

**REGIONAL DISTRICT OF NANAIMO**

**REGULAR BOARD MEETING  
TUESDAY, JANUARY 8, 2002  
(immediately following the Hospital Board meeting)  
(Nanaimo City Council Chambers)**

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**12. BOARD INFORMATION** (Separate enclosure on blue paper)

**13. ADJOURNMENT**

**14. IN CAMERA**

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

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE INAUGURAL MEETING OF THE BOARD  
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON  
TUESDAY, DECEMBER 11, 2001, AT 7:30 PM IN THE  
NANAIMO CITY COUNCIL CHAMBERS**

**Present:**

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

**Also in Attendance:**

K. Daniels	Chief Administrative Officer
N. Connelly	Gen. Mgr. of Community Services
J. Finnie	Gen. Mgr. of Environmental Services
B. Lapham	Gen. Mgr. of Development Services
C. Mason	Gen. Mgr. of Corporate Services
N. Avery	Manager of Financial Services
N. Tonn	Recording Secretary

**CALL TO ORDER**

The Administrator called the meeting to order and confirmed receipt of notification from the City of Parksville and the Town of Qualicum Beach advising of their Council appointments to the Board for the year 2002 and noted that the Board had received notification last year of the City of Nanaimo's Council appointments to the Board for 2001 and 2002.

**INAUGURATION OF MUNICIPAL BOARD MEMBERS**

The General Manager of Corporate Services conducted the inauguration proceedings.

**ELECTION OF BOARD CHAIRPERSON**

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

Director Stanhope nominated Director Holme.

There being no further nominations, the Administrator declared Director Holme Chairperson for 2002.

### **ELECTION OF DEPUTY CHAIRPERSON**

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

Director Krall nominated Director McNabb.

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

### **PRESENTATION**

The Chairperson presented UBCM's "Best Local Government Web Site for a Medium Sized Community" award to Carol Mason, General Manager of Corporate Services and commended Ms. Mason and Maureen Pearse for their great work.

### **DELEGATIONS**

**Art Cowie, re ALR Exclusion – Wosk – 365 Meadow View Place – Area G.**

Mr. Cowie provided the Board with written and verbal information pertaining to his client's application for exclusion from the ALR and urged the Board to approve the application.

**Ian MacDonald, re Twinning of District 69 Arena.**

Mr. MacDonald was not in attendance.

### **LATE DELEGATIONS**

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

CARRIED

**Brock Williamson, re Request to Modify Restrictive Covenant – Janet Limin – Akenhead Road & Huckleberry Way – Area A.**

Mr. Williamson noted that his client is in agreement with the staff recommendation and made himself available for any questions from the Board.

**Cornelia Poama and Gunter Yost, re Development Permit Application No. 0121 – Yost/Carman Fine Cars – 7193 Lantzville Road – Area D.**

The delegation was not in attendance.

**Richard Irwin, re Temporary Commercial Use Permit No. 0108 – Tower Fence Products – 1882 Fielding Road – Area A.**

Mr. Irwin made himself available for any questions from the Board.

### **BOARD MINUTES**

MOVED Director Sherry, SECONDED Director McNabb, that the minutes of the regular Board meeting held on Tuesday, November 13, 2001, be adopted.

CARRIED

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**COMMUNICATIONS/CORRESPONDENCE**

**Tim Galavan, re Horne Lake Park Management Committee – Request for Membership.**

MOVED Director Macdonald, SECONDED Director Rispin, that the correspondence from Tim Galavan requesting appointment to the Horne Lake Park Management Committee, be received.

CARRIED

**AVICC, re Resolutions for 2002 Annual General Meeting.**

MOVED Director Macdonald, SECONDED Director Rispin, that the correspondence from AVICC with respect to submission requirements for the 2002 Annual General meeting, be received.

CARRIED

**LGMA, re Community Charter Process.**

MOVED Director Macdonald, SECONDED Director Rispin, that the correspondence from LGMA with respect to LGMA representation at the Charter Council level, be received.

CARRIED

**Teunis Westbrook, Town of Qualicum Beach, re Area F Draft Zoning Bylaw.**

MOVED Director Stanhope, SECONDED Director Krall, that the correspondence from the Town of Qualicum Beach with respect to the Area F Draft Zoning Bylaw, be received.

CARRIED

**Bill Beamish, CAO, District of Houston, re FCM Resolutions.**

MOVED Director Stanhope, SECONDED Director Sherry, that the correspondence from District of Houston with respect to resolutions to FCM, be received.

CARRIED

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

Director Westbrook noted that Councillor Scott Tanner has been appointed as a voting member on the District 69 Recreation Commission.

MOVED Director Krall, SECONDED Director Westbrook, that the correspondence from the Town of Qualicum Beach with respect to appointment to the District 69 Recreation Commission be received as amended.

CARRIED

**Shirley Hine, City of Parksville, re Appointment to District 69 Recreation Commission.**

MOVED Director Krall, SECONDED Director Westbrook, that the correspondence from the City of Parksville with respect to appointment to the District 69 Recreation Commission be received.

CARRIED

**Shirley Hine, City of Parksville, re Appointment to Arrowsmith Water Service Management Committee.**

Director Macdonald noted that Councillor Demmon will be the City of Parksville's voting representative to the Arrowsmith Water Service Management Committee for the year 2002.

MOVED Director Krall, SECONDED Director Westbrook, that the correspondence from the City of Parksville with respect to appointment to the Arrowsmith Water Service Management Committee be received as amended.

CARRIED

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The Chairperson noted that Mr. Ian MacDonald had arrived and asked if he would like to speak to the Board at this time.

**Ian MacDonald, re Twinning of District 69 Arena.**

Mr. MacDonald spoke in favour of the proposed twinning of the existing District 69 Arena and urged the Board to allow this proposal to go to referendum.

**UNFINISHED BUSINESS**

**From the Board Meeting held November 13, 2001.**

**Development Permit Application No. 0121 - Yost/Carman Fine Cars - 7193 Lantzville Road - Proposed Placement of Sign - Area D.**

MOVED Director Haime, SECONDED Director McNabb, that the proposed freestanding sign, as part of Development Permit No. 0121, submitted by Gunter Yost, on behalf of Carman Fine Cars (formerly Lantzville Auto Services), be approved, subject to Schedules No. 1 and 2 of the corresponding staff report.

MOVED Director Haime, SECONDED Director McNabb, that the motion be amended to allow the proposed freestanding sign a 1.5 metre lot line setback to Lantzville Road.

CARRIED

The question was called on the main motion as amended.

The motion CARRIED.

**Minister's Request for Board Support of Area F Incorporation Study.**

**Motion to Reconsider.**

From the Board Meeting held November 13, 2001.

MOVED Director McLean, SECONDED Director Sherry, that the Board reconsider the motion of November 13, 2001 regarding the Minister's request for Board support of Area F Incorporation Study.

DEFEATED

**For Adoption.**

**Bylaw No. 799.06.**

MOVED Director Sperling, SECONDED Director Westbrook, that "Electoral Area 'B' Community Parks Local Service Amendment Bylaw No. 799.06, 2001" be adopted.

CARRIED

**Bylaw No. 1258.**

MOVED Director Sperling, SECONDED Director Sherry, that "Regional District of Nanaimo Electoral Area B Parkland Acquisition Loan Authorization Bylaw No. 1258, 2001" be adopted.

CARRIED

**Bylaw No. 1218.**

MOVED Director Quittenton, SECONDED Director Krall, that "Horne Lake Service Area Sewage Disposal Regulation Bylaw No. 1218, 2001" be adopted.

CARRIED

## DEVELOPMENT SERVICES STANDING COMMITTEE

MOVED Director Rispin, SECONDED Director Westbrook, that the minutes of the regular Development Services Committee meeting held November 20, 2001, be received for information.

CARRIED

## CORRESPONDENCE/COMMUNICATIONS

**Charlotte Caswell, re Horne Lake Park Management Plan.**

MOVED Director Quittenton, SECONDED Director Hamilton, that the correspondence received from Charlotte Caswell with respect to Paradise Bay and Scout Camp Area of Lot 40 on Horne Lake, be received for information:

CARRIED

**Tim Galavan, re Scout Camp – Block 40, Horne Lake.**

MOVED Director Quittenton, SECONDED Director Hamilton, that the correspondence received from Tim Galavan with respect to the existing leasing policy in the area known as Scout Camp, be received for information.

CARRIED

## BUILDING INSPECTION

### Section 700 Filings.

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

The Chairperson noted that the following filings have been resolved:

- (a) Lot 2, Section 6, Plan 42450, Gabriola Island, Nanaimo Land District, 2925 North Road, Electoral Area 'B', owned by J. Allen;
- (b) Lot 6, Block 9, Section 23, Plan 1673, Nanaimo Land District, 1034 Berry Point Road, Electoral Area 'B', owned by I. MacKay.

MOVED Director Hamilton, SECONDED Director Elliott, 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 13, Range 1, Plan 11269, Cedar Land District, 11960 Cedar Road, Electoral Area 'A', owned by Druid Holdings Ltd.;
- (b) Lot 4, Section 8, Range 3, Plan 30579, Cedar Land District, 2477 Enefer Road, Electoral Area 'A', owned by J. Vickers and P. Grandison;
- (c) Lot 62, Section 12, Plan 23619, Gabriola Island, Nanaimo Land District, 1150 Chappel Place, Electoral Area 'B', owned by W. Hamilton;
- (d) Lot 3, Section 21, Plan 23484, Gabriola Island, Nanaimo Land District, 333 Malaspina Drive, Electoral Area 'B', owned by M. and M. Bowman;
- (e) That part of Lot 1, District Lot 79, Plan 4877, Nanoose Land District, lying to the south east of a boundary parallel to and perpendicularly distant 100 feet from the North West boundary of said Lot, except part in Plan 41577, 2419 East Island Highway, Electoral Area 'E', owned by D. and S. Miller;
- (f) Lot A, District Lot 39, Plan VIP55692, Nanoose Land District, 2038 Rocking Horse Place, Electoral Area 'E', owned by 616393 BC Ltd.

CARRIED

## PLANNING

### AMENDMENT APPLICATIONS

**Application No. 0106 & Development Permit No. 0125 - Maibach Industries/Brown - 2093 South Wellington Road - Area A.**

MOVED Director Hamilton, SECONDED Director Elliott, that Development Permit Application No. 0125 submitted by Keith Brown, acting as agent for Maibach Industries, to allow for the authorized operation of outdoor display of heavy equipment and vary the signage requirements on the property legally described as Lot 1, Section 12, Range 7, Cranberry District, Plan 18166, be approved subject to notification procedures pursuant to the *Local Government Act* and subject to the conditions outlined in Schedule No. 1.

CARRIED

MOVED Director Hamilton, SECONDED Director Elliott, that Amendment Application No. 0106 to create a new Comprehensive Development (CD 11) zone by amending the text for a Commercial 4 (CM4) zone by removing "Outdoor Sales" as a permitted use and replacing it with "Heavy Equipment Display" for the property legally described as Lot 1, Section 12, Range 7, Cranberry District, Plan 18166 be given 1<sup>st</sup> and 2<sup>nd</sup> reading subject to the conditions outlined in Schedule No. 1.

CARRIED

MOVED Director Hamilton, SECONDED Director Elliott, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.279, 2001" proceed to Public Hearing.

CARRIED

MOVED Director Hamilton, SECONDED Director Elliott, that the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.279, 2001" be delegated to Director Elliott or his alternate.

CARRIED

**Application No. 0107 - Bruce & Cindy Senini - Dicknson Road - Area D.**

MOVED Director Hamilton, SECONDED Director Haime, 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.

MOVED Director Haime, SECONDED Director Hamilton, that this item be referred back to staff.

CARRIED

### DEVELOPMENT PERMIT APPLICATIONS

**Temporary Use Permit 0103 & Development Permit No. 0117 - Nanoose Harbour Holdings - 3500 Fairwinds Drive - Area E.**

MOVED Director McLean, SECONDED Director Hamilton, that Temporary Commercial Use Permit No. 0103 and Development Permit No. 0117 submitted by Nanoose Harbour Holdings Ltd. for the property legally described as Part of District Lot 78, Nanoose District to allow a temporary real estate office use, proceed to a public information meeting prior to the Board's consideration of these permits, subject to the conditions outlined in Schedule No. 1 and the notification requirements pursuant to the *Local Government Act*.

CARRIED



**DEVELOPMENT VARIANCE PERMIT**

**Applications No. 0014 – Inkahute – 2655 & 2665 East Island Highway – Area E.**

MOVED Director Hamilton, SECONDED Director Stanhope, that Development Variance Permit Application No. 0014, submitted by Fern Road Consulting Ltd. on behalf of Inkahute Development Corporate, for the property legally described as Lot 2, Plan 14576, and the Remainder of Block B, Plan 1610, both of District Lot 79, Nanoose Land District, to vary the minimum setback requirements, maximum dwelling unit height, and minimum parcel size requirement as shown on Schedule No. 2, be approved, subject to notification requirements pursuant to the *Local Government Act*.

CARRIED

**OTHER**

**ALR Exclusion – Wosk – 365 Meadow View Place – Area G.**

MOVED Director Macdonald, SECONDED Director Stanhope, that the application for exclusion from the Agricultural Land Reserve for the property legally described as Lot G, District Lot 12, Nanoose District, Plan 30913 be referred back to the Regional Growth Management Plan review process and that the Land Reserve Commission be advised of the referral.

CARRIED

**ALR Exclusion – Law & Devereaux – Godfrey Road – Area C.**

MOVED Director Hamilton, SECONDED Director Krall, that the application for exclusion from the Agricultural Land Reserve for the property legally described as Lot 1, Section 10, Range 3 and of Section 11, Ranges 2 and 3, Cranberry District, Plan VIP60641 be denied.

CARRIED

MOVED Director Hamilton, SECONDED Director Krall, that an application for a transfer of lands in the Agricultural Land Reserve for the property legally described as Lot 1, Section 10, Range 3 and of Section 11, Ranges 2 and 3, Cranberry District, Plan VIP60641 be referred to the Growth Management Review Process as an amendment consideration; therefore the referral of a resolution by the Board to the Land Reserve Commission as input for the LRC's decision will be withheld pending the results of the Growth Management Review Process.

CARRIED

**Noise Control Establishing and Regulatory Bylaws – Areas 'D' and 'H'.**

MOVED Director Haime, SECONDED Director Quittenton,:

That a Public Information Meeting be held on "Electoral Area 'D' Service Establishment Bylaw No. 1264, 2001" and "Electoral Area 'D' Noise Control Regulatory Bylaw No. 1265, 2001", to be chaired by Director Haime or her alternate, prior to the consideration of the bylaws by the Board.

That a Public Information Meeting be held on "Electoral Area 'H' Service Establishment Bylaw No. 1266, 2001" and "Electoral Area 'H' Noise Control Regulatory Bylaw No. 1267, 2001", to be chaired by Director Quittenton or his alternate, prior to the consideration of the bylaws by the Board.

CARRIED

**Temporary Commercial Use Permit No. 0108 – Tower Fence Products – 1882 Fielding Road – Area A.**

MOVED Director Hamilton, SECONDED Director Elliott, that Temporary Industrial Use Permit Application No. 0108, submitted by Tower Fence Products for the parcel legally described as Lot A, Section 14, Range 6, Cranberry District, Plan 7057 be approved as outlined on Schedules No. 1 and 2 and subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

**Horne Lake Management Plan – Area H.**

MOVED Director Quittenton, SECONDED Director Hamilton, that the Draft Terms of Reference for the appointment of a Parks Advisory Committee be received for information by the Board.

CARRIED

MOVED Director Quittenton, SECONDED Director Hamilton, that the Board direct staff to proceed with the selection criteria for the appointment of a Park Advisory Committee to assist in the completion of the Horne Lake Park Management Plan.

CARRIED

MOVED Director Quittenton, SECONDED Director Hamilton, that staff be directed to proceed with the completion of a draft Horne Lake Management Plan, to be presented to the public at a public information meeting prior to consideration by the Board.

CARRIED

**ENVIRONMENTAL SERVICES STANDING COMMITTEE**

MOVED Director Sherry, SECONDED Director Korpan, that the minutes of the regular Environmental Services Committee meeting held November 27, 2001, be received for information.

CARRIED

**SOLID WASTE**

**Solid Waste Management Regulation Amendment Bylaw No. 894.14.**

MOVED Director Sherry, SECONDED Director Korpan, that "Regional District of Nanaimo Solid Waste Management Regulation Amendment Bylaw No. 894.14, 2001" be introduced and read three times.

CARRIED

MOVED Director Sherry, SECONDED Director Korpan, that "Regional District of Nanaimo Solid Waste Management Regulation Amendment Bylaw No. 894.14, 2001" be adopted.

CARRIED

**Backyard Composter Distribution – Program Termination.**

MOVED Director Sherry, SECONDED Director Holdom,:

That the back yard composter distribution program termination report be received for information.

That the back yard composter distribution program be terminated.

CARRIED

**Zero Waste Workplan and Budget.**

MOVED Director Sherry, SECONDED Director Holdom, that the Board receive the 2002 Zero Waste Workplan and Budget for information.

CARRIED

**Illegal Dumping Prevention Program Workplan and Budget.**

MOVED Director Sherry, SECONDED Director Krall,:

That the Board receive the 2002 Illegal Dumping Prevention Program workplan and budget for information.

That staff bring forward a report to the next Environmental Services Committee meeting with a detailed breakdown of the illegal dumping files generated by Malaspina University/College and RDN Bylaw Enforcement Officers and how these details may be best publicized as a deterrent component of the illegal dumping prevention program.

That a letter be sent to AVICC recommending a minimum fine of \$2,000 for illegal dumping under the Ministry of Water, Land and Air Protection regulations.

CARRIED

**Waste Export Contract Renewal.**

MOVED Director Sherry, SECONDED Director McNabb, that the Board request a five-year renewal to the contract with the Greater Vancouver Sewerage & Drainage District to collect, transship and dispose of approximately 17,000 tonnes of RDN municipal solid waste annually.

CARRIED

MOVED Director Sherry, SECONDED Director Krall, that the Board request a five-year extension to the authorization from the Ministry of Water, Land and Air Protection for interim export of RDN waste.

CARRIED

**CORPORATE & COMMUNITY SERVICES STANDING COMMITTEE**

MOVED Director Stanhope, SECONDED Director Macdonald, that the minutes of the regular Corporate & Community Services Committee meeting held on December 4, 2001, be received for information.

CARRIED

**COMMUNICATIONS/CORRESPONDENCE**

**Shirley Hine, City of Parksville, re Twinning of the District 69 Arena.**

MOVED Director Stanhope, SECONDED Director Holdom, that the correspondence received from the City of Parksville with respect to the twinning of the District 69 Arena, be received.

CARRIED

**AVICC, re Offshore Oil & Gas Moratorium.**

MOVED Director Stanhope, SECONDED Director Holdom, that the correspondence received from AVICC with respect to a common initiative involving Coastal Communities in advancing the lifting of the Hecate Strait Oil and Gas Moratorium, be received.

CARRIED

**AVICC, re the Island Medical Program.**

MOVED Director Stanhope, SECONDED Director Holdom, that the correspondence received from AVICC with respect to the Island Medical Program, be received.

CARRIED

**AVICC, re Resolutions for 2002 Annual General Meeting.**

MOVED Director Stanhope, SECONDED Director Quittenton, that the correspondence received from AVICC with respect to submission of resolutions for the 2002 Annual General Meeting, be received.

CARRIED

MOVED Director Quittenton, SECONDED Director Westbrook, that the following resolution be forwarded to AVICC:

**Sewage Treatment.**

WHEREAS sewage treatment is a major factor in economic growth;

THEREFORE BE IT RESOLVED that the AVICC do a survey on low cost sewage treatment and report.

**ADMINISTRATION**

CARRIED

**Board Procedure Bylaw No. 1268.**

MOVED Director Stanhope, SECONDED Director Sherry, that notice be provided to the public that, effective January 2002, the Committee of the Whole meetings will be held at 7:30 pm on the fourth Tuesday of each month.

CARRIED

MOVED Director Stanhope, SECONDED Director Sherry, that the "Regional District of Nanaimo Board Procedure Bylaw No. 1268, 2001" be introduced and read three times.

CARRIED

MOVED Director Stanhope, SECONDED Director Krall, that the "Regional District of Nanaimo Board Procedure Bylaw No. 1268, 2001" be adopted.

CARRIED

**Electoral Area Planning Committee.**

MOVED Director Stanhope, SECONDED Director Haime, that notice be provided to the public that, effective January 2002, the Electoral Area Planning Committee meetings will be held at 6:00 pm on the fourth Tuesday of each month.

CARRIED

**Results of the Parkland Acquisition Referendum.**

MOVED Director Stanhope, SECONDED Director Sperling, that the official results of the Electoral Area 'B' Parkland Acquisition Referendum be received for information.

CARRIED

**FIRE PROTECTION**

**Fire Services Agreement – Dashwood Volunteer Fire Department.**

MOVED Director Stanhope, SECONDED Director Sherry, that the Chairperson and General Manager, Corporate Services, be authorized to execute a service agreement with the Dashwood Volunteer Fire Department for a five year period ending December 31<sup>st</sup>, 2006.

CARRIED

**COMMISSION, ADVISORY & SELECT COMMITTEE**

**District 69 Recreation Commission.**

MOVED Director Stanhope, SECONDED Director Quittenton, that the minutes of the District 69 Recreation Commission meeting held November 15, 2001, be received for information.

CARRIED

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**Twinned Arena Project.**

MOVED Director Stanhope, SECONDED Director Macdonald, 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.

MOVED Director McLean, that the twinned arena design proposal be amended to include an option for an arena twinning in another location.

The motion failed for lack of a seconder.

The question was called on the main motion.

A recorded vote was requested.

The motion CARRIED with Directors Holme, Quittenton, Westbroek, Macdonald and Stanhope voting in the affirmative and Director McLean voting in the negative.

MOVED Director Stanhope, SECONDED Director Macdonald, 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.

CARRIED

MOVED Director Stanhope, SECONDED Director Macdonald, 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.

CARRIED

**Performance Review Committee.**

MOVED Director Stanhope, SECONDED Director Sherry, that the minutes of the Performance Review Committee meeting held November 19, 2001, be received for information.

CARRIED

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

MOVED Director Stanhope, SECONDED Director Haime, that the minutes of the Lantzville Parks & Open Space Advisory Committee meetings held August 27, September 24 and October 29, 2001, be received for information.

CARRIED

**Nanoose Bay Parks and Open Space Advisory Committee.**

MOVED Director Stanhope, SECONDED Director Westbroek, that the minutes of the Nanoose Bay Parks and Open Space Advisory Committee meeting held October 1, 2001, be received for information.

CARRIED

**Electoral Area 'G' Parks, Recreation and Greenspace Advisory Committee.**

MOVED Director Stanhope, SECONDED Director Westbroek, that the minutes of the Electoral Area 'G' Parks, Recreation and Greenspace Advisory Committee meeting held November 7, 2001, be received for information.

CARRIED

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATION**

**MacMillan Park in Cathedral Grove.**

MOVED Director Stanhope, SECONDED Director Sherry, that this item be tabled for one month to allow staff to obtain further information from the parties involved.

CARRIED

**Island Medical Program.**

MOVED Director Stanhope, SECONDED Director Holdom, that a letter of support be sent to the District's MLA and copies to AVICC with respect to the Island Medical Program to ensure that funding commitments remain to ensure the success of the program.

CARRIED

**NEW BUSINESS**

**Board Appointments.**

**Electoral Area 'A' Parks, Recreation & Greenspace Advisory Committee.**

MOVED Director Stanhope, SECONDED Director Elliott, that Lynette Aldcroft, Judy Burgess, Frank Garnish, Kerri-Lynne Wilson and David G. Williamson be appointed to the Electoral Area 'A' Parks, Recreation & Greenspace Advisory Committee for a term ending December 31, 2003.

CARRIED

**Grants-in-Aid Committee.**

MOVED Director Stanhope, SECONDED Director Hamilton, that Deborah Bromley-Anvelt, J.P. Hugh Sproule and Frank Van Eynde be appointed to the Grants-in-Aid Committee for a term ending December 31, 2002.

CARRIED

**Performance Review Committee.**

MOVED Director Stanhope, SECONDED Director Sherry, that Arthur Lightburn be appointed to the Performance Review Committee for a term ending July 2002.

CARRIED

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

**Intergovernmental Advisory Committee.**

MOVED Director Stanhope, SECONDED Director Rispin, that the minutes of the Intergovernmental Advisory Committee meeting held November 19, 2001, be received for information.

CARRIED

**ADMINISTRATOR'S REPORT**

**License of Use – Nanaimo Wastewater Treatment Plant Greenhouses.**

MOVED Director Sherry, SECONDED Director Krall, that the General Manager, Environmental Services be authorized to enter into a two year agreement ending December 31<sup>st</sup>, 2002 with the Nanaimo Foodshare Network for the use of the greenhouses at Hammond Bay Rd.

CARRIED

**Growth Management Plan Review – Phase I & II Input.**

MOVED Director Stanhope, SECONDED Director Westbrook, that the report 'Growth Management Plan Review – Phase I and II Input' be received, and that staff be directed to develop policy alternatives, additions and options to respond to the topic areas identified in Schedule 1 of the report.

CARRIED

**Treaty.**

MOVED Director Hamilton, SECONDED Director Holdom, that the Regional District of Nanaimo:

- (a) Recommence our participation in the treaty process subject to the satisfactory clarification of the decision making role of local government in issues relative to our jurisdiction.
- (b) Support the Minister's offer of hiring a facilitator/mediator to assist in achieving this end.
- (c) Recommence our involvement with the Treaty Related Measures.
- (d) Write Minister Plant and Minister Nault formally requesting funding for local government administrative costs related to treaty involvement.

CARRIED

**Electoral Area A Official Community Plan Bylaw No. 1240.**

MOVED Director Elliott, SECONDED Director McNabb, that "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" be adopted.

CARRIED

**Temporary Use Permit No. 0301 and Development Permit No. 0117 – Nanoose Harbour Holdings – 3500 Fairwinds Drive – Area E.**

MOVED Director Stanhope, SECONDED Director Hamilton, that the minutes for a Public Information Meeting held November 29, 2001 for Temporary Use Permit No. 0103 submitted by Frank Fairley, acting as agent for Nanoose Harbour Holdings, to locate a commercial realty office on the subject property legally described as Part of District Lot 78, Nanoose District, be received for information.

CARRIED

MOVED Director Stanhope, SECONDED Director Hamilton, that Temporary Use Permit No. 0103, submitted by Frank Fairley, acting as agent for Nanoose Harbour Holdings, to locate a commercial realty office on the subject property legally described as Part of District Lot 78, Nanoose District be approved.

CARRIED

MOVED Director Hamilton, SECONDED Director Stanhope, that Development Permit No. 0117, submitted by Frank Fairley, acting as agent for Nanoose Harbour Holdings, to locate a commercial realty office on the subject property legally described as Part of District Lot 78, Nanoose District be approved.

CARRIED

**Request to Modify a Restrictive Covenant – Williamson & Associates, BCLS on behalf of Janet Limin – Akenhead Road & Huckleberry Way – Area A.**

MOVED Director Hamilton, SECONDED Director McNabb, that the request from Williamson and Associates, BCLS, on behalf of Janet Limin, to modify Covenant Document No. ES87302, to amend the minimum second dwelling size from 112 m<sup>2</sup> to 158 m<sup>2</sup> for Lot 2, Section 14, Range 8, Plan VIP72809, Cranberry District, be approved subject to all costs associated with the registration of the modified covenant to be paid by the applicant and to the satisfaction of the Regional District.

CARRIED

**Land Use and Subdivision Amendment Bylaw No. 500.278 – Valentim – 2651 Trans Canada Highway – Area A.**

MOVED Director Elliott, SECONDED Director McNabb, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.278, 2001" be adopted.

CARRIED

**Request for Relaxation – Fern Road Consulting Ltd. on behalf of Avorado Resort – 6050 East Island Highway – Area H.**

MOVED Director Quittenton, SECONDED Director Stanhope, that the request submitted by Fern Road Consulting Ltd. on behalf of Avorado Resort Ltd. to relax the minimum 10% frontage requirement for proposed Lot 2, as shown on the plan of subdivision of Lot A, District Lot 20, Newcastle District and the Bed of Strait of Georgia, Nanaimo District, Plan VIP55017, be approved subject to the proposed access being secured by easement.

CARRIED

**2002 PROVISIONAL BUDGETS**

**Development Services Provisional Budget.**

MOVED Director Hamilton, SECONDED Director McNabb, that the 2002 Development Services Provisional Budget be approved as presented.

CARRIED

**Environmental Services Provisional Budget.**

MOVED Director Sherry, SECONDED Director Westbrook,:

That \$100,000 be identified on the development cost charge reserve list for pump station upgrades and that a report be forwarded by staff identifying projects which would benefit or qualify for funds from the development cost charge reserve; and

That \$100,000 be used from the French Creek Pollution Control Centre Development Cost Charge Reserve Fund to reduce the 2002 tax requisition.

That the 2002 Environmental Services Provisional Budget be approved as amended.

CARRIED

**Community Services Provisional Budget.**

MOVED Director Stanhope, SECONDED Director Westbrook,:

- That the District 69 Recreation Coordinating Provisional Budget tax requisition be increased by \$50,000 to raise the portion allocated to Grants-in-Aid.



That the Board approve a 8% user fee increase effective September 2002 in addition to the 8% fee increase provided for on January 1, 2002 for the District 69 Arena.

That the 2002 Community Services Provisional Budget be approved as amended.

MOVED Director Quittenton, SECONDED Director Westbrook, that the District 69 Recreation Coordinating Provisional Budget tax requisition be increased by \$25,000 to raise the portion allocated to Grants-in-Aid.

DEFEATED

MOVED Director Westbrook, SECONDED Director Krall, that the Board approve a 11% user fee increase effective September 2002 in addition to a 5% fee increase provided for on January 1, 2002 for the District 69 Arena.

DEFEATED

MOVED Director Macdonald, SECONDED Director Rispin, that the Board approve a 5% user fee increase effective September 2002 in addition to a 5% fee increase provided for on January 1, 2002 for the District 69 Arena.

DEFEATED

MOVED Director Westbrook, SECONDED Director Macdonald, that the Board approve a 8% user fee increase effective September 2002 in addition to a 5% fee increase provided for on January 1, 2002 for the District 69 Arena.

CARRIED

The question was called on the main motion as amended.

The motion CARRIED.

#### **Corporate Services Provisional Budget.**

MOVED Director Stanhope, SECONDED Director Westbrook, that the 2002 Corporate Services Provisional Budget be approved as amended.

CARRIED

#### **Provisional Budget Bylaw No. 1269.**

MOVED Director McNabb, SECONDED Director Holdom, that "Regional District of Nanaimo 2002 Provisional Budget Bylaw No. 1269, 2001" be introduced and read three times.

CARRIED

MOVED Director Westbrook, SECONDED Director Holdom, that "Regional District of Nanaimo 2002 Provisional Budget Bylaw No. 1269, 2001" be adopted.

CARRIED

#### **IN CAMERA**

MOVED Director Sherry, SECONDED Director McLean, that pursuant to Section 242.2 (1)(a) of the *Local Government Act* the Board proceed to an In Camera meeting to consider a personnel issue.

CARRIED

**ADJOURNMENT**

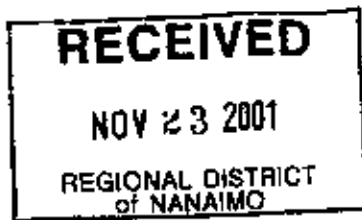
MOVED Director Sherry, SECONDED Director Westbrook, that this meeting terminate.

CARRIED

TIME: 8:58 PM.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES



SITE 138 0 122 R.R.#1  
BOWSER, B.C. V0R1B0  
NOVEMBER, 20, 2001

MR. R. LAPHAM  
THE REGIONAL DISTRICT OF NANAIMO  
6300 HAMMOND BAY ROAD,  
NANAIMO, B.C. V9T 6N2

DEAR SIR,

AT THE LIQUID WASTE MANAGEMENT MEETING AT THE LIGHTHOUSE COMMUNITY CENTRE, I FOUND IT INTERESTING THAT YOU AGREED WITH ME AND SAID I WAS RIGHT PERTAINING TO THE CABINS AT HORNE LAKE.

THE FACT THEY WERE ILLEGAL, SOME WITH UNAPPROVED SEPTIC SYSTEMS, USED AS A YEAR ROUND RESIDENCE AND MANY OTHER INFRACTIONS NOT COMPLYING WITH THE SO CALLED LICENCE AGREEMENT WITH THE PROPERTY OWNER.

AS WE AGREED THE R.D.N. DID NOT LIVE UP TO IT'S RESPONSIBILITY TO THE RATEPAYERS OVER THE YEARS. BUCK PASSING TOOK PLACE INVOLVING THE R.D.N., FISHERIES, THE MINISTRY OF HEALTH AS WELL AS THE MINISTRY OF THE ENVIRONMENT.

THIS INFORMATION WAS KNOWN PRIOR TO THE R.D.N. STAFF AND BOARD, ABDICATING THEIR RESPONSIBILITY TO THE RATEPAYERS OF THE REGIONAL DISTRICT AND AGREEING TO THE RE-ZONING, IN EXCHANGE FOR FIVE MILLION DOLLARS. IT IS EVIDENT NO ONE IN AUTHORITY HAD THE MOXIE TO DO THE RIGHT THING AND PRESERVE THIS WATERSHED FOR FUTURE GENERATIONS.

WHEN I SPEAK TO DIFFERENT PEOPLE ON THIS ISSUE I RECEIVE DIFFERENT ANSWERS. THE COTTAGE ASSOCIATION HAS IT'S OPINIONS, R.D.N. PEOPLE HAVE THEIRS INCLUDING AREA "H" DIRECTOR R. QUITTENTON, AND THEY ALL DIFFER.

SO, WHAT IS THE TRUTH ABOUT THE AVAILABILITY OF HORNE LAKE FOR FUTURE USE AS POTABLE WATER??

HAVING SAID THAT, LETS MOVE ON TO THE QUESTION I ASKED YOU INITIALLY BUT DID NOT GET AN ANSWER. HAS A STUDY BEEN DONE BY KOERS & ASSOCIATES ENGINEERING LTD OR SOME SUCH COMPANY, TO BRING POTABLE WATER ALL THE WAY TO DEEP BAY AND AREA, FROM THE ARROWSMITH LAKE RESERVOIR??

IF SUCH A STUDY WAS DONE PLEASE SEND ME INFORMATION PERTAINING THERETO. MAYBE A COPY.

THE MEETING AT LIRTHOUSE WAS ALL ABOUT LIQUID WASTE MANAGEMENT AND RELATED COSTS INVOLVED. THERE WAS NO MENTION OF THE AVAILABILITY OF POTABLE WATER, TO SERVICE THE DENSE POPULATION AND GROWTH ANTICIPATED.

WHAT IS THE WATER SUPPLY AT DUNSMUIR, QUALICUM BAY, BOWSER AND THE SURROUNDING AREAS?? I CANNOT FIND ANY INFORMATION RELATING TO STUDIES DONE IN THESE AREAS BY THE R.D.N.

AREA "H" DIRECTOR R. QUITTENTON WAS NOT EVEN AWARE THE WATER TABLE FOR HIS POTABLE WATER SUPPLY, IS THE LOWEST IT HAS BEEN IN TEN YEARS OF MONTHLY RECORDINGS. THE "QUADRA SANDS" WATER TABLE HAS DROPPED AND IT APPEARS THE REASONS ARE WEATHER AND DEMAND. HOW MUCH MORE CAN IT SUPPORT??

NO ONE SEEMS TO HAVE THE ANSWER.

THE DAVID BAXTER STUDIES AND REPORTS HAVE MADE IT A WELL KNOWN FACT THIS AREA WILL GROW AND SO IT SHOULD, BUT HOW DO YOU PLAN FOR WASTE WATER MANAGEMENT NOT HAVING INFORMATION ON POTABLE WATER??

IF IT IS THE INTENTION OF THE R.D.N., TO RUN THE WATER UP TO DEEP BAY FROM ARROWSMITH, DON'T YOU THINK THE RATEPAYERS SHOULD BE ADVISED?? WHAT ADDITIONAL COSTS WILL THERE BE TO THEM ALONG WITH THE WASTE WATER MANAGEMENT??

IT APPEARS THE CART IS BEFORE THE HORSE.  
TREAT THE WATER BEFORE YOU HAVE IT.

ANOTHER POINT OF INTEREST. WHAT REPORTS ARE AVAILABLE ON HOW OFTEN THE BEACHES HAVE BEEN CLOSED, FROM QUALICUMBAY TO DEEP BAY DUE TO POLLUTION FROM SEPTIC LEACHING? HOW OFTEN HAS SHELL FISH HARVESTING BEEN CURTAILED OR CLOSED FOR THE SAME REASON?

BY WAY OF COPIES TO AREA "H" DIRECTOR R. GUITTENTON AND THE R.D.N. CHAIRPERSON G. HOLMES I AM REQUESTING THIS LETTER BE READ INTO THE MINUTES OF A BOARD MEETING AND CONFIRMATION OF THIS BE SENT TO ME.

YOURS TRULY,  
David C. Heenan

DAVID C. HEENAN

REGIONAL DISTRICT OF NANAIMO			
DEC 17 2001			
CHAIR	<input checked="" type="checkbox"/>	GMCrs	
CAO	<input checked="" type="checkbox"/>	GMDS	
GMCms	<input checked="" type="checkbox"/>	GMES	
Board Conv. <input checked="" type="checkbox"/>			

Trevor Wicks  
 P O Box 196 Errington B C  
 V0R 1V0  
 250 248 9824  
[tewicks@island.net](mailto:tewicks@island.net)

Director George Holme  
 Chair of the Board  
 Regional District of Nanaimo

### Re; resolving the Zoning opposition in Area 'F'

The process for the implementation of the Zoning Bylaws in Area 'F' should not be delayed by the actions of a special interest group claiming to represent the people of our community. I would like to request that the Board of the Regional district of Nanaimo take decisive action to address the concerns of the fifteen – twenty individuals who spearhead the opposition to the planning of our community.

1. Hire a large bus for a day
2. After a brief introduction at the Bradley Center, take a bus tour of Area 'F'
3. Invite the following people to attend :
  - Regional Directors
  - Regional staff
  - Municipal representatives
  - Provincial ministry representatives i.e. Land Commission, Health, Environment
  - Leaders of the anti-planners
  - Individuals who are anxious to have some land use planning in the area
  - Other interested participants
4. Drive around the area taking particular interest in the properties of the anti planning leaders inviting them to explain their reasons for the opposition to the proposed Zoning Bylaws.
5. Look at the rural integrity – rural industrial, rural commercial ... tourist potential, environmental features, village nodes... high density neighborhoods. etc
6. Have staff explain the community infrastructure or lack of infrastructure
7. Regional Health personnel could clarify the health concerns in some areas
8. Individuals with problems in their neighborhoods could explain their concerns

The first hand, on site explanations and visual observations would put into prospective the concerns and interests of all the participants in the Planning –Zoning process.

P T O

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Before driving around our communities the invited guests should be asked to take into consideration the following points;

- **Economy;** With the downturn in resource based industries, the tourism sector and retirement services are important to Central Vancouver Island's economy. Without land use planning, the area is being degraded, as an integral part of an internationally acclaimed tourist destination, especially for the eco-tourism potential. The disorganized appearance of Area 'F' could also affect the appeal of Central Vancouver Island as an attractive retirement area.
- **Community Health;** The lack of land use Zoning Bylaws has allowed all types of development to occur in neighborhoods, without adequate infrastructure to ensure the water supplies are safe and sustainable. In parts of the area, wastewater disposal systems, and inappropriate land uses, are affecting wells, and surface drinking water sources. In addition, the watersheds within Area 'F' supply a significant proportion of the surface and groundwater - drinking water supplies to the coastal communities downstream. Indications are, that public health could be, (or is) adversely affected.
- **Unique Environment;** Central Vancouver Island has some unique natural areas many of these features that should be protected for this, and future generations. The integrity of these natural systems are threatened by the lack of land use planning in this area.
- **Uncertainty;** .....What is moving in next door, .....can we do anything about the noise from the \*\*\*\*\* down the road, .....are they allowed to do that in a residential neighborhood? Property values decline, neighborhood conflict increases, peoples quality of life can go 'out the window' overnight.
- **World-wide attention;** Area 'F' is in the center of newly established **Biosphere Reserve** as designated by the United Nations, Man and the Biosphere program. The **Mount Arrowsmith Biosphere Reserve** will attract attention both nationally and internationally as the world community looks at more sustainable human and natural ecosystems.

Yours sincerely  
Trevor Wicks

***Standing Committees***

	<i>Chairperson</i>
Committee of the Whole	J. Stanhope
Electoral Area Planning Committee	E. Hamilton
Executive Committee	G. Holme

***Scheduled Standing Committees***

	<i>Appointment</i>	<i>Alternate</i>
Municipal Finance Authority	J. Stanhope	D. Haime
District 69 Recreation Commission	D. Quittenton	J. McLean
Deep Bay Harbour Authority	D. Quittenton	
Regional Library Board	J. Stanhope	L. Elliott
Treaty Advisory Committee	E. Hamilton	B. Sperling
North Island 911 Corporation	G. Holme	T. Westbrook
Grants-in-Aid Committee	E. Hamilton	
Municipal Insurance Association (MIA)	E. Hamilton	
RDN Emergency Planning Committee	G. Holme E. Hamilton	
Mt. Arrowsmith Biosphere Foundation	J. Stanhope	
Arrowsmith Water Project Management Committee	G. Holme	
Solid Waste Advisory Committee (SWAC)	L. Sherry J. Stanhope	
Liquid Waste Management Plan Monitoring Committee	L. Sherry	

***Nanaimo Regional Hospital District Board Appointments***

	<i>Appointment</i>	<i>Alternate</i>
CVIsland Health Regional Project Building Committee	G. Holme	B. Holdom
CVIsland Health Region Joint Capital Planning Committee	T. Krall	J. Stanhope

***Select Committee***

	<i>Chairperson</i>	<i>Appointments</i>	
RDN Building Addition Committee	G. Holme	D. Rispin L. Sherry E. Hamilton J. McLean	L. McNabb J. Macdonald T. Westbrook D. Haime



### ***ELECTORAL AREA PLANNING COMMITTEE***

(4th Tuesday 5:00 pm)

(Current & Community Planning)

E. Hamilton (Chair)	L. Elliott
B. Sperling	J. Stanhope
D. Haime	G. Holme
D. Quittenton	J. McLean

### ***COMMITTEE OF THE WHOLE***

(4th Tuesday 7:30 pm)

(Corporate & Community/Development/Environmental Services)

J. Stanhope (Chair)	J. Macdonald
L. Elliott	B. Sperling
L. McNabb	D. Haime
D. Quittenton	T. Westbrook
E. Hamilton	T. Krall
D. Rispin	L. Sherry
G. Korpan	G. Holme
J. McLean	B. Holdom

### ***EXECUTIVE COMMITTEE***

G. Holme (Chair)	L. McNabb
L. Sherry	J. Stanhope
E. Hamilton	



REGIONAL DISTRICT OF NANAIMO		
JAN - 2 2002		
CHAIR		GMCRS
CAO		GMDS
GM		GMES
	Board	✓

**MEMORANDUM**

**TO:** Kelly Daniels, CAO **DATE:** January 2, 2002

**FROM:** Robert Lapham **FILE:** 3900 20 1155  
 General Manager, Development Services

**SUBJECT:** Amendments to Electoral Area 'F' Zoning and Subdivision Bylaw

**PURPOSE**

To receive a summary of the issues and recommendations for amendments to the Electoral Area 'F' Zoning and Subdivision Bylaw from the Electoral Area 'F' on behalf of the Electoral Area 'F' Select Committee and further, to direct staff to incorporate proposed amendments into the draft bylaw to be reintroduced at the next Board Meeting.

**BACKGROUND**

At the October 30<sup>th</sup>, 2001 Special Board Meeting, the Board of the Regional District accepted the recommendations from the Development Services Committee and 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 with respect to the proposed bylaw and for the Committee to make recommendations on any proposed amendments to the Bylaw.

**ALTERNATIVES**

1. To receive the Electoral Area 'F' Select Committee Report and proceed with the recommendations contained in Attachment No. 1.
2. To receive the Electoral Area 'F' Select Committee Report and refer it back to staff with direction on amendments to the proposed Bylaw that may include a combination of Select Committee recommendations and other recommendations as recommended by the Board.

**PUBLIC CONSULTATION IMPLICATIONS**

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. The Public Information Meeting was held at the Bradley Centre in Coombs on the evening of November 21, 2001.

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To ensure that there was broad public input, advertisements were placed in area newspapers and a flyer, advertising the PIM and the Electoral Area site office, was mailed to all property owners in the Electoral Area. Staff spoke to approximately 250 area residents at the Area 'F' site office and received a large number of written submissions. There were approximately 180 people in attendance at the Public Information Meeting held on November 21, 2001. The minutes from the PIM and all the submissions received during this process (and up to December 20, 2001) are included as Attachment No. 2.

### **SELECT COMMITTEE REVIEW**

The Electoral Area 'F' Select Committee met on December 5<sup>th</sup> and 21<sup>st</sup>. It is noted that the Electoral Area 'H' Director advised staff that he was not prepared to participate on the Committee as he had not been in attendance at the Board meeting at the time of his appointment.

The Select Committee met to consider recommendations on possible amendments to the proposed Electoral Area 'F' Zoning and Subdivision Bylaw. The Committee's review was based on the submissions and information received at the Electoral Area 'F' Site Office, by correspondence and at the Public Information Meeting, and 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 first meeting of the Select Committee, clear issue areas were identified based on the feedback and submissions received from the public. These issues were summarized and individually considered as proposed amendments to the Bylaw. Attachment No. 1 provides an overview of the key issue areas identified by the Committee and summarizes the recommendations for amendments to the proposed Zoning Bylaw for Electoral Area 'F'.

#### ***Site Specific Issues***

The majority of requests for amendments to the bylaw were site specific relating to existing uses on individual properties. There were approximately 50 amendments requested for site specific uses. For all of these requests, the Select Committee recommends that the bylaw be amended to recognize existing uses on individual properties where these uses could be recognized as meeting the criteria in the Official Community Plan. The recommendation also includes the need to lessen impacts on adjacent properties by ensuring that while recognizing existing uses, reasonable limitations on the extent and location of uses are established.

#### ***General Issues***

Community issues about the general regulations for setbacks, food processing, home based business, the storage of unlicensed vehicles and fence height were also assessed with respect to their practical application. The Select Committee considered the potential for possible impacts to properties and recommends removing restrictions on the storage of vehicles, but to continue to regulate wrecking yards, to permit food processing as a commercial use, to make setbacks more consistent and to make other minor amendments as outlined in the matrix. (Attachment No. 1)

### ***Commercial and Industrial Issues***

There were a number of requests for amendments in relation to the provision for expanded commercial and industrial uses or to expand definitions for uses, from individual property owners. These requests were more in relation to establishing new uses on vacant land, to provide more flexibility for future uses or for the future expansion of existing 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 Committee recommends that the bylaw be amended to recognize these uses. These amendments apply to 3 parcels located within the group of Salvation Army lots located in the vicinity of Shearme Road.

Requests for additional provisions for proposed development outside rural separation boundaries was not provided for 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. Lands not subdivided at the time of this review are not recommended to be recognized for additional development beyond the allowances in the draft bylaw.

### ***Development Capacity Issues***

Due to concerns raised by agencies and municipalities, Industrial and Commercial capacity was evaluated in relation to the goals of the OCP and Growth Management Plan. It was recognized that certain areas within rural separation boundaries do not currently provide for an optimum mix of uses, encouraged to promote nodal communities; however, the declared Villages Centres do reflect historical service centres, recognize land use designations (ALR, FLR) and site constraints. The Select Committee agrees that the Bellevue – Church Road zones represent efforts to reconcile existing uses and reduce potential land use conflicts or improve the feasibility of future planned development. Residential uses are recognized or zoned where considered feasible. Allowances for increased development based on the prospect of future servicing was considered to be premature in relation to the current status of community services available in the area and the uncertainty with respect to site constraints and development impacts. Therefore, the Committee recommends that the added capacity previously anticipated with future community services not be recognized at this time.

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

With respect to industrial lands, amendments to uses were considered to attempt to distinguish between existing versus future development. Site specific zones were established for vacant lands in proximity to known community wells to provide for added protection in addition to maintaining proposed runoff protection measures that are legally defensible within the bylaw. The Committee is of the opinion that these practices are the best measures that can be taken while recognizing the OCP and Growth Management Plan designations for the industrial area. Staff have noted that 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.

### ***Agricultural Land Reserve OCP Policy Issues***

Submissions calling for amendments to the minimum parcel size for underlying zoning within the ALR were also considered by the Committee. During the OCP process, this issue was also considered and resulted in acceptance of a 4.0 ha minimum parcel size by the Land Reserve Commission. Based on

information received by the Select Committee, an amendment of the OCP and proposed zoning to a 2.0 ha minimum parcel size would respond to significant issues raised in the community with respect to land use planning in Electoral Area 'F'. A recommendation to reduce the minimum parcel size for the A-1 zone would require a concurrent amendment process for the OCP, consultation in accordance with a consultation plan accepted by the Board and approval by the Land Reserve Commission prior to being considered for Board approval.

At the December 5<sup>th</sup>, 2001 meeting of the Select Committee it was agreed that with the support of the Director for Electoral Area 'F', and if the Land Reserve Commission would support a proposed amendment to the OCP, the amendment would enhance the vitality of the rural area within Electoral Area 'F', provide a net benefit to the local agricultural community and gain significant support for the zoning bylaw in the community. At the meeting the Area 'F' Electoral Area Director indicated that this is one of the most important issues to gain his support for the OCP and Zoning Bylaws and that if the other recommendations of the Committee and this amendment could be secured, he would support the bylaw.

Staff has had preliminary meetings with the Land Reserve Commission on this issue and believe that in consideration of the work of the Select Committee to resolve outstanding issues, with the confirmation of the significance of this issue by the Area Director, and with an indication of support for these amendments by the Board, the Land Commission will not object to this request. However, at the December 21<sup>st</sup>, 2001 meeting of the Select Committee to conclude this report, the Director for Area 'F' announced that he would withdraw from the Select Committee Review process. Therefore the resolution of this issue remains uncertain.

## SUMMARY/CONCLUSIONS


Following a review of comments received from landowners, area residents, local governments, and the general public, the Select Committee has identified a number of amendments and technical refinements for the draft Electoral Area 'F' Zoning and Subdivision Bylaw No. 1155, 2001. The Committee's review was based on the submissions and information received at the Electoral Area 'F' Site Office, by correspondence and at the Public Information Meeting, and an evaluation of the criteria and policies outlined in the Electoral Area 'F' Official Community Plan, Growth Management Plan and other agency interests or statutory requirements.

The Select Committee substantially completed the review of the bylaw at the meeting held on December 5, 2001 and directed staff to make inquiries with respect to recommendations concerning the Agricultural Land Reserve and general legal implications, and to finalize the report with the recommendations as outlined in Attachment No. 1. At the meeting Committee members were unanimous in agreeing that the proposed amendments to the bylaw represented the best effort to respond to all of the concerns about the bylaw recognizing that some individual interests may not be satisfied. However, at the meeting held on December 21, 2001 to endorse the report, the Electoral Area 'F' Director advised that he was no longer prepared to participate in the review process or support the bylaw due to the lack of Board support for his initiatives.

Therefore, with a record of the recommendations for resolution of issues agreed to at the December 5, 2001 meeting of the Select Committee, but without the full endorsement of the Select Committee, the following recommendations are provided for the consideration of the Board.

## RECOMMENDATIONS

1. That the Select Committee Report and the Select Committee Recommendation Matrix be received. *(Attachment No. 1)*
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. *(Attachment No. 2)*
3. That the minutes of the December 5<sup>th</sup> and 21<sup>st</sup>, Electoral Area 'F' Select Committee Meetings be received. *(Attachment No. 3)*
4. 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.
5. 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.

  
Report Writer

  
CAO Concurrence

**Electoral Area 'F' Select Committee Recommendations**  
 Electoral Area 'F' Zoning and Subdivision Bylaw No. 1155

Issue	Comments	Recommendation
<b>Property Issues</b>  Recognize existing uses in Zoning Bylaw	<ul style="list-style-type: none"> <li>• During Public Consultation between Nov. 4 and Dec. 20 received approximately 55 written requests that site specific zoning be applied to properties to recognize existing uses that were legally sited</li> </ul>	<ul style="list-style-type: none"> <li>• Recognize those minor amendments to address existing uses as requested by landowners provided that they meet the OCP criteria</li> <li>• Allow for future housekeeping amendments if existing/approved uses are brought to the attention of the RDN that were not addressed during consultation process</li> <li>• Direct Staff to notify each person providing a submission as to the Committee recommendations</li> </ul>
<b>Non-Conforming Parcel Sizes and Buildings</b>	<ul style="list-style-type: none"> <li>• Find issue of "what does non-conforming mean and what are the implications" difficult to understand</li> <li>• Must avoid creating issues for insurance and future sale of properties</li> </ul>	<ul style="list-style-type: none"> <li>• Amend Section 1.4 of Bylaw to clarify non-conforming status and the legal status of existing buildings, structures and lots</li> </ul>
<b>Community Issues</b>  General Regulations	<ul style="list-style-type: none"> <li>• Should reconsider some prohibited uses including Food Processing and Commercial Composting</li> <li>• Amend Runoff Control Standards to not include Home Based Business (HBB) because of costs associated with drilled wells and oil separation facilities</li> <li>• Regulations that prohibit storage of unlicensed vehicles should be removed from Bylaw</li> <li>• Remove specific signage regulations for properties that are adjacent to Hwy. 19 and Hwy. 4 Connector</li> <li>• Increase maximum fence height to 3 m from 2 m to allow for security concerns</li> <li>• Land Reserve Commission requesting that size be restricted to maximum of 150 m<sup>2</sup> for HBB and 150 m<sup>2</sup> for accessory outdoor storage</li> <li>• Proposed Prohibited Contaminant regulations should be reviewed relative to amendments to <i>Local Government Act</i></li> </ul>	<ul style="list-style-type: none"> <li>• Recommend seafood processing, slaughterhouse and commercial composting only be permitted by application. Amend Bylaw to remove Food Processing as a prohibited use as Health Unit indicated that septic disposal is not a significant issue, several long standing local businesses that would be impacted. Add Food Processing as permitted use to C-3 zone</li> <li>• Amend Runoff Control Standards so that Home Based Business (HBB) is not subject to Section 2.6(d) Run Off Control Regulations</li> <li>• Amend Bylaw to remove regulations prohibiting storage of unlicensed vehicles</li> <li>• Do not amend Bylaw to remove signage regulations for properties that are adjacent to Hwy. 19 and Hwy. 4 Connector, required by Vancouver Island Highway Implementation Agreement</li> <li>• Amend Bylaw to increase fence height to 2.5 m</li> <li>• Amend Bylaw to restrict HBB to a maximum of 200 m<sup>2</sup> and 200 m<sup>2</sup> for accessory outdoor storage</li> <li>• Legal review of Section 2.5 and 2.6 suggests revision to these sections to relate land use to prohibited discharges</li> </ul>
<b>Parcel Siting Issues</b>	<ul style="list-style-type: none"> <li>• Minimum setbacks for buildings should be common throughout zones in Bylaw</li> <li>• Minimum setbacks for outdoor storage of materials should be removed from all zones in Bylaw</li> <li>• Remove setback requirements for properties that are adjacent to Hwy. 4 Connector</li> <li>• Maximum height regulations should be removed from all zones in Bylaw to allow for flexibility</li> </ul>	<ul style="list-style-type: none"> <li>• Amend Bylaw to have common setback of 4.5 m from front and exterior side lot line and 2 m from all other lot lines</li> <li>• Do not amend Bylaw to remove outdoor storage setbacks, storage setbacks work to reduce off site impacts of uses on adjacent property</li> <li>• Amend Bylaw to remove setback requirements for properties that are adjacent to Hwy. 4 Connector</li> <li>• Do not amend Bylaw to remove maximum height, increase maximum height to 10 m for all residential zones, height is calculated to allow for 3 story plus attic and recognizes local fire fighting capability</li> </ul>
<b>Definitions</b>	<ul style="list-style-type: none"> <li>• Definition for Value Added Lumber Remanufacture limits the output to 60 m<sup>3</sup> per day and this is approximately 2-3 hours worth of production on a mill of this sort and must be increased</li> <li>• Definition of Height should measure height of building from top of foundation or from front of building grade</li> <li>• Add definition for tourist oriented store to match OCP</li> </ul>	<ul style="list-style-type: none"> <li>• Amend definition to limit production to a maximum of 240 m<sup>3</sup> (100,000 board feet) per day that reflects capacity of area mills based on information supplied by local owners</li> <li>• Do not amend Bylaw, Height allows for most new building plans and average natural grade is measured as the average elevation between the front and rear corners of the building</li> <li>• Add definition to Bylaw for Tourist/Convenience Store as 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.</li> </ul>

## Electoral Area 'F' Select Committee Recommendations

### Electoral Area 'F' Zoning and Subdivision Bylaw No. 1155

Issue	Comments	Recommendation
Zones	<ul style="list-style-type: none"> <li>Received comments that the first Draft of the Bylaw was easier to use, contained less zones and definitions were more flexible</li> <li>Received comments that C-3 zone should allow for manufacturing, mini-storage, pub and food processing</li> <li>Received comments that there should be one Industrial zone, government agencies requesting that all lands zoned I-3 be zoned industrial for future development</li> <li>Received comments that Industrial uses should be limited in vicinity of Breakwater Well #HC6 to protect water quality</li> <li>Received comment that the C-4 zone must be expanded to reflect all uses identified for Tourist Commercial parcels in OCP</li> </ul>	<ul style="list-style-type: none"> <li>Expand range of uses in C-3 zone to allow for mini-storage, pub, and food processing. Product Assembly use accommodates majority of existing fabrication type business in the C-3 zones. For the identified parcels with full scale manufacturing, the use has been added to the parcels on a site specific basis</li> <li>Committee did not resolve request by Crown to amend Industrial zoning due to outstanding Crown land issues</li> <li>Site specific zone Rem Lots 3 and 4 of Plan 1964 to prohibit outdoor industrial uses in I-1 zone</li> <li>Add Tourist/Convenience Store as a permitted use to the C-4 zone, all other uses identified in the OCP for Tourist Commercial are permitted in zone</li> <li>Remove density with services in Village Centre and Rural Separation Boundary for infrastructure services, future density to be determined</li> </ul>
Zoning in the ALR	<ul style="list-style-type: none"> <li>Received comment that minimum parcel size for A-1 zone should be 2 ha (5 ac) for all ALR lands</li> <li>Received comments that there should be no zoning on ALR lands, already regulated</li> <li>Received comments that the OCP should be amended to allow for automatic zoning if parcel is removed from ALR</li> </ul>	<ul style="list-style-type: none"> <li>Amend Zoning Bylaw and OCP to allow for 2 hectare/5 acre minimum permitted parcel size for lands within the ALR</li> <li>A-1 zone written to recognize any use permitted by the LRC, no rezoning is required for a property that receives a special use permit or if the ALR regulations are amended in the future to expand uses</li> <li>OCP requires that an amendment to the Plan be made if parcel is removed from ALR to ensure that community has ability to comment on proposed development in Area 'F'</li> </ul>
Qualicum River Estates (QRE)	<ul style="list-style-type: none"> <li>Developer is requesting a new rural residential zone be created that allows for 2 dwellings per 1 ha throughout the QRE lands designated Rural Residential in the OCP</li> <li>Add primary mineral processing as a permitted use for the Remainder of BLK 359</li> </ul>	<ul style="list-style-type: none"> <li>Amend Bylaw to allow for increased density in the Qualicum River Estates area for existing subdivided parcels, retain proposed R-2 zone for balance due to potential for traffic and environmental impacts</li> <li>Add site specific zoning for primary mineral processing for BLK 359</li> </ul>
Little Qualicum River Village	<ul style="list-style-type: none"> <li>Developer is requesting to create a Comprehensive Development zone tailored to fit this strata title development with its mix of tourist commercial and residential properties</li> </ul>	<ul style="list-style-type: none"> <li>RC-3 to remain on recreational lots and apply RC-2 zone on the balance of lots identified as Tourist Commercial in OCP (1 dwelling per lot or 2 tourist accommodation units per lot)</li> </ul>
Comprehensive Development Zones	<ul style="list-style-type: none"> <li>Comments requested that CD zones reflect only existing uses and that potential future subdivision does not increase impacts on adjacent established uses</li> </ul>	<ul style="list-style-type: none"> <li>Recommend that CD zones only recognize existing uses and ensure compatibility with adjacent properties</li> <li>Manage future impacts for large CD zoned parcels by increasing minimum parcel size for CD zoned properties to ensure that subdivision will not increase impacts on adjacent uses or provide regulation to limit CD permitted uses to parent parcel and require that new parcel be zoned to reflect OCP designation</li> </ul>
Comprehensive Development - 2	<ul style="list-style-type: none"> <li>Comments received regarding adding noise control provisions to CD-2 zone</li> </ul>	<ul style="list-style-type: none"> <li>Do not amend CD-2 zone to add noise control regulations, consider these type of regulations in a Noise Control Bylaw</li> </ul>
Comprehensive Development - 3	<ul style="list-style-type: none"> <li>817 Allsbrook Road (CD-3) received comments that the property and entire area should be zoned R-3 because it is a residential area</li> <li>Property owner indicated that preferred zoning would be C-3 for this property but would accept CD-3 zone on lots that lie adjacent to Allsbrook Road and C-3 on lots adjacent to Highway 19</li> </ul>	<ul style="list-style-type: none"> <li>Do not amend CD-3 zone, proposed zone reflects existing use on parcels, OCP supports future development for mix of residential, commercial and industrial therefore rezoning to accommodate future development plans would be possible</li> </ul>
Comprehensive Development - 4	<ul style="list-style-type: none"> <li>Comments received indicate that this is an incompatible use in a primarily rural residential area and expansion should be limited. Proposed lot coverage of 30% should be reduced to reflect existing lot coverage and CD zone should prohibit outdoor storage</li> </ul>	<ul style="list-style-type: none"> <li>Amend CD-4 zone to decrease lot coverage to 10% which reflects lot coverage on all adjacent properties and does not encourage significant expansion of industrial use in the area</li> </ul>
Comprehensive Development - 9	<ul style="list-style-type: none"> <li>Property owner is requesting that CD-9 be amended to allow marshall yard as a permitted use, setbacks to 4.5 m from front and 2 m from side, and remove 2 m outdoor storage setback</li> </ul>	<ul style="list-style-type: none"> <li>Amend CD-9 to allow existing marshall yard as a permitted use, setbacks to 4.5 m from front and 2 m from all other lot lines, do not remove 2 m outdoor storage setback</li> </ul>
Comprehensive Development - 10	<ul style="list-style-type: none"> <li>Property owner is requesting that CD-10 be amended to allow manufacturing, warehousing, and commercial as a permitted use, setbacks to 4.5 m from front and 1.5 m from side, and remove 2 m outdoor storage setback</li> </ul>	<ul style="list-style-type: none"> <li>Amend CD-10 to allow product assembly, service and repair and warehousing as a permitted use, adjacent property is zoned salvage, setbacks to 4.5 m from front and 2 m from all other lot lines, do not remove 2 m outdoor storage setback</li> </ul>

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**Electoral Area 'F' Select Committee Recommendations**  
**Electoral Area 'F' Zoning and Subdivision Bylaw No. 1155**

<p align="center">Comprehensive Development - 11</p>	<ul style="list-style-type: none"> <li>Property owner is requesting that CD-11 be amended to allow outdoor sales, service and repair, manufacturing, accessory office and retail sales, and wood processing as a permitted use, setbacks to 4.5 m from front and on 1 side and 2 m on all other lot lines, minimum parcel size to 1 ha, maximum lot coverage at 30% and maximum density to 3 dwelling units to reflect existing conditions on parcel</li> </ul>	<ul style="list-style-type: none"> <li>Amend CD-11 to allow outdoor sales, service and repair, product assembly, accessory office and retail sales, and wood processing as a permitted use, setbacks to 4.5 m from front and 2 m on all other lot lines, minimum parcel size to 1 ha, and maximum lot coverage at 30%</li> <li>Amend density of CD-11 zone for 3 dwelling units</li> </ul>
<p align="center">Salvation Army Lots</p>	<ul style="list-style-type: none"> <li>964 Shearwater Rd. - Received submission that requests entire parcel to be zoned C-3 not split zoned</li> <li>1010 Bonnell Rd. - Received submission that requests to split zone parcel between C-3 (125 ft deep) and R-3 zoning</li> <li>1696 and 1702 Alberni Hwy - Received submission by landowner to request that zoning for these properties reflect existing uses, remove split zoning on 1696 and zone parcel all C-3 and split zone 1702 to reflect 2.5 ac of C-3 on front and MHP on balance</li> </ul>	<ul style="list-style-type: none"> <li>Amend proposed zoning for 964 Shearwater Rd to zone entire property C-3</li> <li>Do not amend proposed zoning to split zone 1010 Bonnell Rd C-3 and R-3</li> <li>Amend proposed zoning for 1696 Alberni Hwy to zone entire property C-3 to reflect existing business and add value added lumber remanufacture and outdoor storage as a site specific permitted use</li> <li>Amend proposed zoning to split zone 1702 Alberni Hwy, C-3 on front 2.5 ac and MHP on balance with site specific zoning to allow for 6 RV sites</li> </ul>
<p align="center">Proposed Development</p>	<ul style="list-style-type: none"> <li>1000 Sleepy Hollow - Submission for 4,000 m<sup>2</sup> lots in proposed R-1, requesting that zoning to accommodate proposed subdivision</li> <li>1357 Grafton - Received submission that calls for site specific zoning for restaurant on an R-1 property, have not proceeded due to family illness</li> <li>1439 Tyler - Received submission that calls for zoning to allow for development of marshalling yard/office for contracting business, septic approvals in place</li> <li>2101 Errington Rd. - Amend RC-1 zone to allow for a 400 unit recreational vehicle park, landowner wants to see definition of recreational vehicle park allow for 8 months occupancy, allow structural additions to RV's provided they do not include plumbing and reduce setbacks to 2 m from all lot lines</li> <li>1440 Romain Rd - Request site specific zoning or CD zone to allow for Marshalling Yard, Service and Repair, Outdoor Storage and Manufacturing as permitted use to reflect uses on adjacent lots</li> <li>1478 Romain Rd - Request site specific zoning or CD zone to allow for Service and Repair, and Manufacturing as permitted use to reflect uses on adjacent lots</li> </ul>	<ul style="list-style-type: none"> <li>Do not amend zoning for 1000 Sleepy Hollow to allow for the proposed strata development, this density does not follow the standards for development outlined in the OCP</li> <li>Do not amend zoning for 1357 Grafton to allow for Restaurant as catering is permitted as an HBB</li> <li>Do not amend zoning for 1439 Tyler to allow for Marshalling Yard and accessory Office as a site specific use as this use is permitted as an HBB</li> <li>Do not amend proposed zoning for RC-1 on Errington Rd, proposed regulations allow for 25 units per ha to a max of 50 units for this 56 ha parcel, the landowner does not have Ministry of Environment approval for the 400 units, increase minimum parcel size to 8 ha, maximum 100 units on two parcels (50 per parcel) to be allowed by zoning</li> <li>Amend zoning for 1440 Romain to create a CD zone to allow for Marshalling Yard, Service and Repair, Outdoor Storage and Product Assembly</li> <li>Amend zoning for 1478 Romain to create a CD zone to allow for Service and Repair, and Product Assembly</li> <li>Ensures parcel coverage for all CD zones in Romaine Road area is set at 10% if parcel is greater than 2.5 ac or largely vacant</li> </ul>
<p align="center">Intergovernmental Issues</p>	<ul style="list-style-type: none"> <li>Industrial and Commercial capacity in Electoral Area 'F' - Qualicum Beach has concerns with development capacity in Village Centres in proposed Bylaw</li> <li>Groundwater Protection - comments that industrial designation of Church Road area will have longterm impacts on groundwater quality, Parksville has commented that they will hold RDN responsible if their municipal water supply is damaged due to development in this area</li> </ul>	<ul style="list-style-type: none"> <li>Do not amend amount of land zoned industrial and commercial in proposed Bylaw, OCP promotes growth and development in the Village Centres and Rural Separation Boundary</li> <li>Proposed Bylaw includes groundwater protection measures that will work to protect groundwater by managing runoff, prohibiting potential polluting uses and chemical/contaminant storage requirements</li> </ul>

## REGIONAL DISTRICT OF NANAIMO

**SUMMARY OF PROCEEDINGS OF A PUBLIC INFORMATION MEETING  
HELD WEDNESDAY, NOVEMBER 20, 2001 AT 7:00 PM AT BRADLEY  
CENTRE TO CONSIDER ELECTORAL AREA F ZONING AND SUBDIVISION  
BYLAW NO. 1155, 2001**

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

**Present:**

G. Holme	Director, Electoral Area 'E'
J. Stanhope	Director, Electoral Area 'G'
J. McLean	Director, Electoral Area 'F'
E. Hamilton	Director, Electoral Area 'C'
L. Elliott	Director, Electoral Area 'A'
L. McNabb	Director, City of Nanaimo
L. Sherry	Director, City of Nanaimo
T. Westbroek	Director, Town of Qualicum Beach
A. Kruyt	Alternate Director, Town of Qualicum Beach
R. Lapham	General Manager Development Services
P. Shaw	Manager, Community Planning
G. Garbutt	Senior Planner
L. Chase	Planner

There were approximately 160 people in attendance.

Director Holme opened the meeting at 7:00 pm and followed with greetings and an introduction of the head table and provided a general overview of the purpose of a public information meeting.

The General Manager, Development Services provided an overview of the process used to create the bylaw and the general content of the bylaw (Slides Attached).

Director Holme invited questions from the audience.

Director MacLean indicated that recommendations that he made to the bylaw were not addressed and he is not able to support the bylaw in its present form

**Sheila Emmens, Dobson Road**

Ms. Emmens commented on the newspaper reports of the proposed bylaw. Ms. Emmens indicated that the comments were not acceptable. She requested to go on record as generally in support of the bylaw. Ms. Emmens indicated that the bylaw will protect the rural atmosphere of the community. Ms. Emmens spoke to the previous OCP process and

indicated that ample opportunity had been made for participation but few had taken advantage of the opportunity. Ms. Emmens also stated that there had been ample opportunity to make input on this process at the site office and the RDN main office.

**Brian Thompson, Romain Road.**

Stated that his property is located between 2 of the CD zones. Read a letter he submitted as part of the site office process. Requests a CD zone for his property similar to the CD zones on either side. The zoning of his property as Rural Residential is not appropriate as the use of his property as residential is impossible. Requested specific uses for his property that would be compatible with the surrounding land uses.

**Doug Schug, Alberni Highway.**

Mr. Schugg indicated that a lot of people in the area who want things to stay the same and they are very nervous about the proposals as they do not seem to be community driven. Expressed concerns about losing his livelihood. Indicated that it was difficult to make a living off of his land. He would like to see some more community and locally driven plans and opportunities. Requested that the bylaw be put to a community vote so that the process was democratic.

**Derek Baldwin, Errington Road**

Indicated that he has concern that businesses will be driven out and that Parksville and Qualicum were actually driving the process. Spoke to the economic support of Area F of the adjacent municipalities. Indicated that the economies of the areas were tied. Also commented that the people of Area F do not have any control over the land uses in the surrounding areas and that the surrounding areas have too much control in this area.

**John Mansell, Koppernick Road**

Mr. Mansell questioned the process and questioned at what point changes stop being made to the bylaw and what is the process for the bylaw to be adopted.

**R. Lapham**

The General Manager provided an overview of the PIM process and of the public hearing process and stated that the board had an option to refer the bylaw back if there was a need for additional changes. At a public hearing, it is difficult to amend. The board will either send the bylaw back for more consideration, or they could adopt the bylaw.

**Gordon Cory, 1550 Laura's Loop**

Mr. Corrie indicated that he represents Little Qualicum River Village. Indicated that the development was unique in that it represented 7 different land uses including residential,

institutional and commercial. Referred to the Draft of May 2001 and indicated that the current proposed bylaw now makes it so that many of the uses may end up being non-conforming as they are not recognized by the current bylaw. Little Qualicum River Village is unique and that he requested that staff should be allowed the time to research the land uses in the development in order to make sure the zoning reflects the existing uses there.

**Reg Nosworthy, 2080 Errington Road**

Mr. Nosworthy owns Tranquility Woods spoke to the process and issues on his property. Mr. Nosworthy referenced the 8 points of Community Steering Committee Terms of Reference for the OCP and a zoning bylaw for Area F. Mr. Nosworthy indicated that these terms of reference were adopted by the Board in 1998. The Bylaw process went ahead and an OCP was adopted in 1999. After a year and a half a zoning bylaw was presented. Spoke to his experience at the site office. Also spoke to the ease of use of the initial draft. When the second draft came out, site specific zoning was applied to a variety of parcels where he hadn't thought site specific zoning was possible. In the 1<sup>st</sup> draft, the uses listed in the C-2 zone met his needs. He also expressed concerns about non-conforming uses. Mr. Nosworthy expressed concerns about the length of the 2<sup>nd</sup> draft and the lack of user friendliness. The 18 uses that had initially been provided for in his zone had been cut back to 8 and the site specific clause was not in his zone. He indicated that he had contacted the Health Department to get copies of the permits for his septic system and had experienced difficulties. He expressed concern that the store on his property will be non conforming. Mr. Nosworthy indicated that the bylaw is not clear, is not simple, and will not be easy to implement. Requested that Store be put back into the C-4 zone and that the setback be reduced to 2 metres. Requested that we go back to the May 2001 draft as it was closer to the OCP vision of the zoning bylaw.

**R. Lapham**

The General manager responded that the non-conforming had already been explained at the site office.

**Red Williams, President of ERCOHILL Residents Association**

Mr. Williams commented that the OCP process had been quite a community based process and also commented on the resignations from the Community Steering Committee. Mr. Williams commented that the process had been usurped by staff. With respect to the proposed zoning bylaw, Mr. Williams expressed concerns about non-conforming status for property owners and about the A-1 zoning of properties and where the A-1 zone comes from. He also questioned if the general regulations of Section 2 would apply to agricultural land and the requirement for septic permits for site specific zoning on properties. He indicated that site specific zoning would impact peoples long term plans for their properties and questioned where the requirement for septic permits came from for site specific zoning in the OCP. Mr. Williams stated people with multiple units don't have an issue with poop, they have an issue with paper. He suggested that

letters of intent about the uses people plan for their properties should be enough for site specific zoning, and that if people can't get the septic permits then the use won't go ahead. Also commented that non-conforming and non-compliance were being used interchangeably and he expressed his interpretation of the difference between the 2 terms. Mr. Williams then questioned the process for zoning property after it is removed from the LRC.

**R. Lapham** explained the process.

**R. Williams** questioned the General Order mentioned in the OCP.

**R. Lapham** indicated that the LRC is presently creating new legislation.

**R. Williams** questioned a portion of the home based business bylaw.

**R. Lapham** explained that the HBB bylaw was reviewed for the areas of the RDN that are affected by Bylaw 500, not area F. And that the proposed bylaw for Area F specifically addressed the need of HBB in area F and that the Land Reserve was willing to accept the expanded home based business size provisions for area F in the proposed zoning bylaw.

**R. Williams** expressed concerns about the unlicensed vehicles provisions in the bylaw.

**R. Lapham** indicated the unlicensed vehicles provision is used to distinguish between wrecking yards and non wrecking yards.

**R. Williams** requested a straw poll of issues from the floor.

An unidentified member of the community interrupted the proceedings with comments about a previous health inspector and the lack of permits for some uses.

**Dave Munroe, 1094 Schidler Road and MJB**

Mr. Monroe indicated that the input from residents has been disregarded. He then congratulated the MLA for attending and commented about the liberal government platform of being open for business. Mr. Monroe suggested that they only need a few zones to recognize commercial, industrial and residential uses. He commented on a newspaper article indicating that staff had followed all procedures with respect to the bylaw, but added that staff had not acted in good faith. Commented that the MLA should go down to the RDN and get rid of staff and replace them with staff that will act in good faith. He also indicated that the bylaw in that does not allow him to use 100 feet of his Alberni highway frontage and questioned why it did this. He concluded by commenting that staff has not acted in good faith, nor have they put in writing what the community wants.

### **Don Hutchinson, Middlegate Road**

MR. Hutchinson indicated that the rhetoric against planning and zoning had been heard before and that he was in favor of the bylaw. He spoke to the OCP process and the membership of the steering committee. He then commented that the abuse of the area must stop. Mr. Hutchinson commented that the advertisements that have been published in the local media are misleading and that scare tactics had been used in getting signatures for the petition against the OCP. He then commented on the agenda of the Electoral Area Director who wants to incorporate Area F as a municipality. Mr. Hutchinson referenced his anticipated costs of creating a municipality. He then commented on the representation of a previous speaker that there was no representation of the community in the OCP or zoning process. Mr. Hutchinson indicated that this is not correct and that there had been lots of community participation.

### **Howard Fowler, Virginia Estates**

Mr. Fowler referenced a speaker at the Qualicum Beach civic centre who had said that the proposed zoning bylaw was not mandatory. He indicated that he would like to see a referendum so that the people of Area F can vote on the bylaw. He then spoke to the lack of democracy and likened the bylaw to the Soviet Union. He commented on the recession in the province, and indicated that this was no time to restrict entrepreneurial spirit. He stated that without a prosperous rural area, there cannot be a prosperous urban area. He suggested that time should be spent looking at how much of the regulation can be eliminated in order to facilitate development. Mr. Fowler indicated that there was no economic activity of substance on the Island except in Area 'F'. He commented that the people were sick and tired of regulation. Mr. Fowler spoke to the costs and budget of the RDN. He then commented on the creation of the ALR in 1972. He commented on centralized government and indicated that he did not support this form of government. Mr. Fowler commented on the creation of the ALR and the regional district involvement in that process. He indicated that many people got stuck with ALR properties based on decisions made by people in Nanaimo. He stated that if this land were capable of supporting agriculture, there would be farms here today. He suggested that the land in this area is not agricultural and it is not economic to farm the areas designated A-1. He indicated that all Staff from the RDN that were involved in the zoning project should be fired.

### **Julian Fell, Wells Place**

Mr. Fell commented that the process was flawed in law and principle and that the behavior of the RDN is reprehensible and that the zoning process has not been democratic. He spoke to the lack of democratic representation on the Board. He stated that the RDN bylaw process is top down and does not recognize existing communities in the RDN except the municipalities. He commented that the OCP process was unfair, and that promises were made that were not met. He also indicated that the Area F OCP process was flawed and that the zoning bylaw is built on a flawed OCP. He suggested that that the RDN will not get away with this and the Community will get rid of the

government. Mr. Fell questioned how the RDN has improved lives in Area F. He commented that the bylaw is 4 years behind schedule and indicated that the RDN had cost the taxpayers of Area F 6 million dollars due to delays in incorporation. He then drew comparisons between the RDN and the Soviet Union and Czech Republic, and the Taliban. Mr. Fell commented that the bylaw was generic, was not innovative and that all uses are not recognized. He also commented on the requirement that septic permits be provided for consideration of site specific zoning. Indicated that there should be no nonconforming designation due to lost health permits or permits that were never issued. He also commented on the densities proposed in the bylaw. Mr. Fell indicated he thought the W-1 zone is redundant and suggested that the height requirements are archaic and hark back to fire protection abilities from 100 years ago. He suggested that eaves on buildings should not be included in calculations for parcel coverage or in floor area calculations. And commented that there was no distance listed for a complaint zone for bylaw enforcement. He commented that this would allow vindictive people to use the bylaw to get back at people. He also suggested that the subdivision requirement of 3.5m<sup>3</sup> per day of water was not realistic in an area where the water levels fluctuate with the seasons. Mr. Fell also indicated that he does not see a need for the A-1 zone as it only serves to frustrate landowners who get their property out of the ALR. He commented that the RDN is assuming the enforcement aspects of the ALC by creating the A-1 zone. Mr. Fell further stated that the RDN has destroyed the community values and indicated that this is not a bylaw to promote the community, but rather to promote bureaucratic job security. He challenged the Board to bring the Bylaw to a referendum and then likened the RDN to the Taliban and suggested that a revolution was needed.

**Dave Needen,**

Mr. Needen commented that Agriculture has become the buffer zone and referenced the greater setbacks and height restrictions in the proposed A-1 zone. He then pointed out that the ALR land was providing the buffer zone, rather than applying the setbacks and buffering to the residential properties adjacent to ALR land. He commented that under the proposed bylaw, that Goats on the Roof would not be allowed because the zoning doesn't allow for livestock. He indicated that based on the proposed setbacks for his property, his property would become unusable.

**G. Holme** called for more speakers a first and second time.

**Michael B, Little Qualicum River Estates**

The speaker stated that he has a lot with 4 houses. He questioned as to whether he would be legally non-conforming.

**R. Lapham** asked if it was a strata development. He then indicated that the lots would be conforming. He further stated that the minimum parcel size would only apply to future subdivision.

**Werner Richter, Tralee Road**

Mr. Richter spoke to the world history of socialism and current events including recent provincial government layoffs. He questioned how this bylaw fits into the government mandate to cut red tape. Indicated that the previous government did not get re-elected.

**Jack McLean on behalf of Coombs Hilliers Recreation Community Organization.**

Mr. McLean requested that the Coombs Rodeo ground property be zoned T-1 for community use rather than as A-1. Commented that it is ridiculous for this property to be in ALR. Mr. McLean also commented that the majority of ALR land in this area was previously owned by BC FruitLands and that the area was not suitable for growing. The land was subdivided by them into 40 acre parcels. Now the community wants 5 acre parcels in the ALR. Indicated that there should be further subdivision allowed.

**Nathan Green, 2470 Alberni Highway**

Mr. Green indicated that his property is zoned R-3. He commented on the zoning of adjacent properties. He indicated that he wants to open a business on the property and questioned if it is possible to change his zoning to put a store front on the property and live there, and also wants to be able to raise chickens on the property. He questioned how much zoning changes would cost after the bylaw is adopted.

**R. Lapham** indicated the current process was to consider changes. Indicated that if the zoning were not changed now during the community consultation process, that in the future there would be a cost.

Mr. Green indicated that he was concerned about the height of the dwelling unit allowed. He related concerns that his brother who has a house in another area of the RDN that has zoning was unable to build the house he wanted because of height restrictions. Indicated that the bylaw would restrict the funky architecture of the area by putting a limit on the height of buildings. Also concerned about a ditch at the rear of his property and wants to know if it could be considered as a watercourse.

**R. Lapham** indicated that the community plan designates watercourses.

Mr. Greene indicated that he was concerned about the Mount Arrowsmith Dam and that the water from the community came from that area, and that there were no community water connections available from this project. Also wanted to know when the Coombs community would be able to connect to the French Creek Pollution Control Centre. He requested that the RDN follow up on this issue.

**Bert White, Station Road**

Mr. White congratulated MLA on attending and addressed his comments to her. He indicated that the bylaw should not be supported if the Area Director does not support the Bylaw.



**Victor Price, 1613 McKibben Road**

Mr. Price indicated that when he had initially moved to the area some time ago that he was charged for future sewerage on his tax bill and about 7 years later the fee was removed. Used it as an example of how the RDN changes things. He requested that his money for this charge be refunded as the sewers were never provided.

**Mr. Lott, 1070 Van Horne Road**

Mr. Lott commented on the May 2001 version of the bylaw. He indicated that his property at that time was zoned C-3. He read the land use descriptions contained in the initial draft. He indicated that he had been quite satisfied with the initial description and uses provided. When the next draft came out, he was still C-3 but the general commercial and light industrial uses were removed from the zone. The items that applied to him were product assembly and retail store. In looking up the definitions of product assembly, it doesn't apply to the uses he has established on the parcel. He indicated that the definition for manufacturing does apply to what he is doing on the property. He proposed that the C-3 zoning definitions be modified to include light manufacturing and product assembly which would then prevent him from being non-conforming. He does not want to be non-conforming and questioned that if a property is non-conforming, what are the ramifications of that for the future sale of the property.

**R. Lapham** indicated that the non-conforming aspect runs with the land and the use may continue.

Mr. Lott then commented with respect to the changes in land use and that non-conforming status affects the ability of property owners to get financing. Does not want to see the sum of his life's work destroyed with non-conforming zoning.

**Peter Key, Chatsworth Road**

The speaker indicated that he had been on his property longer than the ALR has been in existence. Every one of the 5 properties he owns is non-conforming to the bylaw and all of them are in the ALR. He understands that if properties are removed from the ALR they will then have to fit into some zone category in the new Bylaw. He expressed concerns about the adjacent properties and that they will affect his land. He then commented on the 30 year old process to bring zoning to Area F and indicated that there needs to be a look at the uses in the area before a bylaw is created. He spoke to previous experiences with the RDN and the OCP process. He stated that he spent 3 years getting his property out of the ALR, and that now the maps indicate that it is in the FLR, and that this is not correct. He then commented on the concerns over the aquifer from adjacent municipalities specific to sawmills and wanted to know how long the aquifer study had been available. He indicated that he felt that this information had been suppressed. The speaker then engaged in discussion with the Chair. He indicated that one of the big issues was keeping Area F rural was important to the community. Commented on gravel

businesses. He commented that comments about area F polluting the rest of the area were moot in relation to biosolids contracts being awarded to people in the area for biosolids produced in Qualicum and Parksville. Mr. Keyes also commented on the quashed idea to locate a landfill in Area F. He further indicated that the RDN does not understand the community. He suggested that the RDN should support the request for funding to look at incorporating Area F as one or more municipalities.

**Bruce Taylor, Fair Road**

Mr. Taylor commented on Bylaw 500 being defeated in Area F. Questioned why we are going through this again.

**G. Holme** Responded that the RGMP stated that any regional district with a RGMP must have an OCP and Zoning bylaw for all Electoral Areas.

**Larry Blair, Melon Road**

Mr. Blair commented that if the province had done the zoning at least they could have voted them out of office. He indicated that an article from the 1998 OCP land use inventory defined residential uses. Commented that ammunition manufacturing for personal use would not be permitted under they bylaw.

**Gunter Buschause, Kerr Road**

Mr. Buschause commented that it was a basic right to own a piece of land and provide a living for his family off of that piece of land. He indicated that the process is contrary to that right and that he doesn't believe that the government has the right to take that right away unless it is by mutual agreement. He commented on the boat builder in Coombs was allowed under the May 2001 draft and now in the new draft he is not. He indicated that people could be bankrupted as a result of this process.

**Red Williams, Alberni Highway**

Mr. Williams indicated that people moved here because there was no zoning and they had plans for their property. He indicated that people recognize that there may be a need for some planning and zoning for the area and questioned why there can't be a bylaw that can accommodate them so that people do not have to apply for rezoning at a later date. He indicated that he doesn't like site specific zoning because it pigeonholes uses and suggested that the problem is the same with the commercial zones. Indicated that the community wants something that is simple and flexible and provided examples of the boat builder, the sausage factory, and other uses that will not be allowed under the existing proposed zoning. Also commented that with zoning a bylaw enforcement officer can observe an infraction and can initiate action over something that no-one complained about and he pointed out that the community was polarized over this issue. He suggested that there should be a complaint distance to make sure that people who are making

complaints are actually affected by the use. He indicated that the present version of the Bylaw does not reflect the communities wishes.

**Audra Kasen, Englishman River Road**

Ms. Kasen indicated that she had visited the site Office in the Summer. Ms. Kasen commented that the former R-2 zone didn't allow for very much of anything. Has been picking rocks on her property and feels that her inability to have horses or animals on her property is unfair as this was the purpose of purchasing this property. She expressed concerns about the setbacks and concerns about the parcel coverage on the property. She indicated that staff had promised that a kennel use would e permitted and she suggested that peoples hard work should be taken into account. She questioned why have we come all this way to all of the sudden have the RDN dictate to us? She requested that the RDN respect the rights and freedoms of people in the area.

**Russ, Chatsworth Road**

The speaker indicated that he is totally opposed to the bylaw. Commented that the community didn't want it, didn't ask for it, don't need it.

**Barry Needen**

Mr. Needen questioned the setbacks in the A-1 zone.

**R. Lapham** indicated that the 30 metre setback would apply to buildings for livestock and housing manure and that this setback originated from Health Standards.

**Mr. Needen** commented on the 8 metre setback for other buildings. He suggested that properties that are not in ALR should have the greater setback if they were adjacent to ALR property. He also questioned the height restrictions in the A-1 zone .

**R. Lapham** indicated that the height restriction does not apply to farm buildings.

**Steve Stahley, 1140 Virginia Road**

Mr. Stahley commented that the Bylaw is still not what the people wanted and expressed concerns that his property is zoned incorrectly. He indicated that he wants to see something that reflects what the community wants and needs. He reiterated the liberal government promise to get rid of 1/3<sup>rd</sup> of the red tape and then threw the bylaw at the committee.

### **Dave Munroe**

Mr. Monroe commented on his brother's property in Nanoose that was zoned for gravel extraction and indicated that the Nanoose Area Director had opposed his use. He also commented on the billboards on RDN busses.

G. Holme called for more speakers a 3<sup>rd</sup> time.

### **Murray Chantler, Stagdowne Road**

Mr. Chantler indicated that he has not had sufficient time to look at the Bylaw. He indicated that he has championed the cause of having the community have a say in the future of the area. He stated that no Bylaw is going to be perfect, and he has a problem with the bylaw allowing any use that is there currently to exist in perpetuity, especially with respect to the ALR and he suggested that the ALC was a gutless commission. He commented that there are probably 100's of illegal dwellings on ALR land. He suggested that members of the community cannot act in isolation and that we have the responsibility to look at our neighbors, not just to look at the ability of the land to take effluent. He expressed concerns over the river and subdivision in the Englishman River Estates area and suggested that there should be addition protections for the river. He expressed concerns over the river and indicated that septic fields in the area that are getting older and may be starting to fail and that flooding that could cause effluent to go directly into the river.

He recognized that a dichotomy exists in the community. There are people who have come into the community who are exploiting the land. They are concerned that any regulation that comes in will limit their ability to exploit the land. He believes that people have to live within guidelines. The carnage that has been wrought in this community is not from the RDN, but from the community. Mr. Chantler indicated it has been wrought by numbered companies and businesses that do not respect what the community wants and further stated that there are examples of these business coming into rural areas. He suggests that this bylaw is better than nothing, because what we have right now is chaos. The current government ministries are gutless and the RGMP is useless in our community. He indicated that until there is something in the community that sets some guidelines out the RGMP will continue to be useless. He indicated that he will provide a written submission after further review of the bylaw.

### **An unidentified member of the public**

The speaker indicated that he has 5 children to support and with that piece of paper makes him legal non-conforming. He can't run a business with what the bylaw proposes. The RDN has no right to tell him what he can do on his property and when he is going to do it. Suggested that the Board go for a hearing test as they are obviously not hearing what the community wants. The community is fed up with the RDN. They would rather get out of the RDN. He spoke to the location of the transfer station in Area F, and

questioned why didn't they put it in Parksville or Qualicum Beach? He mentioned the 2800 signatures about the OCP and commented that they were not listened to.

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

The meeting concluded at approximately 9:50.

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Lindsay Chase  
Recording Secretary

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George Holme  
Chair

REGIONAL DISTRICT OF NANAIMO

SUMMARY OF PROCEEDINGS OF A SELECT COMMITTEE MEETING HELD  
 WEDNESDAY, DECEMBER 5, 2001 AT 9:30 AM AT THE REGIONAL DISTRICT OF  
 NANAIMO OFFICE TO CONSIDER AMENDMENTS TO ELECTORAL AREA F ZONING  
 AND SUBDIVISION BYLAW NO. 1155, 2001

*Note that these minutes are not a verbatim recording of the proceedings, but summarize the comments of those in attendance at the Select Committee Meeting.*

**Present:**

G. Holme	Director, Electoral Area 'E'
J. Stanhope	Director, Electoral Area 'G'
J. McLean	Director, Electoral Area 'F'
E. Hamilton	Director, Electoral Area 'C'
L. Sherry	Director, City of Nanaimo
K. Daniels	Chief Administrative Officer
R. Lapham	General Manager Development Services
P. Shaw	Manager, Community Planning
G. Garbutt	Senior Planner

Director Holme opened the meeting at 9:30 am and indicated that Director Quittenton had chosen to not attend the meeting and would not be a member of the Select Committee. Director Holme offered that Director McLean be the Chair of the meeting and Director McLean declined. Director Holme asked Staff to provide an overview of information received to date.

Staff provided an overview of the process used to create the bylaw to date, highlighted the OCP criteria and noted the legal implications for zoning. Staff noted that 95% of the submissions could be recognized as they generally consisted of one or more additional dwelling units or the addition of one-off uses. Lapham noted that comments had been received as to the bylaw being too long, too complicated and too detailed. Staff will make efforts to broaden and generalize the bylaw to address these concerns. Lapham noted that comments had been received from the municipalities to further clarify/refine and tighten the industrial and commercial zones.

Director McLean noted concerns that changes to the bylaw were being considered from a municipal viewpoint. McLean noted that a 5 acre commercial lot in a rural area is in no way comparable to a 100 square foot municipal commercial lot. McLean noted concerns with the submissions received to date and the changes being made to the bylaw as to the 'ground proofing' being done- whether or not actual uses on the ground were being captured in the bylaw. McLean questioned what would happen to properties that did not submit request for zoning form- would they be faced with an expensive rezoning in the future?

Staff noted that any errors in the zoning (by existing and approved uses not being captured in the zoning) could be addressed through a housekeeping amendment at no cost to the landowner.

Director McLean noted that uses such as an electrical contracting business were not recognized in the zoning.

Staff noted that the bylaw allows for these forms of home based businesses and more- and in fact the bylaw's allowances are in excess of those allowed by the Land Reserve Commission.

Director McLean noted that he would be unable to support the zoning bylaw if nothing is done with reducing the ALR minimum permitted parcel size to 2.0 hectares.

Director Hamilton indicated that a more general discussion was required before specific property issues could be addressed.

General discussion followed on the issue of number of dwelling units, health permits, groundwater, and lot sizes.

Director McLean indicated that the containment boundaries do not make sense. In the Errington village centre, as an example, there are only two properties that can be developed. In Coombs, the largest undeveloped property is the rodeo grounds. Director McLean indicated that the residents/business owners in Coombs want the sewer line extended to the centre, but there is no way that the community could afford it with the uses currently in the centre.

General discussion followed on the zones proposed in the bylaw.

Director Stanhope questioned what was the nature of the 'minor' changes?

Staff indicated that these changes were generally requests to recognize an additional dwelling unit or an additional permitted use.

**Recommendation from the Select Committee**

Recognize those minor amendments required to recognize existing uses, and further, to allow for future housekeeping amendments if existing/approved uses are brought to the attention of the RDN

**Supported by the Committee**

**Recommendation from the Select Committee**

Direct staff to notify each person providing a submission indicating the support of the Select Committee for the proposed change

**Supported by the Committee**

General discussion followed on the issue on non-conforming status. Staff indicated that the *Local Government Act* speaks to non-conforming uses; as for siting, non-conformity in a setback can be maintained in perpetuity. Bob Lapham indicated further legal advice is required on this issue.

Director McLean noted that there may be issues with insurance and financing if a property has non-conforming uses on it.

Director Sherry inquired as to the number of properties with non-conforming status.

Staff indicated that this number is not known; however, the general intent of the bylaw is to zone as many uses as is reasonable and possible as conforming, and the bylaw has tried to capture them all.

Director McLean inquired as to the home based business provisions and the ability of these provisions to capture existing uses. Staff indicated that due to the nature of the regulations most home based business would covered.

**Recommendation from the Select Committee**

Recognize the need for text in the zoning bylaw to address legal non-conforming status.

**Supported by the Committee**

General discussion followed on the issue of food processing. Staff noted that the bylaw had not supported food processing, but Staff recommends that this be changed to recognize existing uses. Director McLean indicated that seafood processing should be permitted only in specific zones or only by a rezoning to allow community input.

**Recommendation from the Select Committee**

Recommend seafood processing/slaughterhouse/commercial composting only be permitted by application. Amend Bylaw to remove Food Processing as a prohibited use as Health Unit indicated that septic disposal is not a significant issue, several long standing local businesses that would be impacted. Add Food Processing as permitted use to C-3 zone.

**Supported by the Committee**

General discussion followed on the issue of regulations for controlling runoff and contaminants. Staff recommended these regulations be amended to not apply to home based businesses.

**Recommendation from the Select Committee**

Amend Runoff Control Standards so that Home Based Business (HBB) is not subject to Section 2.6 Run Off Controls.

**Supported by the Committee**

General discussion followed on the issue of storage of unlicensed vehicles. Director McLean recommended that the provision be deleted, as there are many car collectors and whether you make it three or five or ten won't address the issue. Director Stanhope noted that everyone could then, in fact, place a wrecking yard on their property. Director McLean noted that the use was the issue, not the number of cars. Staff indicated that the number could be removed from the bylaw, and then the issue could be dealt with at a later date if it becomes a problem in the area.

**Recommendation from the Select Committee**

Amend Bylaw to remove regulations prohibiting storage of unlicensed vehicles.

**Supported by the Committee**

General discussion followed on the issue of signage. Staff noted that the bylaw allows for third party signs. Director McLean questioned the need for the regulations and noted it applied only to two properties in Area F. Staff indicated that signage is an issue of 'urban blight' and why would the Area



want to see an expansion of the problem. Staff indicated that the bylaw must support the Highway Agreement. Director McLean indicated he could not support this provision.

**Recommendation from the Select Committee**

Do not amend Bylaw to remove signage regulations for properties that are adjacent to Hwy. 19 and Hwy. 4 Connector, required by Vancouver Island Highway Implementation Agreement.

**¾ Supported by the Committee**

General discussion followed on the issues of setbacks for buildings and structures, outdoor storage, highway setbacks, and height provisions in the bylaw.

**Recommendation from the Select Committee**

Amend Bylaw to have common setback of 4.5 m from front and exterior side lot line and 2 m from all other lot lines

Do not amend Bylaw to remove outdoor storage setbacks, storage setbacks work to reduce off site impacts of uses on adjacent property

Amend Bylaw to remove setback requirements for properties that are adjacent to Hwy. 4 Connector.

Do not amend Bylaw to remove maximum height, increase maximum height to 10 m for all residential zones, height is calculated to allow for 3 story plus attic and recognizes local fire fighting capability.

**Supported by the Committee**

General discussion followed on definitions proposed for amendment to recognize submissions provided by area citizens.

**Recommendation from the Select Committee**

Amend definition to limit production to a maximum of 240 m<sup>3</sup> (100,000 board feet) per day that reflects capacity of area mills based on information supplied by local owners.

Do not amend Bylaw, Height allows for most new building plans and average natural grade is measured as the average elevation between the front and rear corners of the building.

**Supported by the Committee**

General discussion followed on the need to simplify zones, more flexible, and to expand the uses in the C3 zone. Director McLean indicated that industrial uses should not be restricted where zoning allows for the use. Exceptions should only be considered to protect groundwater (ie: Breakwater wells).

**Recommendation from the Select Committee**

Amend Bylaw to consolidate zones where possible and expand range of uses in C-3 zone to allow for food processing, pub and mini-storage. Support for simplification of Industrial zones.

**Supported by the Committee**

General discussion followed on zoning of ALR lands. Staff noted that comments had been received that there should be no zoning on ALR lands; however, the bylaw is, in fact, more lenient than the

Commission's regulations on several fronts. The option was presented to allow for consideration of a 2 hectare/5 acre minimum permitted parcel size in the ALR. This would require an OCP amendment.

**Recommendation from the Select Committee**

Amend Bylaw to allow for 2 hectare/5 acre minimum permitted parcel size for lands within the ALR.

**Supported by the Committee**

General Discussion followed on the Qualicum River Estates Area. The developer is requesting a new rural residential zone be created that allows for 2 dwellings per 1 ha throughout the QRE lands designated Rural Residential in the OCP, and further, a request had been received to add primary mineral processing as a permitted use for the Remainder of BLK 359. Staff indicated that the zoning does not recognize the second dwelling unit on one hectare. Director McLean indicated that existing uses and existing subdivided lots should be recognized. Staff indicet

**Recommendation from the Select Committee**

Amend Bylaw to allow for increased density in the Qualicum River Estates on existing lots and keep proposed R-2 zone for undeveloped area due to potential for traffic and environmental impacts. Add site specific zoning for primary mineral processing for BLK 359.

**Supported by the Committee**

General discussion followed on the Little Qualicum River Village area. Staff indicated that the developer is requesting to create a Comprehensive Development zone tailored to fit this strata title development with its mix of tourist commercial and residential properties. Directors discussed that all development of the site had been done without approvals, and it should be considered for non-conforming status.

**Recommendation from the Select Committee**

Do not amend Bylaw other than to allow for fine tuning for the Little Qualicum River Village area.

**Supported by the Committee**

General discussion followed on a number of proposed changes to Comprehensive Development (CD) zones.

**Recommendation from the Select Committee**

Amend CD-9 to allow existing marshalling yard as a permitted use, setbacks to 4.5 m from front and 2 m from all other lot lines, and retain 2 m outdoor storage setback.

Amend CD-10 to allow product assembly, service and repair and warehousing as a permitted use, adjacent property is zoned salvage, setbacks to 4.5 m from front and 2 m from all other lot lines, and retain 2 m outdoor storage setback.

Consider CD-3 zone to ensure it reflects existing use on parcels.

Amend CD-11 to allow outdoor sales, service and repair, manufacturing, accessory office and retail sales, and wood processing as a permitted use, setbacks to 4.5 m from front and on 1 side and 2 m on all other lot lines,

minimum parcel size to 1 ha, and maximum lot coverage at 30%, ensure definition for product assembly maintains that uses occur only within a building.

Amend density of CD-11 zone as property owner has septic approval for 3 dwelling units.

Do not amend CD-2 zone to add noise control regulations, consider these type of regulations in a Noise Control Bylaw.

Amend CD-4 zone to decrease lot coverage to 10% which reflects lot coverage on all adjacent properties and does not encourage significant expansion of industrial use in the area.

**Supported by the Committee**

General discussion followed on a number of proposed changes with respect to development proposals.

Amend proposed zoning for 964 Shearme Rd to zone entire property C-3.

Do not amend proposed zoning to split zone 1010 Bonnell Rd C-3 and R-3.

Amend proposed zoning for 1696 Alberni Hwy to zone entire property C-3 to reflect existing business, add value added lumber remanufacture and outdoor storage as a site specific permitted use. Amend proposed zoning to split zone 1702 Alberni Hwy, C-3 on front 2.5 ac and MHP on balance with site specific zoning to allow for 6 RV sites.

Do not amend zoning for 1000 Sleeping Hollow to allow for the proposed strata development, it is our understanding that this type of Building Strata Plan for subdivision is not being accepted by Land Titles, this density does not follow the standards for development outlined in the OCP

Do not amend zoning for 1357 Grafton to allow for Restaurant as catering is permitted as an HBB

Do not amend zoning for 1439 Tyler to allow for Marshalling Yard and accessory Office as a site specific use as this use is permitted as an HBB

Do not amend proposed zoning for RC-1 on Errington Rd, proposed regulations allow for 25 units per ha to a max of 50 units for this 56 ha parcel, the landowner does not have Ministry of Environment approval for the 400 units, maximum 100 units on two parcels (50 per parcel) to be allowed by zoning.

Amend zoning for 1440 Romain to create a CD zone to allow for Marshalling Yard, Service and Repair, Outdoor Storage and Product Assembly. Amend zoning for 1470 Romain to create a CD zone to allow for Service and Repair, and Product Assembly.

Ensure parcel coverage for all CD zones in area is set at 10% if parcel is greater than 2.5 ac or largely vacant.

**Supported by the Committee**

General discussion followed on comments received from the municipalities. Director McLean noted that the municipalities must recognize that these are large rural holdings, and people need to be able to find employment in the area.

**Recommendations from the Select Committee**

Do not amend amount of land zoned industrial and commercial in proposed Bylaw. Official Community Plan calls for concentration of growth and development in the Village Centres and Rural Separation Boundary and the zoning has been applied according to the existing and approved development proposals in the area.

Proposed Bylaw includes groundwater protection measures that will work to protect groundwater by managing runoff, prohibiting potential polluting uses and chemical/contaminant storage requirements

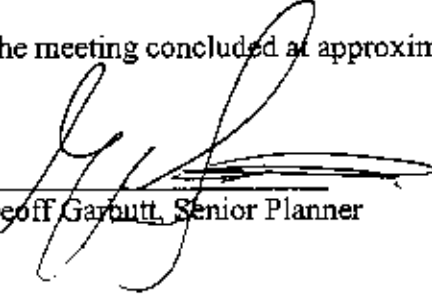
**Supported by the Committee**

Director Holme concluded the meeting by indicating the Select Committee's support for amending the minimum permitted parcel size for ALR lands for 2ha.

Staff noted a concurrent OCP amendment would be required to run with the zoning bylaw, and the approval of the LRC is required.

The Select Committee agreed that a report to the Board would be prepared for the January 8, 2002 Regular Board Meeting.

The meeting concluded at approximately 2:15 pm.

  
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Geoff Garbutt, Senior Planner

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George Holme, Chair

**REGIONAL DISTRICT OF NANAIMO**

**SUMMARY OF PROCEEDINGS OF A SELECT COMMITTEE MEETING HELD FRIDAY,  
DECEMBER 21, 2001 AT 10:30 AM AT THE REGIONAL DISTRICT OF NANAIMO OFFICE  
TO CONSIDER AMENDMENTS TO ELECTORAL AREA F ZONING AND SUBDIVISION  
BYLAW NO. 1155, 2001**

*Note that these minutes are not a verbatim recording of the proceedings, but summarize the comments of those in attendance at the Select Committee Meeting.*

**Present:**

G. Holme	Select Committee Chair and Director, Electoral Area 'E'
J. Stanhope	Director, Electoral Area 'G'
J. McLean	Director, Electoral Area 'F'
E. Hamilton	Director, Electoral Area 'C'
R. Lapham	General Manager Development Services
P. Shaw	Manager, Community Planning
G. Garbutt	Senior Planner

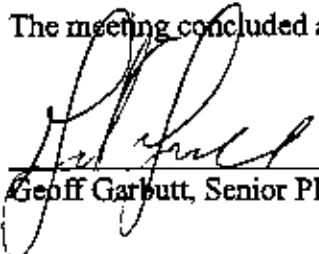
Director Holme opened the meeting at 10:30 am and indicated the purpose of the meeting was to review recommendations for amendments to the proposed zoning bylaw for Electoral Area 'F', consider any additional information received after December 5<sup>th</sup> meeting and endorse the Select Committee Report. Director Holme asked Staff to provide an overview of the proposed recommendations and information received to date.

Staff provided a brief overview of the recommendations as well as additional information received since the last Select Committee Meeting.

Director McLean advised that he was no longer prepared to participate in the review process or support the amendments to the proposed Bylaw due to the lack of Board support for his initiatives.

The Chair of the Select Committee moved that the meeting be adjourned and the Select Committee review process be concluded.

The meeting concluded at approximately 10:45 am.

  
Geoff Garbutt, Senior Planner

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George Holme, Chair



REGIONAL DISTRICT OF NANAIMO			
JAN - 2 2002			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	
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MEMORANDUM

TO: C. Mason  
General Manager, Corporate Services

December 28, 2001

FROM: N. Avery  
Manager, Financial Services

SUBJECT: Year 2002 Parcel Tax Rolls

PURPOSE:

To introduce for three readings and adoption "Regional District of Nanaimo Year 2002 Assessment Roll Preparation Bylaw No. 1270, 2002".

BACKGROUND:

Section 360.1 of the Local Government Act requires that annual assessment rolls for the purposes of levying a parcel tax, be prepared pursuant to a bylaw adopted by the Regional District. Bylaw No. 1270, 2002 introduced with this report identifies sixteen service areas where the Regional District levies parcel taxes as part of the annual revenues of the service.

A Court of Revision is required to be held if a parcel tax is to be imposed for the first time. There are no new parcel taxes being imposed in 2002, therefore the District can follow Section 361.8. This section permits the Collector (Manager, Financial Services) to amend the roll on receiving a request from a property owner or on their own initiative. Owner requested amendments may only be made with respect to their own property. Section 361.8 requires the District to publish a newspaper notice to advise property owners of the following:

- (a) that owners of parcels may request amendments respecting a matter described in Section 361.3 (name, address, errors of inclusion of parcels on the roll).
- (b) that the roll is available for inspection at the Regional District offices during regular office hours.
- (c) the time by which a request must be made in order to be considered for that year.

The Notice will be advertised once weekly, commencing the first week of February. The Notice will also be published on our web site and posted at all of our public locations.

ALTERNATIVES:

There are no alternatives to this process.

**FINANCIAL IMPLICATIONS:**

Advertising costs are provided in the provisional budget for this purpose.


**SUMMARY/CONCLUSIONS:**

For properties which are assessed parcel taxes, the *Local Government Act* prescribes two actions which must be taken annually by a local government. The first requirement is a bylaw establishing the preparation of assessment rolls for the purpose of imposing parcel taxes. Bylaw 1270, 2002 is presented for approval and adoption for that purpose.

Secondly, a newspaper notice must be published providing for public review of the rolls at the Regional District offices and advising property owners of their right to request amendments to the roll information in regards to their own property. The Notice will also be posted on our web site and at our public facilities in School District 69 to provide additional sources of notification.

**RECOMMENDATION:**

1. That "Regional District of Nanaimo Assessment Roll Preparation Bylaw No. 1270, 2002", be introduced for first three readings.
2. That "Regional District of Nanaimo Assessment Roll Preparation Bylaw No. 1270, 2002", having received three readings be adopted.

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

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

  
\_\_\_\_\_  
C.A.O. Concurrence

**COMMENTS:**



**NOTICE**  
**2002 Parcel Tax  
Assessment Rolls**

For Property Owners within the following service areas:

**Water Local Service Areas:** Arbutus Park Estates  
Decourcey (Pylades Drive - Cedar)  
Driftwood  
French Creek  
Madrona Point  
Nanoose Bay  
San Pareil  
Surfside  
Wall Beach  
West Bay Estates

**Sewer Service Areas:** Fairwinds  
French Creek  
Pacific Shores  
Surfside

**Bulk Water Service Areas:** French Creek  
Nanoose Bay

Assessment rolls for the purposes of levying Year 2002 parcel taxes have been prepared and shall be authenticated on February 28<sup>th</sup>, 2002. The purpose of the assessment roll review is to ensure that all properties are accounted for and names and addresses are accurate.

Property owners may request that the roll be amended with respect to their property only for the following reasons:

- (1) there is an error or omission respecting a name or address on the assessment roll
- (2) there is an error or omission respecting the inclusion of a parcel

Requests for amendments to the roll in respect of the matters above must be received in writing by Friday, February 22<sup>nd</sup>, 2002 at 4:30 p.m.

**By Mail To:** Manager, Financial Services  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2 (390-4111/1-877-607-4111)

**By Fax To:** Manager, Financial Services  
Regional District of Nanaimo (250) 390-4163

**In Person To:** Regional District of Nanaimo Administration Office  
6300 Hammond Bay Road, Nanaimo, BC

District 69 Arena Ravensong Aquatic Center  
193 E. Island Highway  
Parksville, BC 737 Jones Street  
Qualicum Beach, BC

\*Assessment rolls may be inspected at the Regional District of Nanaimo Administrative Office, 6300 Hammond Bay Road Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m., commencing February 4<sup>th</sup>, 2002.

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**REGIONAL DISTRICT OF NANAIMO**

**BYLAW NO. 1270**

**A BYLAW TO PROVIDE FOR THE  
PREPARATION OF PARCEL TAX  
ROLLS FOR THE YEAR 2002**

WHEREAS the Board of the Regional District of Nanaimo must, pursuant to Section 825 (3), provide for the preparation of an assessment roll for the purpose of imposing a parcel tax under Section 825 (2);

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

1. Assessment rolls for the purpose of levying a parcel tax for the Year 2002 are to be prepared for the following services:

Arbutus Park Estates Water Local Service Area	Establishing Bylaw No. 930, 1994
Decourcey Water Local Service Area	Establishing Bylaw No. 1096, 1998
Driftwood Water Supply Service Area	Establishing Bylaw No. 1255, 2001
Fairwinds Sewerage Facilities Local Service Area	Conversion Bylaw No. 947, 1994
Fairwinds Water Supply Specified Area	Establishing Bylaw No. 753, 1988
French Creek Sewerage Facilities Local Service Area	Establishing Bylaw No. 813, 1990
French Creek Water Local Service Area	Conversion Bylaw No. 874, 1992
Madrona Point Water Local Service Area	Conversion Bylaw No. 788, 1989
Nanoose Bay Bulk Water Supply Local Service Area	Establishing Bylaw No. 1049, 1996
Nanoose Water Supply Specified Area	Establishing Bylaw No. 482, 1980
Pacific Shores Sewer Local Service Area	Establishing Bylaw No. 1021, 1996
San Pareil Water Local Service Area	Establishing Bylaw No. 1170, 1999
Surfside Sewer Local Service Area	Establishing Bylaw No. 1124, 1998
Surfside Properties Water Supply Specified Area	Establishing Bylaw No. 694, 1985
West Bay Estates Water Local Service Area	Establishing Bylaw No. 929, 1994

2. The bylaws referred to in (1) above include any subsequent amendments.
3. Parcel taxes for the foregoing services shall be levied on the basis of a single amount for each parcel.
4. This bylaw may be cited as "Regional District of Nanaimo Year 2002 Assessment Roll Preparation Bylaw No. 1270, 2002".

Introduced and read three times this 8th day of January, 2002.

Adopted this 8th day of January, 2002.

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES

**PAGE**  
**57**



REGIONAL DISTRICT OF NANAIMO	
DEC 31 2001	
CHAIR	GMCrs
CAO	GMDS
GMCrsS	GMES

**MEMORANDUM**

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

**DATE:** December 31, 2001

**FROM:** Brigid Reynolds  
Planner

**FILE:** 3060 30 0128

**SUBJECT:** Development Permit Application No. 0128 - Lemanski/Geurrier  
Lot 51, District Lot 1, Newcastle Land District, Plan 20442  
Electoral Area 'H' - 5533 Deep Bay Drive

**PURPOSE**

To consider a development permit to facilitate the construction of a dwelling unit within the Environmentally Sensitive Areas and Hazard Lands Development Permit Area pursuant to "the Regional District of Nanaimo Shaw Hill - Deep Bay Official Community Plan Bylaw No. 1007, 1996."

**BACKGROUND**

This is an application to facilitate the construction of a dwelling unit within the Environmentally Sensitive Areas and Hazard Lands Development Permit Area pursuant to the Shaw Hill - Deep Bay OCP on a residential property in the Deep Bay area of Electoral Area H. (see Attachment 1).

The subject property is zoned Residential 2 (RS2) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987." The minimum setback requirements for buildings and structures in this zone are: 8.0 metres from the front lot line, 2.0 metres from the side lot line, 2.0 metres from the rear lot line, 5.0 metres from other lot lines and 8.0 metres from the natural boundary of the ocean. No variances to Bylaw No. 500 are being requested.

The Environmentally Sensitive Areas Development Permit Area was established to protect the natural environment. The subject property is located at the end of Deep Bay spit. The spit is an accretion shoreform that is a wave-built beach berm comprised of unconsolidated marine sediments which are subject to the erosional forces of precipitation, wind and tidal activity.

The Hazard Lands Development Permit Area was established to protect development from hazardous conditions. The subject property is located within a floodplain area and is adjacent to the ocean. There is a flood hazard associated with the parcel. A geotechnical report was prepared by Davey Consulting and Engineering to address geotechnical and flooding issues.

The Development Permit Area is measured 15.0 metres from the top of the bank of the watercourse. In this case there is no top of bank so the setback is measured from the natural boundary. A retaining wall is located on the natural boundary. This retaining wall was constructed in the past and extends down the foreshore on adjacent properties. The dwelling unit is proposed to be located 10.5 metres from the natural boundary.

The proposed dwelling unit is replacing an existing dwelling unit.

**PAGE**  
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## ALTERNATIVES

1. To approve the development permit with conditions as outlined in Schedule No. 1.
2. To deny the requested development permit.

## LAND USE AND DEVELOPMENT IMPLICATIONS

Approval of the requested development permit would permit the construction of a dwelling unit 10.5 metres from the natural boundary of the ocean. (See Schedule No. 2). The dwelling unit cannot be sited closer towards the front lot line as a new septic field has been located in front of the dwelling unit.

There is flooding hazard associated with this development. The report prepared by Bob Davey of Davey Consulting and Engineering assessed the hazards and made recommendations for the development. The dwelling unit is to be raised 1.5 metres above the natural grade and that area below shall not be habitable. The recommendations outlined in the geotechnical report have been included as conditions of approval and are outlined in Schedule No. 1.

## ENVIRONMENTAL IMPLICATIONS

The proposed dwelling unit will replace an old dwelling and therefore previous land alteration and landscaping has occurred between the natural boundary and the location of the proposed dwelling unit.

The level of encroachment into the development permit area is considered to be moderate as the requested variance is 4.5 metres or 30 percent from the bylaw standard. In addition, revegetation of the areas that have been cleared will reduce the negative impacts.

From staff's assessment of this application the development permit should be approved as the level of encroachment is moderate and the area has experienced considerable modification in the past. In addition, Conditions of Approval as outlined in Schedule No. 1 should reduce the potential negative impacts to the natural environment and reduce the flooding risk to the property.

## PUBLIC RELATIONS IMPLICATIONS

As the property is located in a Hazardous Lands Development Permit Area, and a geotechnical report was not registered on title at the time of subdivision and the property is not in a building inspection area, this application can not be granted an exemption in accordance with the exemption provisions of the bylaw or be approved by delegation.

However, as no variances are being requested to relax the zoning regulations, the permit may be approved in accordance with Development Permit Area Guidelines pursuant to the *Local Government Act*.

## VOTING

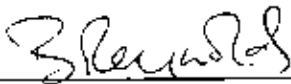
Only Electoral Area Directors vote, except Electoral Area 'B'.

**SUMMARY/CONCLUSIONS**

This is an application to permit the construction of a dwelling unit within an Environmentally Sensitive Areas and Hazard Land Development Permit Area. The setback for the development permit area is measured 15.0 metres from the top of the bank of the watercourse which in this case is the natural boundary. The proposed development on the subject property is to be located 10.5 metres from the natural boundary of the ocean.

**RECOMMENDATION/S**

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



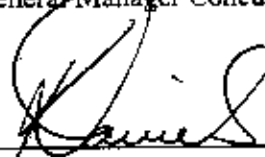
Report Writer



General Manager Concurrence



Manager Concurrence

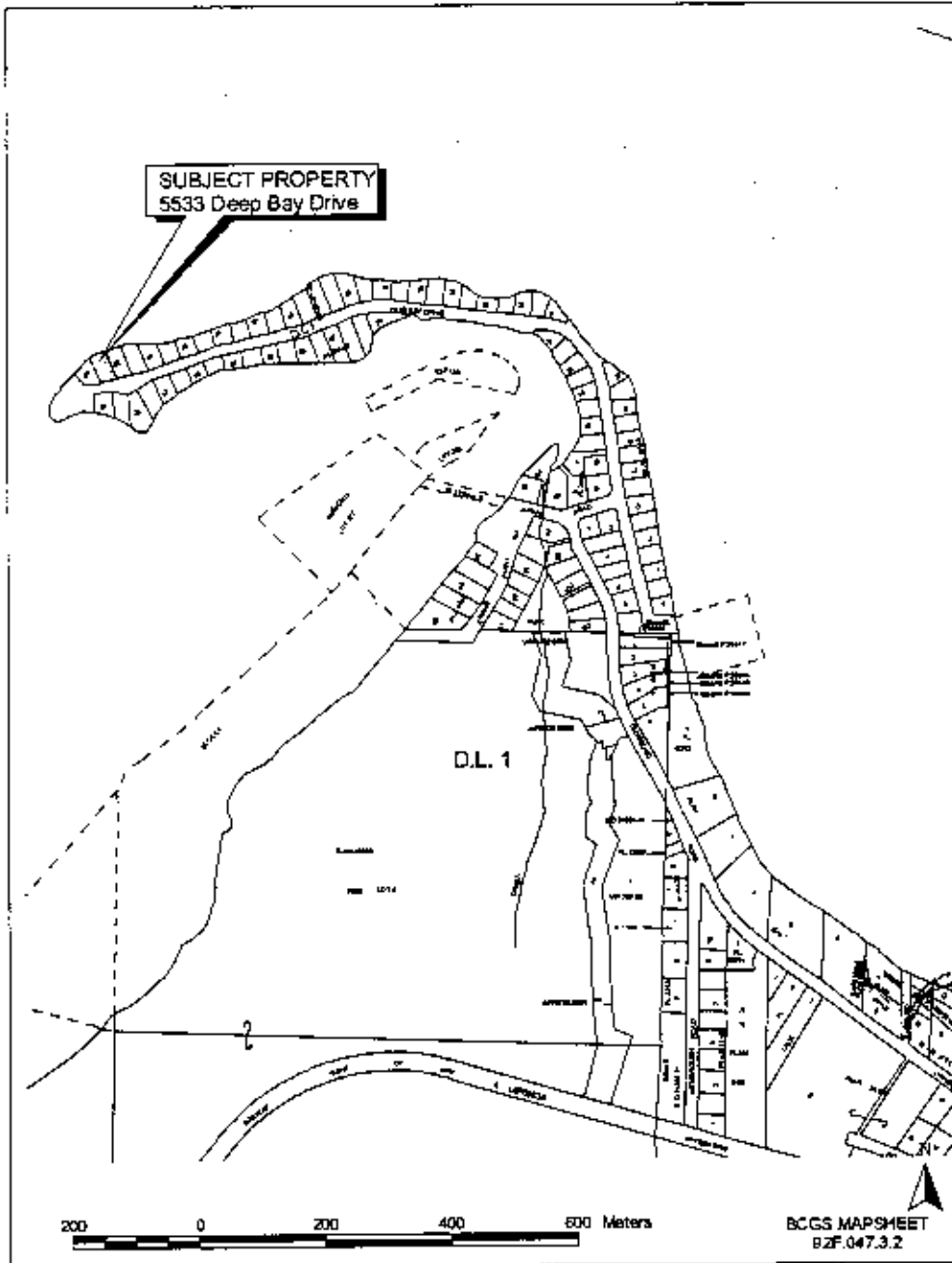


CAO Concurrence

**COMMENTS:**

*devsvs/reports/2001/dp ja brd 3060 30 0128 lemanski guerrier.doc*

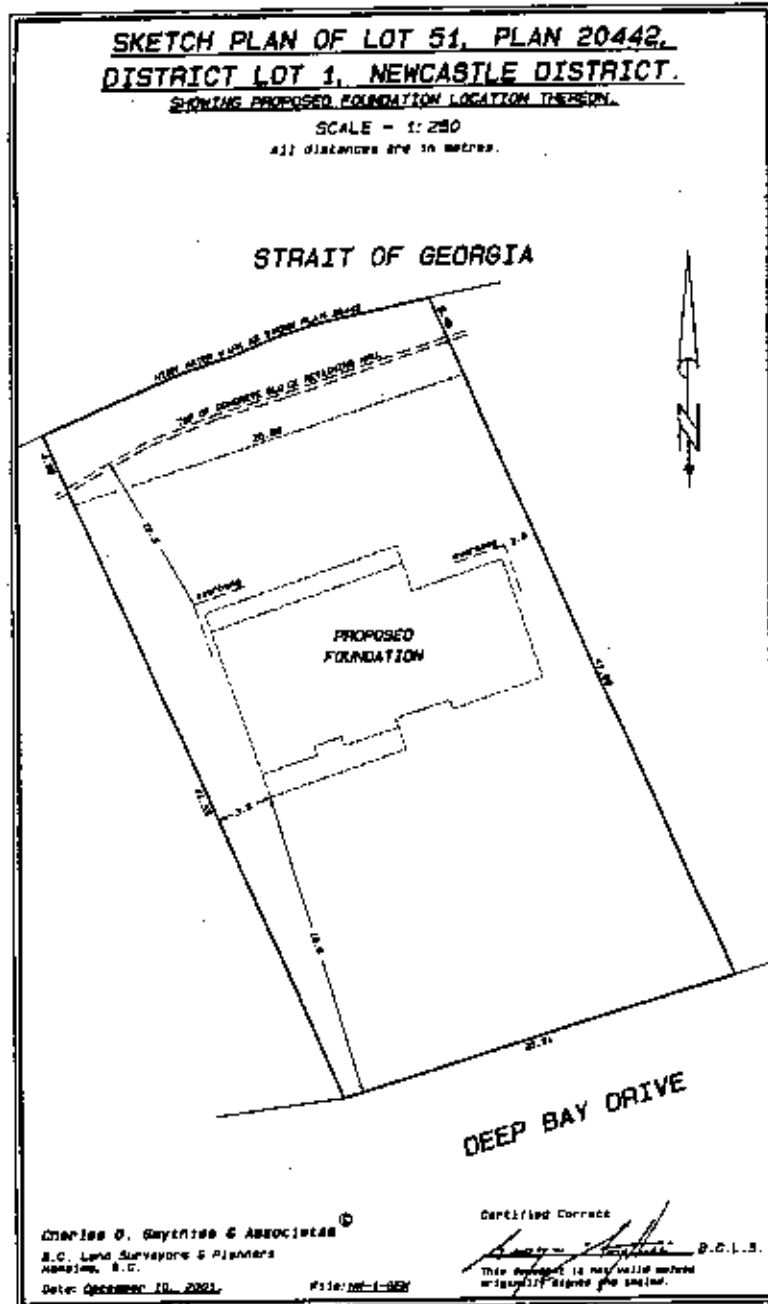
Attachment No. 1  
Subject Property  
Development Permit No. 0128  
5533 Deep Bay Drive



**Schedule No. 1  
Conditions of Approval  
Development Permit No. 0128  
5533 Deep Bay Drive**

1. Install code-compliant perimeter drains.
2. Collect all water, from roof leaders and perimeter drains, and discharge into a rock pit located approximately 7 m (25 ft) from the house on the south east side of the parcel.
3. Install a relief or check valve to prevent water from flowing back into the perimeter or roof leader drains.
4. Create two 0.6 m X 0.6 m (1 ft X 1ft) openings in the seal coat to relieve potential water pressure build up under the crawl space.
5. The crawl space shall not be used as a habitable area.
6. 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:
  - a. Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite.
  - b. Direct run off flows away from marine environments using swales or low berms.
  - c. Exposed soils must be seeded immediately after disturbance. Soil surfaces to be treated should be roughened.
  - d. Cover temporary fills or soil stock piles with polyethylene or tarps.
7. 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  
Development Permit No. 0128  
5533 Deep Bay Drive





REGIONAL DISTRICT OF NANAIMO			
JAN - 2 2002			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	
Bed			
DATE:			January 2, 2002

## MEMORANDUM

**TO:** Neil Connelly  
General Manager - Community Services

**FROM:** Mike Donnelly  
Manager of Transportation Services

**SUBJECT:** Green Landing Wharf - Gabriola Island  
Long Term Lease Status

**FILE:** 8700-20

### PURPOSE

To update the Board on the Regional District of Nanaimo's efforts to gain a long term lease from Public Works and Government Services Canada for the Green Landing Wharf on Gabriola Island and to consider an offer of a three month lease extension.

### BACKGROUND

On October 9<sup>th</sup>, 2001 the Board of the Regional District of Nanaimo met and passed the following resolution.

*That given the community's interests in the Green's Landing Wharf and the dire ramification to residents on Gabriola Island and Mudge Island if the Federal Government proceeds with plans for wharf demolition after the expiry of the Regional District's current short term lease at the end of September, Public and Government Services Canada and BC Assets and Lands Corporation be urged to complete a transfer or long term lease arrangement for Green's Landing Wharf with the Regional District of Nanaimo.*

This resolution was to assist in the development of a long-term lease from PWGSC for the Green Landing Wharf. The Board Chair forwarded the resolution to the Minister of PW&GS, the Honourable Mr. Alfonso Gagliano. The minister responded by stating:

*"The District's interest in entering into a long-term sublease arrangement with PWGSC for the wharf would not accomplish the latter's (PWGSC) objective to divest itself of this facility and would also expose the federal government to possible litigation initiated by the upland owner." A copy of the Minister's letter is attached.*

With the rejection by PWGSC of the long-term lease approach no options remain for the Regional District of Nanaimo to gain control of this wharf facility for the long term without upland owner consent.

The main obstacle in obtaining this site permanently has been the BC Assets and Lands Corporation requirement that upland owner consent be granted as part of the lease transfer from PWGSC to the RDN. The upland owners do not wish to see the wharf remain in place in the long term and as such will not grant their approval. The owners will discuss a short-term (5 year) agreement approval with conditions, however this will not address the long-term needs for the community.



Since April of 2000 when PWGSC announced its intention to demolish the wharf a concerted effort has been made to gain control of the facility for the residents of Gabriola and Mudge Islands. Discussions have taken place with governmental and resident stakeholders to achieve this end. Temporary leasing arrangements in the name of the RDN have been secured to allow for the wharf's continued operation. In February of 2001 basic improvements were made to the wharf to allow for its safe operation in the interim while a final solution was sought.

The current short term leased expired on December 31<sup>st</sup>, 2001. The RDN has received approval from PWGSC for an extension for a further 3 months if required.

#### ALTERNATIVES

1. Extend the temporary lease for another 3 months.
2. Do not extend the temporary lease.
3. Seek alternate direction from the Board.

#### FINANCIAL IMPLICATIONS

There are no financial implications to extend or not to extend the lease.

#### CITIZEN IMPLICATIONS

Without the lease extension PWGSC would most likely begin planning for the demolition of the wharf at its soonest opportunity. The extension of the lease would delay that action until the end of March.

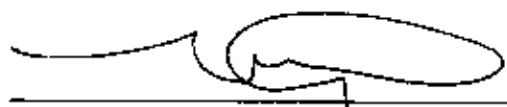
#### SUMMARY/CONCLUSIONS

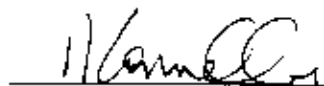
The Regional District of Nanaimo has, for the last 2 years, attempted to gain control of the Green Wharf Landing facility for the residents of Gabriola and Mudge Islands. With Public Works and Government Services Canada goal to divest itself of the facility and with the inability to gain upland owner consent, as required by BC Assets and Lands, for the ownership transfer there are limited viable alternatives left for the RDN to pursue. Although BCALC have been an active participant in the wharf transfer discussions between the Regional District and the federal government a final position with respect to their requirements, including upland owner consent, could be pursued over the next three months.

#### RECOMMENDATION

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.

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

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

  
\_\_\_\_\_  
C.A.O. Concurrence

COMMENTS:

Cabinet du ministre  
des Travaux publics et des  
Services gouvernementaux  
Receveur général du Canada



Office of the Minister  
of Public Works and  
Government Services  
Receiver General for Canada

Ottawa, Canada K1A 0S5

REGIONAL DISTRICT OF NANAIMO		
DEC 10 2001		
CHAIR	<input checked="" type="checkbox"/>	GMCRS
CAO	<input checked="" type="checkbox"/>	GMDS
	<input checked="" type="checkbox"/>	GMES
<i>Peter Sperdy</i>		

Mr. George Holme  
Chairperson  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, British Columbia  
V9T 6N2

DEC 06 2001

*Pete  
Green Wharf  
NC  
Dec. 19/01.*

Dear Mr. Holme:

This refers to your letter of October 16, 2001, with related material, to the Honourable Alfonso Gagliano, regarding the Regional District of Nanaimo's interest in entering into a long-term lease with Public Works and Government Services Canada (PWGSC) for Green Wharf, on Gabriola Island. Minister Gagliano has asked that I respond to you.

The facility known as Green Wharf was declared surplus to federal Crown requirements in September 1988, and PWGSC has taken all the necessary steps in the disposal process for the wharf, in keeping with the guidelines and regulations that were in place at that time. In the case of a retrocession such as this, Canada is bound by the terms of the original transfer Order, which states that, when the land is no longer required by the federal government for the purpose for which it was transferred, the land must be returned to the Province. Provincial policy requires that this land must be left in the state that it existed at the time of the original Order. PWGSC is bound to satisfy the terms of the original transfer. Although PWGSC owns the wharf structure, it is situated on provincial land, adjacent to privately owned waterfront property.

The District's interest in entering into a long-term sublease arrangement with PWGSC for the wharf would not accomplish the latter's objective to divest itself of this facility and would also expose the federal government to possible litigation initiated by the upland owner.

.../2

Canada

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As you are aware, Canada has subleased the wharf to the District and has been working with the District towards having it assume permanent ownership. As the landowner, the Province requires that the upland owner's consent be obtained before the waterlot can be transferred to a third party. Accordingly, I would encourage the District to continue working with the upland owner in negotiating this undertaking.

Please be assured that PWGSC will continue to assist the District in an effort to complete the transfer of the wharf in as timely a manner as possible.

I appreciate the opportunity to respond to you on this matter. Please accept my best wishes.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jean-Marc Bard', written in a cursive style.

Jean-Marc Bard  
Executive Assistant

c.c Mr. Reed Elley, M.P.



REGIONAL DISTRICT OF NANAIMO			
JAN - 2 2002			
CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMES	
		<i>Bed</i>	

MEMORANDUM

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

**DATE:** January 2, 2002

**FROM:** Jeff Ainge  
Parks Coordinator

**FILE:** 6140-20/E25

**SUBJECT:** Eagle Tree Re-location – Nanoose Bay (Electoral Area 'E')

**Purpose:**  
To provide information on a request from Fairwinds Community & Resort to establish an artificial eagle nest pole and platform in a community park (E-25, Schooner Ridge Pathway) adjacent to the Fairwinds golf course.

**Background:**  
The General Manager of the Fairwinds Community & Resort has requested the Regional District's permission and involvement in erecting an artificial eagle nest platform within the community park adjacent to Fairwinds golf course. This action is being contemplated due to the hazard posed by an existing eagle tree located at the edge of the fairway on the 13<sup>th</sup> hole (see attached photo page). The tree in question has been identified as a hazard for Fairwinds employees by the Workers Compensation Board (WCB), and acknowledged as having a high risk of failure by two independent arborists. The tree is an advanced state of decay and does pose a risk not only to Fairwinds employees (as noted by the WCB), but also to golfers and those walking the community park's Schooner Ridge Pathway.

Permission has been sought (and received) from the Ministry of Water, Land and Air Protection to remove the tree and the nest. The Ministry has approved the removal of this hazard tree and nest contingent upon the work being done prior to commencement of the nesting season (January 30). The Ministry's Conservation Officer and Wildlife Manager must be informed in advance of the planned date for the work. In light of the high level of community interest surrounding eagle trees, and the lack of suitable alternate nesting trees nearby, the Ministry has suggested Fairwinds consider installing an artificial nest platform in the RDN Community Park.

Staff have visited the location and have no objection to the proposed installation at the site.

- Alternatives:**
1. To approve the installation of an artificial eagle nest platform in Community Park E-25 with construction and operational costs paid by Fairwinds Community and Resort.
  2. To not approve the installation of an artificial eagle nest platform in Community Park E-25 at this time and provide alternate direction to staff.

**Financial Implications:**

The cost of the hazard tree removal and installation of the artificial pole and platform will be borne by Fairwinds. Ongoing maintenance of the platform is anticipated to be negligible and can be undertaken by Fairwinds staff, or qualified personnel retained by them.

**Intergovernmental Implications:**

The Ministry of Water, Land and Air Protection is responsible for administering the Wildlife Act, and have been consulted by the Fairwinds Community & Resort. Permission has been granted for the eagle tree removal. The Ministry has suggested mitigation, in the form of an artificial platform, be undertaken on adjacent RDN Community Park property.

**Citizen Implications:**

Many Nanoose Bay residents expressed outrage at the illegal removal of a healthy eagle tree from a vacant lot in the Fairwinds area in recent years. The ability to replace the current (hazardous) tree with a suitable nesting platform on community park land should alleviate any community concerns at the loss of nesting habitat.

**Summary:**

An eagle tree located on the Fairwinds golf course, and adjacent to a community park has been identified as a serious hazard to employees, golfers and park users. Permission has been granted by the appropriate Ministry to remove the tree. Permission is being sought by Fairwinds to allow an artificial nesting platform be erected in the RDN Community Park.

**Recommendation:**

That an agreement for the installation of an artificial eagle nest platform in Community Park E-25 be approved with Fairwinds Community and Resort with all construction and operational costs to be covered by Fairwinds.

*Seab for Jeff Ainge*  
Report Writer / Manager

*Almond*  
General Manager Concurrence  
*Quinn*  
C.A.O Concurrence

COMMENTS:



Mid-section of eagle tree as seen from Community Park (Schooner Ridge Pathway – E25).



Base of eagle tree and edge of golf course. Community Park is at top of rock bluff.



Upper section of tree and nest.



December 19, 2001

Pamela Shaw  
Manager of Community Planning  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC  
V9T 6N2

Dear Pamela,

Further to our telephone conversation of yesterday I am officially requesting permission to erect an artificial eagle nest pole and platform in the Regional District park located adjacent to the 13<sup>th</sup> fairway of the Fairwinds Golf Course.

As discussed, we have been working in close conjunction with BC Hydro and the Ministry of Water, Land and Air Protection since last spring on the tree in question and coming up with alternate tree perching sites in the area. Since that time we have been ordered by WCB to take down the tree due to the hazard it is to our employees and as well golfers.

We have had two independent arborists do studies on the tree and both are in agreement that the tree is in advance decay and is a high hazard (see the attached reports).

On November 07, 2001 the Ministry wrote us advising that they will issue a permit for the tree's removal as long as the tree is removed prior to January 30, 2002 or we would have to wait until the new chicks left the tree in 2002, should a pair of eagles nest there (see copy of the letter attached). A formal request for a permit was issued December 18, 2001 (you have received a copy of this letter under separate cover).

A media release is being done prior to the Board meeting advising the necessity of the tree's removal and the close work that has gone on between the different parties, including the RDN. This is a very sensitive issue, especially considering the recent legal case with a past lot owner at Fairwinds.

I look forward to a positive response from the Board and should you require any additional information prior to the Board meeting please do not hesitate to contact me at 468-7054.

Fairwinds Community & Resort

Division: 3584607 Canada Inc.

3730 Fairwinds Drive, Nanaimo Bay, British Columbia, Canada V9P 9J6 Phone 250.468.7054 Fax 250.468.9840 E-mail admin@fairwinds.bc.ca

**PAGE**  
**71**

Yours truly,

A handwritten signature in black ink, appearing to read 'A. McLean', with a large, sweeping flourish underneath.

Alistair McLean  
General Manager  
Enclosures (3)

AM/am





REGIONAL DISTRICT OF NANAIMO			
JAN - 2 2002			
CHAIR		GMCrS	
CAO		GMDS	
GMCrS		GMES	

MEMORANDUM

**TO:** Neil Connelly  
General Manager, Community Services

**DATE:** December 21, 2001

**FROM:** Christina Thomas  
Senior Planner

**FILE:** 6780 30

**SUBJECT:** GROWTH MANAGEMENT PLAN REVIEW – EVENT SCHEDULE - PHASE III AND IV

PURPOSE

The purpose of this report is to obtain Regional Board approval for the proposed schedule of events for Phases III and IV of the Growth Management Plan Review.

BACKGROUND

On December 11, 2001, the Regional Board directed staff to develop policy alternatives, options and additions to respond to specific topic areas for further public review in the third phase of Growth Management Plan Review.

Schedule '1' of this report provides a proposed schedule of events for Phases III and IV of the Growth Management Plan Review. The schedule and events are consistent with the project terms of reference approved by the Regional Board in January of 2001, with the exception that Phase III of the project has been lengthened by one month to provide more opportunity for consultation.

ALTERNATIVES

1. To approve the schedule of events for Phase III and IV of the Growth Management Plan Review as presented in this report.
2. To provide alternative direction.

FINANCIAL IMPLICATIONS

The Community Services budget provides for the budgetary requirements of the project.

PUBLIC CONSULTATION IMPLICATIONS

The proposed schedule of events for Phases III and IV of the Growth Management Plan Review should provide ample opportunity for the public and other interested organizations to share their perspectives regarding possible changes to the Growth Management Plan.

SUMMARY

The Growth Management Plan is being reviewed for possible amendments in 2001-2002 pursuant to the Terms of Reference the Board approved for the project in January 2001. This report provides a proposed schedule of events for Phases III and IV of the project for the Board's endorsement.

**RECOMMENDATION**

That the schedule of events for Phases III and IV of the Growth Management Plan Review be approved.

*C. Thomas*

Report Writer

*Monnelly*

General Manager Concurrence

*David S.*

CAO Concurrence

**SCHEDULE I:  
GROWTH MANAGEMENT PLAN REVIEW –  
SCHEDULE OF EVENTS FOR PHASE III AND IV**

<b>Event</b>	<b>Purpose</b>	<b>Date</b>
Special Board Meeting	<ul style="list-style-type: none"> <li>Discussion of options and development of responses to each issue identified in the staff report considered by the Regional Board on December 11, 2001</li> </ul>	Feb. 19
Regional Perspectives Special Report #3 on Growth Management Plan Review	<ul style="list-style-type: none"> <li>Provide information on options and Board responses to each issue.</li> <li>Provide information about public workshops.</li> <li>Provide information regarding how to express viewpoints regarding options.</li> </ul>	Feb. 18 –22 (finalize content) Feb. 25-28 (layout) March 1 –8 (delivery to every household in region)
Public Workshops (same workshop repeated 4 times in different locations in the region)	<ul style="list-style-type: none"> <li>Provide the public an opportunity to express viewpoints regarding policy alternatives, options and additions. Board would like public feedback about.</li> </ul>	March 13 March 14 March 19 March 20
Deadline for Phase III Public Input	<ul style="list-style-type: none"> <li>To finalize public input.</li> </ul>	April 12
Special Board Meeting	<ul style="list-style-type: none"> <li>Review Phase III input</li> </ul>	April 30
Regular Board Meeting	<ul style="list-style-type: none"> <li>Possible consideration of new Growth Management Plan bylaw for 1<sup>st</sup> and 2<sup>nd</sup> reading pursuant to the Local Government Act</li> </ul>	May 14
Public Information Meetings (2 – 1 in the north part of the region and 1 in the south)	<ul style="list-style-type: none"> <li>To explain the Growth Management Plan bylaw that was granted 1<sup>st</sup> and 2<sup>nd</sup> reading so individuals are better able to offer an opinion about the bylaw</li> </ul>	June 12 June 13
Public Hearing(s)	<ul style="list-style-type: none"> <li>To provide an opportunity for individuals to officially register their opinion about the bylaw pursuant to the Local Government Act</li> </ul>	June 19 June 20
Refer Growth Management Plan Bylaw to member municipalities and adjacent regional districts	<ul style="list-style-type: none"> <li>To provide an opportunity for these six local governments to accept the bylaw, pursuant to the Local Government Act</li> </ul>	June 21 Member municipalities and adjacent regional districts must be provided a maximum of 120 days to communicate their acceptance of the bylaw to the RDN.
Board Meeting	<ul style="list-style-type: none"> <li>Consideration of Growth Management Plan bylaw for 3<sup>rd</sup> reading and adoption</li> </ul>	After member municipalities and adjacent regional districts accept the bylaw. Sept. 10 or Oct. 8