have been answered to the greatest extent possible within the scope of a zoning bylaw and the proposed combination of runoff control measures and restrictions on uses and discharges provide best approach other than to reconsider the regional designation of this area for industrial use.

With the recommendations of the Select Committee now included in the draft bylaw, staff recommend that the bylaw be introduced, given 1<sup>st</sup> and 2<sup>nd</sup> reading and referred to a public hearing concurrently with the proposed amendment to the Area F OCP. Further, staff recommend that the Official Community Plan Amendment Bylaw be introduced, given 1<sup>st</sup> reading and proceed to consultation.

## RECOMMENDATIONS

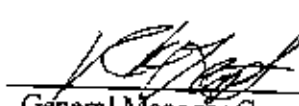
1. That the staff report proposed "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" (*Attachment No. 1*) and "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Amendment Bylaw No. 1152.02, 2002" (*Attachment No. 2*), be received.
2. That the Electoral Area 'F' Official Community Plan Amendment Bylaw Consultation Strategy (*Attachment No. 3*) be endorsed.
3. That "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Amendment Bylaw No. 1152.02, 2002" be introduced and given 1<sup>st</sup> reading and be referred for consultation.
4. That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1155, 2001" be rescinded.
5. That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" be introduced and given 1<sup>st</sup> and 2<sup>nd</sup> reading and be referred to a public hearing.
6. That the holding of the Public Hearing with respect to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" be delegated to Director McLean or Director Stanhope as his alternate.
7. That "Regional District of Nanaimo Planning Services Fees and Charges Bylaw No. 1259, 2002" be introduced and given 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.
8. That "Regional District of Nanaimo Board of Variance Bylaw No. 1260, 2002" be introduced and given 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.
9. That "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1261, 2002" be introduced and given 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.
10. That "Regional District of Nanaimo Impact Assessment Bylaw No. 1165, 1999" be introduced and given 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> reading.
11. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.276, 2002" be introduced and given 1<sup>st</sup>, 2<sup>nd</sup> reading and the Public Hearing be waived pursuant to Section 890(4) of the *Local Government Act* and the Bylaw be referred to Public Notification pursuant to the *Local Government Act*.

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

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

COMMENTS:

*devsval/reports/2002/3900 20 1285 fs brd EAF 1<sup>st</sup> 2<sup>nd</sup> ocp amend.doc*

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

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



**Schedule No. 1**

**ADMINISTRATIVE BYLAWS**

The following outlines the amendments to existing Regional District of Nanaimo Administrative Bylaws as well as the establishment of new Bylaws, which are required to administer the Electoral Area 'F' Zoning Bylaw:

1. To adopt "Regional District of Nanaimo Planning Services Fees and Charges Bylaw No. 1259, 2002". (New Bylaw)
2. To adopt "Regional District of Nanaimo Board of Variance Bylaw No. 1260, 2002". (New Bylaw)
3. To adopt "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1261, 2002". (New Bylaw)
4. To amend "Regional District of Nanaimo Impact Assessment Bylaw No. 1165, 1999" to establish applying the requirements of this bylaw to zoning amendment applications for Area 'F' ("Regional District of Nanaimo Impact Assessment Bylaw Amendment Bylaw No. 1165.02, 2002").
5. To repeal "Regional District of Nanaimo Subdivision Application Fee Bylaw No. 901, 1993"
6. To amend "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" by deleting references to fees and applications, Board of Variance, amendment procedures, and development permit and development variance permit procedures ("Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.276, 2002").

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1285

A BYLAW TO REGULATE THE USE OF LAND, THE SUBDIVISION OF LAND, THE USE AND LOCATION OF BUILDINGS AND STRUCTURES AND THE USE AND SUBDIVISION OF THE SURFACE OF WATER IN ELECTORAL AREA 'F' OF THE REGIONAL DISTRICT OF NANAIMO

WHEREAS Part 26 of *Local Government Act* provides that a local government may regulate zoning and other development regulations;

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

Part 1 – Short Title

This Bylaw may be cited as the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002".

Part 2 - Application

1. For the purposes of this Bylaw, Schedule 'A' is attached to and forms part of this Bylaw and bears the words "Schedule 'A'"
2. This Bylaw applies to all land, buildings, structures and water surface therein of Electoral Area 'F' of the Regional District of Nanaimo as shown on the zoning and subdivision map bearing the words "Schedule 'B'", which is attached to and forms part of this Bylaw.

Part 3 - Repeal

Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1155, 2001 is hereby repealed.

Introduced and read two times this \_\_\_ day of \_\_\_\_\_, 2002.

Public Hearing held pursuant to Sections 890 of the *Local Government Act* this \_\_\_ day of \_\_\_\_\_, 2002.

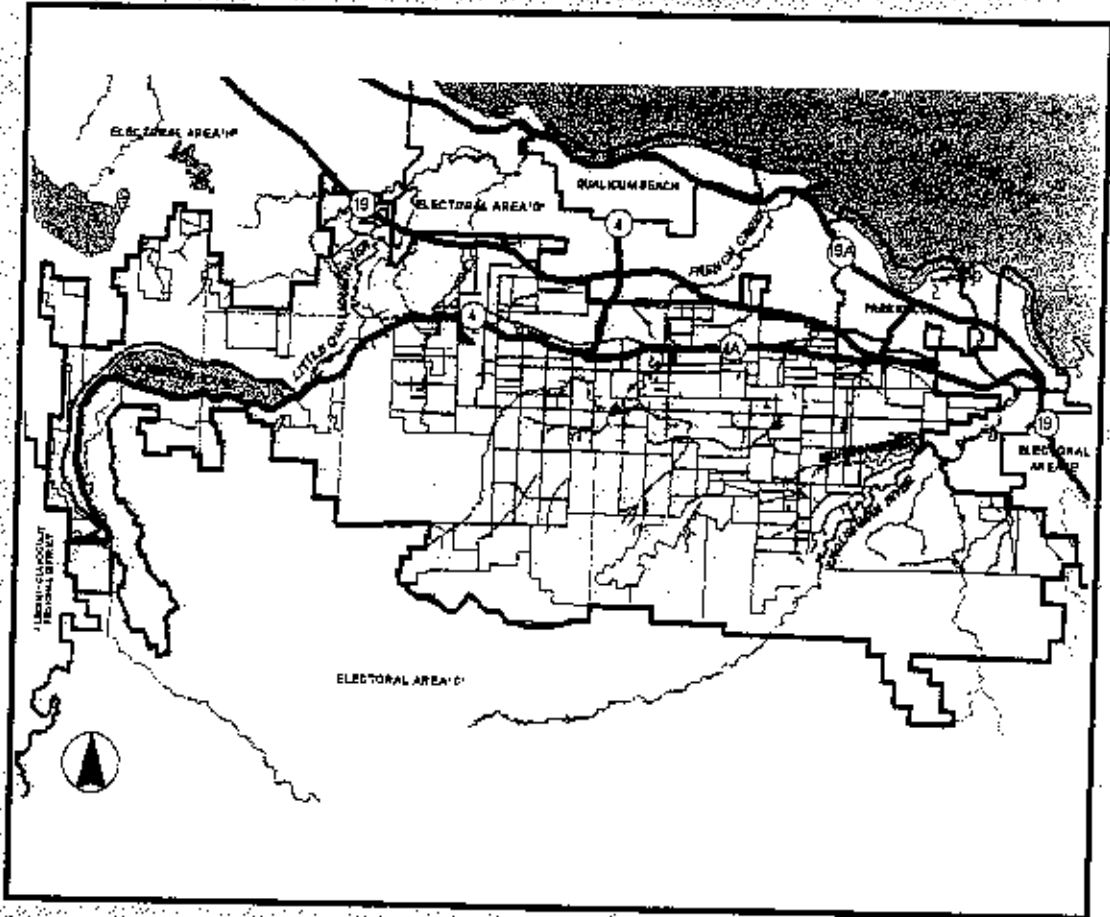
Read a third time this \_\_\_ day of \_\_\_\_\_, 2002.

Adopted this \_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Chairperson

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

**ELECTORAL AREA 'F' ZONING AND  
SUBDIVISION BYLAW NO. 1285, 2002**



Publication Date: February 2002  
Prepared by Regional District of Nanaimo  
Development Services Department  
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# Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002

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**ELECTORAL AREA 'F'  
ZONING and SUBDIVISION  
BYLAW NO. 1285, 2002**

**SCHEDULE 'A'**



## ADMINISTRATION

## SECTION 1

### 1.1 Purpose

The purpose of this bylaw is to implement regulations for the use of land, including the surface of the water, the subdivision of land, and the use and location of buildings and structures in Electoral Area 'F' of the Regional District of Nanaimo.

### 1.2 Use of Land to Conform to Bylaw

1. From the date of the enactment of this Bylaw, a person shall not use land, including the surface of the water, a building or structure to which this bylaw applies except:
  - a) in accordance with this Bylaw; and
  - b) for the use expressly permitted in this Bylaw.
2. A use that is not expressly permitted in a zone is prohibited.

### 1.3 Application

1. This Bylaw applies to all lands, including the surface of the water, buildings, and structures within Electoral Area 'F', as shown on Schedule 'B' attached to and forming part of this Bylaw.
2. Without limiting Section 1.3.1, this Bylaw applies to strata lots within a strata subdivision.
3. For the purposes of this Bylaw:
  - a) land within a strata subdivision, including a phased strata plan, shall be considered to be a lot for the purposes of calculating setbacks from lot lines, lot coverage, and density.
  - b) the remainder of land not included within the strata subdivision of a phased strata plan shall be considered a lot.

### 1.4 Existing Non-Conforming Uses

1. The lawful use of any land, building or structure existing at the time of the adoption of this Bylaw may be continued, where such use does not conform to the provisions of this Bylaw, subject to the provisions for non-conforming uses set out in Section 911 of the *Local Government Act*.
2. A building or structure existing prior to the date of adoption of this Bylaw, which fails to comply with the siting requirements contained in this Bylaw, may be maintained, extended or altered in accordance with Section 911 of the *Local Government Act*.
3. Any parcel existing prior to the date of adoption of this Bylaw, which fails to meet the minimum parcel size requirements contained in this Bylaw, shall not by reason thereof be deemed to be non-conforming, and may be used for any permitted use in the zone in which it is located except that where the zone allows residential use where only one



dwelling unit shall be allowed on any such undersized parcel. Permitted uses shall be subject to all other conditions required of that zone.

### 1.5 Applicable Regulations

1. Where this Bylaw sets out two or more regulations that could apply to a situation, the most restrictive regulation shall apply.
2. Where this Bylaw sets out both general and specific regulations that could apply to a situation, the specific regulation shall apply.
3. The use of land, buildings and structures within the zones set out in sections 3 and 4.22 must be in accordance with the general regulations in Section 2 and the regulations table applicable to that zone.

### 1.6 Severability

If any Section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid, shall not affect the validity of the remaining portions of the Bylaw.

### 1.7 Violation

Every person who:

- a) violates any provision of this Bylaw;
- b) causes or permits an act or thing to be done in violation to any provision of this Bylaw;
- c) neglects or omits to do anything required by this Bylaw; or
- d) fails to comply with an order, direction or notice made or delivered under this Bylaw;

commits an offence and is liable, upon conviction, to the penalties prescribed under the *Offence Act*.

### 1.8 Amendment

An application to amend this Bylaw shall be made to the Regional District of Nanaimo. All forms, plans, documents as required in accordance with "Regional District of Nanaimo Development Approval Information Bylaw No. 1165, 1999" and "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1261, 2002" shall be provided by the applicant.

### 1.9 Application Fees

Any application made for amendment or subdivision under this Bylaw will be subject to the "Regional District of Nanaimo Fees and Charges Bylaw No. 1259, 2002".





**1.10 Notice of Bylaw Amendment**

1. Notice of a bylaw amendment that alters the permitted use or density of an area shall be made pursuant to the regulations specified in the **Local Government Act**.
2. A notice of the bylaw amendment shall be mailed or otherwise delivered to property owners and occupiers of properties within 500 metres of the lot or lots subject to the amendment or as specified in "Regional District of Nanaimo Approval Procedures and Notification Bylaw No. 1261, 2002".

**1.11 Board of Variance**

The Board of Variance of the Regional District of Nanaimo shall hear any appeal of the provisions of this Bylaw, as provided by the **Local Government Act**.



## GENERAL REGULATIONS

## SECTION 2

### 2.1 Applicability of General Regulations

Except as otherwise specified in this Bylaw, Section 2 applies to all zones established under this Bylaw.

### 2.2 Bylaw Definitions

Within this Bylaw, permitted uses are outlined for each zone. These permitted uses are further elaborated and defined in Section 5, "Definitions", of this Bylaw, where they may differ from their common usage or meaning.

### 2.3 Permitted Uses

Except where specifically excluded, the following uses, buildings, and structures are permitted in every Zone:

- a) highway and transportation rights-of-way held by, or on behalf of, a government;
- b) parks, including playgrounds and playfields, walking, bicycling and equestrian trails, and paths and ecological reserves;
- c) public utilities, such as electrical and telephone lines, pipelines, traffic control devices, public utility poles, and underground utility systems;
- d) radio, television, and cellular and transmission towers;
- e) community water system facilities, including reservoirs, treatment plants, pumping station intake structures, and supply lines;
- f) community sewage system facilities, including treatment plants, sewage pumping stations, storm drainage retention ponds, and sewer service lines;
- g) ditches and culverts;
- h) temporary use of a building or structure as a polling station for government or school board elections, referenda, or census providing such a use does not exceed 60 days.

### 2.4 Prohibited Uses

Except where specifically permitted, the following uses, buildings and structures are prohibited in every Zone:

- a) Private airports and heliports, except a private airport or heliport used only for emergency landing or evacuation, in connection with a medical emergency or other emergency as defined in the *Emergency Program Act*;
- b) storage of refuse or waste disposal/processing;
- c) kennels;
- d) the disposal or storage of hazardous, contaminated, biomedical or toxic waste;
- e) the storage of contaminated soil, if the contaminated soil did not originate on the same legal parcel of land;
- f) vehicle wrecking yard;
- g) slaughtering of livestock, food processing, and the processing of seafood;



- h) intensive agriculture including feedlots, stockyards, and slaughterhouses except in A-1 and FR-1, subject to Land Reserve Commission review;
- i) commercial laundry facility;
- j) commercial composting facility;
- k) chemical manufacturing;
- l) petrochemical refining;
- m) explosives/ammunition manufacturing;
- n) battery manufacturing;
- o) outdoor chemical treatment of poles, fence posts, and wood products; and
- p) metal smelting/electroplating.

## 2.5 Runoff Control Standards

1. This section applies to:
  - a) Lots zoned Industrial, Salvage and Wrecking, Comprehensive Development, Mixed Use, Commercial; and
  - b) Lots on which a Home Based Business is an accessory use.
2. Where a building or structure including a roof area has been constructed or land has been developed to include a paved area, the owner must manage and provide for the ongoing disposal of surface runoff and stormwater in accordance with the requirements of Section 2.5.
3. Where a building or structure including a roof area has been constructed or land has been developed to include a paved area, the landowner must provide for the discharge of surface runoff and stormwater by ensuring that the surface runoff and stormwater containing Domestic Waste, Trucked Liquid Waste, Flammable or Explosive Waste, Corrosive Waste, High Temperature Waste, pH Waste, and Disinfectant Process Water, is not discharged or disposed of onto the surface of the land or into a stormwater collection channel or watercourse.
4. Where a building or structure including a roof area, that is greater than 400 m<sup>2</sup>, has been constructed or land has been developed to include an impervious paved parking area with more than 10 spaces, the landowner must provide for the discharge or disposal of all surface runoff and stormwater into stormwater collection and discharge systems that are designed to include grease, oil, and sedimentation removal facilities.
5. Where a building or structure including a roof area has been constructed or land has been developed to include a paved area, the landowner must ensure that any stormwater that contains suspended solids in concentrations that would:
  - a) exceed 75 milligrams per litre, as determined by either a grab sample or a composite sample, or
  - b) cause the water quality in the watercourse receiving the stormwater to exceed the maximum induced suspended sediments guidelines as set out in Table 2 of the British Columbia Approved Water Quality Guidelines (Criteria): 1999 Edition.



Updated January 17, 2001 published by Ministry of Environment, Lands and Parks (Ministry of Water, Land and Air Protection);

is not discharged into a stormwater collection channel or watercourse.

6. Except for lots where Home Based Business is an accessory use, where a building or structure is to be constructed or land is to be developed to include a paved area, the owner must ensure that movement of surface and subsurface soils and excavations shall be designed and completed not to disturb the impermeable soils protecting the aquifers in the subsurface and a professional engineer shall review all site excavation works to ensure that the natural drainage characteristics of the land will be impaired as little as possible.

## 2.6 Storage of Fuel

1. No lot shall be used for the storage, warehousing, distribution or wholesale of any type of fuel or flammable or combustible liquids in tanks with a capacity in excess of 4546 litres, except for lots that are zoned Industrial or Mixed Use, and for lots permitting a gasoline service station use.
2. No lot shall be used for the underground storage of fuels, solvents, chemicals, fertilizer, and petrochemical products are permitted. All uses that involve the storage of fuels, solvents, chemicals, fertilizer, and petrochemical products, except on parcels zoned residential, must be carried out within double walled containers or on an impervious containment pad designed to contain and store the entire capacity of the storage container in the event that any leaching or spillage occurs.

## 2.7 Accessory Buildings and Structures

Buildings and structures accessory to the permitted principal use of a lot are permitted in each zone, unless otherwise specified, provided:

- a) that the principal use is being performed on that lot; or
- b) a building or structure for the principal permitted use has been, or is in the process of being, constructed on the lot.

## 2.8 Location and Siting of Buildings

No principal building or accessory building or structure shall be located in any required front, side, or rear yard setback.

## 2.9 Setbacks

Minimum setbacks for a building or structure shall be 4.5 metres from the front lot line and exterior lot line and 2 metres from all other lot lines except for:

- a) The minimum setback for a building, structure or equipment used for a Temporary Sawmill shall be 15 metres from all lot lines.
- b) The minimum setback for a building, structure or equipment used for a Primary Mineral Processing use, adjacent to lands zoned R-1 or R-2, or R-3, shall be 30 metres from all lot lines.



- c) All buildings and structures on parcels adjacent to the Vancouver Island Highway No. 19 shall be setback a minimum of 30 metres from the Vancouver Island Highway No. 19 right-of-way.

#### 2.10 Setback Requirements from Watercourses and Streams

1. The minimum setback for construction of a building or structure from the Little Qualicum River, the portions of French Creek north of Highway 4A, and the Englishman River shall be 30 metres from the natural boundary, or, where there is a bank within 30 metres of the natural boundary, 30 metres from the top of the bank.
2. The minimum setback for construction of a building or structure for all other watercourses identified on Map 3 of the "Regional District of Nanaimo Electoral Area 'F' Official Community Plan, Bylaw No. 1152, 1999" shall be 15 metres from the natural boundary, or, where there is a bank within 15 metres of the natural boundary, 15 metres from the top of the bank.
3. The minimum setback for buildings or structures adjacent to all other watercourses and streams not specified in Sections 2.10.1 or 2.10.2 shall be 8 metres from the natural boundary.

#### 2.11 Setback Exemptions

1. The following buildings, structures or uses are exempt from minimum setback requirements of this Bylaw, provided that they are not located within a setback established under sections 2.9.c), 2.10 or 2.13 of this Bylaw:
  - a) steps, stairs or ramp;
  - b) arbour/trellis;
  - c) flagpole;
  - d) patio or deck no more than 0.6 metre in height from the existing natural grade;
  - e) radio, television, or cellular and transmission tower;
  - f) parking space, driveways and aisleway;
  - g) fence under 2.5 metres in height;
  - h) landscaping structure or mechanical device less than 1 metre in height and depth including retaining wall, pool, and above ground tank.
2. Where a common wall is shared by two or more units within a strata plan, as provided in the **Strata Property Act**, the setbacks for the principal building specified in the Bylaw with respect to the side lot line shall not apply.

#### 2.12 Height Exemptions

The following structures or parts of buildings may exceed a height restriction under this Bylaw:

- a) spire, steeple or belfry attached to a church or public building;
- b) observation tower attached to or constructed in relation to an emergency services use;
- c) chimney;

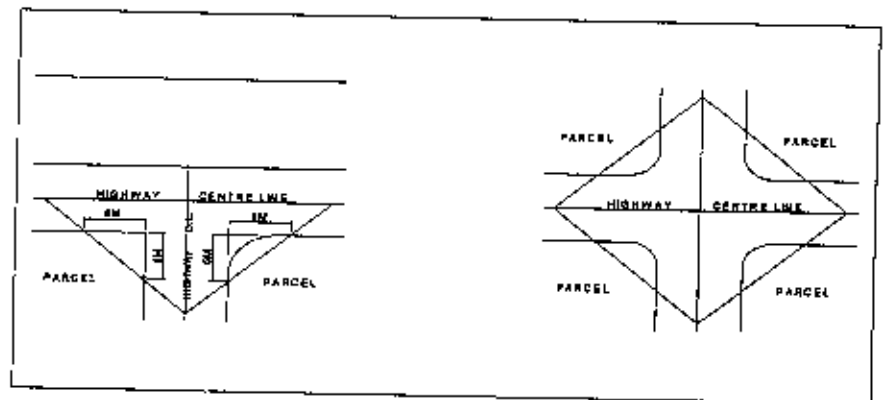


- d) radio, television, cellular and transmission tower, and communication antenna;
- e) flagpole;
- f) elevator and ventilation shaft;
- g) construction crane;
- h) amusement park ride;
- i) structures required for the operation of a farm in accordance with the *Farm Practices Protection (Right to Farm) Act*.

### 2.13 Visibility at Intersections

1. No fence, wall, structure, hedge, shrub, tree or other growth shall be erected or permitted to grow to a height greater than 1 metre from the established grade of a highway within a sight triangle.
2. For the purposes of this Section, a visibility sight triangle shall include that part of a lot within a triangle formed by joining points on lot lines 6 metres from the point of intersection of a highway as illustrated in Figure 2.1:

Figure 2.1 Visibility Sight Triangle





### 2.14 Signs

1. A sign is not permitted in any zone except as permitted in this bylaw. Maximum number and types of signs are permitted in zones as outlined in Table 2.1 below:

**Table 2.1 – Signage Regulations**

Zone	Regulations
Forestry/Resource Rural Residential Manufactured Home Park Park Water	<ul style="list-style-type: none"> <li>• 1 sign per lot advertising the use on that lot</li> <li>• Maximum size of 1.5 m<sup>2</sup> in sign face area</li> <li>• Maximum height of any portion of signage shall not exceed 2.5 metres</li> </ul>
Mixed Use Recreation Commercial Comprehensive Development	<ul style="list-style-type: none"> <li>• 1 freestanding sign per lot advertising the use on that lot not exceeding 3 m<sup>2</sup> in sign face area</li> <li>• 1 fascia sign per business not exceeding 3 m<sup>2</sup> in sign face area</li> <li>• Maximum height of any portion of a sign shall not exceed 9 metres</li> </ul>
Commercial Industrial Institutional	<ul style="list-style-type: none"> <li>• 1 freestanding sign not exceeding 15 m<sup>2</sup> in sign face area</li> <li>• 1 fascia sign per business not exceeding 3 m<sup>2</sup> in sign face area</li> <li>• Maximum height of any portion of a sign shall not exceed 9 metres</li> </ul>

2. Real estate signs, indicating properties for sale, may be temporarily displayed in any zone provided the sign is located on the property for sale.
3. Temporary real estate directional signs, not exceeding 0.5 m<sup>2</sup> in sign face area, may be sited on any lot to direct the travelling public.
4. Signs advertising a farm business are exempt from the requirements of Section 2.14.1.
6. All sign structures for lots located adjacent to the Vancouver Island Highway No. 19 or that portion of Highway No. 4, located between the Highway 19 interchange and the Highway No. 4 intersection, must be located within 10 metres of the nearest adjacent highway other than the Vancouver Island Highway No. 19 and the portion of Highway No. 4 located between the Highway 19 interchange and the Highway No. 4A intersection.

### 2.15 Home Based Business – Regulations

1. A Home Based Business shall:
  - a) be accessory to the residential use of a lot;
  - b) be conducted by the permanent residents of the lot on which the home based business activity is located;
  - c) be located within a Dwelling Unit, attached garage or accessory building and may include accessory outdoor storage;



- d) not be carried out in an area that exceeds 400 m<sup>2</sup> of the floor area of the Dwelling Unit, attached garage or accessory building, including all accessory outdoor storage;
  - e) notwithstanding subsection d), not occupy more than 49% of the floor area of the Dwelling Unit;
  - f) have a maximum of 2 non-resident employees working on the lot;
  - g) limit retail sales to a maximum of 1/3<sup>rd</sup> of the sales floor area permitted under subsection (d);
  - h) not include on-site retail sale of foods designed for immediate consumption other than breakfast served by a bed and breakfast to guests who have been provided overnight accommodation;
  - i) in the case of a bed and breakfast, provide a maximum of three (3) guest rooms located only within the dwelling unit for use by members of the traveling public.
2. Notwithstanding the regulations in Section 2.15.1(d), for parcels zoned A-1, the Home Based Business shall not be carried out in an area that exceeds 200 m<sup>2</sup> of the floor area of the Dwelling Unit, attached garage or accessory building, and may include accessory outdoor storage in an area that does not exceed 200 m<sup>2</sup>.
3. Section 2.15.1(d) does not apply to outdoor areas used for the cultivation of fruit, vegetables, flowers or other crops grown as part of a home based business.
4. Home Based Business may install a sign as outlined in Section 2.14.
5. The following uses are **not permitted** as a Home Based Business:
- a) animal breeding in excess of two litters per lot per calendar year;
  - b) animal boarding;
  - c) public assembly use or recreation facility;
  - d) school pursuant to the **Schools Act**;
  - e) processing or manufacturing of chemicals, solvents, paint, varnish, lacquer, rubber;
  - f) slaughtering or butchering of animals;
  - g) seafood processing or canning of foods with a pH level greater than or equal to 4.5;
  - h) laundries or dry-cleaning;
  - i) primary mineral processing;
  - j) funeral home, cemetery, or crematorium;
  - k) vehicle wrecking yard or dismantling of vehicles;
  - l) waste disposal facility, recycling facility, or recycling other than the reuse of a recyclable material in the production of another finished product;
  - m) marshalling of vehicles, equipment, and machinery;
  - n) sale of automotive fuel, oil, or fluids;
  - o) warehousing or storage of goods or chattels of a person other than an owner or occupant of the lot.





## 2.16 Keeping of Animals

In all zones where Farm Use or Kennel are not permitted uses, the keeping of animals shall be limited to:

- a) household animals on lots 4000 m<sup>2</sup> or less;
- b) household animals in MHP zones;
- c) household animals and household livestock on all lots greater than 4000 m<sup>2</sup>.

## 2.17 Parking

1. The owner or occupier of every building shall provide parking spaces in connection with the use of land as prescribed in this Bylaw or Ministry of Transportation standards, whichever is greater.
2. All required parking spaces shall be located on the same lot containing the use, building or structure being served.
3. The minimum number of parking spaces required for a use is calculated as follows:
  - a) the minimum number of parking spaces is set out in Table 2.2;
  - b) where the calculation of the required parking spaces results in a fraction, the nearest whole number above that calculation shall be taken;
  - c) where a building contains more than one use, the required number of spaces to be provided shall be the sum of the requirements for each use;
  - d) where seating accommodation is the basis for a unit of measurement under this Section and consists of benches, pews, booths or similar seating types, each 0.5 metres of length of such seating shall be deemed to be one seat; and
  - e) if a use is not listed in Table 2.2, the required number of parking spaces to be provided shall be calculated on the basis of a similar use that is listed.
4. Each required parking space shall be a minimum of 5.65 metres in length and 2.75 metres in width.
5. Access and egress points to lots require an approved access permit from the Ministry of Transportation and be designed in accordance with Ministry of Transportation standards.
6. Where more than ten (10) parking spaces are provided, every parking area shall provide a minimum of 1 handicapped parking space for every 10 parking spaces. Each handicapped parking space shall be:
  - a) at least 3.7 metres wide;
  - b) located as close as possible to a main accessible building entrance; and
  - c) clearly identified for its restricted usage by a sign incorporating the universal handicapped logo.



**Table 2.2  
REQUIRED PARKING SPACES**

Use	Required Parking Spaces
All uses in an R'zone except as specifically listed	2 per Dwelling Unit
All uses in a C zone except as specifically listed	1 per 20 m <sup>2</sup> Floor Area
All uses in an I zone except as specifically listed	1 per 50 m <sup>2</sup> Floor Area
All uses in a T zone except as specifically listed	1 per 20 m <sup>2</sup> Floor Area
All uses in a MU zone except as specifically listed	1 per 50 m <sup>2</sup> Floor Area
All uses in a RC zone except as specifically listed	1 per 20 m <sup>2</sup> Floor Area
All uses in a CD zone except as specifically listed	1 per 20 m <sup>2</sup> Floor Area
All uses in a S zone except as specifically listed	1 per 20 m <sup>2</sup> Floor Area
All uses in a P zone except as specifically listed	1 per 50 m <sup>2</sup> Floor Area
Agriculture, Forestry/Resource	2 per Dwelling Unit plus one additional space per employee attached to a Home Based Business/Farm Business
Manufactured Home Park	1 per dwelling unit plus one additional space for every 2 Dwelling Units in a Manufactured Home Park
Accessory Dwelling Unit	1 per accessory Dwelling Unit
Home Based Business	1 space per Home Based Business and one additional space per non-resident employee
Bed and Breakfast	2 per Dwelling Unit plus 1 additional space per Guest Room
Office	1 per 30 m <sup>2</sup> Floor Area
Restaurant, Pub	1 per three seats
Hotel, Motel, Tourist Accommodation	1 per sleeping unit plus 1 additional space per three seats for any eating or drinking establishments
Building Supply/Lumber Outlet	1 per 30 m <sup>2</sup> Floor Area
Manufacturing/Product Assembly	1 per 100 m <sup>2</sup> Floor Area or 1 per 2 employees, whichever is the greater
Campground or Recreational Vehicle Space	1 per space plus 1 per employee plus 1 visitor parking per 5 camping or RV spaces
Warehousing/Wholesaling	1 per 200 m <sup>2</sup> Floor Area or 1 per 2 employees, whichever is the greater
Golf Course	2 per golfing hole
Golf Driving Range	1 per tee box
School	2 per classroom
Care Services Unit <ul style="list-style-type: none"> <li>• Resident</li> <li>• Non-Resident</li> </ul>	1 per care services unit 1 per 2 patient beds
Recreation Building, Ice Rink, Arena, Gymnasium, Indoor Swimming Pool	1 per 5 m <sup>2</sup> of assembly area or 1 per 3 spectator seats whichever is greater



**ESTABLISHMENT OF ZONES** **SECTION 3**

**3.1 Establishment of Zones**

The area within the boundaries of Electoral Area F of the Regional District of Nanaimo shall be divided into the zones identified in Table 3.1.

Table 3.1 - Zones

ZONES	DESCRIPTIONS
A-1	Agriculture 1
FR-1	Forestry/Resource 1
R-1	Rural 1
R-2	Rural Residential 2
R-3	Village Residential 3
MU-1	Mixed Used Chatsworth Road 1
MHP-1	Manufactured Home Park 1
C-1	Commercial 1
C-2	Commercial 2
C-3	Commercial 3
C-4	Commercial 4
RC-1	Recreation 1
RC-2	Recreation 2
RC-3	Recreation 3
I-1	Industrial 1
I-2	Industrial 2
I-3	Industrial 3
S-1	Salvage and Wrecking 1
T-1	Institutional/Community Facility 1
P-1	Parks and Open Space 1
W-1	Water 1
CD	Comprehensive Development Zones

**3.2 Zone Title**

The correct name of each zone provided for in this Bylaw is set out in Column 1 of Table 3.1 and the inclusion of the names contained in Column 2 of Table 3.1 is for convenience only.

**3.3 Location of Zones**

The location of each zone is established on Schedule 'B', the Zoning Map attached to and forming part of this Bylaw, except where the location of a zone is established by reference to the legal description of a lot.



### **3.4 Zone Boundaries**

- a) Where a zone boundary is shown on the zoning map as following a highway, a railway line, statutory right-of-way or easement, the zone boundary shall be the centreline of the highway, the railway line, the statutory right-of-way or easement.
- b) Where a zone boundary does not follow a legally defined line or where a lot is divided by a zone boundary, and where the distances are not set out in the Zoning Map or elsewhere, the location of the zone boundary shall be determined by scaling from the Zoning Map.
- c) Where a lot is divided by a zone boundary, the areas created by such division shall be deemed to be separate lots for the purpose of determining lot coverage, setbacks, minimum site area, floor area in this Bylaw.
- d) Where a lot is divided by a zone boundary, such lot shall be considered as two distinct lots for the purpose of determining permitted uses.

### **3.5 Regulations Table**

The Regulations Table included in each zone establishes the category and method of regulating the density, siting and size of uses, buildings, structures, and lots for lands subject to this Bylaw.

### **3.6 Zoning Regulations**

The permitted uses and regulations for each zone established under this Bylaw are outlined in Section 4.

**A-1 – AGRICULTURE 1****SECTION 4.1****4.1.1 Permitted Principal Uses**

- a) Dwelling Unit
- b) Farm Use

**4.1.2 Permitted Accessory Uses**

- a) Accessory Buildings and Structures
- b) Farm Business
- c) Home Based Business

Notwithstanding the Permitted Principal Uses listed above, any use designated or permitted to be a farm use by the Land Reserve Commission or the Ministry of Agriculture, Food and Fisheries is permitted within this zone.

**4.1.3 Regulations Table**

Category	Requirements
a) Maximum Density	2 Dwelling Units per lot, provided that one Dwelling Unit is a Manufactured Home
b) Minimum Lot Size	2 ha
c) Minimum Lot Frontage	100 metres
d) Maximum Lot Coverage	10 %
e) Maximum Building and Structure Height	10 metres
f) Minimum Setback from <ul style="list-style-type: none"> <li>i) Front and Exterior Side Lot Lines</li> <li>ii) All Other Lot Lines</li> </ul>	4.5 metres 2 metres
g) Minimum Setback of all buildings or structures housing livestock or manure from all lot lines and/or watercourses	30 metres
h) General Land Use Regulations	Refer to Section 2 – General Regulations

**4.1.4 Regulations**

Despite any regulation in this Bylaw, land established as "Agricultural Land Reserve" pursuant to the *Agricultural Land Reserve Act* is subject to the *Agricultural Land Reserve Act* and *Regulations*, and applicable orders of the Land Reserve Commission.

**4.1.5 Additional A-1 Zones**

The Regional District establishes zones A-1.1 to A-1.11. In addition to the uses permitted under the A-1 zone, land in the A-1.1 to A-1.11 zones may be used for the corresponding zoned uses referred to in section 4.22.



**FR-1 – FORESTRY/RESOURCE 1**

**SECTION 4.2**

**4.2.1 Permitted Principal Uses**

- a) Dwelling Unit
- b) Farm Use
- c) Log Storage and Sorting Yard
- d) Primary Mineral Processing
- e) Silviculture
- f) Wood Processing

**4.2.2 Permitted Accessory Uses**

- a) Accessory Buildings and Structures
- b) Farm Business
- c) Home Based Business

Notwithstanding the Permitted Principal Uses listed above, any use designated or permitted to be a forestry use or a farm use by the Land Reserve Commission is permitted within this zone.

**4.2.3 Regulations Table**

Category	Requirements
a) Maximum Density	1 Dwelling Unit per lot
b) Minimum Lot Size	50 ha
c) Minimum Lot Frontage	400 metres
d) Maximum Lot Coverage	10 %
e) Maximum Building and Structure Height	10 metres
f) Minimum Setback from <ul style="list-style-type: none"><li>i) Front and Exterior Side Lot Lines</li><li>ii) All Other Lot Lines</li></ul>	4.5 metres 2 metres
g) Minimum Setback of all buildings or structures housing livestock or manure, and for primary mineral processing from all watercourses	30 metres
h) General Land Use Regulations	Refer to Section 2 – General Regulations

**4.2.4 Regulations**

Despite any regulation in this Bylaw, land established as "Forest Land Reserve" pursuant to the *Forest Land Reserve Act* is subject to the *Forest Land Reserve Act* and Regulations, and applicable orders of the Land Reserve Commission.



**R-1 – RURAL 1**

**SECTION 4.3**

**4.3.1 Permitted Principal Uses**

- a) Dwelling Unit

**4.3.2 Permitted Accessory Uses**

- a) Accessory Buildings and Structures
- b) Home Based Business

**4.3.3 Regulations Table**

Categories	Requirements
a) Maximum Density	1 Dwelling Unit per ha to a maximum of 2 Dwelling Units per lot
b) Minimum Lot Size	2 ha
c) Minimum Lot Frontage	70 metres
d) Maximum Lot Coverage	10 %
e) Maximum Building and Structure Height	10 metres
f) Minimum Setback from <ul style="list-style-type: none"> <li>i) From Front Lot Lines</li> <li>ii) All Other Lot Lines</li> </ul>	4.5 metres 2 metres
g) Minimum Setback from Watercourses	As outlined in Section 2.10
h) General Land Use Regulations	Refer to Section 2 – General Regulations

**4.3.4 Additional R-1 Zones**

The Regional District establishes zones R-1.1 to R-1.15. In addition to the uses permitted under the R-1 zone, land in the R-1.1 to R-1.15 zones may be used for the corresponding zoned uses referred to in section 4.22.



## R-2 – RURAL RESIDENTIAL 2

## SECTION 4.4

### 4.4.1 Permitted Principal Uses

- a) Dwelling Unit

### 4.4.2 Permitted Accessory Uses

- a) Accessory Buildings and Structures
- b) Home Based Business

### 4.4.3 Regulations Table

Categories	Requirements
a) Maximum Density	1 Dwelling Unit per 1 ha
b) Minimum Lot Size	1 ha
c) Minimum Lot Frontage	40 metres
d) Maximum Lot Coverage	25 %
e) Maximum Building and Structure Height	10 metres
f) Minimum Setback from <ul style="list-style-type: none"><li>i) Front and Exterior Side Lot Line</li><li>ii) All Other Lot Lines</li></ul>	4.5 metres 2 metres
g) Minimum Setback from Watercourses	As outlined in Section 2.10
h) General Land Use Regulations	Refer to Section 2 – General Regulations

### 4.4.4 Additional R-2 Zones

The Regional District establishes zones R-2.1 to R-2.30. In addition to the uses permitted under the R-2 zone, land in the R-2.1 to R-2.30 zones may be used for the corresponding zoned uses referred to in section 4.22.





**R-3 – VILLAGE RESIDENTIAL 3** **SECTION 4.5**

**4.5.1 Permitted Principal Uses**

- a) Care Services
- b) Dwelling Unit
- c) Public Assembly
- d) School

**4.5.2 Permitted Accessory Uses**

- a) Accessory Buildings and Structures
- b) Home Based Business

**4.5.3 Regulations Table**

Categories	Requirements
a) Maximum Density	1 Dwelling Unit per 1 ha
b) Minimum Lot Size	1 ha
c) Minimum Lot Frontage	20 metres
d) Maximum Lot Coverage	30 %
e) Maximum Building and Structure Height	10 metres
f) Minimum Setback from <ul style="list-style-type: none"> <li>i) Front and Exterior Side Lot Lines</li> <li>ii) All Other Lot Lines</li> </ul>	4.5 metres 2 metres
g) Minimum Setback from Watercourses	As outlined in Section 2.10
h) General Land Use Regulations	Refer to Section 2 – General Regulations

**4.5.4 Regulations**

Occupancy for a Care Services use shall not exceed ten persons per lot, of whom not more than six shall be persons in care.

**4.5.5 Additional R-3 Zones**

The Regional District establishes zones R-3.1 to R-3.5. In addition to the uses permitted under the R-3 zone, land in the R-3.1 to R-3.5 zones may be used for the corresponding zoned uses referred to in section 4.22.



**MU-1 – MIXED USE CHATSWORTH ROAD 1 SECTION 4.6**

**4.6.1 Permitted Principal Uses**

- a) Concrete and Asphalt Batch Plant
- b) Dwelling Unit
- c) Marshalling Yard
- d) Primary Mineral Processing
- e) Wood Processing

**4.6.2 Permitted Accessory Uses**

- a) Accessory Buildings and Structures
- b) Accessory Office and Retail Sales
- c) Home Based Business

**4.6.3 Regulations Table**

Categories	Requirements
a) Maximum Density	1 Dwelling Unit per lot
b) Minimum Lot Size	1 ha
c) Minimum Lot Frontage	50 metres
d) Maximum Lot Coverage	10%
e) Maximum Building and Structure Height	15 metres
f) Minimum Setback from <ul style="list-style-type: none"> <li>i) Front and Exterior Side Lot Lines</li> <li>ii) All Other Lot Lines</li> </ul>	4.5 metres 2 metres
g) Minimum Setback from Watercourses	As outlined in Section 2.10
h) General Land Use Regulations	Refer to Section 2 – General Regulations

**4.6.4 Additional MU-1 Zones**

The Regional District establishes zone MU-1.1. In addition to the uses permitted under the MU-1 zone, land in the MU-1.1 zone may be used for the corresponding zoned uses referred to in section 4.22.



<b>MHP-1 – MANUFACTURED HOME PARK 1</b>	<b>SECTION 4.7</b>
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**4.7.1 Permitted Principal Uses**

- a) Manufactured Home
- b) Manufactured Home Park

**4.7.2 Permitted Accessory Uses**

- a) Accessory Buildings and Structures

**4.7.3 Regulations Table**

Categories	Requirements
a) Maximum Density	1 ha per manufactured home space
b) Minimum Lot Frontage Manufactured Home Park	30 metres
c) Maximum Lot Coverage	30%
d) Maximum Building and Structure Height	7.5 metres
e) Minimum Setback from <ul style="list-style-type: none"> <li>i) Front and Exterior Side Lot Lines</li> <li>ii) All Other Lot Lines</li> </ul>	4.5 metres 2 metres
f) Minimum Setback from Watercourses	As outlined in Section 2.10
g) General Land Use Regulations	Refer to Section 2 – General Regulations

**4.7.4 Regulations**

- a) One storage shed or utility building may be constructed on each manufactured home space provided that the building has:
  - ii) maximum height of 3 metres
  - iii) maximum floor area of 10 m<sup>2</sup>
- b) One Accessory Office for the Management of Manufactured Home Park not exceeding 50 m<sup>2</sup> is permitted in this zone.
- c) The minimum internal access road width requirements shall be 6 metres and no parking shall be allowed on such internal access roads.

**4.7.5 Additional MHP-1 Zones**

The Regional District establishes zones MHP-1.1 to MHP-1.11. In addition to the uses permitted under the MHP-1 zone, land in the MHP-1.1 to MHP-1.11 zones may be used for the corresponding zoned uses referred to in section 4.22.



**C-1 – COMMERCIAL 1**

**SECTION 4.8**

**4.8.1 Permitted Principal Uses**

- a) Care Services
- b) Dwelling Unit
- c) Outdoor Market
- d) Gasoline Service Station
- e) Personal Service
- f) Pub
- g) Retail Store
- h) Restaurant

**4.8.2 Permitted Accessory Uses**

- a) Accessory Buildings and Structures
- b) Accessory Office

**4.8.3 Regulations Table**

Categories	Requirements
a) Maximum Density	1 Dwelling Unit per ha
b) Minimum Lot Size	1 ha
c) Minimum Lot Frontage	20 metres
d) Maximum Lot Coverage	
i) First 1 ha of Lot	30%
ii) Remainder of Lot Greater than 1 ha	5%
e) Maximum Building and Structure Height	10 metres
f) Maximum Building and Structure Floor Area	1000 m <sup>2</sup>
g) Minimum Setback from	
ii) Front and Exterior Side Lot Lines	4.5 metres
iii) All Other Lot Lines	2 metres
h) Minimum Setback from Watercourses	As outlined in Section 2.10
i) Runoff Control Standards	As outlined in Section 2.5
j) General Land Use Regulations	Refer to Section 2 – General Regulations

**4.8.4 Regulations**

Occupancy for a Care Services use shall not exceed ten persons per lot, of whom not more than six shall be persons in care.

**C-2 – COMMERCIAL 2****SECTION 4.9****4.9.1 Permitted Principal Uses**

- |                             |                              |
|-----------------------------|------------------------------|
| a) Amusement Park           | g) Outdoor Market            |
| b) Artisan Studio           | h) Pub                       |
| c) Tourist Accommodation    | i) Outdoor Recreation        |
| d) Dwelling Unit            | j) Restaurant                |
| e) Entertainment Centre     | k) Retail Store              |
| f) Gasoline Service Station | l) Tourist Information Booth |

**4.9.2 Permitted Accessory Uses**

- a) Accessory Buildings and Structures
- b) Accessory Office

**4.9.3 Regulations Table**

Categories	Requirements
a) Maximum Density	1 Dwelling Unit per ha
b) Minimum Lot Size	1 ha
c) Minimum Lot Frontage	30 metres
d) Maximum Lot Coverage	
i) First 1 ha of Lot with	30%
ii) Remainder of Lot Greater than 1 ha	5%
e) Maximum Building and Structure Height	10 metres
f) Maximum Building and Structure Floor Area	1500 m <sup>2</sup>
g) Minimum Setback from	
i) Front and Exterior Side Lot Lines	4.5 metres
ii) All Other Lot Lines	2 metres
h) Minimum Setback from Watercourses	As outlined in Section 2.10
i) Runoff Control Standards	As outlined in Section 2.5
j) General Land Use Regulations	Refer to Section 2 – General Regulations

**4.9.4 Regulations**

- a) Tourist Accommodation use will be limited to 25 tourist accommodation units per ha to a maximum of 50 tourist accommodation units per lot.
- b) No tourist accommodation unit shall be located within setback areas established in this Bylaw.



**C-3 – COMMERCIAL 3**

**SECTION 4.10**

**4.10.1 Permitted Principal Uses**

- a) Artisan Studio
- b) Auction Sales
- c) Building Supply and Lumber Outlet
- d) Care Services
- e) Commercial Cardlock
- f) Dwelling Unit
- g) Equipment Rental
- h) Funeral Home
- i) Food Processing
- j) Pub
- k) Gasoline Service Station
- l) Kennel
- m) Mini Storage
- n) Nursery
- o) Office
- p) Outdoor Market
- q) Outdoor Sales
- r) Product Assembly
- s) Personal Service
- t) Recreation Facility
- u) Restaurant
- v) Retail Store
- w) Service and Repair

**4.10.2 Permitted Accessory Uses**

- a) Accessory Buildings and Structures
- b) Accessory Office and Retail Sales

**4.10.3 Regulations Table**

Categories	Requirements
a) Maximum Density	1 Dwelling Unit per ha
b) Minimum Lot Size with	1 ha
c) Minimum Lot Frontage	20 metres
d) Maximum Lot Coverage	
i) First 1 ha of Lot with	30%
ii) Remainder of Lot Greater than 1 ha	5%
e) Maximum Building and Structure Height	10 metres
f) Maximum Building and Structure Floor Area	1500 m <sup>2</sup>
g) Minimum Setback from	
ii) Front and Exterior Side Lot Line	4.5 metres
iii) All Other Lot Lines	2 metres
h) Minimum Setback from Watercourses	As outlined in Section 2.14
i) Runoff Control Standards	As outlined in Section 2.5
j) General Land Use Regulations	Refer to Section 2 – General Regulations

**4.10.4 Regulations**

- a) The minimum setbacks for a building or structure for use as a Kennel shall be 15 metres from all lot lines.
- b) Occupancy for a Care Services use shall not exceed ten persons per lot, of whom not more than six shall be persons in care.

**4.10.5 Additional C-3 Zones**

The Regional District establishes zones C-3.1 to C-3.13. In addition to the uses permitted under the C-3 zone, land in the C-3.1 to C-3.13 zones may be used for the corresponding zoned uses referred to in section 4.22.

**C-4 – COMMERCIAL 4****SECTION 4.11****4.11.1 Permitted Principal Uses**

- |                                  |                          |
|----------------------------------|--------------------------|
| a) Artisan Studio                | f) Tourist Accommodation |
| b) Dwelling Unit                 | g) Pub                   |
| c) Entertainment Centre          | h) Outdoor Recreation    |
| d) Gasoline Service Station      | i) Restaurant            |
| e) Tourist and Convenience Store |                          |

**4.11.2 Permitted Accessory Uses**

- a) Accessory Buildings and Structures
- b) Accessory Office

**4.11.3 Regulations Table**

Categories	Requirements
a) Maximum Density	1 Dwelling Unit per ha
b) Minimum Lot Size	1 ha
c) Minimum Lot Frontage	30 metres
d) Maximum Lot Coverage	20%
e) Maximum Building and Structure Height	10 metres
f) Maximum Building and Structure Floor Area	1000 m <sup>2</sup>
g) Minimum Setback from <ol style="list-style-type: none"> <li>ii) Front and Exterior Side Lot Lines</li> <li>iii) All Other Lot Lines</li> </ol>	4.5 metres 2 metres
h) Minimum Setback from Watercourses	As outlined in Section 2.10
i) Runoff Control Standards	As outlined in Section 2.5
j) General Land Use Regulations	Refer to Section 2 – General Regulations

**4.11.4 Regulations**

- a) Tourist Accommodation use will be limited to 25 tourist accommodation units per ha to a maximum of 50 tourist accommodation units per lot.
- b) No tourist accommodation unit shall be located within the setback areas established in this Bylaw.

**4.11.5 Additional C-4 Zones**

The Regional District establishes zone C-4.1. In addition to the uses permitted under the C-4 zone, land in the C-4.1 zone may be used for the corresponding zoned uses referred to in section 4.22.



## RC-1 – RECREATION 1

## SECTION 4.12

### 4.12.1 Permitted Principal Uses

- a) Dwelling Unit
- b) Recreational Vehicle Park

### 4.12.2 Permitted Accessory Uses

- a) Accessory Buildings and Structures
- b) Accessory Office and Retail Sales

### 4.12.3 Prohibited

Structural additions to Recreational Vehicles are prohibited in the RC-1 zone.

### 4.12.4 Regulations Table

Categories	Requirements
a) Maximum Density	1 Dwelling Unit per lot
b) Minimum Lot Size	8 ha
c) Minimum Lot Frontage	70 metres
d) Maximum Lot Coverage	10%
e) Maximum Building and Structure Height	9 metres
f) Minimum Setback from <ul style="list-style-type: none"><li>ii) Front and Exterior Side Lot Lines</li><li>iii) All Other Lot Lines</li></ul>	4.5 metres 2 metres
g) Minimum Setback from Watercourses	As outlined in Section 2.10
h) General Land Use Regulations	Refer to Section 2 – General Regulations

### 4.12.5 Regulations

- a) Recreational Vehicle Park uses will be limited to 25 recreational vehicle spaces per ha to a maximum of 50 recreational vehicle spaces per lot.
- b) No recreational vehicle space shall be located within the setback area established in this Bylaw.



**RC-2 – RECREATION 2****SECTION 4.13****4.13.1 Permitted Principal Uses**

- a) Boat Ramp
- b) Tourist Accommodation
- c) Dwelling Unit

**4.13.2 Permitted Accessory Uses**

- a) Accessory Buildings and Structures
- b) Accessory Office and Retail Sales

**4.13.3 Prohibited**

Manufactured Home Parks and Recreational Vehicle Parks are prohibited in the RC-2 zone.

**4.13.4 Regulations Table**

Categories	Requirements
a) Maximum Density	1 Dwelling Unit per lot
b) Minimum Lot Size	2 ha
c) Minimum Lot Frontage	70 metres
d) Maximum Lot Coverage	20 %
e) Maximum Building and Structure Height	10 metres
f) Minimum Setback from <ul style="list-style-type: none"> <li>ii) Front and Exterior Side Lot Lines</li> <li>iii) All Other Lot Lines</li> </ul>	4.5 metres 2 metres
g) Minimum Setback from Watercourses	As outlined in Section 2.10
h) General Land Use Regulations	Refer to Section 2 – General Regulations

**4.13.5 Regulations**

- a) Tourist Accommodation use will be limited to 25 tourist accommodation units per ha to a maximum of 50 tourist accommodation units per lot.
- b) No tourist accommodation unit shall be located within setback areas established under this Bylaw.

**4.13.6 Additional RC-2 Zones**

The Regional District establishes zones RC-2.1 to RC-2.2. In addition to the uses permitted under the RC-2 zone, land in the RC-2.1 to RC-2.2 zones may be used for the corresponding zoned uses referred to in section 4.22.



## RC-3 – RECREATION 3

## SECTION 4.14

### 4.14.1 Permitted Principal Uses

- a) Dwelling Unit or Tourist Accommodation

### 4.14.2 Permitted Accessory Uses

- a) Accessory Buildings and Structures

### 4.14.4 Regulations Table

Categories	Requirements
a) Maximum Density	1 Dwelling Unit or 1 Tourist Accommodation Unit per lot
b) Minimum Lot Size	2 ha
c) Minimum Lot Frontage	70 metres
d) Maximum Lot Coverage	20 %
e) Maximum Building and Structure Height	10 metres
f) Minimum Setback from <ul style="list-style-type: none"><li>ii) Front and Exterior Side Lot Lines</li><li>iii) All Other Lot Lines</li></ul>	4.5 metres 2 metres
g) Minimum Setback from Watercourses	As outlined in Section 2.10
h) General Land Use Regulations	Refer to Section 2 – General Regulations

### 4.14.5 Regulations

No tourist accommodation unit shall be located within setback areas established under this Bylaw.

### 4.14.6 Additional C-4 Zones

The Regional District establishes zone RC-3.1. In addition to the uses permitted under the RC-3 zone, land in the RC-3.1 zone may be used for the corresponding zoned uses referred to in section 4.22.



**I-1 – INDUSTRIAL 1**

**SECTION 4.15**

**4.15.1 Permitted Principal Uses**

- a) Commercial Card Lock
- b) Dwelling Unit
- c) Equipment Rental
- d) Log Home Building
- e) Product Assembly
- f) Marshaling Yard
- g) Outdoor Sales
- h) Service and Repair
- i) Transportation/Trans-shipment Terminal
- j) Value Added Lumber Remanufacturing
- k) Heliport
- l) Warehousing/Wholesaling

**4.15.2 Permitted Accessory Uses**

- a) Accessory Outdoor Storage
- b) Accessory Buildings and Structures
- c) Accessory Office and Retail Sales

**4.15.3 Regulations Table**

Categories	Requirements
a) Maximum Density	1 Dwelling Unit per lot
b) Minimum Lot Size	2 ha
c) Minimum Lot Frontage	30 metres
d) Maximum Lot Coverage	
ii) First 1 ha of Lot with	30%
iii) Remainder of Lot Greater than 1 ha	5%
e) Maximum Building and Structure Height	15 metres
f) Minimum Setback from	
ii) Front and Exterior Side Lot Lines	4.5 metres
iii) All Other Lot Lines	2 metres
g) Minimum Setback from Watercourses	As outlined in Section 2.10
h) Runoff Control Standards	As outlined in Section 2.5
i) General Land Use Regulations	Refer to Section 2 – General Regulations

**4.15.4 Regulations**

All principal and accessory uses, buildings and structures on lots adjacent to the Vancouver Island Highway No. 19 shall be located a minimum of 30 metres from the Vancouver Island Highway No. 19 right-of-way.

**4.15.5 Additional I-1 Zones**

The Regional District establishes zones I-1.1 to I-1.2. In addition to the uses permitted under the I-1 zone, land in the I-1.1 to I-1.2 zones may be used for the corresponding zoned uses referred to in section 4.22.



**I-2 – INDUSTRIAL 2**

**SECTION 4.16**

**4.16.1 Permitted Principal Uses**

- a) Commercial Card Lock
- b) Concrete/Asphalt Batch Plant
- c) Dwelling Unit
- d) Equipment Rental
- e) Log Home Building
- f) Manufacturing
- g) Marshaling Yard
- h) Outdoor Sales
- i) Outdoor Storage
- j) Primary Mineral Processing
- k) Sawmill
- l) Transportation/Trans-shipment Terminal
- m) Warehousing/Wholesaling
- n) Building Supply/Lumber Outlet

**4.16.2 Permitted Accessory Uses**

- a) Accessory Buildings and Structures
- b) Accessory Office and Retail Sales

**4.16.3 Regulations Table**

Categories	Requirements
a) Maximum Density	1 Dwelling Unit per lot
b) Minimum Lot Size	2 ha
c) Minimum Lot Frontage	30 metres
d) Maximum Lot Coverage	
ii) First 1 ha of Lot with	30%
iii) Remainder of Lot Greater than 1 ha	5%
e) Maximum Building and Structure Height	15 metres
f) Minimum Setback from	
ii) Front and Exterior Side Lot Lines	4.5 metres
iii) All Other Lot Lines	2 metres
g) Minimum Setback from Watercourses	As outlined in Section 2.10
h) Runoff Control Standards	As outlined in Section 2.5
i) General Land Use Regulations	Refer to Section 2 – General Regulations

**4.16.4 Regulations**

All principal and accessory uses, buildings and structures on lots adjacent to the Vancouver Island Highway No. 19 shall be located a minimum of 30 metres from the Vancouver Island Highway No. 19 right-of-way.

**4.16.5 Additional I-1 Zones**

The Regional District establishes zones I-2.1 to I-2.3. In addition to the uses permitted under the I-1 zone, land in the I-2.1 to I-2.3 zones may be used for the corresponding zoned uses referred to in section 4.22.



**I-3 – INDUSTRIAL 3**

**SECTION 4.17**

**4.17.1 Permitted Principal Uses**

- a) Dwelling Unit
- b) Primary Mineral Processing

**4.17.2 Permitted Accessory Uses**

- a) Accessory Outdoor Storage
- b) Accessory Buildings and Structures
- c) Accessory Office and Retail Sales

**4.17.3 Regulations Table**

Categories	Requirements
a) Maximum Density	1 Dwelling Unit per lot
b) Minimum Lot Size	2 ha
c) Minimum Lot Frontage	30 metres
d) Maximum Lot Coverage	10%
e) Maximum Building and Structure Height	15 metres
f) Minimum Setback from <ul style="list-style-type: none"><li>ii) Front and Exterior Side Lot Lines</li><li>iii) All Other Lot Lines</li></ul>	4.5 metres 2 metres
g) Minimum Setback from Watercourses	As outlined in Section 2.10
h) Runoff Control Standards	As outlined in Section 2.5
i) General Land Use Regulations	Refer to Section 2 – General Regulations



**S-1 – SALVAGE AND WRECKING 1** **SECTION 4.18**

**4.18.1 Permitted Principal Uses**

- a) Dwelling Unit
- b) Marshaling Yard
- c) Vehicle Wrecking Yard

**4.18.2 Permitted Accessory Uses**

- a) Accessory Outdoor Storage
- b) Accessory Buildings and Structures
- c) Accessory Office and Retail Sales

**4.18.3 Regulations Table**

Categories	Requirements
a) Maximum Density	1 Dwelling Unit per lot
b) Minimum Lot Size	1 ha
c) Minimum Lot Frontage	30 metres
d) Maximum Lot Coverage	10 %
e) Maximum Building and Structure Height	10 metres
f) Minimum Setback from <ul style="list-style-type: none"> <li>ii) Front and Exterior Side Lot Lines</li> <li>iii) All Other Lot Lines</li> </ul>	4.5 metres 2 metres
g) Minimum Setback from Watercourses	As outlined in Section 2.10
h) Runoff Control Standards	As outlined in Section 2.5
i) General Land Use Regulations	Refer to Section 2 – General Regulations

**4.18.4 Regulations**

All outdoor storage shall be located a minimum of 2 metres from any lot line.

**4.18.5 Additional S-1 Zones**

The Regional District establishes zones S-1.1-S-1.2. In addition to the uses permitted under the S-1 zone, land in the S-1.1-S-1.2 zones may be used for the corresponding zoned uses referred to in section 4.22.



<b>T-1 – INSTITUTIONAL/ COMMUNITY FACILITY 1</b>	<b>SECTION 4.19</b>
--	---------------------

**4.19.1 Permitted Principal Uses**

- |                  |                        |
|------------------|------------------------|
| a) Care Services | f) Public Assembly     |
| b) Cemetery      | g) Public Hospital     |
| c) Dwelling Unit | h) Recreation Facility |
| d) Fairground    | i) School              |
| e) Funeral Home  |                        |

**4.19.2 Permitted Accessory Uses**

- a) Accessory Buildings and Structures
- b) Accessory Office and Retail Sales

**4.19.3 Regulations Table**

Categories	Requirements
a) Maximum Density	1 Dwelling Unit per lot
b) Minimum Lot Size	1 ha
c) Minimum Lot Frontage	20 metres
d) Maximum Lot Coverage	40 %
e) Maximum Building Height	15 metres
f) Minimum Setback from <ul style="list-style-type: none"> <li>ii) Front and Exterior Side Lot Lines</li> <li>iii) All Other Lot Lines</li> </ul>	4.5 metres 2 metres
g) Minimum Setback from Watercourses	As outlined in Section 2.10
h) General Land Use Regulations	Refer to Section 2 – General Regulations

**4.19.4. Regulations**

- a) All buildings for housing animals, other than household animals, and for the storage of manure shall be a minimum of 30 metres from all watercourses, streams or any property line adjacent to an R-2, R-3 or MHP zone.
- b) Occupancy for a Care Services use shall not exceed ten persons per lot, of whom not more than six shall be persons in care.

**4.19.5 Additional T-1 Zones**

The Regional District establishes zones T-1.1-T-1.2. In addition to the uses permitted under the T-1 zone, land in the T-1.1-T-1.2 zones may be used for the corresponding zoned uses referred to in section 4.22.



**P-1 – PARKS and OPEN SPACE 1**

**SECTION 4.20**

**4.20.1 Permitted Principal Uses**

- a) Park
- b) Outdoor Recreation
- c) Recreation Facility
- d) Dwelling Unit

**4.20.2 Permitted Accessory Uses**

- a) Accessory Buildings and Structures
- b) Accessory Office and Retail Sales

**4.20.3 Regulations Table**

Categories	Requirements
a) Maximum Density	1 Dwelling Unit per lot
b) Minimum Lot Size	1 ha
c) Minimum Lot Frontage	20 metres
d) Maximum Lot Coverage	40 %
e) Maximum Building and Structure Height	10 metres
f) Minimum Setback from <ul style="list-style-type: none"><li>ii) Front and Exterior Side Lot Lines</li><li>iii) All Other Lot Lines</li></ul>	4.5 metres 2 metres
g) Minimum Setback from Watercourses	As outlined in Section 2.10
h) General Land Use Regulations	Refer to Section 2 – General Regulations

**4.20.4 Regulations**

All buildings for housing animals, other than household animals, and for the storage of manure shall be a minimum of 30 metres from a well, watercourse, stream or any property line adjacent to an R-2, R-3 or MHP zone.





**W-1 – WATER 1**

**SECTION 4.21**

**4.21.1 Permitted Principal Uses**

- a) Boat Ramp

**4.21.2 Regulations Table**

<b>Categories</b>	<b>Requirements</b>
a) Maximum Building and Structure Height	1 metre above surface of water as measured from the natural boundary
b) Minimum setback from all lot lines or lease boundaries	4.5 metres
c) General Land Use Regulations	Refer to Section 2 – General Regulations



**Site Specific Zoning Regulations**

**SECTION 4.22**

**Additional A-1 Zones**

The following uses and regulations apply to lots in the following zones in addition to the regulations in the A-1 zone that would otherwise apply. The zoning and permitted uses of the following lots are set out below:

Zone	Lot Description	Regulations
A-1.1	Lot 6, District Lot 6, Plan 1889, Cameron District (1015 McLean Road).	Restaurant only
A-1.2	Block B, District Lot 143, Plan 4679, Nanoose District (2540 Alberni Highway)	Vehicle Wrecking Yard, Accessory Office and Retail Sales only
A-1.3	Block C, District Lot 143, Plan 4679, Nanoose District (2560 Alberni Highway)	Winery and Ciderly only
A-1.4	Part of Lot 90, District Lot 139, Plan 1913, Nanoose District Lying to the South of McKibben Road as Said Road is Shown on Said Plan, and to the West of a Boundary Parallel to and Perpendicularly Distance 200 Feet from the Westerly Boundary of Said Lot 90 (D.D. F-21288) (1586 McKibben Road)	Vehicle Wrecking Yard as a Home Based Business only
A-1.5	Lot 1, District Lot 4, Plan 38539, Cameron District (3241 Alberni Highway)	Fire Hall only
A-1.6	District Lot 47, Nanoose District (1019 Errington Road)	Restaurant only
A-1.7	Lot A, District Lot 182, Plan VIP65017, Nanoose District (2570 Peterson Road)	Composting Facility only specifically excluding Waste Disposal
A-1.8	Lot 2, District Lot 94, Nanoose District, Plan 38808 (1580 Alberni Highway)	Three Dwelling Units and Sawmill to a maximum of 0.4 ha only
A-1.9	Lot 1, District Lot 24, Nanoose District, Plan 40600 (1607 Errington Road)	Manufacturing to a maximum of 1.2 ha only
A-1.10	Rem. Block I, District Lot 143, Nanoose District, Plan 4782 (2595 Alberni Highway)	Fairground and Public Assembly and Outdoor Recreation only
A-1.11	Rem. Block G, District Lot 143, Nanoose District, Plan 4782 (2619 Alberni Highway)	Campground to a maximum of 48 camping spaces only

**Additional R-1 Zones**

The following uses and regulations apply to lots in the following zones in addition to the regulations in the R-1 zone that would otherwise apply. The zoning and permitted uses of the following lots are set out below:

<b>Zone</b>	<b>Lot Description</b>	<b>Regulations</b>
R-1.1	Lot 2, District Lot 23, Plan VIP53338, Nanoose District (1020 Virginia Road)	Heliport only
R-1.2	Lot 1, District Lot 148, Plan 39110, Nanoose District (1042 Shearmer Road)	Manufacturing, and Service and Repair as a Home Based Business and three Dwelling Units only
R-1.3	Lot 2, District Lot 74, Plan 2050, Cameron District (1124 Clark Road)	Boat Building and Repair, and 3 Dwelling Units only
R-1.4	Lot A, District Lot 148, Plan VIP68797, Nanoose Land District (1076 Shearmer Road)	Service and Repair as a Home Based Business only
R-1.5	Lot 2, District Lot 139, Plan 26115, Nanoose District (1344 Kopernick Road)	Campground Use at a density of 25 camping spaces per ha to a maximum of 50 camping spaces per lot only
R-1.6	District Lot 187, Nanoose District (1015, 1021, 1027 Virginia Road)	Nine Dwelling Units, 3 Manufactured Homes and Retail Store with a Retail Store maximum floor area of 1000 m <sup>2</sup> only
R-1.7	Remainder of Parcel A, DD 4151-N (DD26440-I) District Lot 114, Nanoose District (1831 Matterson Road)	Farm Use only
R-1.8	Lot 6, Block 544, Plan 35625, Nanoose District (1235 Dobson Road)	Kennel only
R-1.9	Lot 25, Block 544, Plan 39786, Nanoose District (1750 Fairdowne Road)	Four Dwelling Units only
R-1.10	Rem. Lot 3 Plan 1917 Except Parcel A (DD 32265) (1219 Station Road)	Three Dwelling Units only
R-1.11	Lot B, Block 544, Nanoose District, Plan VIP63634 (1091 Dobson)	Three Dwelling Units only
R-1.12	Lot 19, Block 544, Nanoose District, Plan 32293 (1061 Dobson Road)	Kennel to a maximum of 400 m <sup>2</sup> only
R-1.13	Lot 1, District Lot 8, Cameron District, Plan 19049 (1485 Winchester Road)	Marshalling Yard and Outdoor Storage to a combined maximum of 800 m <sup>2</sup> only
R-1.14	Lot K, Block 583, Nanoose District, Plan 41865 (760, 770, and 780 Englishman River Road)	Seven Tourist Accommodation Units only
R-1.15	Lot 11, District lot 140, Nanoose District, Plan 22868 (1439 Tyler Road)	Outdoor Storage limited to 400 m <sup>2</sup> only

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Zones

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**Additional R-2 Zones**

The following uses and regulations apply to lots in the following zones in addition to the regulations in the R-2 zone that would otherwise apply. The zoning and permitted uses of the following lots are set out below:

Zone	Lot Description	Regulations
R-2.1	Lot 15, District Lot 99, Plan 20929, Nanoose District (1177 Ruffels Road)	Two Dwelling Units only
R-2.2	Lot A, District Lot 158, VIP57616, Nanoose District (1209 Fair Road)	Four Dwelling Units only
R-2.3	Lot 2, District Lot 114, Plan VIP60195, Nanoose District (1205 Bowlby Road)	Four Dwelling Units and 1 Manufactured Home only
R-2.4	Lot 2, Block 544, Plan VIP58307, Nanoose District (1229 Dobson Road)	Two Dwelling Units only
R-2.5	Lot A, Block 359, Plan VIP63828, Newcastle District (1135 Carcan Road)	Farm Use only
R-2.6	Lot 2, District Lot 156, Plan 23204, Nanoose District (1423 Price Road)	Personal Service as a Home Based Business only
R-2.7	Lot A, District Lot 114, Plan 40740, Nanoose District (1227 Bowlby Road)	Kennel only
R-2.8	Lot 2, District Lot 74, Plan 23201, Newcastle District (3514 Britain Road)	Manufacturing only
R-2.9	Lot B, District Lot 148, Plan 43287, Nanoose District (1775 Gibbs Road).	Service and Repair to a maximum of 800 m <sup>2</sup> only
R-2.10	Lot 2, District Lot 156, Plan 19798, Nanoose District (1276 Fair Road).	Service and Repair to a maximum of 800 m <sup>2</sup> only
R-2.11	Lot 1, District Lot 8, Plan VIP52834, Cameron District (3253 Melon Road)	Warehousing/Wholesaling to a maximum of 800 m <sup>2</sup> and Accessory Retail Sales and Outdoor Sales to a maximum of 400m <sup>2</sup> only
R-2.12	Lot 7, District Lot 140, Plan 22868, Nanoose District (1403 Tyler Road)	Vehicle Wrecking Yard as a Home Based Business
R-2.13	South PT A, Plan 2806 DL 39, Newcastle Land District (3704 Melrose Road)	Eight Dwelling Units and 12 Manufactured Homes and Nursery and Service and Repair with Nursery and Service and Repair limited to a combined total floor area of 800 m <sup>2</sup> only
R-2.14	Lot 1, District Lot 11, Cameron District, Plan 33338 (1040 Koen Road)	Two Dwelling Units only
R-2.15	Lot A, District Lot 9, Cameron District, Plan 45420 (1229 Walz Road).	Slaughtering and Butchering of Waterfowl, Poultry and Rabbit as a Home Based Business only
R-2.16	Lot 3, District Lot 9, Cameron District Plan 26160 (1254 Chatsworth Road).	Five Dwelling Units only



Zone	Lot Description	Regulations
R-2.17	Block B, District Lot 9, Cameron District, Plan 26160 (1268 Chatsworth Road)	Campground Use at a density of 25 camping spaces per ha to a maximum of 50 camping spaces per lot only
R-2.18	Rem. A, District Lot 139, Nanoose District, Plan 34944 (1371 Grafton Avenue)	Farm Use and Kennel only
R-2.19	Strata Lot A, Block 359, Newcastle District, Plan VIS5127 (1789 Settler Road)	Horse Boarding Stable only
R-2.20	Lot 2, District Lot 156, Nanoose District, Plan 20908 (1364 Price Road)	Greenhouse only
R-2.21	Lot M, District Lot 138, Nanoose District, Plan 42052 (2030 Pierpont Road)	Two Dwelling Units only
R-2.22	Lot B, District Lot 156, Nanoose District, Plan 39983 (1271 Fair Road)	Three Dwelling Units only
R-2.23	Strata Lot E, Block 359, Newcastle District, Plan VIS4169 (1080 and 1090 Koskimo Place)	Two Dwelling Units only
R-2.24	Strata Lot B, Block 359, Newcastle District, Plan VIS4370 (1191 and 1193 Corcan Road)	Two Dwelling Units only
R-2.25	Lot 4, District Lot 156, Nanoose District, plan 16915 (1263 Fair Road)	Wood Processing and Food Processing only to a combined maximum lot coverage of 10%
R-2.26	Lot 3, District Lot 156, Nanoose District, Pan 20900 (1254 Fair Road)	Retail Sales to a maximum of 800 m <sup>2</sup> and warehousing/wholesaling and Accessory Office only
R-2.27	Lot 1, Block 583, Nanoose District, Plan 50957 (724 & 730 Englishman River Road)	Two Dwelling Units only
R-2.28	Lot A, District Lot 58, Nanoose District, Plan 52064 (1470 Geddes Road)	Nursery and Greenhouse only
R-2.29	Lots 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 27, 28, 29, 32, 33 Block 359, Newcastle District, Plan VIP67560 (Meadowood Way and Galvin Place)	Two Dwelling Units per lot only
R-2.30	Lot 3, District Lots 9 and 10, Cameron District, Plan 46347 (1021 Chatsworth Road and 3790 Kriscott Rd)	Two Dwelling Units only

**Additional R-3 Zones**

The following uses and regulations apply to lots in the following zones in addition to the regulations in the R-3 zone that would otherwise apply. The zoning and permitted uses of the following lots are set out below:

Zone	Lot Description	Regulations
R-3.1	Lot 9, District Lot 143, Plan 2064, Nanoose District (2384 Alberni Highway)	Four Dwelling Units only
R-3.2	Lot 29, District Lot 139, Plan 1989, Nanoose District (1400 Memorial Road)	Vehicle Wrecking Yard as a Home-Based Business only



Zones

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Zone	Lot Description	Regulations
R-3.3	Lot A, District Lot 143, Nanoose District, Plan 23178 (951 Coombs Road)	Two Dwelling Units and a Kennel only
R-3.4	Lot A, District Lot 4, Cameron District, Plan 41831 (Hilliers Road)	Two Dwelling Units and Value Added Lumber Remanufacturing and Outdoor Storage only
R-3.5	Lot 3, District Lot 143, Nanoose District, Plan 6589, Except Those Parts in Plans 14236, 18812 and 734 RW (2363 Alberni Highway)	Artisan Studio only

**Additional MU-1 Zones**

The following uses and regulations apply to lots in the following zones in addition to the regulations in the MU-1 zone that would otherwise apply. The zoning and permitted uses of the following lots are set out below:

Zone	Lot Description	Regulations
MU-1.1	Lots 1 & 2, District Lot 9, Plan 48274, Cameron District (3880 Alberni Highway)	Mini Storage only

**Additional MHP-1 Zones**

The following uses and regulations apply to lots in the following zones in addition to the regulations in the MHP-1 zone that would otherwise apply. The zoning and permitted uses of the following lots are set out below:

Zone	Lot Description	Regulations
MHP-1.1	West Part and East Part of Lot 8, Plan 22313, District Lot 7, Nanoose District (3100 Rinvold Road)	Eighteen Manufactured Homes only
MHP-1.2	Lot 3, Plan 35783, District Lot 148, Nanoose District (1801 Schafers Road)	Fourteen Manufactured Homes and two Dwelling Units only
MHP-1.3	Lot A, District Lot 148, Plan VIP68930, Nanoose District (1730 Whibley Road)	Nineteen Manufactured Homes only
MHP-1.4	Parcel B, DD26358W, District Lot 148, Nanoose District (1740 Alberni Highway)	Seventeen Manufactured Homes and two Dwelling Units only
MHP-1.5	Remainder of Lot 2, Plan 1115, District Lot 148, Nanoose District (1714 Alberni Highway)	Thirty-four Manufactured Homes and five Recreation Vehicle Sites and three Dwelling Units only
MHP-1.6	Lot 1, District Lot 148, Plan VIP69390, Nanoose District (1702 and 1688 Alberni Highway)	Nineteen Manufactured Homes and one Dwelling Unit and Six Recreation Vehicle Sites only



Zone	Lot Description	Regulations
MHP-1.7	Lot 1, District Lot 148, Plan VIP61331, Nanoose District (1050 Bowlby Road)	Fifteen Manufactured Homes and 8 Recreational Vehicle Spaces only
MHP-1.8	Parcel A, DD 387518I, District Lot 148, Nanoose District (1733 Whibley Road)	Nineteen Manufactured Homes only
MHP-1.9	Lot A, Plan VIP69355, District Lot 156, Nanoose District (1391 & 1401 Price Road)	Nineteen Manufactured Homes only
MHP-1.10	Lot B, Plan VIP69355, District Lot 156, Nanoose District (1391 Price Road)	Nineteen Manufactured Homes only
MHP-1.11	Lot D, District Lot 4, Cameron District, Plan 48368 (3175 Brooklin Lane)	Five Manufactured Homes only

**Additional C-3 Zones**

The following uses and regulations apply to lots in the following zones in addition to the regulations in the C-3 zone that would otherwise apply. The zoning and permitted uses of the following lots are set out below:

Zone	Lot Description	Regulations
C-3.1	Lot P/13, District Lot 156, Plan 1964, Nanoose District (1343 Alberni Highway)	Vehicle Wrecking Yard with outdoor storage limited to 400 m <sup>2</sup> only
C-3.2	Lot A, District Lot 143, Plan 7666, Nanoose District (2430 Alberni Highway)	Two Dwelling Units only
C-3.3	Lot 27, District Lot 156, Plan 1964, Nanoose District (1282 Alberni Highway)	Value Added Lumber Remanufacturing only
C-3.4	Lot 13, District Lot 143, Plan 2064, Nanoose District (2458 Alberni Highway)	Vehicle Wrecking Yard with outdoor storage limited to 400 m <sup>2</sup>
C-3.5	Lot 2, District Lot 94, Nanoose District, Plan 7379 (994 Errington Road)	Two Dwelling Units only
C-3.6	Lot 5, District Lot 7, Nanoose District, Plan 22313 (3097 & 3103 Van Home Road)	Three Dwelling Units and 4 Manufactured Homes only
C-3.7	That Part of Lot 4, District Lot 143, Nanoose District, Plan 2064, Lying to the East of a Straight Boundary Parallel to and Perpendicularly Distant to 2.39 Chains From the Easterly Boundary of Said Lot 4 (2443 Alberni Highway)	Manufacturing and Boat Building and Repair only
C-3.8	That Part of Lot 4, District Lot 143, Nanoose District, Plan 2064 Lying to the West of a Straight Boundary Parallel To and Perpendicularly Distant 2.39 Chains from the Easterly Boundary of Said Lot 4 (2451 Alberni Highway)	Manufacturing and Boat Building and Repair only
C-3.9	That Part of Lot 3, District Lots 2 and 7, Cameron District, Plan 22313 Lying to the West of a Boundary Parallel to and Perpendicularly Distant 150 Feet From the East Boundary of Said Lot (3073 Van Home Rd)	Manufacturing only

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**Zones**

<b>Zone</b>	<b>Lot Description</b>	<b>Regulations</b>
C-3.10	Lot 7, Salvation Army Lots, Nanoose District, Plan 1115, Except Parts in Plans 32644, 35528 and 734RW (979 Shearwater Road)	Value Added Lumber Remanufacturing and Marshalling Yard only
C-3.11	Lot 1 of Salvation Army Lots, Nanoose District, Plan 32644 (999 Shearwater Road)	Value Added Lumber Remanufacturing and Marshalling Yard only
C-3.12	Lot 2, Salvation Army Lots, Plan VIP69390, Nanoose District (1696 Alberni Highway)	Value Added Lumber Remanufacturing and Outdoor Storage only
C-3.13	Lot B, District Lot 143, Newcastle District, Plan 8057 (2494 & 2484 Alberni Highway)	Cement Product Manufacturing only

**Additional C-4 Zones**

The following uses and regulations apply to lots in the following zones in addition to the regulations in the C-4 zone that would otherwise apply. The zoning and permitted uses of the following lots are set out below:

<b>Zone</b>	<b>Lot Description</b>	<b>Regulations</b>
C-4.1	Lot 1, District Lot 39, Plan VIP54354, Newcastle District (3694 Alberni Highway)	Mini Storage and Boat Building and Repair only

**Additional RC-2 Zones**

The following uses and regulations apply to lots in the following zones in addition to the regulations in the RC-2 zone that would otherwise apply. The zoning and permitted uses of the following lots are set out below:

<b>Zone</b>	<b>Lot Description</b>	<b>Regulations</b>
RC-2.1	Lot 4, Block 36A, Cameron District, Plan 4059 (4655 Alberni Highway)	Two Dwelling Units only
RC-2.2	Lot 3, Block 36A, Cameron District, Plan 4059 (4655 Alberni Highway)	Three Dwelling Units only





**Additional RC-3 Zones**

The following uses and regulations apply to lots in the following zones in addition to the regulations in the RC-3zone that would otherwise apply. The zoning and permitted uses of the following lots are set out below:

Zone	Lot Description	Regulations
RC-3.1	Lots 174, 175, 176, 177, 173, 172, 171, 178, 179, 182, 181, 180, 183, 184, 185, 186, 268, 269, 262, 270, 267, 261, 266, 266, 271, 272, 265, 273, 274, 264, 275, 263, 276, 277, 278, 279, 280, 281, 282, 283,284, Block 526, Cameron District, Plan VIS4673	Tourist Accommodation Use only.

**Additional I-1 Zones**

The following uses and regulations apply to lots in the following zones in addition to the regulations in the I-1 zone that would otherwise apply. The zoning and permitted uses of the following lots are set out below:

Zone	Lot Description	Regulations
I-1.1	Remainder of Lot 3, Plan 1964	No buildings, structures, parking or other use of land shall be undertaken within 100 metres of Easement Plan No. 45477, outdoor service and repair, outdoor processing, outdoor assembly and log home building are prohibited in this zone
I-1.2	Rem. Lot 4, District Lot 156, Nanoose District, Plan 1964 (865 Fairdowne Road)	Outdoor service and repair, outdoor processing, outdoor assembly and log home building are prohibited in this zone

**Additional I-2 Zones**

The following uses and regulations apply to lots in the following zones in addition to the regulations in the I-2 zone that would otherwise apply. The zoning and permitted uses of the following lots are set out below:

Zone	Lot Description	Regulations
I-2.1	Rem. Lot 13, District Lot 156, Nanoose District, Plan 38516 (929 Church Road)	Retail Store and Nursery only
I-2.2	Lot 1, District Lot 156, Nanoose District, Plan VIP57487 (1255 Taylor Road)	Restaurant and Outdoor Market and retail sales to a maximum floor area of 1000 m <sup>2</sup> only
I-2.3	Lot 2, District Lot 156, Nanoose District, Plan VIP57487 (1247 Alberni Highway)	Nursery only

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## Zones

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### Additional S-1 Zones

The following uses and regulations apply to lots in the following zones in addition to the regulations in the S-1 zone that would otherwise apply. The zoning and permitted uses of the following lots are set out below:

Zone	Lot Description	Regulations
S-1.1	Lot 1, District Lot 99, Plan 17920, Nanoose District (1178 Smithers Road)	Mini Storage, Four Dwelling Units, Service and Repair, Outdoor Storage with all Service and Repair, and Outdoor Storage uses limited to combined maximum of 400 m <sup>2</sup> only. Maximum lot coverage for this lot will be 20% only.
S-1.2	Lot 1, District Lot 7, Nanoose District, Plan 15224 (3161 Alberni Highway)	Greenhouse to a maximum of 400 m <sup>2</sup> only

### Additional T-1 Zones

The following uses and regulations apply to lots in the following zones in addition to the regulations in the T-1 zone that would otherwise apply. The zoning and permitted uses of the following lots are set out below:

Zone	Lot Description	Regulations
T-1.1	Lot 2, Plan 5372, District Lot 103 and 156, Nanoose District (860 Church Road)	Transfer Station only
T-1.2	Lot 21, District Lot 156, Nanoose District, Plan 1964 (1420 Alberni Highway)	Two Dwelling Units and one Manufactured Home and Service and Repair, and Retail Sales to a maximum combined floor area of 1000 m <sup>2</sup> only

**CD-1 1805 CHURCH ROAD****SECTION 4.23****4.23.1 Permitted Principal Uses**

- a) Equipment Rental
- b) Heavy Equipment Salvage
- c) Manufacturing
- d) Marshaling Yard
- e) Outdoor Sales

**4.23.2 Permitted Accessory Uses**

- a) Accessory Outdoor Storage
- b) Accessory Buildings and Structures
- c) Accessory Office and Retail Sales
- d) Dwelling Unit

**4.23.3 Regulations Table**

Categories	Requirements
a) Maximum Density	1 Dwelling Unit per lot
b) Minimum Lot Size	2 ha
c) Minimum Lot Frontage	70 metres
d) Maximum Lot Coverage	
ii) First 1 ha of Lot	30%
iii) Remainder of Lot Greater than 1 ha	5%
e) Maximum Building and Structure Height	15 metres
f) Minimum Setback	
ii) From all lot lines	8 metres
iii) From Vancouver Island Highway	30 metres
g) Minimum Setback from Watercourses	As outlined in Section 2.10
h) Runoff Control Standards	As outlined in Section 2.5
i) General Land Use Regulations	Refer to Section 2 – General Regulations

**4.23.5 Regulations**

- a) All outdoor storage shall be located a minimum of 2 metres from all lot lines.
- b) Notwithstanding 4.23.5(a), all principal and accessory uses, buildings and structures on lots adjacent to the Vancouver Island Highway No. 19 shall be located a minimum of 30 metres from the Vancouver Island Highway No. 19 right-of-way.

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**CD-2 1480 & 1490 GRAFTON AVENUE**

**SECTION 4.24**

**4.24.1 Permitted Principal Uses**

- a) Sawmill

**4.24.2 Permitted Accessory Uses**

- a) Accessory Outdoor Storage
- b) Accessory Buildings and Structures
- c) Accessory Office and Retail Sales
- d) Dwelling Unit

**4.24.3 Regulations Table**

Categories	Requirements
a) Maximum Density	1 Dwelling Unit per lot
b) Minimum Lot Size	7 ha
c) Minimum Lot Frontage	70 metres
d) Maximum Lot Coverage	10%
e) Maximum Building and Structure Height	15 metres
f) Minimum Setback From all Lot Lines	8 metres
g) Minimum Setback from Watercourses	As outlined in Section 2.10
h) Runoff Control Standards	As outlined in Section 2.5
i) General Land Use Regulations	Refer to Section 2 – General Regulations

**4.24.4 Regulations**

- a) All outdoor storage of materials shall be located a minimum of 2 metres from all lot lines.
- b) Where a lot line in this zone is adjacent to a lot zoned R or T, all outdoor storage of material shall be located a minimum of 4.5 metres from that lot line.



**CD-3 817 ALLSBROOK Road**

**SECTION 4.25**

**4.25.1 Permitted Principal Uses**

- a) Dwelling Unit
- b) Landscape Supply
- c) Marshaling Yard

**4.25.2 Permitted Accessory Uses**

- a) Accessory Buildings and Structures
- b) Accessory Office and Retail Sales

**4.25.3 Regulations Table**

Categories	Requirements
a) Maximum Density	1 Dwelling Unit per lot
b) Minimum Lot Size	520 m <sup>2</sup>
c) Minimum Lot Frontage	15 metres
d) Maximum Lot Coverage	10%
e) Maximum Building and Structure Height	10 metres
f) Minimum Setback from <ul style="list-style-type: none"> <li>ii) Front and Exterior Side Lot Lines</li> <li>iii) All Other Lot Lines</li> </ul>	4.5 metres 2 metres
g) Minimum Setback from Watercourses	As outlined in Section 2.10
h) Runoff Control Standards	As outlined in Section 2.5
i) General Land Use Regulations	Refer to Section 2 – General Regulations

**4.25.4 Regulations**

All landscape supply materials shall be located a minimum of 2 metres from all lot lines.



**CD-4 1271 KOPERNICK ROAD**

**SECTION 4.26**

**4.26.1 Permitted Principal Uses**

- a) Dwelling Unit
- b) Service and Repair

**4.26.2 Permitted Accessory Uses**

- a) Accessory Buildings and Structures
- b) Accessory Office and Retail Sales

**4.26.3 Regulations Table**

<b>Categories</b>	<b>Requirements</b>
a) Maximum Density	1 Dwelling Unit per lot
b) Minimum Lot Size	2 ha
c) Minimum Lot Frontage	30 metres
d) Maximum Lot Coverage	10%
e) Maximum Building and Structure Height	12 metres
f) Minimum Setback From all Lot Lines	4.5 metres
g) Minimum Setback from Watercourses	As outlined in Section 2.10
h) Runoff Control Standards	As outlined in Section 2.5
i) General Land Use Regulations	Refer to Section 2 – General Regulations

**CD-5 1420 ROMAIN ROAD****SECTION 4.27****4.27.1 Permitted Principal Uses**

- a) Dwelling Unit
- b) Marshaling Yard
- c) Service and Repair

**4.27.2 Permitted Accessory Uses**

- a) Accessory Outdoor Storage
- b) Accessory Buildings and Structures
- c) Accessory Office and Retail Sales

**4.27.3 Regulations Table**

Categories	Requirements
a) Maximum Density	1 Dwelling Unit per ha
b) Minimum Lot Size	1 ha
c) Minimum Lot Frontage	30 metres
d) Maximum Lot Coverage	10%
e) Maximum Building and Structure Height	12 metres
f) Minimum Setback From all Lot Lines	4.5 metres
g) Minimum Setback from Watercourses	As outlined in Section 2.10
h) Runoff Control Standards	As outlined in Section 2.5
i) General Land Use Regulations	Refer to Section 2 – General Regulations

**4.27.4 Regulations**

- a) All outdoor storage shall be located a minimum of 4.5 metres from all lot lines.
- b) The Marshaling Yard, Service and Repair, Outdoor Storage and accessory uses shall be limited to a maximum area of 1 ha of all land within the CD -5 zone.



**CD-6 1108 ERRINGTON ROAD**

**SECTION 4.28**

**4.28.1 Permitted Principal Uses**

- a) Dwelling Unit
- b) Marshalling Yard

**4.28.2 Permitted Accessory Uses**

- a) Accessory Outdoor Storage
- b) Accessory Buildings and Structures
- c) Accessory Office and Retail Sales

**4.28.3 Regulations Table**

Categories	Requirements
a) Maximum Density	1 Dwelling Unit per lot
b) Minimum Lot Size	2 ha
c) Minimum Lot Frontage	30 metres
d) Maximum Lot Coverage	10%
e) Maximum Building and Structure Height	12 metres
f) Minimum Setback From all Lot Lines	4.5 metres
g) Minimum Setback from Watercourses	As outlined in Section 2.10
h) Runoff Control Standards	As outlined in Section 2.5
i) General Land Use Regulations	Refer to Section 2 – General Regulations

**4.28.4 Regulations**

All outdoor storage shall be located a minimum of 2 metres from all lot lines.



**CD-7 1260 FAIR ROAD****SECTION 4.29****4.29.1 Permitted Principal Uses**

- a) Dwelling Unit
- b) Retail Store
- c) Warehousing/Wholesale
- d) Service and Repair

**4.29.2 Permitted Accessory Uses**

- a) Accessory Buildings and Structures
- b) Accessory Office and Retail Sales

**4.29.3 Regulations Table**

Categories	Requirements
a) Maximum Density	1 Dwelling Unit per lot
b) Minimum Lot Size	1 ha
c) Minimum Lot Frontage	30 metres
d) Maximum Lot Coverage	10%
e) Maximum Building and Structure Height	12 metres
f) Maximum Building and Structure Floor Area	1500 m <sup>2</sup>
g) Minimum Setback from <ul style="list-style-type: none"><li>ii) Front and Exterior Side Lot Lines</li><li>iii) All Other Lot Lines</li></ul>	4.5 metres 2 metres
h) Minimum Setback from Watercourses	As outlined in Section 2.10
i) Runoff Control Standards	As outlined in Section 2.5
j) General Land Use Regulations	Refer to Section 2 – General Regulations



**CD-8 1480 ROMAIN ROAD**

**SECTION 4.30**

**4.30.1 Permitted Principal Uses**

- a) Dwelling Unit
- b) Value Added Lumber Remanufacturing

**4.30.2 Permitted Accessory Uses**

- a) Accessory Outdoor Storage
- b) Accessory Buildings and Structures
- c) Accessory Office and Retail Sales

**4.30.3 Regulations Table**

Categories	Requirements
a) Maximum Density	1 Dwelling Unit per lot
b) Minimum Lot Size	2 ha
c) Minimum Lot Frontage	30 metres
d) Maximum Lot Coverage	20%
e) Maximum Building and Structure Height	12 metres
f) Minimum Setback From all Lot Lines	4.5 metres
g) Minimum Setback from Watercourses	As outlined in Section 2.10
h) Runoff Control Standards	As outlined in Section 2.5
i) General Land Use Regulations	Refer to Section 2 – General Regulations

**4.30.4 Regulations**

All outdoor storage shall be located a minimum of 4.5 metres from all lot lines.

**CD-9 1096 & 1102 SMITHERS ROAD****SECTION 4.31****4.31.1 Permitted Principal Uses**

- a) Dwelling Unit
- b) Equipment Rental
- c) Outdoor Storage
- d) Service and Repair
- e) Marshalling Yard

**4.31.2 Permitted Accessory Uses**

- a) Accessory Buildings and Structures
- b) Accessory Office and Retail Sales

**4.31.3 Regulations Table**

Categories	Requirements
a) Maximum Density	1 Dwelling Unit per lot
b) Minimum Lot Size	1 ha
c) Minimum Lot Frontage	30 metres
d) Maximum Lot Coverage	10%
e) Maximum Building and Structure Height	12 metres
f) Minimum Setback from <ul style="list-style-type: none"><li>ii) Front and Exterior Side Lot Lines</li><li>iii) All Other Lot Lines</li></ul>	4.5 metres 2 metres
g) Minimum Setback from Watercourses	As outlined in Section 2.10
h) Runoff Control Standards	As outlined in Section 2.5
i) General Land Use Regulations	Refer to Section 2 – General Regulations

**4.31.4 Regulations**

All outdoor storage shall be located a minimum of 2 metres from all lot lines.

**CD-10 1160 SMITHERS ROAD****SECTION 4.32****4.32.1 Permitted Principal Uses**

- a) Dwelling Unit
- b) Outdoor Storage
- c) Service and Repair
- d) Product Assembly
- e) Warehousing/Wholesaling

**4.32.2 Permitted Accessory Uses**

- a) Accessory Buildings and Structures
- b) Accessory Office and Retail Sales

**4.32.3 Regulations Table**

Categories	Requirements
a) Maximum Density	1 Dwelling per ha to a maximum of 2 per lot
b) Minimum Lot Size	1 ha
c) Minimum Lot Frontage	30 metres
d) Maximum Lot Coverage	10%
e) Maximum Building and Structure Height	12 metres
f) Minimum Setback from <ul style="list-style-type: none"><li>ii) Front and Exterior Side Lot Lines</li><li>iii) All Other Lot Lines</li></ul>	4.5 metres 2 metres
g) Minimum Setback from Watercourses	As outlined in Section 2.10
h) Runoff Control Standards	As outlined in Section 2.5
i) General Land Use Regulations	Refer to Section 2 – General Regulations

**4.32.4 Regulations**

All outdoor storage shall be located a minimum of 2 metres from all lot lines.

**CD-11 1225 FAIR ROAD****SECTION 4.33****4.33.1 Permitted Principal Uses**

- a) Dwelling Unit
- b) Product Assembly
- c) Wood Processing
- d) Service and Repair

**4.33.2 Permitted Accessory Uses**

- a) Accessory Buildings and Structures
- b) Accessory Office and Retail Sales

**4.33.3 Regulations Table**

Categories	Requirements
a) Maximum Density	3 Dwelling Units
b) Minimum Lot Size	1 ha
c) Minimum Lot Frontage	30 metres
d) Maximum Lot Coverage	30%
e) Maximum Building and Structure Height	12 metres
f) Minimum Setback from <ul style="list-style-type: none"><li>ii) Front and Exterior Side Lot Lines</li><li>iii) All Other Lot Lines</li></ul>	4.5 metres 2 metres
g) Minimum Setback from Watercourses	As outlined in Section 2.10
h) Runoff Control Standards	As outlined in Section 2.5
i) General Land Use Regulations	Refer to Section 2 – General Regulations



**CD-12 1440 Romain Road**

**SECTION 4.34**

**4.34.1 Permitted Principal Uses**

- a) Dwelling Unit
- b) Marshalling yard
- c) Service and Repair

**4.34.2 Permitted Accessory Uses**

- a) Accessory Buildings and Structures
- b) Accessory Office and Retail Sales

**4.34.2 Regulations Table**

Categories	Requirements
a) Maximum Density	1 Dwelling Unit per ha
b) Minimum Lot Size	1 ha
c) Minimum Lot Frontage	30 metres
d) Maximum Lot Coverage	10%
e) Maximum Building and Structure Height	12 metres
f) Minimum Setback from <ul style="list-style-type: none"><li>ii) Front and Exterior Side Lot Lines</li><li>iii) All Other Lot Lines</li></ul>	4.5 metres 2 metres
g) Minimum Setback from Watercourses	As outlined in Section 2.10
h) Runoff Control Standards	As outlined in Section 2.5
i) General Land Use Regulations	Refer to Section 2 – General Regulations

**4.34.4 Regulations**

- a) The Marshalling Yard, Service and Repair and accessory uses shall be limited to a maximum area of 1 ha of all land within the CD -12 zone.

**CD-13 1470 Romain Road****SECTION 4.35****4.35.1 Permitted Principal Uses**

- a) Dwelling Unit
- b) Product Assembly
- c) Service and Repair

**4.35.2 Regulations Table**

Regulations Table

Categories	Requirements
a) Maximum Density	1 Dwelling Unit per ha
b) Minimum Lot Size	1 ha
c) Minimum Lot Frontage	30 metres
d) Maximum Lot Coverage	10%
e) Maximum Building and Structure Height	12 metres
f) Minimum Setback from <ul style="list-style-type: none"><li>ii) Front and Exterior Side Lot Lines</li><li>iii) All Other Lot Lines</li></ul>	4.5 metres 2 metres
g) Minimum Setback from Watercourses	As outlined in Section 2.10
h) Runoff Control Standards	As outlined in Section 2.5
i) General Land Use Regulations	Refer to Section 2 – General Regulations

**DEFINITIONS****SECTION 5**

In this Bylaw all words or phrases shall have their normal or common meaning except where this is changed, modified or expanded by the definitions set forth below:

- Accessory** means the use of land that is subordinate and customarily incidental to a permitted principal use carried out on the same lot;
- Accessory Office** means the use of a building as an office that is accessory to a permitted principal use on the lot and does not exceed a combined floor area of 200 m<sup>2</sup> per lot;
- Accessory Office and Retail Sales** means the use of a building as an office or for retail sales that are accessory to a principal permitted use on the lot and does not exceed a combined floor area of 400 m<sup>2</sup> per lot;
- Accessory Outdoor Storage** means the storage of materials that is accessory to a permitted principal use on the lot;
- Amusement Park** means the use of land, buildings and structures for entertainment and recreational activities generally undertaken in an outdoor setting, and includes uses such as go-cart track, waterslide, mini-golf course, arcade, and midway rides;
- Artisan Studio** means a workshop with a total floor area not exceeding 400m<sup>2</sup> and may include accessory retail sales;
- Auction Sales** means a building, structure or lands used for the storage of goods and materials, which are to be sold on the premises by public auction, and specifically excludes livestock auctions;
- Average Natural Grade** means the point that represents the average between the natural elevation of the lot at the rear foundation of a building and the natural elevation of the lot at the front foundation of a building;
- Biomedical Waste** means waste as defined in "Guidelines for the Management of Biomedical Waste" established by the Canadian Council of Ministers of the Environment (CCME) and dated February, 1992;
- Boat Building and Repair** means the use of land, buildings, structures or equipment for the manufacturing, finishing, servicing or repair of boats;
- Boat Ramp** means a structure located on a shoreline to accommodate vehicles or trailers for the purpose of launching and hauling boats out of the water;
- Building** means any structure and portion of a structure used or intended to be used for supporting or sheltering any use or occupancy;
- Building Supply/Lumber Outlet** means the use of land, buildings and structures used for the wholesale and retail sale of building, construction, home improvement or related materials;
- Campground** means the temporary accommodation of travellers using tents, travel trailers, tent trailers or recreational vehicles with continuous occupancy not exceeding 3 months, but specifically excludes a manufactured home park or hotel/motel;





*Definitions*

*Section 5 – Page 2*

- Care Services** means a use providing for the care of people, other than a public hospital and includes daycares, pre-schools, private hospitals, assisted living units, nursing homes, and group homes pursuant to the **Community Care Facility Act** as applicable;
- Care Services Unit** means a lodging unit accommodating not more than 2 persons, located within a facility that provides overnight accommodation and is licensed in accordance with the **Community Care Facility Act**;
- Cement Product Manufacturing** means the production of precast cement and concrete products including cultured stone and includes accessory outdoor storage;
- Cemetery** means land that is set apart or used as a place for the interment of the dead and may include facilities for storing ashes of human remains that have been cremated or the interment of the dead in sealed crypts or compartments;
- Commercial Cardlock** means a use where petroleum products are dispensed from fuel pumps utilizing a cardlock or keylock system but does not include gasoline service stations;
- Community Sewer System** means a system of sewers and sewerage works including sewage treatment facilities to serve one or more lots that is owned, operated and maintained by or on behalf of the Regional District of Nanaimo or a municipality;
- Community Water System** means a system of waterworks including water treatment facilities to serve one or more lots that is owned, operated and maintained by or on behalf of the Regional District of Nanaimo or a municipality;
- Composting Facility** means the use of land, buildings and structures for the commercial composting of vegetative matter and related sales of compost, but specifically excludes a waste disposal facility and transfer station;
- Concrete and Asphalt Batch Plant** means the production of concrete or asphalt on a lot;
- Corrosive Waste** means any waste with corrosive properties, which by itself or in combination with any other substance, may cause damage to any storm sewer or stormwater management facility, or which may prevent safe entry by authorized personnel;
- Development** includes the construction of a building or structure, the placement of fill, the paving of land or any other alteration to land which causes a change to the existing drainage characteristics;
- Disinfectant Process Water** means any water from a waterworks containing residual chlorine or chloramines remaining from the disinfection of the waterworks or any part of the waterworks but does not include water containing chlorine or chloramines ordinarily added to a supply of potable water by a municipality, the Regional District or an Improvement District;
- Domestic Waste** means waste, sanitary waste and the water-carried wastes from drinking, culinary uses, washing, bathing, laundering or food processing which is produced on a residential property;
- Dwelling Unit** means one or more rooms which comprise a self-contained unit used or intended to be used for habitation by one or more residents, including living, sleeping and sanitary facilities, and a single kitchen;



- Entertainment Centre** means the use of lands, buildings, and structures for entertainment and recreation use, including the hosting of live and recorded music, dances, concerts, festivals, film and recording studio, museum and exhibit hall;
- Equipment Rental** means the use of land, buildings or structures for the rental of tools, small machinery and vehicles;
- Fairground** means the use of land, buildings and structures for public events including rodeos, equestrian and related events, exhibitions, and outdoor markets;
- Farm Business** means a business in which one or more farm operations are conducted, and includes a farm education or farm research institution to the extent that the institution conducts one or more farm operations;
- Farm Use** means a use providing for growing, rearing, producing and harvesting of agricultural products; boarding of livestock; and includes the storage and sale on an individual farm of the products harvested, reared or produced on that farm, the storage of farm machinery and implements used on that farm and includes temporary sawmill;
- Fascia Sign** means a sign attached to or supported by the wall of a building with its face parallel to the building wall and which does not project more than .4 metres from the wall of which it is attached;
- Flammable or Explosive Waste** means any waste, which by itself or in combination with another substance is capable of causing or contributing to an explosion or supporting combustion in any storm sewer, watercourse or stormwater management facility including, but not limited to, gasoline, naphtha, propane, diesel, fuel oil, kerosene or alcohol;
- Floor Area** means the sum total of the horizontal area of each floor of a building as measured from the outermost perimeter of the building, but does not include eaves, roof overhangs or door overhangs;
- Food Processing** means changing the form of vegetable, mineral or animal food stuffs for distribution or sale;
- Freestanding Sign** means a sign supported independently of a building or any other structure and includes portable signs;
- Frontage** means that length of a lot boundary, which abuts a highway or access route in a strata plan;
- Funeral Home** means an establishment with facilities for the preparation of the dead for burial, for viewing of bodies, and for funerals and may include a crematorium provided that such use is fitted with the proper appliances for the purposes of the cremation of human or animal remains and all things ancillary or incidental to;
- Gasoline Service Station** means the use of land, buildings and structures for a gasoline pumping station and may include retail sales of motor vehicle accessories, and the servicing and cleaning of motor vehicles under one roof;
- Gift Shop** means a tourist convenience store selling primarily tourist souvenirs, arts and crafts products and household convenience items;
- Government** means the federal, provincial, and local governments;
- Grab Sample** means a sample of water or stormwater collected at a particular time and place;



## Definitions

Section 5 – Page 4

**Greenhouse** means a building for the growing of flowers, plants, shrubs, trees and similar vegetation which are sold directly from such lot as wholesale and may include accessory product sales and garden supply sales limited to 150 m<sup>2</sup>, but specifically excludes the sale of agricultural machinery;

**ha** means hectare;

**Heavy Equipment Salvage** means land, buildings and structures used for the wrecking, disassembling, repair and resale of heavy equipment and machinery and specifically excludes light vehicle wrecking and storage;

**Height** means the vertical distance measured from the average natural grade to the highest point of the roof surface of a flat roof, or to the level half way between the eaves and the highest ridge of a pitched roof as shown in Figure 5.1;

**Heliport** means a landing area used by helicopters, which includes all necessary passenger and cargo facilities, maintenance and overhaul, fuelling, service, storage, hangars and other necessary buildings and structures, and open spaces developed in accordance with Transport Canada regulations and aerodrome standards;

**Highway** includes a street, road, lane, bridge, viaduct and any other way open to the use of the public, but specifically excludes private rights-of-way on private property;

**High Temperature Waste** means:

- Any waste which, by itself or in combination with another substance, will create heat in amounts which will interfere with the operation and maintenance of a storm sewer or stormwater management facility;
- Any waste which will raise the temperature of waste discharged by a storm sewer, watercourse or stormwater management facility by 2 degrees Celsius or more;
- Any waste with a temperature of 40 degrees Celsius or more at the point of discharge;

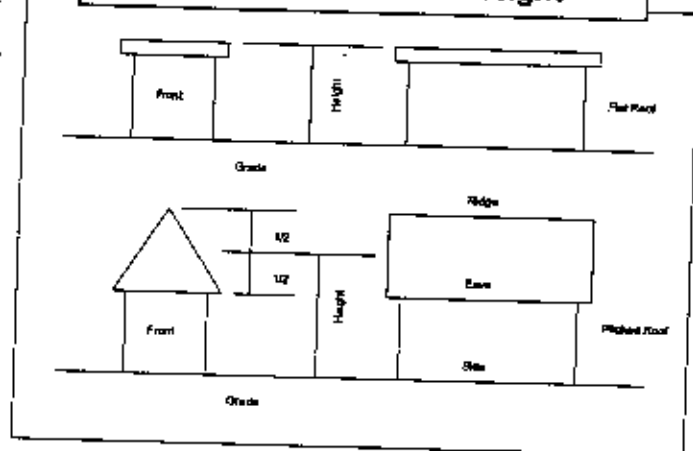
**Home Based Business** means an economic activity conducted accessory to the residential use on a lot;

**Hotel** means a motel, resort or lodge, providing accommodation for the travelling public on a temporary basis with continuous occupancy not exceeding 6 months, and is not subdividable pursuant to the *Strata Property Act*;

**Household Animal** means a domesticated animal kept by a household, which is used or the product of which is used primarily and directly by the household and not for sale or profit, and includes fowl and poultry, but specifically excludes livestock;

**Household Livestock** means a horse or cow kept by a household, which is used or the product of which is used primarily and directly by the household;

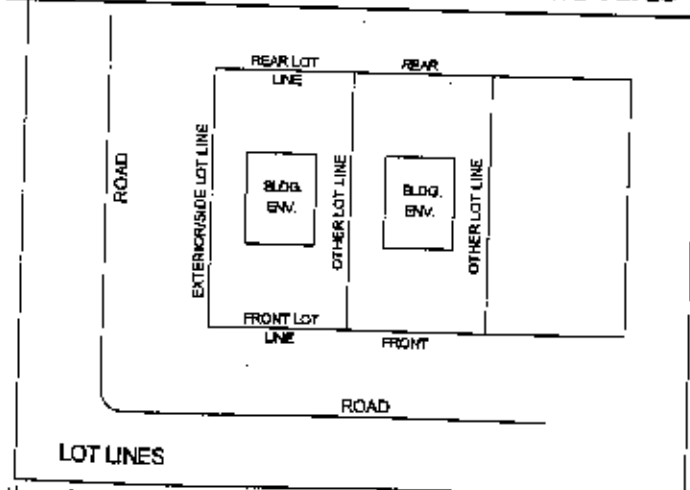
Figure 5.1 – Illustration of Height





- Horse Boarding Stable** means the use of land, buildings or structures to accommodate the keeping and care of a maximum of 6 horses per ha, other than the personal horses of the landowner;
- Kennel** means a use undertaken in a building, structure, compound, group of outdoor pens or outdoor cages covering not more than 10% of the lot, where 4 or more household animals are trained, cared for, bred, or boarded;
- Kitchen** means a room or space in a building designed or used for the preparation or storage of food and which contains a sink, a refrigerator, and one or more of a stove, hot plate, or microwave oven;
- Landscape Supply** means the outdoor sale of landscaping materials including but not limited to soils, gravel, compost, manure and bark mulch, but specifically excludes primary mineral processing;
- Livestock** means animals used for agricultural purposes, which are used or the products of which are sold, and includes any horse, donkey, mule, cow, goat, sheep, pig, emu, buffalo or ostrich;
- Log Home Building** means the use of land and accessory buildings and structures for preparing, assembling, and finishing of log homes and may include a log home building school;
- Log Storage and Sorting Yard** means the use of land for the processing, storage, dumping, sorting, and trans-shipment of logs;
- Lot** means any parcel, block or other area in which land is held or into which it is subdivided whether under the **Land Title Act** or under the **Strata Property Act**;
- Lot Area** means the total horizontal area between the lot lines of a lot;
- Lot Coverage** means the sum total horizontal area as measured from the outermost perimeter of all buildings, structures or part thereof on the lot expressed as a percentage of the total lot area;
- Lot Line** means the boundary of a lot, and;
- Front Lot Line** means the lot line that is common to the lot and an abutting highway or access route in a bare land strata plan, and where there are two or more such lot lines, the shortest is deemed to be the front lot line, and in the case of a panhandle lot means the line separating the body of the lot from the panhandle;
  - Rear Lot Line** means the lot line opposite to the front lot line in the case of a lot having four sides, or the lot line most distant from the front lot line and not abutting a highway for other lots having more or less than four sides, or

Figure 5.2 – Illustration of Lot Lines and Yards





*Definitions*

*Section 5 – Page 6*

where a rear portion of the lot is bounded by intersecting side lot lines, it shall be the point of such intersection;

- c) **Exterior Side Lot line** means a lot line that is not a front or rear lot line and that is common to the lot and an abutting highway or access route in a bare land strata plan or railway;
- d) **Other Lot Line** means a lot line that is not a front, rear or exterior side lot line; as shown in Figure 5.2.

**MMCD** means the *Master Municipal Construction Documents published by The Master Municipal Construction Documents Association Printed 2000* and amendments thereto;

**Manufactured Home** means a dwelling unit greater than 37 m<sup>2</sup>, that is factory built, including mobile homes, modular homes, and is intended to be occupied in a place other than of its manufacture and meets or exceeds the CSA Z240 or CSA A277 certified standard and specifically excludes recreational vehicles;

**Manufactured Home Park** means a parcel of land not subdivided pursuant to the *Strata Property Act*, used or occupied by any person for the purposes of providing spaces for the accommodation of three or more manufactured homes and for imposing a charge or rental for the use of such space;

**Manufactured Home Space** means an area of land within a manufactured home park for installation of one manufactured home;

**Manufacturing** means the use of land, buildings or structures for the purpose of assembling, producing, inspecting, finishing, altering, servicing, repairing of any goods, substance, article, or materials;

**Marshalling Yard** means the use of land, buildings and structures to store and maintain industrial equipment and vehicles and specifically excludes a vehicle wrecking yard, and heavy equipment salvage;

**Minimum Lot Size** means the smallest area into which a lot may be subdivided;

**Mini Storage** means a building containing separate, individual self-storage units, each with a separate entrance designed, to be rented or leased to the general public for private storage of personal goods, materials and equipment;

**Natural Boundary** means the visible high water mark on any watercourse where the presence and action of the water is so common and usual, and so long continued in all ordinary years, as to mark upon the soil of the bed of the watercourse a character distinct from that of the banks thereof and in the case of a lot having a surveyed high water mark, means the high water mark;

**Non Conforming Use** means any lawful use existing at the time of the adoption of this Bylaw which does not conform to all the provisions of this Bylaw for the zone in which such a building, structure or use is located;

**Non Resident Employee** means an employee of a home based business who is not a permanent resident of the lot on which the home based business is located;



**Nursery** means the use of land for agriculture or horticulture and accessory product sales and garden supply sales limited to 400m<sup>2</sup>, but specifically excludes the sale of agricultural machinery;

**Office** means the occupancy or use of a building for the purpose of carrying out business or professional activities but specifically excludes retail sales, industrial uses, public assembly and personal service use;

**Official Community Plan** means the Electoral Area 'F' Official Community Plan, Bylaw No. 1152, 1999;

**Outdoor Market** means the use of land and structures selling fresh fruit and vegetables, as well as household goods, souvenirs, and the extent of the use shall be contained within the maximum permitted lot coverage for the zone and specifically excludes Outdoor Sales as defined in this Bylaw;

**Outdoor Recreation** means an activity where interaction with the natural environment is an essential element and includes wildlife management areas and viewing platforms, botanical gardens, arboretum, outdoor exhibits, sports fields, golf course, driving range and mini golf;

**Outdoor Sales** means the use of land for the retail sale of goods and services which require outdoor viewing and/or large space including the display, sale or rental of automobiles, heavy equipment, recreational vehicles, manufactured homes, watercrafts and marine products, lumber and building products and includes accessory servicing of such equipment and shall not exceed the maximum lot coverage of the zone;

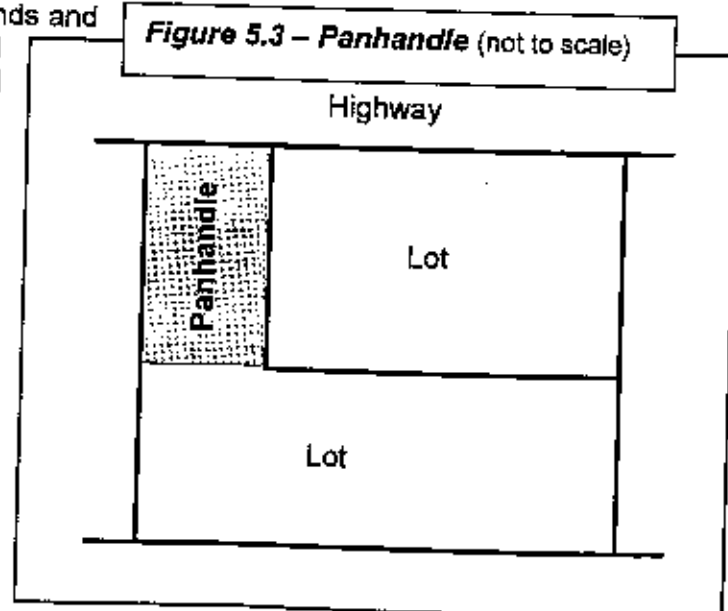
**Outdoor Storage** means an area not contained within a building where construction material and equipment, logs, lumber and new building materials, monuments and stone products, and does not include the storage of landfill, waste materials or the salvage of motor vehicles;

**Panhandle** means a strip of land, which provides access and highway frontage to a lot, and which forms part of that lot, as illustrated in Figure 5.3;

**Park** means private lands, covenanted lands and fully or partially deeded public land used or intended for recreational and conservation purposes;

**Parking Space** means the space for the parking of one vehicle either outside or inside a building or structure, but excludes manoeuvring aisles and other areas providing access to the space;

**Personal Service** means providing services to the person including hair dressing, aesthetics, medical or dental practice, veterinarian office, lawyers, engineers, accountants, consultants or other professional practices with a gross floor area not exceeding 1000 m<sup>2</sup> per lot;





*Definitions*

Section 5 – Page 8

**pH Waste** means any waste which, prior to the point of discharge into a storm sewer or watercourse, has a pH lower than 6.0 or higher than 9.0, as determined by either a grab sample or composite sample;

**Private Airport** means the non-commercial use of land for an unlicensed airstrip by a resident or occupant;

**Primary Mineral Processing** means the use of land, buildings or structures for the moving, crushing, washing, screening, processing or storage of aggregates that originate on that lot;

**Principal Permitted Use** means the main purpose(s) for which land, including the surface of water, buildings, or structures is ordinarily used;

**Product Assembly Use** means the assembly of component parts into a finished product, with all assembly undertaken within an enclosed building;

**Pub** means a licensed establishment pursuant to the *Liquor Control Act*, serving primarily alcoholic beverages as well as some food, and may include a retail store for beer and wine;

**Public Assembly** means the use of land, buildings or structures to accommodate exhibits, special events or meetings and includes auditorium, church, museum, community hall, fraternal lodge, youth centre, theatre, emergency services and police station;

**Public Hospital** means a public institution where sick and injured people are given medical or surgical care;

**Public Utility Use** means a system of works or services or a facility operated by or on behalf of a government or a public utility company to provide or in connection with the provision of water, sewer, drainage, gas, electricity, surface transportation or communication services;

**Recreation Facility** means the use of land, buildings or structures for recreation and sports facilities carried out principally indoors, including arenas, fitness and health clubs, racquet sports courts, gymnasiums, dance studios, swimming pools and bowling alleys;

**Recreational Vehicle** means any camper, travel trailer, fifth wheel or motor home with a maximum width of 2.6 metres in transit mode and not exceeding 37m<sup>2</sup> in floor area, which can be used to provide sleeping accommodation and which is capable of being licensed pursuant to the *Motor Vehicle Act*;

**Recreational Vehicle Park** means a lot providing for seasonal or periodic accommodation of travellers not exceeding 6 months using licensed recreational vehicles but specifically excludes Manufactured Home Park;

**Regional District** means the Regional District of Nanaimo;

**Restaurant** means an eating establishment providing for the sale of prepared foods and beverages to be consumed on or off the premises, but specifically excludes pub;

**Retail Sales** means the provision for sale of merchandise to the end consumer;

**Retail Store** means a sales outlet located in one or more buildings providing for the retail sale and display of goods and the total combined floor area of retail sales, including accessory retail sales, shall not exceed 1500 m<sup>2</sup> per lot;

**Sawmill** means a building, structure, or area where timber is cut, sawed or planed, either to finished lumber, or as an intermediary step and may include facilities for the kiln drying of lumber and may include the distribution of such products on a wholesale or retail basis;



- School** means a school as defined by the 'School Act' or the 'Independent School Act' and does not include overnight accommodation;
- Service and Repair** means the servicing, testing, repairing, and installing of parts, machinery and equipment and such use shall be undertaken within an enclosed building;
- Setback** means the required minimum horizontal distance measured from the respective lot line or natural boundary to any building or structure or part thereof;
- Sign** means any device or medium including its supporting structure visible from any highway or lot other than the one on which it is located and which is used to attract attention for advertising, information or identification purposes, excluding civic address signs intended to identify properties for visitors, deliveries and/or emergency services;
- Silviculture** means activities related to the harvesting, development, maintenance and care of forests;
- Split Zoned** means a lot divided between two or more zones;
- Structure** means anything constructed, erected or placed, the use of which requires location on the ground or water or attachment to something having location on the ground or water, and excludes fences under 2 metres in height, retaining walls under 1 metre in height, underground sewage disposal facilities, vehicles, paving for vehicle parking, sidewalks, ground level patios and decks;
- Temporary Sawmill** means a building or structure or area where timber from the lot is cut or sawed on that lot, operating during normal daylight hours producing less than 60 m<sup>3</sup> of lumber daily;
- Tourist Accommodation** means the rental of a lodging unit in a hotel, motel, cabin, camping space and recreational vehicle space for the temporary accommodation of the traveling public with continuous occupancy not exceeding 6 months and specifically excludes a manufactured home;
- Tourist Accommodation Unit** means one lodging unit in a hotel, motel, lodge, or cabin or one camping space or one recreational vehicle space;
- Tourist and Convenience Store** means a sales outlet located in one or more buildings providing for the retail sale and display of goods including a gift shop and the total combined floor area of retail sales including accessory retail sales, shall not exceed 1000 m<sup>2</sup> per lot;
- Tourist Information Booth** means a building or structure used to provide information to the travelling public;
- Transfer Station** means the use of land or buildings for consolidating waste from multiple collection vehicles into transfer vehicles for shipment to disposal sites and may include accessory office, recycling and vehicle scaling facilities;
- Transportation/Trans-shipment Terminal** means the use of land, buildings or structures for taxi, bus, railway stations, and the storage and maintenance of transportation equipment and includes loading, unloading, assembling or transferring of goods transported by truck, or which provides containerized freight handling facilities or rail truck services, and/or where local pick-up, delivery and transitory storage of goods incidental to the primary function of the freight shipment is provided;





*Definitions*

*Section 5 – Page 10*

**Value Added Lumber Remanufacturing** means the use of land, buildings or structures for the purpose of preparing, finishing, and assembling lumber and wood products from presawn timbers and does not include the processing of raw logs and producing less than 240 m<sup>3</sup> of lumber daily;

**Vehicle Wrecking Yard** means the use of land for the dismantling or wrecking of vehicles, or for the storage of derelict vehicles and may include accessory auto body restoration and repair;

**Warehousing/Wholesaling** means a building or part thereof, used for the housing, storage, adapting for sale, and packaging or wholesale distribution of goods, wares, merchandise, food stuffs, and articles;

**Waste Disposal Facility** means the storage and disposal of refuse or waste where refuse or waste and earth or other suitable cover material are deposited in alternate layers of specified depth on a specified portion of open land, with each layer being compacted by force applied with mechanical equipment;

**Watercourse** means a permanent or non permanent (containing water at least six months of the year) source of water supply that is natural or man made, including a pond, lake, river, creek, brook, ditch, spring or wetland that is integral to a stream, with well defined banks and a bed of 0.6 metres or more below the surrounding land serving to give direction to or containing a current of water but does not apply to a man made pond that does not connect to a stream;

**Wood Processing** means a building, structure or equipment operating during normal daylight hours, producing less than 60 m<sup>3</sup> of lumber per day including the preparation of logs, timbers, timber frame construction components, fence posts, shakes, poles or firewood;

**Zone** means a zone established by this Bylaw;

**Zone A** means a zone located in the A-1 zone or other zone with a prefix of A;

**Zone C** means a zone located in the C-1, C-2, C-3, C-4 zone or other zone with a prefix of C;

**Zone CD** means a zone located in the CD-1 to CD-13 zone or other zone with a prefix of CD;

**Zone FR** means a zone located in the FR-1 zone or other zone with a prefix of FR;

**Zone I** means a zone located in the I-1, I-2, I-3 zone or other zone with a prefix of I;

**Zone MHP** means a zone located in the MHP-1 zone or other zone with a prefix of MHP;

**Zone MU** means a zone located in the MU-1 zone or other zone with a prefix of MU;

**Zone P** means a zone located in the P-1 zone or other zone with a prefix of P;

**Zone R** means a zone located in the R-1, R-2, R-3 zone or other zone with a prefix of R;

**Zone RC** means a zone located in the RC-1, RC-2, RC-3 zone or other zone with a prefix of RC;

**Zone S** means a zone located in the S-1 zone or other zone with a prefix of S;

**Zone T** means a zone located in the T-1 zone or other zone with a prefix of T;

**Zone W** means a zone located in the W-1 zone or other zone with a prefix of W;

**Zoning Map** means the map attached to and part of this Bylaw as Schedule 'B'.



## SUBDIVISION REGULATIONS

## SECTION 6

### 6.1 Prohibition

Land shall not be subdivided contrary to this bylaw.

### 6.2 Exception

Subdivision regulations do not apply to:

- a) lots to be used solely for an unattended public utility use; or
- b) park.

### 6.3 General

An application for subdivision shall:

- a) be completed upon the sample form provided by the Regional District set out in "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1261, 2002"; and
- b) include all information as set out in "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1261, 2002"; and
- c) include the required application fee in the amount as set out in "Regional District of Nanaimo Planning Services and Fees Bylaw No. 1259, 2002".

### 6.4 Minimum Lot Sizes

1. Minimum lot sizes, as established in Section 4 of this bylaw, shall be considered the minimum lot size requirement at the time of subdivision of land.
2. Where a zone boundary does not follow a legally defined line, and where the distances are not specifically indicated, the location of the boundary shall be determined by scaling from Schedule 'B'.
3. Where a zone boundary is designated as following a highway or watercourse, the centreline of the highway or the natural boundary of the watercourse or centreline of a creek shall be the subdivision district boundary.
4. A panhandle shall not be considered part of a lot for the purpose of calculating the lot size of a lot proposed to be created.

### 6.5 Minimum Frontage Requirements

1. Minimum frontage requirements, as established in Section 4 of this bylaw, shall be considered the minimum frontage requirement at the time of subdivision of land.



2. Where a proposed lot or the proposed remainder of a lot cannot meet the minimum frontage requirements, the Regional Board may consider a request from the registered owner of the land to relax the minimum frontage requirement.
3. In taking into consideration a request for the relaxation of a minimum frontage requirement, the Regional Board shall consider the following criteria:
  - a) the suitability of the lot configuration is restricted by the topography of the proposed lot;
  - b) to improve access to the proposed lot provided the maximum gradient of an access driveway or panhandle which serves the proposed lot does not exceed 20%;
  - c) in the case of a panhandle lot, no two panhandle lots are adjacent; or
  - d) the proposed lots front a cul-de-sac road.

#### 6.6 Lot and Shape Dimensions

1. Unless the pattern of existing subdivision precludes it, side lot lines shall, wherever practical, be created perpendicular or radial to the adjoining highway.
2. No panhandle shall be created:
  - a) narrower than 10 metres where further subdivision of the parent lot is possible; or
  - b) narrower than 6 metres where further subdivision of the parent lot is not possible; and
  - c) without the approval of the Regional Board.

#### 6.7 Lots Exempt from Minimum Lot Size Requirements

1. Where the requirements of the authority having jurisdiction are met with respect to the provision of water and method of sewage disposal, minimum lot size and lot servicing requirements shall not apply to a subdivision:
  - a) that combines 2 or more lots into a single lot;
  - b) where the effect of subdivision would not be to increase the number of lots, but adjust the boundary between existing lots, provided that the boundary change does not result in the reduction of either lot by 20% or more of its original size; or
  - c) that adds an accretion to a lot.
2. Proposed lots within land to be subdivided may be reduced to 80% of the size otherwise permitted in the applicable zone provided that:
  - a) a maximum of 50% of the proposed lots within the land to be subdivided may be reduced in size, unless a higher percentage has been approved by way of a development variance permit;
  - b) the average lot size of all lots within the subdivision conforms with the lot size permitted in the applicable zone; and



- c) a Section 219 covenant in favour of the Regional District is registered against all lots in the subdivision prohibiting further subdivision of the land.
3. Lots that consist of 2 or more parts physically separated by the following:
    - a) a highway which was dedicated prior to the adoption of this Bylaw;
    - b) the Englishman River, the portions of French Creek north of Highway 4A, or the Little Qualicum River;
    - c) a railway under the jurisdiction of the **Railway Act** and amendments thereto;may be subdivided along the dividing highway, the natural boundary of the noted streams, or the railway in spite of the fact that the newly created lots fail to meet the minimum lot size requirements of this bylaw, provided that requirements of the authority having jurisdiction are met with respect to the provision of water, method of sewage disposal, and access.
  4. Lots proposed for subdivision pursuant to Section 946 of the **Local Government Act** shall be permitted provided that:
    - a) all requirements of provincial legislation can be satisfied;
    - b) the lot proposed to be created by subdivision is a minimum of 1 ha in lot size;
    - c) the minimum size of the proposed remainder of the parent lot will meet the minimum lot size requirement under Section 4 of this bylaw; and
    - d) all other requirements of this bylaw can be met.
  5. No lot shall be created which is divided into 2 or more non-contiguous portions of land, except a remainder, which is divided into non-contiguous portions by the width of a highway allowance, provided that:
    - a) such a highway was in existence prior to the subdivision; and
    - b) it is impracticable to establish the non-contiguous portions as separate lots.

#### 6.8 Servicing Requirements - General

The Regional District of Nanaimo hereby adopts the Master Municipal Construction Documents (MMCD) as its specifications for all works and services required pursuant to this bylaw.

#### 6.9 Sewage Disposal

1. Where a lot is proposed to be created and not served by a community sewer system, the authority having jurisdiction must be satisfied with the sewage disposal capability of the lot.
2. Any community sewer system, or part thereof, provided within the subdivision, to service the subdivision, or to connect the community sewage collection system within the subdivision to a trunk sewage main shall be designed, constructed, and installed at the



expense of the owner of the land being subdivided and shall be carried out in accordance with the engineering and environmental standards as outlined in the MMCD.

**6.10 Water Supply**

1. Where a lot to be created is not served by a community water system, the applicant shall provide reasonable proof to the satisfaction of the Approving Officer that a minimum year-round potable water supply of 3.5 m<sup>3</sup> per day can be provided for each lot being created.
2. Any community water system, or part thereof, provided within the subdivision, to service the subdivision or to connect the community water distribution system to a trunk water main shall be designed, constructed and installed at the expense of the owner of the land being subdivided and all public works shall meet the engineering and environmental standards as outlined in the MMCD.

**6.11 Storm Water**

Any community storm water management and drainage works, or part thereof, provided within the subdivision, to service the subdivision or to connect the community storm water and drainage system to a trunk storm water main shall be designed, constructed and installed at the expense of the owner of the land being subdivided and all public works shall meet the engineering and environmental standards as outlined in the MMCD.

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1152.02

A Bylaw to Amend Regional District of Nanaimo Electoral Area 'F'  
Official Community Plan Bylaw No. 1152, 1999

WHEREAS:

- A. Under Section 876 of the *Local Government Act* the Board may adopt a community plan by bylaw.
- B. The Board of the Regional District has:
  1. examined the plan in conjunction with its most recent capital expenditure program and the Waste Management Plan and is assured of consistency between them; and
  2. referred the plan amendment to the Land Reserve Commission, Ministry of Agriculture, Food and Fisheries, Ministry of Transportation, Ministry of Sustainable Resource Management and Qualicum First Nation and Nanoose First Nation for comment; and
  3. consulted with landowners of property in the Agricultural Land Reserve and representative local farming organizations; and
  4. consulted with the Council of the City of Parksville, Council of the Town of Qualicum Beach and the Board of the Alberni-Clayoquot Regional District; and
  5. consulted with the School Board for School District No. 69 under Section 381 of the *Local Government Act*; and
  6. examined and considered the purpose, goals and applicability of the Region's Growth Strategy under Section 849 of the *Local Government Act*; and
  7. considered any applicable guidelines (provincial policy guidelines) under Section 870 of the *Local Government Act*.
- C. A Public Hearing has been held on the plan on the \_\_\_ day of \_\_\_, 2002, being not less than 20 days after the plan was referred to the *Land Reserve Commission*; and
- D. The Board has submitted the results of its examination and comments received under Section 882 of the *Local Government Act* to the Ministry of Community, Aboriginal and Women's Services.

NOW, THEREFORE, the Board of the Regional District of Nanaimo in open meeting assembled HEREBY ENACTS AS FOLLOWS:

1. Title

This Bylaw may be cited as "Regional District of Nanaimo Electoral Area 'F' Official Community Plan Bylaw Amendment Bylaw No. 1152.02, 2002".

2. Application

This Amendment Bylaw is applicable to Electoral Area 'F' of the Regional District of Nanaimo.

3. Community Plan

"Regional District of Nanaimo Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999 " is hereby amended by amending the text of the Bylaw as follows:

Section 2, Land Use Designations, Resource Lands, General Policies (2) is deleted and replaced with the following wording:

**General Policies**

2. A 2.0 ha minimum parcel size for future subdivision shall apply to all lands designated Resource and currently situated in the ALR.

Introduced and given 1<sup>st</sup> reading on this \_\_\_\_ day of \_\_\_\_\_, 2002.

Read a 2<sup>nd</sup> time on this \_\_\_\_ day of \_\_\_\_\_, 2002.

Public Hearing held pursuant to Section 890 of the *Local Government Act*, this \_\_\_\_ day of \_\_\_\_\_, 2002.

Read a third time this \_\_\_\_ day of \_\_\_\_\_, 2002.

Received approval pursuant to Section 883 of the *Local Government Act* this \_\_\_\_ day of \_\_\_\_\_, 2002.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Chairperson

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

# Proposed Consultation Strategy for an Amendment to the Electoral Area 'F' Official Community Plan Bylaw 1152, 1999

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## Background

The purpose of this Consultation Strategy is to provide the Board with an approach for consulting with the public, agencies and interest groups on a proposal to amend the minimum permitted parcel size for lands within the Agricultural Land Reserve (ALR) from 4.0 hectares to 2.0 hectares within the Electoral Area 'F' Official Community Plan area.

Recent amendments to the *Local Government Act* (Section 879) require that local governments, when considering an amendment to an official community plan, must provide for 'one or more opportunities it considers appropriate for consultation with persons, organizations and authorities it considers will be affected.'

The Consultation Strategy outlined below outlines a means for assessing the impact that the change in minimum parcel size will have on individual landowners, landowners of properties adjacent to the ALR, community groups, provincial agencies, and local governments.

## Goals of the Consultation Strategy

The overall goal of the Consultation Strategy is to respond to community concerns voiced to the RDN Board regarding the minimum permitted parcel size for lands designated 'Resource' (and in the ALR) in the Electoral Area 'F' Official Community Plan Area. Comments have been received indicating that the parcel size should be decreased from 4.0 hectares to 2.0 hectares to recognize existing subdivision patterns, water availability, soil classifications, and economics in the Area.

A second, but equally important goal is to ensure that all interested individuals, organizations, and agencies with an interest in the area are meaningfully and adequately consulted on the proposed change to the Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999.

It should be noted that this amendment is not intended to initiate a full-scale review of the Electoral Area 'F' Official Community Plan. Instead, the amendment is specific to the issue raised by residents in the Area regarding the minimum permitted parcel size for land designated 'Resource' and in the ALR in the Plan Area.

## Method

In response to comments received from the public and recommendations made by the Electoral Area 'F' Steering Committee, the RDN Board has directed staff to make the necessary amendments to the Official Community Plan to address minimum parcel sizes in the ALR.

Due to the nature of this amendment, the RDN Board has considered the potential impacts of amending the minimum parcel size for ALR properties and referrals will be sent to the following agencies, organizations, local governments, community groups, and individuals:

- Land Reserve Commission;
- Ministry of Agriculture, Food and Fisheries;
- Ministry of Transportation;
- Ministry of Sustainable Resource Management;



- City of Parksville;
- Town of Qualicum Beach;
- Regional District of Alberni-Clayoquot;
- Nanoose First Nation;
- Qualicum First Nation;
- School District No. 69;
- Coombs Farmers Institute; and
- ALR Landowners in Electoral Area 'F'.

Contact with members of the public or other agencies will be provided through:

- ongoing advertisements and information; and
- a public hearing on the proposed amendment.

### Outcomes and Products

The intent of consultation process is first, to effectively engage all interested parties to assess the impact and appropriateness of amending the minimum parcel size for land designated 'Resource' and located in the ALR from 4.0 hectares to 2.0 hectares and second, to meet all regulatory requirements established by the *Local Government Act*.

### Schedule

<b>Date 2002</b>	<b>Action</b>
February 12	▪ Report to RDN Board requesting 1 <sup>st</sup> reading on proposed OCP Amendment
February 18	▪ Referrals to government agencies, adjacent municipalities and regional district
February 20	▪ Direct Mail Community Input Flyer to ALR landowners and Local Agricultural Societies ▪ Post Community Flyer on RDN Website
March 26	▪ Report to Committee of the Whole on public and referral comments; recommending 2 <sup>nd</sup> reading for Amendment Bylaw
April 9	▪ Report to RDN Board reporting on public and referral comments; recommending 2 <sup>nd</sup> reading for Amendment Bylaw
Late April	▪ Notification of Public Hearing
Early May	▪ Public Hearing held pursuant to Sections 890 and 892 of the <i>Local Government Act</i>
May 14	▪ Report to RDN Board on Public Hearing and requesting consideration of 3 <sup>rd</sup> reading for Amendment Bylaw
May 15	▪ Referral to Ministry of Community, Aboriginal and Women's Services requesting approval of Amendment Bylaw
June 11	▪ Report to RDN Board requesting consideration of 4 <sup>th</sup> reading and adoption ( <i>pending receipt of approval from Ministry of Community, Aboriginal and Women's Services</i> )

## Resources

Existing staff resources will: administer all components of the official community plan bylaw amendment process including, graphics, mapping, the public information meeting and public hearing processes.

## Budget

Staff time budgeted as part of regular work program in 2002 Development Services Department Budget. Total cost of mapping services, public information meeting, public hearing, mailings, advertising, and meeting room rentals estimated at approximately \$3,500.00.

## Monitoring and Evaluation

The process will be evaluated pursuant to the successful completion of the consultation requirement specified in the *Local Government Act*.




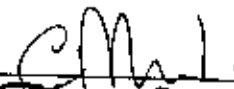
### SUMMARY/CONCLUSIONS

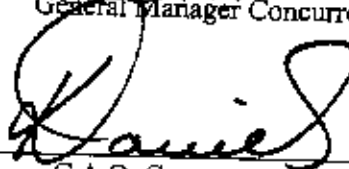
The City of Parksville wishes to borrow \$765,000 to cover the costs of constructing a Civic and Technology Center. Pursuant to the *Local Government Act* the Regional District, as the borrowing agent, adopts a security issuing bylaw with respect to the City's request. Bylaw No.1283 establishes the authority and terms and conditions required by the Municipal Finance Authority following standard procedures for borrowing in the Province of B.C. Staff recommend the bylaw be approved.

### RECOMMENDATION

1. That "Regional District of Nanaimo Security Issuing (City of Parksville) Bylaw No. 1283, 2002" receive first three readings and be forwarded to Municipal Affairs for approval.

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

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

  
\_\_\_\_\_  
C.A.O. Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1283

A BYLAW TO AUTHORIZE THE ENTERING INTO OF AN AGREEMENT RESPECTING FINANCING BETWEEN THE REGIONAL DISTRICT OF NANAIMO (THE "REGIONAL DISTRICT") AND THE MUNICIPAL FINANCE AUTHORITY OF BRITISH COLUMBIA (THE "AUTHORITY")

WHEREAS the Authority may provide financing of capital requirements for regional districts and for their member municipalities by the issue of debentures, or other evidence of indebtedness of the Authority and lending the proceeds therefrom to the Regional District on whose request the financing is undertaken;

AND WHEREAS the City of Parksville is a municipality within the Regional District;

AND WHEREAS the Regional District may finance from time to time on behalf of and at the sole cost of a municipality, pursuant to the provisions of Section 835 of the Local Government Act, the work to be financed pursuant to the following security issuing bylaws:

Municipality	Purpose	S.I. Bylaw	Term of Issue	Amount
City of Parksville	Civic and Technology Centre Construction	1365	20 years	\$ 765,000.00
TOTAL				<u>\$ 765,000.00</u>

AND WHEREAS the Regional Board, by this bylaw, hereby requests that such financing shall be undertaken through the Authority;

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

1. The Authority is hereby requested and authorized to finance from time to time the aforesaid undertakings at the sole cost and on behalf of the Regional District of Nanaimo and its municipalities hereinbefore referred to, in Canadian Dollars or in such other currency or currencies as the Authority shall determine so that the amount realized does not exceed Seven Hundred and Sixty Five Thousand (\$765,000.00) in Canadian Dollars and/or the equivalent thereto and at such interest and with such discounts or premiums and expenses as the Authority may deem consistent with the suitability of the money market for sale of securities of the Authority.

2. Upon completion by the Authority of financing undertaken pursuant hereto, the Chairperson and the Manager, Financial Services of the Regional District, on behalf of the Regional District and under its seal shall, at such time or times as the Trustees of the Authority may request, enter into and deliver to the Authority one or more agreements which said agreement or agreements shall be substantially in the form annexed hereto as Schedule 'A' and made part of the bylaw (such agreement or agreements as may be entered into, delivered or substituted hereinafter referred to as the "Agreement") providing for payment by the Regional District to the Authority of the amounts required to meet the obligations of the Authority with respect to its borrowings undertaken pursuant hereto, which Agreement shall rank as debenture debt of the Regional District.
3. The Agreement in the form of Schedule 'A' shall be dated and payable in the principal amount or amounts of money in Canadian Dollars or as the Authority shall determine and subject to the Municipal Act, in such other currency or currencies as shall be borrowed by the Authority pursuant to Section 1 and shall set out the schedule of repayment of the principal amount together with interest on unpaid amounts as shall be determined by the Treasurer of the Authority.
4. The obligations incurred under the said Agreement shall bear interest from a date specified therein, which date shall be determined by the Treasurer of the Authority and shall bear interest at a rate to be determined by the Treasurer of the Authority.
5. The Agreement shall be sealed with the seal of the Regional District and shall bear the signatures of the Chairperson and the Manager, Financial Services.
6. The obligations incurred under the said Agreement as to both principal and interest shall be payable at the Head Office of the Authority in Victoria and at such time or times as shall be determined by the Treasurer of the Authority.
7. During the currency of the obligation incurred under the said Agreement to secure borrowings in respect of the City of Parksville Bylaw No. 1365, there shall be requisitioned annually an amount sufficient to meet the annual payment of interest and the repayment of principal.
8. The Regional District shall provide and pay over to the Authority such sums as are required to discharge its obligations in accordance with the terms of the Agreement, provided however that if the sums provided for in the Agreement are not sufficient to meet the obligations of the Authority, and deficiency in meeting such obligations shall be a liability of the Regional District to the Authority and the Regional District shall make provision to discharge such liability.
9. At the request of the Treasurer of the Authority and pursuant to Section 15 of the Municipal Finance Authority Act, the Regional District shall pay over to the Authority such sums and execute and deliver such promissory notes as are required pursuant to said Section 15 of the Municipal Finance Authority of British Columbia Act, to form part of the Debt Reserve Fund established by the Authority in connection with the financing undertaken by the Authority on behalf of the Regional District pursuant to the Agreement.

10. This bylaw may be cited as "Regional District of Nanaimo Security Issuing (City of Parksville) Bylaw No. 1283, 2002".

Introduced and read three times this 12th day of February, 2002.

Received the approval of the Inspector of Municipalities this \_\_\_\_ day of \_\_\_\_\_, 2002.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
CHAIRPERSON

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

\_\_\_\_\_  
Chairperson

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

CANADA  
PROVINCE OF BRITISH COLUMBIA  
AGREEMENT  
REGIONAL DISTRICT OF NANAIMO

The Regional District of Nanaimo (the "Regional District") hereby promises to pay to the Municipal Finance Authority of British Columbia (the "Authority") at its Head Office in Victoria, British Columbia, the sum of Seven Hundred and Sixty Five Thousand (\$765,000.00) in lawful money of Canada, together with interest thereon from the \_\_\_\_\_, at varying rates of interest, calculated semi-annually in each and every year during the currency of this Agreement; and payments of principal and interest shall be as specified in the table appearing on the reverse hereof commencing on the \_\_\_\_\_, provided that in the event the payments of principal and interest hereunder are insufficient to satisfy the obligations of the Authority undertaken on behalf of the Regional District, the Regional District shall pay over to the Authority such further sums as are sufficient to discharge the obligations of the Regional District to the Authority.

Dated at Nanaimo, British Columbia, this \_\_\_\_\_ of \_\_\_\_\_, 2002.

IN TESTIMONY WHEREOF and under the authority of Bylaw No. 1283 cited as "Regional District of Nanaimo Security Issuing (City of Parksville) Bylaw No. 1283, 2002", this Agreement is sealed with the Corporate Seal of the Regional District and signed by the Chairperson and the Manager, Financial Services thereof.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Manager, Financial Services

Pursuant to the "Local Government Act", I certify that the within Agreement has been lawfully and validly made and issued and that its validity is not open to question on any ground whatever in any court of the Province of British Columbia.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Inspector of Municipalities of British Columbia



CITY OF PARKSVILLE

**CERTIFIED**

BYLAW NO. 1365

A BYLAW TO AUTHORIZE THE ENTERING INTO OF AN AGREEMENT RESPECTING FINANCING BETWEEN THE MUNICIPALITY AND THE REGIONAL DISTRICT OF NANAIMO.

WHEREAS the City of Parksville (the "Municipality") is a member municipality of the Regional District of Nanaimo (the "Regional District");

AND WHEREAS the Regional District may from time to time finance at the request, cost and on behalf of the Municipality pursuant to the provisions of Section 835 of the *Local Government Act*, the works to be financed pursuant to the following loan authorization bylaw:

Civic and Technology Centre Loan Authorization Bylaw, 1999, No. 1316

for the development of the Jensen Avenue lands and construction of a Civic and Technology Centre;

AND WHEREAS the amount of borrowing authorized by the above bylaw, the amount already borrowed under the authority thereof, the amount of authorization to borrow remaining thereunder, and the amount being issued under the authority thereof by this bylaw is as follows:

Bylaw Number	Purpose	Amount of Borrowing Authorized	Amount Already Borrowed	Borrowing Authority Remaining	Term of Issue	Amount of Issue
1316	Civic Centre	\$6,000,000.	\$3,800,000.	\$2,200,000.	20	\$765,000.
<b>TOTAL</b>		<b>\$6,000,000.</b>	<b>\$3,800,000.</b>	<b>\$2,200,000.</b>		<b>\$765,000.</b>

AND WHEREAS the Municipal Council by this bylaw hereby requests that such financing shall be undertaken through the Municipal Finance Authority of British Columbia by the Regional District;

NOW THEREFORE the Municipal Council of the City of Parksville in open meeting assembled enacts as follows:

1. The Regional District is hereby requested and authorized to finance from time to time the aforesaid undertakings at the sole cost and on behalf of the Municipality up to but not exceeding SEVEN HUNDRED AND SIXTY FIVE THOUSAND DOLLARS (\$765,000.00) in lawful money of Canada (provided that the Regional District may borrow all or part of such amount in United States of America Dollars or United Kingdom Sterling but the aggregate amount in lawful money of Canada and in Canadian Dollars equivalents so borrowed shall not exceed SEVEN HUNDRED AND SIXTY FIVE THOUSAND DOLLARS (\$765,000.00) in Canadian Dollars) at such interest and with such discounts or premiums and expenses as the Municipal Finance Authority of British Columbia may deem appropriate in consideration of the market and economic conditions pertaining.



REGIONAL DISTRICT OF NANAIMO		
FEB - 6 2002		
CHAIR	GMCrS	
CAC	GMDS	
MEMBERS	GMES	
	<i>Bud</i>	<i>✓</i>

MEMORANDUM

TO: Neil Connelly  
General Manager of Community Services

DATE: February 5, 2002

FROM: Tom Osborne  
Manager of Recreation and Parks

FILE: 6240-20-ICE

SUBJECT: Provision of an Additional Ice Sheet in District 69

PURPOSE

1. To review the cost reductions to the proposed District 69 Arena Twinning project and to outline the by-law requirements that would be necessary for a referendum for the Arena Twinning project to proceed.
2. To provide a summary review of the Iceplex proposal as advanced by Dr. Sam Bau and the consideration of other alternative approaches or proposals for the provision of additional ice in District 69.

BACKGROUND

At the December 11, 2001 Inaugural Board meeting, the following resolutions were approved:

1. "That the Twinned Arena design proposal that includes the addition of a second ice sheet and a leisure ice sheet to the existing arena be approved and advanced to referendum in District 69 on April 27, 2002 and that the Board meet with the District 69 Recreation Commission and Arena Committee in January to consider ways of reducing the project cost prior to the February 12, 2002 approval of the referendum question. Further, that the City of Parksville be requested to confirm their steps to provide for their consideration of site approvals and a 30 year lease arrangement in tandem with the Regional District's referendum."
2. "That the Regional District strongly recommend that the City of Parksville make reductions as outlined in the report for development cost charges and identified off-site service upgrades, such as water, sewer and roads related to the District 69 Arena Twinning project."
3. "That the Regional District confirm with the City of Parksville, the City's intent to undertake a separate City referendum in tandem with the District's Arena Twinning project referendum to address a community park trust condition that provides for a five year limitation on a lease of the property, subject to a majority vote of the owners - electors of the City."

District 69 Arena Twinning

To assist with identifying further reductions to the proposed Arena Twinning project costs, the Regional District retained Dominion Construction. Mr. Mark Van Ek, Project Manager of Dominion Construction, reviewed the proposal with attendees from the RDN Board, District 69 Recreation Commission and the

Arena Committee providing them with construction and project delivery options to consider at a Joint Meeting on January 10<sup>th</sup>, 2002. The Regional District then retained AMEC Earth and Environmental to undertake a more detailed geotechnical study of the building site to better determine the necessary foundation requirements for the area's soil conditions in order to get accurate costs for this portion of the proposed facility. Herold Engineering was retained by the Regional District to determine the seismic upgrade requirements for the existing facility in order to get more accurate costs.

The Regional District subsequently received a letter from the City of Parksville, which is attached. It indicates that at the January 21<sup>st</sup>, 2002 Parksville Council Meeting, resolution 02-21 was approved as follows:

*That the City provide the following financial support to the Twinned Arena development proposed by the Regional District of Nanaimo:*

- a) Land be leased at a \$1.00 per year;*
- b) City to pay 100% of all off site servicing costs;*
- c) City to pay all of the water related on site servicing costs;*
- d) City to supply a building permit at no charge.*

With the geotechnical and seismic upgrade studies complete, the City of Parksville resolution in place, and further review of construction and delivery methods, Dominion Construction provided a revised project budget to attendees at the Arena Twinning Project Joint Meeting on January 24, 2002 and recommended changes to the construction of the facility and construction delivery method to complete the project. Dominion's presentation is attached as *Appendix 1*.

Significant areas of change that were identified in the reduction of the project costs from \$7.58 million to \$6.26 million included the use of a pre-engineered building structure, use of a soft connection to the existing facility as seismic upgrades would not be required as part of the project, special foundations not being required for the new addition based on information from the findings in the geotechnical survey, a construction delivery method recommendation of project management/construction management, and the City of Parksville paying for building permit fees, off site services and on site water related servicing costs.

With respect to the Board's third resolution on December 11, 2001, regarding the City's need to provide for their own referendum on leasing land in the community park, a position had been previously conveyed by the City.

At the November 19, 2001 Parksville Council Meeting, resolution 01-391 was approved as follows:

*That Council support the development of Option One, which includes a NHL regulation size ice surface, six dressing rooms, a multi-purpose room, space for 200 portable spectator seating and a leisure ice sheet, for the complete twinned arena facility;*

*And That the principle of a thirty year term for the lease of the land be supported*

*And Further That the linking of the City and RDN referendums together where possible be supported.*

Given that Parksville City Council at their November 19, 2001 regular meeting agreed to lease the Regional District the necessary lands for a 30-year term, it is recommended that the borrowing of funds be amortised over a 25-year period thus lowering the annual debt servicing costs.

The economic benefits to the District 69 community for building a Twinned Arena in a municipal centre would be advantageous. With the facility better able to accommodate tournaments and larger events, local hotels, restaurants and businesses would see increases in their usage from out of town arena users and their families. The new facility would also provide a social gathering point for area users and non-users, as is the current facility for local groups like the Parksville Golden Oldies Sports Association, which has over 1000 members.

Arbutus Meadows Proposal – Dr. Sam Bau

At the January 22, 2002 Regional Board Committee of the Whole meeting, Mr. Lee England representing Dr. Bau spoke as a delegation to forward their initial preliminary proposal. The following resolution was passed at the meeting:

*"That this item (the proposal) be referred to staff and a report on the proposal be prepared for the Board."*

The information provided to the Board by Mr. England included concept drawings of the layout of the facility, the first year income projection and 3-year revenue projections including ice rates and schedule of fees for their operation. The proponents later revised their 3-year revenue projections and ice rates and presented this information to attendees after the Arena Twinning Project Joint Meeting on January 24, 2002.

Staff completed a review of the preliminary proposal and have determined it to be attractive financially to the Regional District in the effort to provide additional ice surfaces in District 69. The proposal however is very preliminary and does not contain the level of detail that would allow full evaluation at this time. Public-private partnership consultant, Jonathan Huggett, on behalf of the Regional District assisted staff with a summary of the initial review in *Appendix 2*. This analysis highlights areas where more detail is required before further consideration can be given, and addresses some initial concerns.

The preliminary proposal is within reason in the amount of ice time they would sell to the Regional District to provide to District 69 users at a subsidized rate for winter prime-time hours for the first year. The remainder of the proposal's operating budget is optimistic when compared to a traditional public sector model in regards to the amount of ice time they will sell for winter non-prime time times and other ice times through the spring and summer months. The current District 69 Arena Twinning proposal includes more conservative figures for these non-prime and shoulder season ice times. The proponent has advised the consultant that they have retained the services of the Vermeulen Group, an accounting company based in Delta, BC, to prepare a detailed financial plan. It is expected that this information will be forwarded once capital costs for the proposed facility have been finalized.

Further investigation into the commercial zoning of the property for this facility have determined that the Agricultural Land Commission gave approval for the facilities current use on the condition it be used solely for equestrian related activities and the Regional District holds a covenant on the lands to restrict the commercial use to the lands to be equestrian based. Any non-equestrian related commercial use is not permitted and the owner would require the removal of this covenant by the Regional District upon approval from the Agricultural Land Commission before proceeding with development and operation of an arena facility on the site or any other non-equestrian related event such as car shows, etc. The Provincial Government has recently announced a restructuring of the Land Reserve Commission, which may lead to more flexibility relating to the use of land within the ALR. The owner will also be required to address Ministry of Transportation requirements for improved highway access. Any upgrades to the spectator seating capacity will likely require upgrades to the septic system which in turn may exceed the Ministry of Health's allowable limits necessitating the owner to attain a variance permit from the Ministry of Water, Land and Air Protection (formerly the Ministry of Environment). Fire suppression and sprinkler systems will also have to be upgraded to meet requirements for the planned public capacity of the building.

The location of the land is on a major transportation corridor but of some distance to the two urban centres of Parksville and Qualicum Beach. The facility will however also benefit residents in the southern portion of the Regional District (Electoral Areas A, C, and D) and City of Nanaimo residents who could access the facility in a 15-minute drive.

Should the proposal be pursued, the economic benefits to the District 69 community may be less than a twinned facility located at the Parksville Community Park as arena users and out of town guests could disperse and use accommodation, services and businesses in the North Nanaimo area. However, the facility would generate additional visitors due to the projected wider range of services that could be offered.

#### Other Proposals

Given the updated information provided on the Arena Twinning project and the initial review of the Arbutus Meadows Iceplex proposal, the Board in considering next steps may wish to provide for other approaches to be solicited and evaluated.

Should the Board consider re-visiting the provision of arena services in District 69 through a public-private partnership, then other partnership opportunities could be explored under new parameters with the information now available on the costs of a Twinned Arena project. An outcome of the Request for Proposals for arena services conducted jointly by the Regional District and the City of Parksville between 1998 and 2000 was the short-listing of a company, RG Properties, to build a facility in the Oceanside community. Due to the financial parameters that were set by the Board and the City for the proposal at that time, this initiative did not proceed. RG Properties has recently expressed an interest in the opportunity to provide a proposal. Given their experience in building and operating arena complexes in British Columbia and the proposed location at the Wembley Mall location, which is in the urban core of the Oceanside community, RG Properties, as well as other proponents, may provide attractive alternatives to the provision of additional ice in District 69.

In order to provide for an open and competitive process, this approach would require that an updated Request for Proposals be developed that would be advertised widely and throughout the District. It also allows for a full assessment to be undertaken of the potential choices available, relative to the Arena Twinning project, and other proposals, which would be developed in response to a request for proposals package that specifies the Regional District's requirements for ice sheet provision. Other issues will also have to be addressed including the future status and role of the existing District 69 arena. It is expected that the RFP would specify that union successorship rights, in conjunction with the Regional District's Collective Agreement, would be provided for existing arena employees in any of the proposals. In addition, the Regional District would need to factor into the proposal evaluation, the costs incurred from the closure of the existing arena or its conversion should it be necessary to a dry floor space for alternative recreation uses such as lacrosse or soccer.

From an assessment of the Twinned Arena approach, the Arbutus Meadows Iceplex proposal or alternative private sector proposals to be developed through a Regional District request for proposal process, staff have outlined in the next section four alternatives for the Board's consideration. Two involve initiating the scheduled April 27, 2002 referendum for the Twinned Arena project and two provide for a referendum to be deferred to May 25, 2002 to allow time for alternative proposals to be further evaluated.

**ALTERNATIVES**

1. Provide for the Arena Twinning Project as revised through identified cost reductions, to proceed to referendum on April 27, 2002. It would require that the following motions be endorsed:
  - i. That the Board endorse proceeding to referendum on April 27, 2002 to obtain voter assent for the borrowing of \$6.26 million for the District 69 Arena Twinning project with the questions:
    - a. *"Are you in favour of Bylaw No. 1286, 2002, which if approved would authorize the borrowing of \$6.26 million for the District 69 Arena Twinning project?"*
    - and
    - b. *"Are you in favour of Bylaw No. 1287, 2002, which if approved, would authorize the Regional District to enter into an agreement with the City of Parksville for the lease of land for thirty years in the Parksville Community Park for the District 69 Arena Twinning project?"*  
[EAs E, F, G, H, Parksville, Qualicum Beach – Weighted Vote]
  - ii. "That the Regional District of Nanaimo District 69 Arena Twinning Project Loan Authorization Bylaw No.1286, 2002" be introduced and given three readings and proceed to referendum to obtain voter assent."  
[All Directors – Weighted Vote]
  - iii. "That the Regional District of Nanaimo District 69 Arena Twinning Project Lease Agreement Bylaw No. 1287, 2002" be introduced and given three readings and proceed to referendum to obtain voter assent."  
[All Directors – Weighted Vote]
  - iv. "That C. Mason be appointed as Chief Elections Officer and M. Pearse as Deputy Elections Officer for the referendum."  
[All Directors – Weighted Vote]
2. Provide for the Arena Twinning Project to proceed to referendum on April 27, 2002 and provide for alternative arena proposals to be received and evaluated through a request for proposals process prior to the April 9, 2002 Board meeting. At that time the Board could either continue with the Arena Twinning project referendum or cancel that referendum and advance an agreement with an arena proponent, including, if necessary, the setting of a new referendum for the proposal. In particular, a referendum would be required if the Regional District wishes to enter into an agreement with a private sector arena proponent for a period greater than five years.

A motion that includes the following as well as the referendum bylaw motions listed under alternative one would provide for this approach.

"That the Board provide for alternative arena proposals to be received and evaluated through a Request for Proposals process to allow for the Board at the April 9, 2002 meeting to consider a decision with respect to the proposals and next steps regarding continuing with or cancelling the Twinned Arena project April 27, 2002 referendum."

[EA E, F, G, H, Parksville, Qualicum Beach – Weighted Vote]

3. Defer the April 27, 2002 referendum until May 25, 2002. Direct staff to review the completed proposal, once submitted, from the Arbutus Iceplex proponents and provide a recommendation to the Board by April 9, 2002 whether to proceed with the Arbutus Iceplex proposal or to undertake a referendum on the Arena Twinning.

[EAs E, F, G, H, Parksville, Qualicum Beach – Weighted Vote]

4. Defer the April 27, 2002 referendum until May 25, 2002, and initiate a Request for Proposals on public-private arena partnerships. This could generate proposals from the Arbutus Iceplex proponents and RG Properties as well as any other interested parties. This approach would require that a Request for Proposals be developed for February 25<sup>th</sup> and circulated with a submission deadline of March 22<sup>nd</sup>. Staff would then be in a position to review all submissions and provide a recommendation whether to proceed to referendum with the successful proponent for an arena public-private partnership or to proceed to referendum with the Arena Twinning Project as presented.

[EAs E, F, G, H, Parksville, Qualicum Beach – Weighted Vote]

#### FINANCIAL IMPLICATIONS

1. Estimated Costs based on a \$6.26 million Twinned Arena project with leisure ice:

BUDGET	2002 PROVISIONAL District 69 Arena (Single Sheet)	PROJECTED Twinned Arena w/ Leisure Ice
Expenditures (including debt retirement)	\$ 802,500	\$1,575,303
Revenue	\$ 355,550	\$ 509,500
Net Expenditures / Tax Requisition	\$ 446,950	\$1,065,803
Tax Requisition Increase		\$ 618,853

Of the \$618,853 increase in tax requisition for the proposed operation of the twinned facility, \$534,903 is debt retirement based at 6.3% amortized for 25 years. This essentially means that overall annual operational costs will require an additional \$83,950. This is made possible as a result of the overall annual operational costs being offset by increases in ice rental revenues.

Tax Rate per \$100,000 Assessed Residential values for the borrowed funds would be \$13.64.

The 2002 Provisional Budget provides for the necessary funds of \$20,000 to conduct a referendum. Amendments to the District 69 Arena Function Annual Budget will have to be made to pay for the already completed geotechnical study of \$8,700, the seismic assessment of the existing arena that was approximately \$1500 and the consultation fee for Dominion Construction's services that was \$8,200.

2. Under this alternative, additional consulting services costs would be incurred to assist staff in the preparation and evaluation of a project request for proposals (RFP) package. Subsequent costs would be dependent upon whether the Board were to advance an agreement with a successful proponent out of the RFP process or whether it continued with the Twinned Arena project with its costs as specified under alternative one.
3. Utilizing the information that was provided by the proponents for the Arbutus Iceplex, the annual costs to the Regional District would be \$304,000. They project that the RDN would collect \$96,308 in revenues, therefore they specify that the annual subsidy after additional costs of \$23,265 would be \$235,957. We would caution the Board that these are preliminary figures and should only be considered as this. More definitive numbers can only be evaluated based on a final proposal call.

The foundation of the Arbutus Iceplex proposal is to have the Regional District purchase 1,520 hours of prime time ice per year for five years at \$200 per hour. The Regional District then would sell these hours to registered District 69 user groups at rates determined by the Regional District as part of the Recreation Fees and Charges Policy. Depending on the age category of the user groups, subsidy levels will vary therefore recovery rates of this ice time would vary. In short, adult rates generate more revenue to the Regional District than do children or youth rates. At this time is difficult to determine how much revenue the Regional District could recover until ice allocations are determined. To attain an approximate figure as a sample, staff have used the current District 69 Arena ice usage for the 2001/2002 winter ice season, applied the September 2002 ice rates and determined that \$57,678 could be collected from fees from the children and youth minor ice sport associations and \$54,578 from adult groups for a combined total of \$112,256 to offset the \$304,000 commitment to the Iceplex.

The proponents have indicated that they would require a five-year guaranteed commitment from the Regional District to purchase ice time. The Regional District would not be required to hold a referendum for a contract of this length but would require holding one or a counter petition for a contract period longer than five years. Upon the completion of the 5-year term, the Regional District would be required to negotiate a new term and conditions for another 5 years. Funds would be required to retain Jonathan Huggett, a public-private partnership consultant, to assist the Regional District through a more detailed evaluation and development of an agreement, should it be pursued.

4. The Board will be advised of the financial implications that will be dependent on the proposals submitted to the Regional District through the Request for Proposal process. Funds will be required to retain Jonathan Huggett, a public-private partnership consultant, to assist the Regional District through this process, both to develop a proposal request and to evaluate submissions.

#### **INTERGOVERNMENTAL IMPLICATIONS**

1. The existing arena is situated on a defined area that is leased by the Regional District on a five-year term. A 1962 covenant and bylaw that provided for the City's acquisition of the park from the Parksville and District Community Society refers to the use of the parcel as a public park in perpetuity and indicates that no lease on any part of the parcel shall be for a period of greater than five years, subject to a majority vote of the owner/electors of the city.

As a result of the Regional District's need to acquire additional land in the park for an expanded arena facility and the interest to enter into a longer-term lease, it will be necessary for the City to conduct its



own referendum on the five-year lease limitation in the park. The City's referendum would be conducted in tandem with the Regional District's referendum and the referendum question would ask the City electorate if it agrees to allow for a 30 year lease to be entered into with the Regional District for the Twinned Arena facility.

Should the Board proceed with a referendum, a communication strategy will be implemented to inform the public of the process and to clarify the project and issues that will need to be addressed.

2. If an alternative proposal developed through the RFP process were to be ultimately pursued, specific issues regarding zoning, land use and servicing and development approvals would need to be addressed by the private sector proponent. The Region would also need to evaluate options for alternative uses for the existing arena.
3. This alternative would require consultation and a decision from the Land Reserve Commission regarding the facility's location on Agricultural Land Reserve land. In addition, it would be required to go through the Regional District's rezoning process including a public hearing. A referendum would only be required if an agreement were to be developed that was for a period longer than five years.
4. This alternative has no specific intergovernmental implications other than the proponent's development approval requirements and deletes the need for a City referendum on locating an expanded arena in the community park for a period of 30 years. The Region would need to evaluate options for alternative uses for the existing arena.

#### PROJECT TIMELINE/PUBLIC IMPLICATIONS

1. Should the Board decide to proceed to referendum on April 27, 2002 on the Arena Twinning project, the communications strategy that has been developed would be implemented to ensure accurate information is available to the public. With electoral consent, the project could then be advanced with a target completion date of September 2003.
2. Under this alternative, special attention to the Regional District's communications on the referendum would be required to provide information on both it and the consideration of alternative proposals prior to a final Board decision being reached prior to the April 27, 2002 referendum date.
3. Should the Board decide to proceed with the Arbutus Iceplex proposal, a further review of their submission will be required. Upon a favourable review and an agreement signed with the Regional District, the proponents have indicated the facility would be ready in seven months time. This period may change as it needs to account for the proponents being able to remove the covenant from the lands with the Regional District upon approval received from the Agricultural Land Commission, negotiate with the Ministry of Transport the improved highway access to the property, and attain the necessary permit.

4. A complete review of public-private proposals can be undertaken by the April 9, 2002 Regional Board meeting and, if necessary, a referendum date could be set for May 25, 2002. Completion dates for any public-private partnership will be dependant on the proponent selected and their determined timelines.

Fees and charges for ice times will be set by the operators of the private facilities outside of the negotiated rates for subsidized use by the Regional District. Most municipal and regional governments in other public-private partnership only subsidize ice usage hours for children and youth, therefore people 18 years of age and over pay the regular market rate.

### SUMMARY/CONCLUSIONS

The Board in December provided for the Twinned Arena project to be advanced to an April 27, 2002 referendum after project cost reductions had been examined in January to allow for the approval of the referendum question at the February 12, 2002 meeting. In addition, the Board's Committee of the Whole on January 22, 2002 recommended that an arena proposal presented as the Arbutus Meadows Iceplex in Nanoose Bay be referred to staff for the preparation of a report for the Board.

With the availability of information on potential cost reductions to the Twinned Arena project developed through further technical investigations and two joint meetings in January, a revised total project budget of \$6.26 million rather than the initial \$7.58 million has been developed. In addition, a preliminary assessment of the Iceplex proposal based on the information available has been prepared.

In terms of next steps, four alternatives have been outlined for consideration by the Board. In summary they are:

1. to proceed to referendum on April 27, 2002 on the Twinned Arena project at a cost of \$6.26 million;
2. to proceed to a Twinned Arena project referendum but provide for a request for proposal process to allow for the consideration of alternative proposals up to an April 9, 2002 Board meeting decision on either continuing with the referendum or cancelling the referendum and dealing with a favourable proposal;
3. to defer the April 27, 2002 referendum and review a completed proposal from the Iceplex proponents to allow for an April 9, 2002 Board meeting decision on next steps; and,
4. to initiate a Request for Proposals process for alternative arena proposals, including the Iceplex initiative and defer the April 27, 2002 referendum to allow for an April 9, 2002 Board meeting decision to either advance a successful proposal or a Twinned Arena project referendum on May 25, 2002.

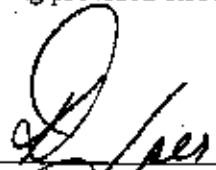
Based on the need for fuller information and assessment on the various arena alternatives available to the Board, including the Twinned Arena project, the Iceplex proposal as well as other private sector proposals that may be developed, staff have recommended alternative 4. It allows for an additional seven-week period for various arena proposals to be considered by the Board relative to the Twinned Arena approach.

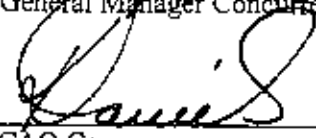
At the April 9, 2002 Board meeting a decision could then be taken to complete the requirements to advance the arena proposal or Twinned Arena project that is deemed to best meet the needs of the Regional District. A referendum could also be scheduled for May 25, 2002.

**RECOMMENDATION**

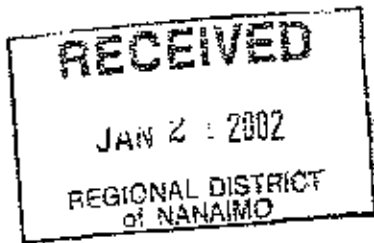
1. That a Request for Proposals on a public-private partnership to provide for additional ice sheets in District 69 be initiated to allow for the consideration and approval of a final project decision and a potential May 25, 2002 referendum date on either a new proposal or the Twinned Arena project at the April 9, 2002 Regional Board meeting.
2. That staff bring forward a report evaluating options and costs for alternative uses for the existing District 69 Arena in the event of a twinned ice facility being provided elsewhere.

*for*  
  
\_\_\_\_\_  
Report Writer / Manager

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

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

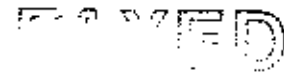
**COMMENTS**



# City of PARKSVILLE

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www.city.parksville.bc.ca

January 23, 2002



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

Attention: N. Connelly, General Manager of Community Services.

Dear Mr. Connelly:

Re: Twinned Arena Project

At the regular meeting of Council held on Monday, January 21, 2002 the following resolution was passed regarding the twinned arena project:

02-21 That the report from the City Manager, dated January 17, 2002 entitled "Twinned Arena Project" and the correspondence from the Regional District of Nanaimo, dated December 19, 2001, be received;  
And That the City provide the following financial support to the twinned arena development proposed by the Regional District of Nanaimo:

- a) land to be leased at \$1.00 per year;
- b) City to pay 100% of all off site servicing costs;
- c) City to pay all of the water related on site servicing costs;
- d) City to supply a building permit at no charge.

And Further That Administration bring forward appropriate bylaws to achieve the above support.

Yours very truly,

SHIRLEY E. HINE, CMC  
Director of Administrative Services

:dbm

Jan. 25/02  
RC -> KELLY

**PAGE**  
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