

**REGIONAL DISTRICT OF NANAIMO**

**REGULAR BOARD MEETING**

**TUESDAY, JUNE 11, 2002**

**7:30 PM**

*(City of Nanaimo Council Chambers)*

**A G E N D A**

**PAGES**

1. **CALL TO ORDER**
2. **DELEGATIONS**  
13 **Janelle Park**, re Public Hearing Notification Requirements.
3. **BOARD MINUTES**  
14-34 Minutes of the Board meeting held on Tuesday, May 14, 2002 and the Special Board Meeting held on Tuesday, May 21, 2002.
4. **BUSINESS ARISING FROM THE MINUTES**
5. **COMMUNICATIONS/CORRESPONDENCE**
6. **UNFINISHED BUSINESS**  
**Bylaw Adoption.**  
35-38 **Bylaw No. 500.279** - Maibach Industries - 2470 Apollo Drive - Area E. (Electoral Area Directors except EA 'B' - One Vote)  
39-41 **Bylaw No. 500.282** - Chouinard - 7184 Lantzville Road - Area D. (Electoral Area Directors except EA 'B' - One Vote)  
**Public Hearing.**  
42-82 Minutes of the Public Hearing held April 24, 2002 with respect to Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285. (All Directors except EA 'B' - One Vote)  
83-133 Minutes of the Public Hearing held May 29, 2002 with respect to the E&N Railway Corridor and Official Community Plan Amendment Bylaws No. 1240.01, 1148.02, 974.02, 1118.03, 814.07, 1115.02, 1007.03, 500.283. (All Directors - One Vote)  
134-137 Minutes from the Public Hearing held May 30, 2002, with respect to Bylaw No. 500.285 - PRA Holdings Ltd. - Harold Road - Area A. (Electoral Area Directors except EA 'B' - One Vote)

137-148 Minutes from the Public Hearing held May 30, 2002, with respect to Bylaw No. 500.284 - Cedar View Estates - Hemer & Cedar Roads - Area A. (Electoral Area Directors except EA 'B' - One Vote)

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

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

149-150 Minutes of the regular Electoral Area Planning Committee meeting held May 28, 2002. (for information)

**PLANNING**

**AMENDMENT APPLICATIONS**

**Zoning Amendment Application No. 9626 – Rondalyn Resort/Danron Holdings Ltd. – 1350 Timberlands Road - Area C.** (Electoral Area Directors except EA 'B' - One Vote)

1. *That Application ZA9626 by Danron Holdings Ltd. to amend "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" for the lands legally described as That Part of Block 87, Bright, Douglas and Cranberry Districts, (Lying Within Said Bright District), Lying to the East of a Straight Boundary Bearing Due South From the Point on the Northerly Boundary of Said Block Distant 19.8 Chains Easterly From the South East Corner of District Lot 8, Bright District, Except Part in Plan VIP54950 by rezoning from Resource Management 9 (RM9) Subdivision District 'B' to Rondalyn Resort Comprehensive Development 13 (CD13) Subdivision District 'Z' that portion of the lands shown outlined on Schedule No. 2, be approved subject to the conditions as outlined in Schedule No. 1.*
2. *That definitions for Accessory Recreational Vehicle Storage and Seasonal or Periodic Accommodation be added to Bylaw No. 500 as shown on Schedule No. 4.*
3. *That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.287, 2002" be given 1<sup>st</sup> and 2<sup>nd</sup> reading and proceed to Public Hearing.*
4. *That the Public Hearing be chaired by the Director for Electoral Area 'C', Director Hamilton or her alternate.*

**DEVELOPMENT PERMIT APPLICATIONS**

**DP Application No. 0228 – Baldwin – East Side Road (Horne Lake) – Area H.** (Electoral Area Directors except EA 'B' - One Vote)

*That Development Permit Application No. 0228 to vary the minimum setback requirements of the Comprehensive Development 9 (CD9) zone of 15 metres from the top of the bank of a watercourse to a minimum of 3.0 metres from the top of the bank pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 to legalize the location of an existing recreational residence*

*and permit the repair and replacement of structural supports and footings; and to permit the construction of a 10 m<sup>2</sup> minor addition, a 6 m<sup>2</sup> deck addition, and the replacement of access stairs to the recreational residence within the Environmentally Sensitive Areas Development Permit Area on the property legally described as Strata Lot 280, District Lot 251, Alberni District, Plan VIS5160, be approved subject to the requirements outlined in Schedule Nos. 1, 2 and 3.*

## **DEVELOPMENT VARIANCE PERMIT APPLICATIONS**

**Development Variance Permit Application No. 0211 – Kosak – 3043 Jameson Road – Area D.** (Electoral Area Directors except EA 'B' - One Vote)

**Delegations wishing to speak to Application No. 0211.**

*That Development Variance Permit Application No. 0211, submitted by Wanda Kosak for the property legally described as Lot 1, Section 12, Range 3, Mountain District, Plan 38230, to vary a lot line from 8.0 metres to 1.89 metres, be approved, subject to notification requirements pursuant to the Local Government Act.*

**Development Variance Permit Application No. 0212 – Sims/Husson-Fallows – 2825 Sea Blush Drive – Area E.** (Electoral Area Directors except EA 'B' - One Vote)

**Delegations wishing to speak to Application No. 0212.**

*That Development Variance Permit Application No. 0212, submitted by Helen Sims, agent, on behalf of Kerry Husson and Tracey Fallow, to legalize the siting of an accessory building and to vary the minimum side lot line setback from 8.0 metres to 0.7 metres within the Rural 5 (RU5) zone for the property legally described as Lot 25, Block 586, Nanoose District, Plan 29314, be approved as submitted subject to the notification requirements pursuant to the Local Government Act.*

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

151-160

Minutes of the regular Committee of the Whole Committee meeting held May 28, 2002. (for information)

### **DEVELOPMENT SERVICES**

#### **BUILDING INSPECTION**

**Expired Building Permit – Salapura – 2079 Walsh Road – Area A.** (All Directors except EA 'B' - One Vote)

*That the permit for the construction of an agricultural building and attached dwelling at 2079 Walsh Road be renewed for an additional two years at the minimum permit fee of \$45.00 and renewal of the temporary living facility permit for \$125.00.*

**PLANNING**

**Request for Acceptance of Park Land – Keith Brown Associates Ltd. on behalf of 559500 BC Ltd. – Rowland Road – Area E. (All Directors except EA 'B' - One Vote)**

- 1. That the resolution adopted by the Regional Board of Directors, at its Regular Meeting held on October 11, 1994, with respect to the dedication of park land for Lot B, District Lot 67, Nanoose District, Plan 13476, be rescinded.*
- 2. That the request, submitted by Keith Brown and Associates Ltd., on behalf of 559500 BC Ltd., for park land dedication in the location and amount as shown on the proposed plan of subdivision of Lot B, District Lot 67, Nanoose District, Plan 13476, be accepted subject to the applicant registering section 219 covenants protecting the seasonal stream, the pond, the swamp areas outside the park land, and the waterfront portions of the parcel as outlined in Schedule No. 1 of staff report.*

**Request for 10% Frontage Relaxation & Request for Provision of a Combination of Park Land and Cash in Lieu of Park Land – JE Anderson & Associates on Behalf of Terry Peterson & Sandra Strote – Woohank Road – Area A. (All Directors except EA 'B' - One Vote)**

- 1. That the request, submitted by JE Anderson & Associates, on behalf of Terrance Peterson and Sandra Strote to provide a combination of park land with the balance to be provided as cash in lieu of park land, be denied and the applicant be required to provide 5% cash in lieu of park dedication.*
- 2. That the request for a relaxation of the minimum 10% perimeter frontage requirement for proposed Lots 2 & 3, as shown on the proposed plan of subdivision, be approved.*

**COMMUNITY SERVICES****RECREATION & PARKS**

**Electoral Area B Parkland Acquisition Security Issuing Bylaws No. 1299, 1303, 1304, 1305, 1306 & 1307. (All Directors - Weighted)**

- 1. That "Regional District of Nanaimo Electoral Area B Parkland Acquisition Security Issuing Bylaw No. 1299, 2002" be introduced for three readings and be forwarded for approval to the Inspector of Municipalities.*
- 2. That "Regional District of Nanaimo Electoral Area B Parkland Acquisition Security Issuing Bylaw No. 1303, 2002" be introduced for three readings and be forwarded for approval to the Inspector of Municipalities.*
- 3. That "Regional District of Nanaimo Electoral Area B Parkland Acquisition Security Issuing Bylaw No. 1304, 2002" be introduced for three readings and be forwarded for approval to the Inspector of Municipalities.*
- 4. That "Regional District of Nanaimo Electoral Area B Parkland Acquisition Security Issuing Bylaw No. 1305, 2002" be introduced for three readings and be forwarded for approval to the Inspector of Municipalities.*

5. That "Regional District of Nanaimo Electoral Area B Parkland Acquisition Security Issuing Bylaw No. 1306, 2002" be introduced for three readings and be forwarded for approval to the Inspector of Municipalities.
6. That "Regional District of Nanaimo Electoral Area B Parkland Acquisition Security Issuing Bylaw No. 1307, 2002" be introduced for three readings and be forwarded for approval to the Inspector of Municipalities.

**Electoral Area B Parkland Acquisition Temporary Borrowing Bylaws No. 1300 & 1302.**

(All Directors - Weighted)

1. That "Electoral Area B Parkland Acquisition Temporary Borrowing Bylaw No. 1300, 2002" be introduced for three readings.

(All Directors - Weighted - 2/3)

2. That "Electoral Area B Parkland Acquisition Temporary Borrowing Bylaw No. 1300, 2002" having received three readings be adopted.

(All Directors - Weighted)

3. That "Driftwood Water Service Area Temporary Borrowing Bylaw No. 1302, 2002" be introduced for three readings.

(All Directors - Weighted - 2/3)

4. That "Driftwood Water Service Area Temporary Borrowing Bylaw No. 1302, 2002" having received three readings be adopted.

**Extension School Field and Playground Rental Agreement.** (All Directors - Weighted Vote)

*That the Regional District enter into the Rental Agreement for the Extension School property with School District 68.*

**Cedar Heritage Centre – Funding Request.** (All Directors - Weighted Vote)

*That the Regional District enter into an Agreement with the Cedar School and Community Enhancement Society to provide for \$38,000 in funding as a grant to allow the Society to retire the debts and allow them to finish the project.*

**TRANSIT**

**Nanaimo City Centre Transit Exchange – Site Review.** (All Directors - One Vote)

*That the information report on the Nanaimo City Centre Transit Exchange Site Review be accepted.*

**CORPORATE SERVICES**

**ADMINISTRATION**

**Administration Computer Equipment Reserve Fund Expenditure Bylaw No. 1308.** (All Directors - 2/3)

1. That "Administration Computer Equipment Reserve Fund Expenditure Bylaw No. 1308, 2002" be introduced for three readings.

2. That "Administration Computer Equipment Reserve Fund Expenditure Bylaw No. 1308, 2002" having received three readings be adopted.

**Port Theatre Funding Request. (All Directors - One Vote)**

1. That staff be directed to prepare individual "Port Theatre Local Service Area" establishing bylaws for Electoral Areas A - E based upon a requisition rate of \$2.90 per \$100,000 of assessment for consideration at the September Board meeting and referendum in November 2002.
2. That staff be directed to prepare individual "Port Theatre Local Service Areas" establishing bylaws for Electoral Areas F - H based upon usage for consideration at the September Board meeting and referendum in November 2002.
3. That the Board correspond with the City of Parksville and Town of Qualicum Beach and encourage them to support proceeding to referendum in November 2002 to put forward the Port Theatre's request for funding either on a requisition rate of \$2.90 per \$100,000 of assessment or on the basis of usage.

**FINANCE**

**Operating Results to March 31, 2002. (All Directors - One Vote)**

*That the summary report of financial results from operations to March 31, 2002 be received for information.*

**FIRE PROTECTION**

**Firefighting Coverage by City of Nanaimo for Certain Properties Outside Municipal Boundaries. (All Directors - One Vote)**

*That the Board correspond with the City of Nanaimo seeking support for the provision of fire protection services to the seven properties outside municipal boundaries identified as:*

*1675 Kelsie Road  
1670/1690 Kelsie Road  
1760 Kelsie Road  
1840 Kelsie Road  
1860 Kelsie Road  
1890 Kelsie Road  
2105/2115 Richardson Road*

**Nanoose Fire Protection Service Area (Buildings) Reserve Fund Bylaw No. 1312. (All Directors - 2/3)**

1. That "Nanoose Fire Protection Service Area Reserve Fund Bylaw No. 1312, 2002" be introduced for first three readings.
2. That "Nanoose Fire Protection Service Area Reserve Fund Bylaw No. 1312, 2002" having received three readings be adopted.

**ENVIRONMENTAL SERVICES**

**LIQUID WASTE MANAGEMENT**

**Northern Community Sewer LSA Boundary Amendment Bylaw No. 889.21.** (All Directors - Weighted Vote)

*That "Regional District of Nanaimo Northern Community Sewer Local Service Area Boundary Amendment Bylaw No. 889.21, 2002" be introduced for first three readings and be forwarded to the Inspector of Municipalities for approval.*

**Trucked Liquid Waste Disposal Amendment Bylaw No. 988.04.**

(All Directors - Weighted Vote)

1. *That "Regional District of Nanaimo Trucked Liquid Waste Disposal Amendment Bylaw No. 988.04, 2002" be introduced for three readings.*

(All Directors - 2/3)

2. *That "Regional District of Nanaimo Trucked Liquid Waste Disposal Amendment Bylaw No. 988.04, 2002" having received three readings be adopted.*

**Sewer User Rates & Regulations Amendment Bylaws - Fairwinds Sewerage Facilities Amendment Bylaw No. 765.09, French Creek Sewer Service Area Amendment Bylaw No. 422.10 and Surfside Sewer Amendment Bylaw No. 1241.01.**

(All Directors - One Vote)

1. *That "Fairwinds Sewerage Facilities Specified Area Rates Amendment Bylaw No. 765.09, 2002" be introduced for first three readings.*

(All Directors - 2/3)

2. *That "Fairwinds Sewerage Facilities Specified Area Rates Amendment Bylaw No. 765.09, 2002" having received first three readings be adopted.*

(All Directors - One Vote)

3. *That "French Creek Sewer Service Area Rates Amendment Bylaw No. 422.10, 2002" be introduced for first three readings.*

(All Directors - 2/3)

4. *That "French Creek Sewer Service Area Rates Amendment Bylaw No. 422.10, 2002" having received first three readings be adopted.*

(All Directors - One Vote)

5. *That "Surfside Sewer Rates and Regulations Amendment Bylaw No. 1241.01, 2002" be introduced for first three readings.*

(All Directors - 2/3)

6. *That "Surfside Sewer Rates and Regulations Amendment Bylaw No. 1241, 2002" having received first three readings be adopted.*

**Fairwinds Sewerage Facilities Reserve Fund Establishment Bylaws No. 1310 and No. 1311.** (All Directors - 2/3)

1. *That "Fairwinds Sewerage (Treatment) Facilities Service Area Reserve Fund Bylaw No. 1310, 2002" be introduced for first three readings.*
2. *That "Fairwinds Sewerage (Treatment) Facilities Service Area Reserve Fund Bylaw No. 1310, 2002" having received three readings be adopted.*
3. *That "Fairwinds Sewerage (Collector System) Facilities Service Area Reserve Fund Bylaw No. 1311, 2002" be introduced for first three readings.*
4. *That "Fairwinds Sewerage (Collector System) Facilities Service Area Reserve Fund Bylaw No. 1311, 2002" having received three readings be adopted.*

**Transfer of Land -- Departure Bay Pump Station.** (All Directors - Weighted Vote)

*That the Board approve the transfer of a portion of Lot 1, Section 2, Wellington District, Plan 14047 to the City of Nanaimo for highway improvements.*

**GNPCC Biogas System Upgrade – Consulting Services.** (All Directors - Weighted Vote)

*That the Board direct staff to award the consulting project for the GNPCC Sludge Heating and Boiler Building upgrade to Associated Engineering Ltd.*

## **SOLID WASTE**

**Regional Landfill – Leachate Pre-Treatment System.** (All Directors - Weighted Vote)

*That the Board approve the installation of a leachate pre-treatment system at the Regional Landfill to reduce odours and corrosion at the Cedar Road pumping station.*

**Electronic Waste Industry Produce Stewardship Resolution.** (All Directors - One Vote)

*That the RDN Board adopt the Local Government Resolution on E-Waste and forward it, with a covering letter to the Minister of Water, Land and Air Protection requesting implementation of an industry operated E-Waste Produce Stewardship program, and further, the correspondence be copied to UBCM and AVICC for information and support.*



## UTILITIES

### **French Creek Bulk Water & Northern Community Sewer Boundary Amendment Bylaws No. 1050.02, 1089.02 and 934.02. (All Directors - One Vote)**

1. That "French Creek Bulk Water Supply Local Service Area Boundary Amendment Bylaw No. 1050.02, 2002" be granted first three readings and forwarded to the Inspector of Municipalities.
2. That "Regional District of Nanaimo French Creek Bulk Water Local Service Area Development Cost Charge Boundary Amendment Bylaw No. 1089.02, 2002" be granted first three readings and forwarded to the Inspector of Municipalities.
3. That "Regional District of Nanaimo Northern Community Sewer Local Service Area Development Cost Charge Boundary Amendment Bylaw No. 934.02, 2002" be granted first three readings and forwarded to the Inspector of Municipalities.

### **Fairwinds Water Supply LSA Regulations & Rates Amendment Bylaw No. 764.11.**

(All Directors - One Vote)

1. That "Regional District of Nanaimo Fairwinds Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 764.11, 2002" be introduced for three readings.

(All Directors - 2/3)

2. That "Regional District of Nanaimo Fairwinds Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 764.11, 2002" having received three readings be adopted.

### **French Creek Sewer LSA Regulations & Rates Amendment Bylaw No. 422.11.**

(All Directors One Vote)

1. That "Regional District of Nanaimo French Creek Sewer Specified Area Regulation and Rates Amendment Bylaw No. 422.11, 2002" be introduced for three readings.

(All Directors - 2/3)

2. That "Regional District of Nanaimo French Creek Sewer Specified Area Regulation and Rates Amendment Bylaw No. 422.11, 2002" having received three readings be adopted.

## COMMISSION, ADVISORY & SELECT COMMITTEE

### **Area A Parks, Recreation and Greenspaces Advisory Committee. (All Directors - One Vote)**

*That the minutes of the Area A Parks, Recreation and Greenspaces Advisory Committee meeting held March 21, 2002, be received for information.*

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

*That the minutes of the Lantzville Parks & Open Space Advisory Committee meeting held April 1, 2002, be received for information.*

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

*That the minutes of the Nanoose Bay Parks & Open Space Advisory Committee meeting held April 22, 2002, be received for information.*

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

That the minutes of the District 69 Recreation Commission meeting held May 7, 2002, be received for information.

**Grants-in-Aid**

*That the following Community Grants be approved:* (Parksville, Qualicum Beach, EA's E, F, G, H - Weighted Vote)

<i>Errington War Memorial Hall Association - washroom addition</i>	\$ 4,100
<i>Lighthouse Recreation Commission - program expenses</i>	\$ 1,250
<i>Arrowview Elementary PAC - playground</i>	\$ 2,000
<i>Participaddle Society - puddles</i>	\$ 1,710
<i>Mid-Island Wheelchair Sports Club - backboard extensions</i>	\$ 682
<i>Mid-Island Wheelchair Sports Club - wheelchairs</i>	\$ 3,715
<i>Parksville Seniors Slo-Pitch - dugouts</i>	\$ 3,700
<i>Arrowsmith Cricket &amp; Sports Association - tournament equipment</i>	\$ 690
<i>Arrowsmith Mountain Bike Society - timing equipment</i>	\$ 3,310
<i>Nanoose Bay Recreation and Activities Society - stage</i>	\$ 3,000

*That the following Youth Grants be approved:*

<i>Nanoose Bay Recreation and Activities Society - youth dance</i>	\$ 600
<i>Parksville Royals Baseball Club - pitching bullpen</i>	\$ 1,000
<i>Parksville Royals Baseball Club - infield screen</i>	\$ 1,200
<i>Parksville Royals Baseball Club - 2ball program</i>	\$ 350
<i>Qualicum Beach Skateboard Park Committee - expansion</i>	\$ 5,400
<i>Vancouver Island Adrenalin Games - event costs</i>	\$ 1,500
<i>Ballenas Dry Grad - entertainment costs (Velcro Wall/Improv)</i>	\$ 1,250
<i>Ballenas Tennis Club - court improvements</i>	\$ 2,000

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

*That the minutes of the Gabriola Island Parks and Recreation Commission meeting held May 13, 2002, be received for information.*

**Grants-in-Aid Committee.** (All Directors - One Vote)

*That the minutes of the Grants-in-Aid Committee meeting held May 16, 2002, be received for information.*

**School District 68 (EA's A, B, C, D, Nanaimo - Weighted Vote)**

*That the following grants be awarded:*

*Cedar Community Association* \$ 3,000

**School District 69 (Parksville, Qualicum Beach, EA's E, F, G, H - Weighted Vote)**

*That the following grants be awarded:*

<i>Arrowsmith Community Justice Society</i>	\$ 500
<i>Arrowsmith Search &amp; Rescue</i>	\$ 240
<i>Mid Vancouver Island Habitat Enhancement Society</i>	\$ 415
<i>Navy League of Canada - Parksville Branch</i>	\$ 1,000
<i>North Island Wildlife Recovery Association</i>	\$ 1,000
<i>Oceanside Community Arts Council</i>	\$ 500
<i>Oceanside Radio Communications Association</i>	\$ 950
<i>Parksville &amp; District Association for Community Living</i>	\$ 1,000
<i>Parksville Meeting Place Society</i>	\$ 250
<i>Parksville-Qualicum Beach &amp; District SPCA</i>	\$ 500

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**ALR Exclusion – Wosk – 365 Meadow View Place – Area G.** (All Directors except EA 'B' - One Vote)

*That the Wosk ALR Exclusion application be forwarded directly to the Agricultural Land Commission without a recommendation from the Board.*

**NEW BUSINESS**

**Verbal Reports.** (All Directors - One Vote)

*That when verbal reports are included on agendas, attachments containing background information be circulated to Board members in advance to allow preparation by Directors.*

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

**7.(IV) COMMISSION**

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

160-168

Minutes from the Building Addition Committee meeting held on May 28, 2002. (for information) (All Directors - One Vote) (Background report attached for information)

*That the RDN Administration Building Expansion Project Development Permit Application plans be approved for submission to the City of Nanaimo Design Review Panel.*

**ADMINISTRATOR'S REPORT**

- 169-172 Land Use Contraventions - Unsightly Premises & Building Regulations - Kilner - 7056 Lavender Road - Area D. (All Directors - One Vote)
- 173-174 Contravention of Building Regulation Bylaw - Schuerbeke - 1415 Hess Road - Area B. (All Directors - One Vote)
- 175-177 Contravention of Building Bylaw - Stesco - 3478 Grilse Road - Area E. (All Directors - One Vote)
- 178-181 DP Application No. 0222A - Mauriks - 1429 Dorcas Point Road - Area E. (Electoral Area Directors except EA 'B' - One Vote)
- 182-184 Special Event Application - Transit Services - BC Summer Games. (Electoral Area's 'A', 'D', City of Nanaimo - Weighted)
- 185-191 Regional Growth Management Plan - Information Report. (All Directors - One Vote)

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

**Pearse, Maureen**

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**From:** Doug & Janelle [theparks@shaw.ca]  
**Sent:** Tuesday, June 04, 2002 11:33 AM  
**To:** Pearse, Maureen  
**Subject:** June 11th RDN meeting

I wish to be placed on the list of presenters at the Board meeting of the Regional District of Nanaimo on June 11th 2002.

I would like to speak to the RDN Board with regard to the inadequacies of the process in place for public awareness of proposed development and/or changes as laid out in the Local Government Act - By Law 500.

Thank you.

Janelle Park  
1821 Cedar Road  
Nanaimo, B.C. V9X 1L6 (250) 722 2962

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REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE REGULAR MEETING OF THE BOARD  
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON  
TUESDAY, MAY 14, 2002, AT 7:30 PM IN THE  
BEBAN PARK LOUNGE

**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
Alternate	
Director J. Pullen	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 D. Rispin	City of Nanaimo
Director G. Korpan	City of Nanaimo
Alternate	
Director S. Lance	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
B. Lapham	Gen. Mgr. of Development Services
N. Connelly	Gen. Mgr. of Community Services
J. Finnie	Gen. Mgr. of Environmental Services
C. Mason	Gen. Mgr. of Corporate Services
M. Pearse	Manager of Administrative Services

**DELEGATIONS**

**Diane Pertson, re Proposed Amendments to Growth Management Plan – Area E.**

Ms. Pertson urged Board members to promote the conservation of Crown Land and not to entertain any more development proposals for Crown Land.

**Jeannette Thomson, re Proposed Amendments to Growth Management Plan – Area E.**

Ms. Thomson voiced her opposition to the development of Crown Land in Electoral Area E.

**Frederick Smith, re Proposed Amendments to Growth Management Plan – Area E.**

Mr. Smith was not in attendance.

**Brian Dempsey, re Proposed Amendments to Growth Management Plan – Area D.**

Mr. Dempsey advised the Board of his concerns with the recommendations contained in the staff report on the Regional Growth Strategy as it relates to the Lantzville area.

**LAGE DELEGATIONS**

MOVED Director Krall, SECONDED Director Haime, that four late delegations be permitted to address the Board.

CARRIED

**Ken, Kyler, re Regional Growth Management Plan.**

Mr. Kyler requested the Board to streamline the Regional Growth Strategy and to table the recommendations for a couple of months to permit the Board more time to review the implications.

**Dave Scott, re Regional Growth Management Plan.**

Mr. Scott voiced his concerns on the complexity of the Regional Growth Strategy and its implications in the Lantzville area.

**Helen Sims, re Regional Growth Management Plan.**

Ms. Sims spoke of her concerns with the Regional Growth Strategy as it pertains her client's property development in Electoral Area H.

**Tom Plensky, re Water I Zone.**

Mr. Plensky explained his reasons as to why the Water I zone should not exclude aquaculture.

**BOARD MINUTES**

MOVED Director Krall, SECONDED Director Westbroek, that the minutes of the regular Board meeting held on April 9, 2002 and the Special Board meetings held on Tuesday, April 30, 2002 and Tuesday, May 7, 2002 be adopted.

CARRIED

**BUSINESS ARISING FROM THE MINUTES**

**District 69 Arena Twinning.**

MOVED Director Stanhope, SECONDED Director Quittenton, that the Board reconsider the five resolutions approved at the May 7, 2002 Special Board Meeting regarding the holding of the District 69 Arena Referendum on June 15, 2002.

Directors Korpan, Lance, Krall and Holdom left the meeting.

The question was called on the motion.

The motion CARRIED.

Directors Rispin and McNabb left the meeting.

MOVED Director Quittenton, SECONDED Director Stanhope, that the Regional District, provide for the January 2002 arena twinning project at the existing arena site at a project cost of \$6,260,000 to proceed to referendum on June 15, 2002.

DEFEATED

MOVED Director Stanhope, SECONDED Director Macdonald, that the Board endorse proceeding to referendum on June 15, 2002 to obtain voter assent for the following questions:

- (i) Are you in favour of "Regional District of Nanaimo District 69 Arena Twinning Project Loan Authorization Bylaw No. 1286, 2002", which if approved, would authorize the borrowing of SIX MILLION TWO HUNDRED AND SIXTY THOUSAND DOLLARS (\$6,260,000) for the purpose of constructing a second ice sheet at the District 69 Arena located at Parksville Community Park?
- (ii) Are you in favour of the Regional District of Nanaimo entering into a Lease for a term of thirty (30) years at a rental of FIVE DOLLARS (\$5.00) per year for an area of approximately 6,400 m<sup>2</sup> within Parksville Community Park for the District 69 Ice Arena and accessory parking area as shown on the sketch attached to the Lease Agreement as Schedule 'A'. The Lease will include the following obligations on the part of the Regional District of Nanaimo:
- The payment of any taxes, rates, user fees and charges for public utilities and assessments resulting from the Regional District of Nanaimo's occupation of the premises;
  - Indemnification of the City of Parksville from all liability arising from the Regional District of Nanaimo's breach of any enactment, a defect in the premises, an injury to person or loss to property;
  - A requirement that the Regional District of Nanaimo take out and maintain public liability insurance for the term of the Lease;
  - A requirement that the Regional District of Nanaimo indemnify the City of Parksville for any liens filed against title to the land;
  - Maintenance of the premises to a reasonable standard.

DEFEATED

MOVED Director Stanhope, SECONDED Director Quittenton, that the "Regional District of Nanaimo District 69 Arena Twinning Project Loan Authorization Bylaw No. 1286, 2002" be introduced and given three readings and proceed to referendum to obtain voter assent.

DEFEATED

MOVED Director Stanhope, SECONDED Director Quittenton, that the Lease Agreement between Regional District of Nanaimo and the City of Parksville for the land located within the Parksville Community Park for the District 69 Arena and accessory parking be approved for a term of thirty (30) years, subject to the assent of electors.

DEFEATED

#### **Arena Multiplex Facility.**

MOVED Director Stanhope, SECONDED Director Macdonald, that the proposal put forward by RG Properties Ltd. for the construction of a twinned ice facility, with leisure ice at the Wembley Mall site, be supported.

CARRIED

MOVED Director Macdonald, SECONDED Director Stanhope, that the Regional District of Nanaimo enter into a Memorandum of Understanding with RG Properties Ltd. for the construction of a twinned ice facility, with leisure ice, at the Wembley Mall site, under the terms specified regarding Regional District operation and ownership, among other items, at a guaranteed price.

CARRIED

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MOVED Director Stanhope, SECONDED Director Macdonald, that the Board endorse proceeding to referendum on June 22, 2002 to obtain voter assent for the following questions:

1. Are you in favour of the "Regional District of Nanaimo (Multipurpose Facility) Loan Authorization Bylaw No. 1313, 2002", which if approved, would authorize the borrowing of EIGHT MILLION ONE HUNDRED AND TWENTY THOUSAND DOLLARS (\$8,120,000) for the purpose of constructing a two rink multipurpose arena, with leisure ice, at the site of the Wembley Mall in the City of Parksville?
2. Do you approve of the proposed Partnering Agreement between the Regional District, RG Properties Ltd. ("RG Properties") and Parksville Properties Ltd. ("Parksville Properties"), a copy of which is attached to the "Regional District of Nanaimo (Multipurpose Facility) Partnering Agreement Bylaw No. 1314, 2002", under which RG Properties, through a subsidiary company, would on behalf of the Regional District design and build a two rink multipurpose arena, with leisure ice (the "Multipurpose Facility"), at the site of Wembley Mall in the City of Parksville (the "Site"), on a parcel of land that will be created and then transferred to the Regional District (the "Arena Parcel") by the Site owner, Parksville Properties Ltd.

Your approval of the Partnering Agreement will authorize the Regional District to:

- Grant a restrictive covenant to Parksville Properties limiting the use of the Arena Parcel to Regional District leisure, cultural and entertainment purposes (the "Restrictive Covenant");
- Enter into agreements by easement with respect to the mutual obligations of the Regional District and Parksville Properties for support of their adjoining buildings, the maintenance and repair of party walls, and for rights of access and parking over the Arena Parcel and the Site, and for the placement and maintenance of public liability insurance (the "Easements");
- Agree to indemnify Parksville Properties against losses or damage resulting from the Regional District's breach of the Restrictive Covenant or the Easements.

CARRIED

MOVED Director Stanhope, SECONDED Director Macdonald, that the "Regional District of Nanaimo (Multipurpose Facility) Loan Authorization Bylaw No. 1313, 2002" be introduced and given three readings and proceed to referendum on June 22, 2002 to obtain voter assent.

CARRIED

MOVED Director Quittenton, SECONDED Director Stanhope, that C. Mason be appointed as Chief Elections Officer and M. Pearse as Deputy Elections Officer for the referendum to be held on June 22, 2002.

CARRIED

Directors Korpan, Lance, Holdom, Krall, Rispin and McNabb returned to the meeting.

#### COMMUNICATIONS/CORRESPONDENCE

**Kirk Miller, Land Reserve Commission, re New Legislation – Agricultural Land Commission Act; New Appointments to the Land Reserve Commission.**

MOVED Director Stanhope, SECONDED Director Hamilton, that the correspondence from the Land Reserve Commission with respect to changes to the Agricultural Land Commission Act and new appointments to the Land Reserve Commission, be received.

CARRIED

**Evelyn Zanatta, re DP Application No. 0222 - Mauriks/Fern Road Consulting - 1429 Dorcas Point Road - Area E.**

MOVED Director Stanhope, SECONDED Director Hamilton, that the correspondence from Evelyn Zanatta advising that she has no objection to DP Application No. 0222 was received.

CARRIED

**Jim & Jean Greig, re DP Application No. 0222 - Mauriks/Fern Road Consulting - 1429 Dorcas Point Road - Area E.**

MOVED Director Stanhope, SECONDED Director Hamilton, that the correspondence from Jim and Jean Greig advising that they are not affected by DP Application No. 0222 was received.

CARRIED

**Ruth McHaffie, re DP Application No. 0222 - Mauriks/Fern Road Consulting - 1429 Dorcas Point Road - Area E.**

MOVED Director Stanhope, SECONDED Director Hamilton, that the correspondence from Ruth McHaffie advising that she has not objection to DP Application No. 0222 was received.

CARRIED

**Wayne & Rebecca Gardner, re DP Application No. 0221 - Gerard/Fern Road Consulting - Amberwood Lane - Area E.**

MOVED Director Stanhope, SECONDED Director Hamilton, that the correspondence from Wayne and Rebecca Gardner advising that they are not opposed to DP Application No. 0221 was received.

CARRIED

**David Russell, re DP Application No. 0221 - Gerard/Fern Road Consulting - Amberwood Lane - Area E.**

MOVED Director Stanhope, SECONDED Director Hamilton, that the correspondence from David Russell requesting the Board to approve the variance was received.

CARRIED

**UNFINISHED BUSINESS**

**BYLAWS**

**Bylaw No. 500.281.**

MOVED Director Quittenton, SECONDED Director Stanhope, that "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500.281, 2002" be given 3<sup>rd</sup> reading and be adopted.

CARRIED

**Bylaw No. 1218.01.**

MOVED Director Quittenton, SECONDED Director Westbroek, that "Home Lake Service Area Sewage Disposal Regulation Bylaw No. 1218.01, 2002" be adopted.

CARRIED

**Bylaw No. 500.269.**

MOVED Director Haime, SECONDED Director Hamilton, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.269, 2000" be adopted.

CARRIED

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**Bylaw No. 1059.02.**

MOVED Director Hamilton, SECONDED Director Korpan, that "Southern Community Recreation Local Service Area Amendment Bylaw No. 1059.02, 2002" be adopted.

CARRIED

**Bylaw No. 1264.**

MOVED Director Haime, SECONDED Director Krall, that "Electoral Area 'D' Service Establishment Bylaw No. 1264, 2002" be adopted.

CARRIED

**Bylaw No. 1265.**

MOVED Director Haime, SECONDED Director Krall, that "Electoral Area 'D' Noise Control Regulatory Bylaw No. 1265, 2002" be adopted.

CARRIED

**Bylaw No. 1283.**

MOVED Director Macdonald, SECONDED Director Holdom, that "Regional District of Nanaimo Security Issuing (City of Parksville) Bylaw No. 1283, 2002" be adopted.

CARRIED

**Bylaw No. 1216.02.**

MOVED Director Holdom, SECONDED Director Sperling, that "Municipal Benefiting Area Amendment Bylaw No. 1216.02, 2002" be adopted.

CARRIED

**Bylaw No. 791.03.**

MOVED Director Stanhope, SECONDED Director Rispin, that "Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.03, 2002" be adopted.

CARRIED

**Public Hearing.**

**Minutes of the Public Hearing held May 2, 2002 with Respect to Bylaw No. 500.282 – Land Use and Subdivision Bylaw Amendment – Chouinard – 7184 Lantzville Road – Area D.**

MOVED Director Haime, SECONDED Director Hamilton, that the minutes of the Public Hearing held Thursday, May 2, 2002 as a result of public notification of "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.282, 2002" be received.

CARRIED

MOVED Director Haime, SECONDED Director Hamilton, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.282, 2002" be given 3<sup>rd</sup> reading.

CARRIED

MOVED Director Haime, SECONDED Director Hamilton, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.282, 2002" be forwarded to the Ministry of Transportation for consideration of approval prior to the Board's consideration of adoption of the Bylaw.

CARRIED

**Minutes of the Public Hearing held March 21, 2002 with Respect to Bylaw No. 500.280 – Land Use and Subdivision Bylaw Amendment – Senini – Dickenson Road – Area D.**

MOVED Director Haime, SECONDED Director Elliott, that the minutes of the Public Hearing held Thursday, March 21, 2002 as a result of public notification of "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw 500.280, 2001" be received.

CARRIED

MOVED Director Haime, SECONDED Director Elliott, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.280, 2001" be given 3<sup>rd</sup> reading.

CARRIED

MOVED Director Haime, SECONDED Director Elliott, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.280, 2001" be referred to the Ministry of Transportation as required under the *Highways Act* for approval prior to the Board's consideration of adoption.

CARRIED

**Minutes of the Public Hearing held April 24, 2002 with Respect to Bylaw No. 1285 – Electoral Area 'F' Zoning and Subdivision Bylaw.**

MOVED Director Korpan, SECONDED Director Holdom, that the Summary of Proceedings of a Public Hearing held Wednesday, April 24, 2002 at 7:00 pm, together with all written submissions to the Public Hearing on the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" be received.

CARRIED

MOVED Director Westbrook, SECONDED Director Stanhope, that "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" be granted 3<sup>rd</sup> reading with a minor amendment to Schedule A to correct a typographical error to add the R-2.29 zone as recommended in the staff report.

A recorded vote was requested.

MOVED Director Westbrook, SECONDED Director Quittenton, that Bylaw No. 1285 be put to referendum in Area F.

The Chairperson ruled that the motion was out of order.

The motion CARRIED with Directors Holme, Hamilton, Westbrook, Lance, Holdom, McNabb, Krall, Korpan, Rispin and Stanhope voting in the affirmative and Directors Quittenton, Haime, Macdonald, Elliott and Pullen voting in the negative.

MOVED Director Krall, SECONDED Director Rispin, that "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" be forwarded to the Ministry of Transportation for consideration of approval prior to the Board's consideration of adoption of the Bylaw.

A recorded vote was requested.

The motion CARRIED with Directors Holme, Hamilton, Quittenton, Westbrook, Lance, Haime, Macdonald, Holdom, McNabb, Elliott, Krall, Korpan, Rispin and Stanhope voting in the affirmative and Director Pullen voting in the negative.

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

**ELECTORAL AREA PLANNING STANDING COMMITTEE.**

MOVED Director Hamilton, SECONDED Director Haime, that the minutes of the regular Electoral Area Planning Committee meeting held April 23, 2002, be received for information.

CARRIED

**CORRESPONDENCE**

**Greta Taylor, re Water 1 Zone to Exclude Aquaculture.**

MOVED Director Hamilton, SECONDED Director Stanhope, that the correspondence from Greta Taylor, Deep Bay Planning and Environmental Association, with respect to the proposed change in water zoning to have water 1 zone amended to exclude aquaculture as a permitted use, be received.

CARRIED

**PLANNING**

**AMENDMENT APPLICATIONS**

**Zoning Amendment Application No. 0204 – PRA Holdings Ltd. – Harold Road – Area A.**

MOVED Director Elliott, SECONDED Director Stanhope, that Amendment Application No. 0204 submitted by PRA Holdings Ltd. to rezone a portion of the property legally described as Lot 9, Section 12, Range 7, Cranberry District, Plan 27070 from Industrial 1 (IN1) to Industrial 2 (IN2) be advanced to a public hearing 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. 500.285, 2002" be given 1<sup>st</sup> and 2<sup>nd</sup> reading and 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. 500.285, 2002" be delegated to Director Elliott or his alternate.

CARRIED

**Zoning Amendment Application No. 9809 – Cedar View Estates Ltd. – Cedar & Hemer Roads – Area A.**

MOVED Director Hamilton, SECONDED Director Elliott, that Amendment Application No. 9809 submitted by Cedar View Estates Ltd. to rezone a portion of the property legally described as Lot A, Plan VIP57874 and Lot 6, Plan VIP59634 Both of Section 14, Range 1, Cedar District from Commercial 2 (CM2) to Comprehensive Development 12 (CD12) be advanced to a public hearing 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. 500.284, 2002" be given 1<sup>st</sup> and 2<sup>nd</sup> reading and 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. 500.284, 2002" be delegated to Director Elliott or his alternate.

CARRIED

#### **DEVELOPMENT PERMIT APPLICATIONS**

##### **Development Permit Application No. 0215 – Fairwinds/Dafoe – 3730 Fairwinds Drive – Area E.**

MOVED Director Hamilton, SECONDED Director Stanhope, that Development Permit Application No. 0215 to facilitate bank stabilization works on 45 metres of stream channel on Dolphin Creek within a Watercourse Protection Development Permit Area on the property legally described as Lot 1, District Lot 8, 30 and 78, Nanoose District, Plan 48585, Except Part in Plan 51142 be approved subject to the conditions outlined in Schedules No. 1, 2 and 3.

CARRIED

##### **Development Permit Application No. 0218 – Rainsford – Horne Lake Cave Road – Area H.**

MOVED Director Hamilton, SECONDED Director Quittenton, that Development Permit Application No. 0218 to vary the maximum floor area of the main floor of the recreational residence from 70 m<sup>2</sup> to 72 m<sup>2</sup>; the maximum floor area of the second story from 35 m<sup>2</sup> to 45 m<sup>2</sup>; and the maximum building height of 6.1 metres to 6.5 metres pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 to permit the relocation of a recreational residence and to permit a landscape deck to be located a minimum of 12.5 metres from the natural boundary, the removal of vegetation, and the development of a 1 metre wide beach access within the Environmentally Sensitive Areas Development Permit Area on the property legally described as Strata Lot 26, District Lot 251, Alberni District, Plan VIS5160, be approved subject to the requirements outlined in Schedules No. 1, 2 and 3.

CARRIED

##### **Development Permit Application No. 0220 – Bulger – Horne Lake Cave Road – Area H.**

MOVED Director Hamilton, SECONDED Director Quittenton, that Development Permit Application No. 0220 to facilitate the relocation of a recreational residence and deck to be located a minimum of 8 metres, an accessory building to be located a minimum of 11 metres from the natural boundary of Horne Lake, and a 1 metre wide beach access located within the Environmentally Sensitive Areas Development Permit Area on the property legally described as Strata Lot 38, District Lot 251, Alberni District, Plan VIS5160 be approved subject to the conditions outlined in Schedules 1 and 2.

CARRIED

##### **Development Permit Application No. 0221 – Gerard/Fern Road Consulting – Lot 14, Amberwood Lane – Area E.**

MOVED Director Hamilton, SECONDED Director Stanhope, that Development Permit Application No. 0221 submitted by Helen Sims, on behalf of Patricia Gerard to facilitate construction of a single dwelling, attached patio, patio for hot tub, and retaining walls within the Watercourse Protection Development Permit Area pursuant to "Nanoose Bay Official Community Plan Bylaw No. 1118, 1998" for the property legally described as Lot 14, District Lot 78, Nanoose District, Plan 47638 be approved subject to the conditions and variances outlined in Schedule No. '1' and notification requirements pursuant to the Local Government Act.

CARRIED

**Development Permit Application No. 0222 – Mauriks/Fern Road Consulting – 1429 Dorcas Point Road – Area E.**

MOVED Director Hamilton, SECONDED Director Stanhope, that Development Permit Application No. 0222, submitted by Helen Sims on behalf of Patricia Mauriks to legalize the siting and renovation of an existing dwelling unit within the Watercourse Protection Development Permit Area pursuant to "Nanoose Bay Official Community Plan Bylaw No. 1118, 1998" for the property legally described as Lot 5, District Lot 110, Nanoose District, Plan 17536 be approved subject to the conditions and variances outlined in Schedule No. '1' and notification requirements pursuant to the Local Government Act.

CARRIED

**OTHER**

**Home Based Business Regulations – RDN Land Use and Subdivision Amendment Bylaw No. 500.286 – Areas A, C, D, E, G & H.**

MOVED Director Hamilton, SECONDED Director Quittenton, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.286, 2002" be introduced and given 1<sup>st</sup> and 2<sup>nd</sup> reading.

CARRIED

MOVED Director Hamilton, SECONDED Director Haime, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.286, 2002" be advanced to a public hearing.

CARRIED

MOVED Director Hamilton, SECONDED Director Haime, that the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.286, 2002" be delegated to Director Holme or his alternate.

CARRIED

**COMMITTEE OF THE WHOLE STANDING COMMITTEE**

MOVED Director Stanhope, SECONDED Director Rispin, that the minutes of the Committee of the Whole meeting held April 23, 2002, be received for information.

**COMMUNICATIONS/CORRESPONDENCE**

**Dan Whiting, School District 69, re Appointment of Trustee Barbara Terry to the D69 Recreation Commission.**

MOVED Director Stanhope, SECONDED Director Krall, that the correspondence received from School District 69 with respect to the appointment of Barbara Terry to the D69 Recreation Commission, be received.

CARRIED

**Jerri New, Office & Professional Employees International Union, re BC Hydro.**

MOVED Director Stanhope, SECONDED Director Krall, that the correspondence received from the Office & Professional Employees International Union with respect to a resolution for the retention of BC Hydro as a complete entity within a regulated pricing structure by the provincial government, be received.

CARRIED

**Charles Lang, re Regional Growth Management Plan Amendments – Horne Lake – Area H.**

MOVED Director Stanhope, SECONDED Director Krall, that the correspondence received from Charles Lang with respect to the Horne Lake Draft Interim Management Plan, former pass holders and the March 27, 2002 public meeting, be received.

CARRIED

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**DEVELOPMENT SERVICES**

**BUILDING INSPECTION**

**Section 700 Filings.**

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

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

- (a) Lot 1, Section 12, Range 3, Mountain District, 3043 Jameson Road, Electoral Area A, owned by W. Kosak;
- (b) Lot 22, Section 2, Range 6, Plan 27748, Cedar District, 3361 McGuire Way, Electoral Area A, owned by I. and D. Stewart;
- (c) Lot 25, Block 586, Plan 29314, Nanoose District, 2825 Sea Blush Drive, Electoral Area E, owned by K. Husson and T. Fallow.

CARRIED

**PLANNING**

**OCP/Zoning Bylaw Amendment for E & N Railway Corridor.**

MOVED Director Stanhope, SECONDED Director Rispin, that the Official Community Plan amendments for the E & N Railway be postponed for 1 month.

DEFEATED

*Electoral Area 'A' Official Community Plan*

MOVED Director Stanhope, SECONDED Director Westbrook, that "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw Amendment Bylaw No. 1240.01, 2002" has been considered in conjunction with the Regional District of Nanaimo 2002-2007 Capital Expenditure Program Bylaw.

CARRIED

MOVED Director Stanhope, SECONDED Director Westbrook, that "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw Amendment Bylaw No. 1240.01, 2002" has been considered in conjunction with the Regional District of Nanaimo waste management plans.

CARRIED

MOVED Director Stanhope, SECONDED Director Westbrook, that "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw Amendment Bylaw No. 1240.01, 2002" has been considered in conjunction with the Regional District of Nanaimo Growth Management Plan.

CARRIED

MOVED Director Stanhope, SECONDED Director Westbrook, that "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw Amendment Bylaw No. 1240.01, 2002" has been considered in conjunction with the provincial policy guidelines and comments from the Land Reserve Commission.

CARRIED

MOVED Director Stanhope, SECONDED Director Westbrook, that "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw Amendment Bylaw No. 1240.01, 2002" be given 2<sup>nd</sup> reading and proceed to public hearing.

CARRIED

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MOVED Director Stanhope, SECONDED Director Westbroek, that the holding of the Public Hearing with respect to "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw Amendment Bylaw No. 1240.01, 2002" be delegated to Director Holme or his alternate.

CARRIED

Electoral Area 'C' Arrowsmith Benson-Cranberry Bright Official Community Plan

MOVED Director Stanhope, SECONDED Director Hamilton, that "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw Amendment Bylaw No. 1148.02, 2002" has been considered in conjunction with the Regional District of Nanaimo 2002-2007 Capital Expenditure Program Bylaw.

CARRIED

MOVED Director Westbroek, SECONDED Director Hamilton, that "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw Amendment Bylaw No. 1148.02, 2002" has been considered in conjunction with the Regional District of Nanaimo waste management plans.

CARRIED

MOVED Director Westbroek, SECONDED Director Hamilton, that "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw Amendment Bylaw No. 1148.02, 2002" has been considered in conjunction with the Regional District of Nanaimo Growth Management Plan.

CARRIED

MOVED Director Westbroek, SECONDED Director Hamilton, that "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw Amendment Bylaw No. 1148.02, 2002" has been considered in conjunction with the provincial policy guidelines and comments from the Land Reserve Commission.

CARRIED

MOVED Director Stanhope, SECONDED Director Hamilton, that "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw Amendment Bylaw No. 1148.02, 2002" be given 2<sup>nd</sup> reading and proceed to public hearing.

CARRIED

MOVED Director Stanhope, SECONDED Director Hamilton, that the holding of the Public Hearing with respect to "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw Amendment Bylaw No. 1148.02, 2002" be delegated to Director Holme or his alternate.

CARRIED

Electoral Area 'D' Lantzville Official Community Plan

MOVED Director Stanhope, SECONDED Director Haime, that "Regional District of Nanaimo Lantzville Official Community Plan Bylaw Amendment Bylaw No. 974.02, 2002" has been considered in conjunction with the Regional District of Nanaimo 2002-2007 Capital Expenditure Program Bylaw.

CARRIED

MOVED Director Stanhope, SECONDED Director Haime, that "Regional District of Nanaimo Lantzville Official Community Plan Bylaw Amendment Bylaw No. 974.02, 2002" has been considered in conjunction with the Regional District of Nanaimo waste management plans.

CARRIED

MOVED Director Stanhope, SECONDED Director Haime, that "Regional District of Nanaimo Lantzville Official Community Plan Bylaw Amendment Bylaw No. 974.02, 2002" has been considered in conjunction with the Regional District of Nanaimo Growth Management Plan.

CARRIED

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MOVED Director Stanhope, SECONDED Director Haime, that "Regional District of Nanaimo Lantzville Official Community Plan Bylaw Amendment Bylaw No. 974.02, 2002" has been considered in conjunction with the provincial policy guidelines and comments from the Land Reserve Commission.

CARRIED

MOVED Director Stanhope, SECONDED Director Westbroek, that "Regional District of Nanaimo Lantzville Official Community Plan Bylaw Amendment Bylaw No. 974.02, 2002" be given 2<sup>nd</sup> reading and proceed to public hearing.

CARRIED

MOVED Director Stanhope, SECONDED Director Haime, that the holding of the Public Hearing with respect to "Regional District of Nanaimo Lantzville Official Community Plan Bylaw Amendment Bylaw No. 974.02, 2002" be delegated to Director Holme or his alternate.

CARRIED

Electoral Area 'E' Nanoose Bay Official Community Plan

MOVED Director Stanhope, SECONDED Director Krall, that "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw Amendment Bylaw No. 1118.03, 2002" has been considered in conjunction with the Regional District of Nanaimo 2002-2007 Capital Expenditure Program Bylaw.

CARRIED

MOVED Director Stanhope, SECONDED Director Krall, that "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw Amendment Bylaw No. 1118.03, 2002" has been considered in conjunction with the Regional District of Nanaimo waste management plans.

CARRIED

MOVED Director Stanhope, SECONDED Director Krall, that "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw Amendment Bylaw No. 1118.03, 2002" has been considered in conjunction with the Regional District of Nanaimo Growth Management Plan.

CARRIED

MOVED Director Stanhope, SECONDED Director Krall, that "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw Amendment Bylaw No. 1118.03, 2002" has been considered in conjunction with the provincial policy guidelines and comments from the Land Reserve Commission.

CARRIED

MOVED Director Stanhope, SECONDED Director Krall, that "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw Amendment Bylaw No. 1118.03, 2002" be given 2<sup>nd</sup> reading and proceed to public hearing.

CARRIED

MOVED Director Stanhope, SECONDED Director Krall, that the holding of the Public Hearing with respect to "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw Amendment Bylaw No. 1118.03, 2002" be delegated to Director Holme or his alternate.

CARRIED

Electoral Area 'G' Englishman River Official Community Plan

MOVED Director Westbroek, SECONDED Director Rispin, that "Regional District of Nanaimo Englishman River Official Community Plan Bylaw Amendment Bylaw No. 814.07, 2002" has been considered in conjunction with the Regional District of Nanaimo 2002-2007 Capital Expenditure Program Bylaw.

CARRIED

MOVED Director Westbrook, SECONDED Director Rispin, that "Regional District of Nanaimo Englishman River Official Community Plan Bylaw Amendment Bylaw No. 814.07, 2002" has been considered in conjunction with the Regional District of Nanaimo waste management plans.

CARRIED

MOVED Director Westbrook, SECONDED Director Rispin, that "Regional District of Nanaimo Englishman River Official Community Plan Bylaw Amendment Bylaw No. 814.07, 2002" has been considered in conjunction with the Regional District of Nanaimo Growth Management Plan.

CARRIED

MOVED Director Westbrook, SECONDED Director Rispin, that "Regional District of Nanaimo Englishman River Official Community Plan Bylaw Amendment Bylaw No. 814.07, 2002" has been considered in conjunction with the provincial policy guidelines and comments from the Land Reserve Commission.

CARRIED

MOVED Director Westbrook, SECONDED Director Stanhope, that "Regional District of Nanaimo Englishman River Official Community Plan Bylaw Amendment Bylaw No. 814.07, 2002" be given 2<sup>nd</sup> reading and proceed to public hearing.

CARRIED

MOVED Director McNabb, SECONDED Director Korpan, that the holding of the Public Hearing with respect to "Regional District of Nanaimo Englishman River Official Community Plan Bylaw Amendment Bylaw No. 814.07, 2002" be delegated to Director Holme or his alternate.

CARRIED

Electoral Area 'G' French Creek Official Community Plan

MOVED Director McNabb, SECONDED Director Stanhope, that "Regional District of Nanaimo French Creek Official Community Plan Bylaw Amendment Bylaw No. 1115.02, 2002" has been considered in conjunction with the Regional District of Nanaimo 2002-2007 Capital Expenditure Program Bylaw.

CARRIED

MOVED Director McNabb, SECONDED Director Stanhope, that "Regional District of Nanaimo French Creek Official Community Plan Bylaw Amendment Bylaw No. 1115.02, 2002" has been considered in conjunction with the Regional District of Nanaimo waste management plans.

CARRIED

MOVED Director McNabb, SECONDED Director Stanhope, that "Regional District of Nanaimo French Creek Official Community Plan Bylaw Amendment Bylaw No. 1115.02, 2002" has been considered in conjunction with the Regional District of Nanaimo Growth Management Plan.

CARRIED

MOVED Director McNabb, SECONDED Director Stanhope, that "Regional District of Nanaimo French Creek Official Community Plan Bylaw Amendment Bylaw No. 1115.02, 2002" has been considered in conjunction with the provincial policy guidelines and comments from the Land Reserve Commission.

CARRIED

MOVED Director Stanhope, SECONDED Director McNabb, that "Regional District of Nanaimo French Creek Official Community Plan Bylaw Amendment Bylaw No. 1115.02, 2002" be given 2<sup>nd</sup> reading and proceed to public hearing.

CARRIED

MOVED Director Stanhope, SECONDED Director Korpan, that the holding of the Public Hearing with respect to "Regional District of Nanaimo French Creek Official Community Plan Bylaw Amendment Bylaw No. 1115.02, 2002" be delegated to Director Holme or his alternate.

CARRIED

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Electoral Area 'H' Shaw Hill-Deep Bay Official Community Plan

MOVED Director Quittenton, SECONDED Director Krall, that "Regional District of Nanaimo Shaw Hill-Deep Bay Official Community Plan Bylaw Amendment Bylaw No. 1007.03, 2002" has been considered in conjunction with the Regional District of Nanaimo 2002-2007 Capital Expenditure Program Bylaw.

CARRIED

MOVED Director Quittenton, SECONDED Director Krall, that "Regional District of Nanaimo Shaw Hill-Deep Bay Official Community Plan Bylaw Amendment Bylaw No. 1007.03, 2002" has been considered in conjunction with the Regional District of Nanaimo waste management plans.

CARRIED

MOVED Director Quittenton, SECONDED Director Krall, that "Regional District of Nanaimo Shaw Hill-Deep Bay Official Community Plan Bylaw Amendment Bylaw No. 1007.03, 2002" be considered in conjunction with the Regional District of Nanaimo Growth Management Plan.

CARRIED

MOVED Director Quittenton, SECONDED Director Krall, that "Regional District of Nanaimo Shaw Hill-Deep Bay Official Community Plan Bylaw Amendment Bylaw No. 1007.03, 2002" has been considered in conjunction with the provincial policy guidelines and comments from the Land Reserve Commission.

CARRIED

MOVED Director Stanhope, SECONDED Director Krall, that "Regional District of Nanaimo Shaw Hill-Deep Bay Official Community Plan Bylaw Amendment Bylaw No. 1007.03, 2002" be given 2<sup>nd</sup> reading and proceed to public hearing.

CARRIED

MOVED Director Stanhope, SECONDED Director Holdom, that the holding of the Public Hearing with respect to "Regional District of Nanaimo Shaw Hill-Deep Bay Official Community Plan Bylaw Amendment Bylaw No. 1007.03, 2002" be delegated to Director Holme or his alternate.

CARRIED

**Delegation of Authority Amendment Bylaw No. 1166.01 – Horne Lake – Area H.**

MOVED Director Quittenton, SECONDED Director Stanhope, that "Regional District of Nanaimo Delegation of Authority Amendment Bylaw No. 1166.01, 2002" delegating authority to the General Manager to approve development permits where:

- i. the applicant has requested a development permit to alter land to within 30% of the applicable development permit guidelines;
- ii. the applicant has requested a development permit to enhance and restore riparian areas, fish and fish habitat; and
- iii. properties are designated within Development Permit No. 5 pursuant to the "Shaw Hill-Deep Bay Official Community Plan Bylaw No. 1007, 1996", where the permitted use includes recreational residential as defined in Bylaw No. 500 for:
  - (1) any land alteration in connection with construction of a building or structure between 8 and 15 metres of the present natural boundary of Horne Lake and any non-structural land alteration undertaken within the development permit area; and

(2) any non-structural land alteration undertaken within the development permit area  
be given three (3) readings.

CARRIED

MOVED Director Stanhope, SECONDED Director Quittenton, that "Regional District of Nanaimo Delegation of Authority Amendment Bylaw No. 1166.01, 2002", having received three (3) readings, be adopted.

CARRIED

**Horne Lake Regional Park – Interim Management Plan.**

MOVED Director Quittenton, SECONDED Director Stanhope, that the Interim Management Plan for Horne Lake Regional Park be endorsed and approved, thereby giving authority to proceed with opening of the Park in the spring of 2002 for uses including general camping, boating, programmed recreation and day use.

CARRIED

MOVED Director Quittenton, SECONDED Director Westbroek, that staff be authorized to establish and enter into an interim management contract with Rick Canfield for the 2002 season, subject to the acceptance of the Horne Lake Strata Corporation without prejudice to their right of first refusal on a 2003-08 management plan.

CARRIED

MOVED Director Quittenton, SECONDED Director Westbroek, that staff be authorized to proceed with the regularization of property encumbrances and anomalies at Horne Lake Regional Park, and prepare terms of reference for the preparation of a long term management and operating plan necessary to secure a 5-year operating contract.

CARRIED

**CORPORATE SERVICES**

**ADMINISTRATION**

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

MOVED Director Stanhope, SECONDED Director Elliott, that the Cassidy Inn's request for a temporary change to their Liquor Licence to provide for an extended patio area for their Show 'n Shine event scheduled for June 23, 2002 be approved.

CARRIED

**ENVIRONMENTAL SERVICES**

**LIQUID WASTE MANAGEMENT**

**Release of Reserve Funds for Land Purchase – Southern Community LSA Wastewater Treatment Reserve Fund Expenditure Bylaw No. 1298.**

MOVED Director Stanhope, SECONDED Director Krall, that "Southern Community Local Service Area Wastewater Treatment System and Facilities Reserve Fund Expenditure Bylaw No. 1298, 2002" be introduced for three readings.

CARRIED

MOVED Director Stanhope, SECONDED Director Holdom, that "Southern Community Local Service Area Wastewater Treatment System and Facilities Reserve Fund Expenditure Bylaw No. 1298, 2002" having received three readings, be adopted.

CARRIED

**Application for Infrastructure Planning Grant.**

MOVED Director Stanhope, SECONDED Director Westbroek, that the Board of the Regional District of Nanaimo support the Bowser/Qualicum Bay/Dunsmuir Infrastructure Planning Grant application.

CARRIED

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

**Intergovernmental Advisory Committee.**

MOVED Director Rispin, SECONDED Director Westbroek, that the minutes from the Intergovernmental Advisory Committee meeting held May 1, 2002 be received for information.

CARRIED

**ADMINISTRATOR'S REPORT**

**Request to Vary Contribution Formula – Vancouver Island Regional Library.**

MOVED Director Stanhope, SECONDED Director Hamilton, that the Regional District of Nanaimo not support the change to limit the per capita cost for the Vancouver Island Regional Library levy to a range of 30% from the group average as outlined in their correspondence dated April 8<sup>th</sup>, 2002.

CARRIED

**Structure Removal Bylaw No. 1262 – Crossley – 3154 DeCourcy Drive – Area A.**

MOVED Director Elliott, SECONDED Director Macdonald, that “Regional District of Nanaimo Structure Removal Bylaw No. 1262, 2001” be repealed.

CARRIED

**Bring Up to Standard Bylaw No. 1294.**

MOVED Director Elliott, SECONDED Director Krall, that “Regional District of Nanaimo Bring Up to Standard Bylaw No. 1294, 2002” be repealed.

CARRIED

**Community Forum Report – Fairwinds Development Concept Proposal – Area E.**

MOVED Director Krall, SECONDED Director Rispin, that the staff report, presentation, minutes and submissions from the April 15, 2002 Community Forum meeting on the Fairwinds Development Concept Proposal be received for information.

CARRIED

**Regional Growth Strategy Bylaw No. 1309.**

MOVED Director Hamilton, SECONDED Director Haime, that the Extension Mine Site be included in the urban containment boundary.

CARRIED

MOVED Director Haime, SECONDED Director Stanhope, that the urban containment boundary be amended to match the proposed sub-urban boundary as contained in the staff report.

The motion was not voted on.

MOVED Director Stanhope, SECONDED Director Macdonald, that this item be deferred for 60 days and that staff prepare a report to discuss the proposed amendments and the implications of the comments by the delegations with respect to Present Status Lands in Lantzville.

CARRIED

**NEW BUSINESS**

The Administrator advised that there will be a Special Board Meeting on May 21, 2002 to review the Partnering Agreement for the Arena Multiplex project.

**ADJOURNMENT**

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

TIME: 9:40 PM

CARRIED

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CHAIRPERSON

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GENERAL MANAGER, CORPORATE SERVICES

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE SPECIAL BOARD MEETING  
HELD ON TUESDAY, MAY 21, 2002, AT 7:30 PM  
IN THE CITY OF NANAIMO COUNCIL CHAMBERS,  
455 WALLACE STREET, NANAIMO, BC

**Present:**

Director G. Holme	Chairperson
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 D. Rispin	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director G. Korpan	City of Nanaimo
Director L. Sherry	City of Nanaimo
Director T. Krall	City of Nanaimo
Director W. Holdom	City of Nanaimo

**Also in Attendance:**

K. Daniels	Chief Administrative Officer
C. Mason	General Manager of Corporate Services
N. Connelly	General Manager of Community Services
B. Lapham	General Manager of Development Services
N. Tonn	Recording Secretary

**LATE DELEGATIONS**

MOVED Director Stanhope, SECONDED Director Sherry, that Mr. D. Levirs be permitted to address the Board as a late delegation.

CARRIED

**Don Levirs, re District 69 Arena.**

Mr. Levirs spoke in favour of the proposed multiplex arena to be situated at Wembley Mall and requested that the Board consider the re-activation of the Arena Committee when discussions with respect to future uses of the existing D69 Arena begin.

**ADMINISTRATOR'S REPORT**

**Hospital Capital Funding.**

MOVED Director Krall, SECONDED Director Stanhope, that the Board proceed with funding for the surgery suite but advise other Regional Hospital District Boards that we will be withholding any further hospital capital funding until the item of cost sharing is more equitably resolved.

CARRIED

Directors Korpan, Krall, Rispin and Holdom left the meeting.



**District 69 Arena – Partnership Agreement & Bylaw 1314.**

MOVED Director Stanhope, SECONDED Director Quittenton, that the Regional District enter into a Partnering Agreement with RG Properties Ltd. and Parksville Properties Corp. for the Arena Multiplex project at Wembley Mall.

A recorded vote was requested.

The motion CARRIED with Directors Holme, Hamilton, Quittenton, Westbrook, Sherry, Haime, Sperling, Macdonald and Stanhope voting in the affirmative and Director McLean voting in the negative.

MOVED Director Stanhope, SECONDED Director Quittenton, that “Regional District of Nanaimo (Multipurpose Facility) Partnering Agreement Bylaw No. 1314, 2002” be introduced and given three readings and proceed to referendum to obtain voter assent.

A recorded vote was requested.

The motion CARRIED with Directors Holme, Hamilton, Quittenton, Westbrook, Sherry, Haime, Sperling, Macdonald and Stanhope voting in the affirmative and Director McLean voting in the negative.

Directors Korpan, Krall, Rispin and Holdom re-joined the meeting.

**Regional Growth Management Plan.**

The Chief Administrative Officer reviewed the Director's concerns with respect to urban containment boundaries and present status lands designation from the Board meeting held May 14, 2002.

The General Manager of Community Services spoke to the three options that were presented to the public as part of the RGMP review process in Electoral Area 'D', being the retention of existing Present Status Lands designation, designation as rural residential and designation as an urban area within UCB boundaries and discussed other viable options.

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

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

MOVED Director Stanhope, SECONDED Director Westbrook, that Brian Coath, William Reed, Jacqueline Thomson and W.J. Craig Young be appointed for two-year terms and that Mable Klee be appointed for a one-year term to the Electoral Area 'G' Parks & Open Space Advisory Committee.

CARRIED

**UNFINISHED BUSINESS**

**Report of the Public Hearing – Bylaw No. 1285.**

MOVED Director McNabb, SECONDED Director Hamilton, that the report of the Public Hearing held Wednesday, April 24, 2002 at 7:00 pm chaired by Director McLean, with respect to Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, be received.

CARRIED

**NEW BUSINESS**

**Board Communications.**

MOVED Director McLean, SECONDED Director Westbrook, that all Directors' personal communications received by the Regional District be faxed to the Director within twenty-four hours of receipt.

**Area 'F' Public Hearing.**

DEFEATED

Director Haime apologized to the Board for comments which had appeared in the Lantzville Log regarding security measures at the Area 'F' Public Hearing.

**Treaty Negotiations.**

Director Hamilton and Director Sperling commented on the events at recent treaty negotiation meetings.

**ADJOURNMENT**

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

CARRIED

TIME: 9:14 PM

\_\_\_\_\_  
CHAIRPERSON

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



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

**MEMORANDUM**

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

**DATE:** May 31, 2002

**FROM:** Deborah Jensen  
Planner

**FILE:** 3360 30 0106 & 3060 30 0125

**SUBJECT:** Bylaw No. 500.279 – Maibach Industries  
Lot 1, Section 12, Range 7, Cranberry District, Plan 18166  
Electoral Area 'E' – 2470 Apollo Drive

**PURPOSE**

To consider Bylaw No. 500.279 for adoption.

**BACKGROUND**

Bylaw No. 500.279 was considered by the Board and given 1<sup>st</sup> and 2<sup>nd</sup> reading on Tuesday, December 11, 2001. A public hearing was held on January 23, 2002, and the Board granted the Bylaw 3<sup>rd</sup> reading on February 12, 2002.

If adopted, Bylaw No. 500.279 would rezone the subject property from Commercial 4 (CM4) to South Wellington 2 Comprehensive Development 11 (CD11) to allow for the addition of a heavy equipment display use on the subject property (*see Attachment No. 1*). An application for a development permit is running concurrently with this application for rezoning in order to address on-site signage within the South Wellington Development Area for Form and Character.

As the conditions of Schedule '1' have been completed, the Bylaw may now be considered for adoption by the Regional Board.

**ALTERNATIVES**

1. To adopt Bylaw 500.279.
2. To not adopt Bylaw 500.279, and to give further direction to staff.

**VOTING**

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

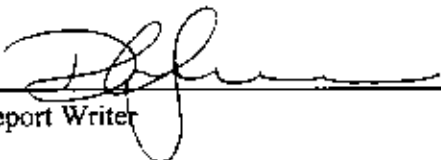
**SUMMARY/CONCLUSIONS**

"Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.279, 2001" was given 1<sup>st</sup> and 2<sup>nd</sup> reading on December 11, 2001. A Public Hearing was held on January 23, 2002, and the Bylaw was given 3<sup>rd</sup> reading on February 12, 2002. As the conditions for adoption have been completed, the Bylaw can now be considered for adoption. Pursuant to Development Permit No. 0125, all conditions have been met and notification has been completed as directed by the **Local Government Act**. Therefore, the Development Permit may also be considered for approval.

The following recommendations are provided for consideration by the Board.

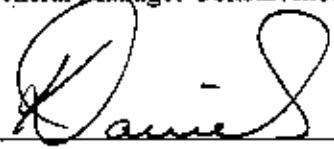
**RECOMMENDATIONS**

1. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.279, 2001" be adopted; and
2. That Development Permit No. 0125 to address form and character development issues on the site, submitted by Maibach Industries for the property legally described as Lot 1, Section 12, Range 7, Cranberry District, Plan 18166, be approved.

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

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

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

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

COMMENTS:

## SCHEDULE NO. '1'

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

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

- a) increasing the maximum number of allowable signs from two to four by:

**Signage****Dimensions**

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

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

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





REGIONAL DISTRICT OF NANAIMO			
JUN - 4 2002			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
Bad			

MEMORANDUM

TO: Pamela Shaw  
 Manager, Community Planning

DATE: May 31, 2002

FROM: Deborah Jensen  
 Planner

FILE: 3360 30 0201

SUBJECT: Bylaw No. 500.282 – Chouinard  
 Lot 6, District Lot 27G (Formerly Known as District Lot 27), Wellington District,  
 Plan 6757  
 Electoral Area 'D' – 7184 Lantzville Road

PURPOSE

To consider Bylaw No. 500.282 for adoption.

BACKGROUND

Bylaw No. 500.282 was considered by the Board and given 1<sup>st</sup> and 2<sup>nd</sup> reading on April 9, 2002. A public hearing was held on May 2, 2002, and the Board granted the Bylaw 3<sup>rd</sup> reading on May 14, 2002.

Bylaw No. 500.282 would result in a text amendment to the Commercial 2 (CM2) zone by removing site area requirements for Residential Use and, upon direction from the Board, providing for Residential Use as an accessory use to the permitted uses on the property (see Schedule No. 1).

The Bylaw may now be considered for adoption by the Regional Board.

ALTERNATIVES

1. To adopt Bylaw 500.282.
2. To not adopt Bylaw 500.282, and to give further direction to staff.

VOTING

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

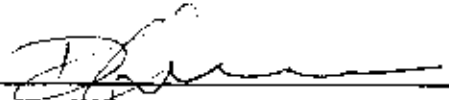
SUMMARY/CONCLUSIONS


"Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.282, 2002" was given 1<sup>st</sup> and 2<sup>nd</sup> reading on April 9, 2002. A Public Hearing was held on May 2, 2002, and the Bylaw was given 3<sup>rd</sup> reading on May 14, 2002. As the conditions for adoption have been completed, the Bylaw can now be considered for adoption.

The following recommendation is provided for consideration by the Board.


**RECOMMENDATION**

That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.282, 2002" be adopted.

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

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

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

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

COMMENTS:



**Schedule No. 1  
 Proposed Commercial 2 Zone Amendments**

Section 6.4.12

**COMMERCIAL 2**

**CM2**

**Permitted uses and Minimum Site Area**

Permitted Uses	Required Site Area with:		
	Community Water & Sewer System	Community Water System	No Community Services
a) Funeral Parlour	2000 m <sup>2</sup>	4000 m <sup>2</sup>	6000 m <sup>2</sup>
b) Gas Bar	1000 m <sup>2</sup>	1600 m <sup>2</sup>	2000 m <sup>2</sup>
c) Nursery	4000 m <sup>2</sup>	5000 m <sup>2</sup>	8000 m <sup>2</sup>
d) Office	500 m <sup>2</sup>	1000 m <sup>2</sup>	1500 m <sup>2</sup>
e) Personal Service Use	800 m <sup>2</sup>	1600 m <sup>2</sup>	2400 m <sup>2</sup>
f) Recreation Facility	4000 m <sup>2</sup>	5000 m <sup>2</sup>	8000 m <sup>2</sup>
g) Restaurant	2000 m <sup>2</sup>	4000 m <sup>2</sup>	6000 m <sup>2</sup>
h) Retail Store	1000 m <sup>2</sup>	1600 m <sup>2</sup>	2000 m <sup>2</sup>

**Accessory Uses**

a) Residential Use	n/a	n/a	n/a
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**Maximum Number and Size of Buildings and Structures**

Dwelling units/parcel	- 1
Floor area ratio	- 0.75
Height	- 8.0 m
Parcel coverage	- 50%

**Minimum Setback Requirements**

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

except where:

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



REGIONAL DISTRICT OF NANAIMO			
JUN - 4 2002			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	

MEMORANDUM

TO: Pamela Shaw  
 Manager of Community Services

DATE: June 4, 2002

FROM: Geoff Garbutt  
 Senior Planner

FILE: 3900 20 1285 EAF

SUBJECT: Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002

PURPOSE

To receive the Summary of the minutes and submissions of the Public Hearing held April 24<sup>th</sup>, 2002 on "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002", contained in the report of the Public Hearing and further, to consider adoption of Bylaw No. 1285 and associated administrative Bylaws.

BACKGROUND

The Electoral Area 'F' Zoning Bylaw process has been underway since February of 2001. Recent actions on this project include the following:

- At the Regular Meeting held February 12, 2002 the Board gave readings to various 'housekeeping' administrative bylaws required to ensure that land regulated by the Electoral Area 'F' Zoning and Subdivision Bylaw is recognized in the Region's administrative, fees, Board of Variance and development approval information bylaws and to simplify Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500. (see Attachment No. 1 for a Summary of Administrative Bylaws)
- The Board granted first and second reading to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" at its Regular Meeting on April 9, 2002.
- A Public Hearing was held pursuant to the Local Government Act on April 24, 2002 (see Attachment No. 2 for the Summary of the Minutes and Submissions of the Public Hearing).
- The Board granted third reading to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" at its Regular Meeting on May 14, 2002.
- Following the May 14<sup>th</sup> Regular Meeting, "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" was referred to the Ministry of Transportation for approval (see Attachment No. 3 for Ministry Approval).
- The Board received the Summary of Minutes and Submissions of the Public Hearing for "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" at its Special Board Meeting on May 21, 2002.

ALTERNATIVES

- To receive the Summary of the Minutes and Submissions of the Public Hearing on Bylaw No. 1285, 2002, and report of the Public Hearing and adopt "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" and associated administrative Bylaws.

PAGE 42

2. To receive the Summary of the Minutes and Submissions of the Public Hearing on Bylaw No. 1285, 2002, give and not adopt "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002".

## **PUBLIC CONSULTATION IMPLICATIONS**

The Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002 is the result of a 14-month planning process involving public consultation with residents, property owners, stakeholders, municipal, provincial agencies. Throughout this process, community preferences and values were identified relative to land use regulations to ensure that the Bylaw meets community expectations while at the same time following the objectives and goals of the Official Community Plan and applicable provincial policy guidelines.

At the April 24<sup>th</sup> Public Hearing, there were approximately 125 persons in attendance and speakers raised a number of issues. Key issues that were identified included the number of properties that would become legal non-conforming with the adoption of the proposed Bylaw, the desire to have smaller minimum permitted parcel sizes for ALR land and a request to have more public input on the Bylaw prior to adoption. The Minutes from the Public Hearing along with all written submissions received at the Public Hearing are included in *Attachment No. 2*.

With respect to the implementation of the proposed zoning regulations for Electoral Area 'F' a series of administrative bylaws are required. With the adoption of these bylaws, an opportunity exists to consolidate regulations and streamline the development process throughout the Regional District. In order to facilitate this simplification, the Board has given two readings to Bylaw No. 500.276. Sections of Bylaw 500 addressed by these amendments will now be regulated under separate Regional District of Nanaimo Bylaws (*as outlined in Attachment No. 1*). The intent of these amendments is to ensure that land regulated by the Electoral Area 'F' Zoning and Subdivision Bylaw is recognized in the Region's administrative, fees, Board of Variance and development approval information bylaws and simplify the RDN zoning bylaw.

Pursuant to Section 890.4 of the *Local Government Act* the Board waived the requirements for a public hearing on Bylaw 500.276. This administrative bylaw amends Regional District of Nanaimo Land Use and Subdivision Bylaw as follows:

- **PART 1, ADMINISTRATION Section 1.1 Enactment, Subsections 1, 2, and 8** are hereby deleted and the subsequent subsections renumbered;
- **PART 1, ADMINISTRATION Section 1.8 Cost**, is hereby deleted;
- **SCHEDULE '1A', FEES FOR PLANNING SERVICES PRODUCTS** is hereby deleted;
- **PART 3, AMENDMENT** is hereby deleted;
- **PART 4, DEVELOPMENT PERMITS AND DEVELOPMENT VARIANCE PERMITS** is hereby deleted;
- **PART 5, BOARD OF VARIANCE** is hereby deleted and the subsequent Parts renumbered;
- **PART 7, SUBDIVISION REGULATIONS – Section 7.3 General Provisions, Application for Subdivision and Application Fee** is hereby deleted and the subsequent sections renumbered;
- **SCHEDULE '7C', APPLICATION FOR SUBDIVISION AND APPLICATION FEE** is hereby deleted and the subsequent Schedules renumbered.

Section 893 of the *Local Government Act* requires that where a public hearing has been waived, notice of the proposed bylaw amendment must be given. Notification has been undertaken and no public comments have yet been received.

## GOVERNMENT AGENCY REFERRAL

Section 54(2) of the *Highway Act* requires that a zoning bylaw and bylaw amendments must be referred to the Ministry of Transportation for approval. Bylaw No. 1285 and Bylaw 500.276 were referred and subsequently approved by the Ministry of Transportation in Nanaimo (*see Attachment No. 3*). In accordance with the *Local Government Act*, the Board may now consider the adoption of Bylaw No. 1285.

## VOTING

All Directors – one vote each except Electoral Area 'B'.

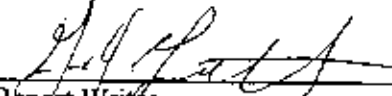
## SUMMARY

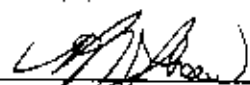
The Regional Board granted 1<sup>st</sup> and 2<sup>nd</sup> reading to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" at its regular meeting on April 9, 2002. At the April 24<sup>th</sup> Public Hearing, there were approximately 125 persons in attendance and speakers raised a number of issues. Key issues that were identified included the number of properties that would become legal non-conforming with the adoption of the proposed Bylaw, the desire to have smaller minimum permitted parcel sizes for ALR land and a request to have more public input on the Bylaw prior to adoption.

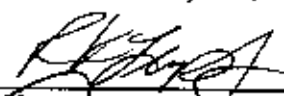
Given the level of public consultation, recognition of existing uses on properties through site specific zoning and flexible approach to implementing "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285" and having received approval from the Ministry of Transportation, staff are of the opinion that this Bylaw may now be considered for adoption.

## RECOMMENDATIONS

1. That the amended Summary of the Minutes and Submissions contained in the Report of the Public Hearing held Wednesday, April 24, 2002 at 7:00 pm, on the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" be received.
2. That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002" adopted.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.276, 2002" be given 3<sup>rd</sup> reading and adopted.
4. That "Regional District of Nanaimo Planning Services Fees and Charges Bylaw No. 1259, 2002" be adopted.
5. That "Regional District of Nanaimo Board of Variance Bylaw No. 1260, 2002" be adopted.
6. That "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1261, 2002" be adopted.
7. That "Regional District of Nanaimo Impact Assessment Bylaw No. 1165.02, 2002" be adopted.

  
Report Writer

  
Manager Concurrence

  
General Manager Concurrence

  
CAO Concurrence

## COMMENTS:

devr/s/reports/2002/3900 20 1285 june EA F Adopt.doc

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**Attachment No. '1'**  
**Summary of Administrative Bylaws**

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

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

**Attachment No. '2'**  
**Summary of Minutes and Submissions to the Public Hearing**  
**REGIONAL DISTRICT OF NANAIMO**

**REPORT OF THE PUBLIC HEARING HELD**  
**WEDNESDAY, APRIL 24, 2002 AT 7:00 PM AT BRADLEY CENTRE**  
**975 SHEARME ROAD TO CONSIDER "REGIONAL DISTRICT OF NANAIMO**  
**ELECTORAL AREA 'F' ZONING AND SUBDIVISION BYLAW NO. 1285, 2002":**  
**SUMMARY OF THE MINUTES AND SUBMISSIONS**

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

**Present:**

J. McLean	Chair	Director, Electoral Area 'F'
L. Elliott		Director, Electoral Area 'A'
E. Hamilton		Director, Electoral Area 'C'
D. Haime		Director, Electoral Area 'D'
G. Holme		Director, Electoral Area 'E'
J. Stanhope		Director, Electoral Area 'G'
B. Holdom		Director, City of Nanaimo
L. McNabb		Director, City of Nanaimo
J. MacDonald		Director, City of Parksville
T. Westbroek		Director, Town of Qualicum Beach
R. Lapham		General Manager, Development Services
G. Garbutt		Senior Planner
L. Chase		Planner

There were approximately 115 people in attendance.

There are 20 written submissions attached to and forming part of the minutes of the Public Hearing.

**The Chairperson** called the Hearing to order at 7:00 pm, introduced those present at the head table, and outlined the procedures to be followed during the Hearing.

**The Chairperson** called for formal submissions with respect to Bylaw No. 1285, 2002.

Rusty Joerin, 1765 Errington Road, indicated that he is in favour of the Bylaw. Mr. Joerin commented that, through a Bylaw, personal security of homes and neighbourhoods is preserved, land use issues can be addressed, and people can work together on land use conflicts. Mr. Joerin indicated that he believes it is important for people to have security in land use through zoning.

**Gerard Janssen, 3290 Alberni Highway**, indicated he supports the Bylaw. Mr. Janssen questioned the number of ALR parcels available in the 2 to 4 ha size in the ALR and indicated

that he did not support smaller parcel sizes. Mr. Janssen commented in favour of larger parcels sizes, protecting the environment, and protecting the rural way of life.

**Red Williams, 980 Pratt Road**, stated that 65% of the people polled supported a smaller parcel size for the ALR lands. Mr. Williams commented that the Land Reserve Commission has jurisdiction in approving the final parcel size for subdivision and that elsewhere in the RDN smaller parcel sizes are allowed. Mr. Williams questioned the notification distance for rezoning applications in Area 'F' compared to the rest of the RDN and questioned why the distance requirements in Area 'F' are so much greater. Mr. Williams commented that legal non-conforming status on properties results in businesses not growing and financing property and insurance difficult. Mr. Williams commented that the Bylaw should recognize all existing uses and site-specific zoning is not the answer to this issue. Mr. Williams questioned Parksville's concerns for groundwater and indicated that other provincial Ministries are in place to protect the environment. Mr. Williams stated that the people in Area 'F' are not being consulted and the community is being destroyed as a result. Mr. Williams stated that the Bylaw was a work in progress and that it should not be adopted as is, and there should be a steering committee-led process to create a zoning bylaw.

**Reg Nosworthy, Tranquility Woods**, indicated that he does support planning and zoning, but does not support this bylaw. Mr. Nosworthy commented on the time period between adoption of the OCP and presentation of a draft Zoning Bylaw to the community, and that the Zoning Bylaw was created in isolation of the community with no input from the community or the Area Director. Mr. Nosworthy commented on the Area 'F' Site Office consultation process and that by the second draft of the Bylaw it had increased in size by 71%. Mr. Nosworthy questioned when 65% of people surveyed about ALR minimum parcel size say they wanted a decrease in parcel size, why has it not decreased. Mr. Nosworthy questioned why the change to the OCP was voted against in a block by Municipal Directors, and he commented on a news article that indicated the Director from Parksville would not support the Bylaw unless Building Inspection and development permit areas were brought in. Mr. Nosworthy concluded by asking for a referendum.

**Mary Anne Mulvihill, on behalf of Frank Berger**, read a written submission for the record, which is attached to the minutes.

**William McLean, 1115 McLean Road**, stated that the 2-hectare lot size is appropriate for the ALR lands, and that the ALR lands are not suitable for farming.

**Don Hutchinson, 1306 Middlegate Road**, stated that he was in full support of the OCP and the Land Use Bylaw and that in the past 15-20 years he had seen the community disintegrate over this issue.

**Trevor Wicks, 1246 Middlegate Road**, commented that the process to create an OCP and Zoning Bylaw was supposed to take 2 years, and it is time to acknowledge that the perfect bylaw does not exist. Mr. Wicks stated that this Bylaw was a reasonable compromise and that the majority of people in Area 'F' would like to see the process resolved. Mr. Wicks asked the Board to support this Bylaw so the people of Area 'F' can get on with their lives.

**Barbara Mansell, on behalf of Sharon Tomaczyk of 1080 Melon Road**, read a written submission for the record, which is attached to the minutes.

**Allen Looy, 1019 Errington Road**, requested that the Bylaw be held in abeyance until the Union of BC Municipalities (UBCM) speaks to the Land Reserve Commission (LRC). Mr. Looy commented on increased rural-urban conflict. Mr. Looy concluded by again requesting that the Bylaw be held in abeyance, that the UBCM should be consulted, and requested that a referendum be called on the issue of zoning.

**Joe Pullen Sr., on Behalf of Mrs. Pullen, 1949 Swayne Road**, read a written submission for the record, which is attached to the minutes.

**Joe Pullen Sr., 1949 Swayne Road**, commented that this Bylaw would result in the appointment of a Bylaw Enforcement Officer and that section 700 filings registered on title make the owners subject to legal action, and that disobeying such notices was a civil offence. Mr. Pullen commented that the public hearing was supposed to be for the residents of Area 'F', but that in the past, Directors from the municipalities have ignored the findings from hearings from Area 'F'. Mr. Pullen stated that he believes that the municipal Directors have already resolved to adopt this Bylaw in advance of the Hearing. Mr. Pullen concluded by asking for a referendum.

**Ross Harvey, 865 Seashell Road (Electoral Area 'G')** read a written submission for the record, which is attached to the minutes. In addition, Mr. Harvey commented on the change from 2.0 hectare to 4.0 hectares in the ALR and indicated the Board had gone against the Select Committee recommendation it had previously supported. Mr. Harvey concluded by asking the Board to not give the Bylaw 3<sup>rd</sup> reading.

**Steve Chomolok, 1227 Leffler Road**, indicated that he supports the Bylaw although it wasn't perfect. Mr. Chomolok questioned the site specific zoning regulations on page 23, Section R-1.5, and indicated that the zoning recognized an illegal land use. Mr. Chomolok asked the Board to amend this section. Mr. Chomolok also asked about the subdivision of the parks and open space zone and the parcel coverage allowed in the Parks and Recreation zone. Mr. Chomolok also stated that under Section 4.20, this zone allows for corporate uses including microwave towers, accessory office and retail sales, gas lines, and hydro lines. Mr. Chomolok concluded by stating, that for lack of a better choice, he does support the Bylaw.

**Gunther Buschhaus, 2315 Kerr Road**, indicated that he can not support the Bylaw as it is not in the best interest of the people in Area 'F'. Mr. Buschhaus commented that a referendum was needed to let the people of Area 'F' decide for themselves and he suggested that the Bylaw be held in abeyance until the province decides what to do about the ALR.

**Dave Monro, 1694 Schidler Road**, indicated that he does not support the Zoning Bylaw as he feels the community has not been listened to. Mr. Monro commented on a newspaper article from Parksville that building permits should be required as part of the Zoning Bylaw. Mr. Monro commented that there is lots of room for industry in Area 'F' and that Chatsworth Road would be a good location. Mr. Monro questioned the need for a sign bylaw and then commented on the 65% who wanted the 2-hectare parcel size in the ALR. Mr. Monro concluded that he would like to see a referendum and Area 'F' as a municipality.



**Michelle Jones, on behalf of the Oceanside Development Association,** read a submission for the record, which is attached to the minutes.

**Doug Schug, 1580 Alberni Highway,** indicated that he does not agree with the Zoning Bylaw process and indicated that he would like to see a vote by the people on the issue.

**Howard Fowler, 891 Virginia Road,** commented that there is no need for this bylaw. Mr. Fowler indicated he was not in support of the 4-hectare minimum parcel size in the ALR. Mr. Fowler concluded that he is opposed to this Bylaw.

**Andy Brown, 1642 McKibben Road,** spoke in favour of the Bylaw and indicated he is tired of living with the threat of an industrial business moving in and he feels that land uses need to be separated, and is in favour of 10-acre minimum parcel size in order to protect the watershed. Mr. Brown indicated he has concerns about protecting the water supply and this cannot be done through small lots.

**David Nicholson, 1775 Gibbs Road,** stated that enough has been said already.

**Richard Arnold, 2095 Swayne Road,** indicated he is in support of this Bylaw and planning and zoning as it may be the last chance we have to protect the Area. Mr. Arnold concluded that Area 'F' needs planning and zoning and that he would like to see an anti-noise component when this Bylaw goes into effect.

**Ray Tinkling, 1439 Tyler Road,** commented that Area 'F' had open zoning when he started own business on his property and is concerned that the business will be legal non-conforming. Mr. Tinkling stated that his ALR property was not suitable for farming. Mr. Tinkling concluded that that nobody from the RDN listens to the people and that this issue should go to referendum.

**Stephen Stahley, 1040 Virginia Road,** indicated that his property was non-conforming to the bylaw and commented on correspondence from the RDN with respect to his property. Mr. Stahley stated that the Area does not need regulations. He concluded that he is not in favour of this Bylaw, and he would like to see a referendum.

**Joe Pullen Jr., 1949 Swayne Road,** indicated that he is not in favour of the Bylaw. Mr. Pullen commented on the difficulty in getting a Bylaw and that the Area was different from the municipalities, but the Bylaw does not reflect that. Mr. Pullen stated he does not support the larger parcel size in the ALR. Mr. Pullen questioned why the railway has not been recognized as a transportation corridor and commented that there was no ability to zone the federal right-of-way. Mr. Pullen expressed concern about the bylaw enforcement process with respect to zoning. Mr. Pullen commented on the costs of a rezoning application and the base fee and the surcharge based on the size of the land and expressed concern that the costs apply even if it doesn't go to public hearing. Mr. Pullen also questioned where the authority to have zoning came from and that the Area Director was representing the views of the people on this issue.

**Andrew Knorr, 1216 Station Road,** stated that he is opposed to the Bylaw. Mr. Knorr concurred with previous speakers. He stated that the bylaw should be put to referendum.

**Gordon Cory, 1550 Laura's Loop**, questioned the minimum parcel sizes for strata subdivision, and indicated that the provisions of Section 943 of the *Local Government Act* should be used instead of the subdivision regulations proposed. Mr. Cory commented on the need for in-stream status for building strata subdivision, subject to sewage permits being provided for those that were in progress, and indicated that building strata developments assist in providing affordable accommodation. Mr. Cory suggested that 2 residences be allowed on a 2.5-acre lot in support of affordable housing. Mr. Cory indicated that, with the good septic capability and available water supply, smaller parcel sizes should be allowed in of certain areas.

**Derek Baldwin, 1607 Errington Road**, indicated that he believes that Area 'F' had been treated with disrespect and that it seems that Area 'F' is not equal in the Board process. Mr. Baldwin indicated that he does not support the ALR minimum 10-acre parcel size and does not support the Bylaw or this process. Mr. Baldwin concluded that this should be put to referendum.

**David Needen, 1030 Howard Road**, indicated that the ALR lands are not farm land and that there was nothing in the Bylaw the agricultural community wanted. Mr. Needen indicated that he wants the regulations to be enforced by the Land Reserve Commission. He indicated that the setbacks for agricultural buildings are excessive and that there is no protection for farmers in terms of buffering for farm uses and the ALR. Mr. Needen requested that the Bylaw go to referendum, as there were many flaws in it.

**Hildegard Buschhaus, 2315 Kerr Road**, stated that she is opposed to the zoning bylaw and that she supports a 2-hectare minimum parcel size and asked for a referendum.

**Red Williams, 980 Pratt Road**, commented on how little time people have had to look at the Bylaw and how little notice they had. Mr. Williams referred to an ALR application he has made for his property in order to get site specific zoning and that it was taking 8 months to do so. Mr. Williams indicated that he likes the idea of in-streaming applications in order to give them a chance to get their site specific zoning. Mr. Williams concluded by asking that more thought be taken on the bylaw and requested that it go to referendum.

**The Chair** called for further submissions.

**Murray Chantler, 1225 Stagdowne Road**, commented that this processes has been ongoing for a number of years. Mr. Chantler indicated that there was no need for a 2-hectare minimum parcel size in the ALR as there are provisions in the current legislation that allows for subdivision for family members. Mr. Chantler indicated that there is support for community planning, but that the people who believe in community planning are afraid to come out. Mr. Chantler spoke against a referendum and indicated that there was a great deal of hearsay and misinformation and that this would not be conducive to running a fair referendum. Mr. Chantler commented that the Bylaw is not perfect, but that something is needed. Mr. Chantler stated he is in favour of the Bylaw.

**Ken Erickson, 111 Popham Road**, commented that he would be put out of business by legal non-conforming status. Mr. Erickson stated that that this process is not functioning, as the Board does not hear what the people want.

**John Mansell**, commented on the OCP criteria for zoning, and indicated that he did not think the saw sharpening business on Kopernick Road should be allowed any expansion opportunity under the Bylaw. Mr. Mansell indicated that he was glad to see the Bylaw come in and commented on noise in the Area from mills and indicated that billboards were objectionable. Mr. Mansell concluded that he did not support the Area Director, and he supports for the Zoning Bylaw.

**Alf Addy, Addy Power Ltd.**, indicated that he does not wholly support the bylaw, nor does he wholly disagree with it. Mr. Addy expressed concern that his land was going to be legal non-conforming. Mr. Addy stated that if it takes more time to work on the Bylaw, let it take more time.

**Terry Moore, Leffler Road**, indicated that he believes that the bylaw should go to referendum. Mr. Moore stated he supports the Bylaw.

**The Chair** called for further submissions a first time.

**Fred, Chatsworth Road**, commented that there was too much interference by city people in the affairs of rural people and that the people just want to be left alone.

**The Chair** called for further submissions a second time.

**Joe Pullen Jr., 1949 Swayne Road**, noted that the conflict appears to be between the rural areas and the urban area. Mr. Pullen stated that this bylaw requires ministerial approval and urged people to write to the Minister of Community, Aboriginal, and Women's Services to oppose the Bylaw.

**The Chair** called for further submissions a third time. There being no further submissions, the Chairperson adjourned the Hearing at 9:30 pm.

Certified fair and accurate this \_\_\_\_ day of \_\_\_\_\_, 2002

\_\_\_\_\_  
L. Chase  
Recording Secretary

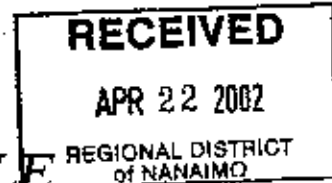
\_\_\_\_\_  
Director J. McLean  
Electoral Area 'F'

**PAGE**  
**51**

Attachment No. '2' cont'd  
Written Submissions to the Public Hearing



City of PARKSVILLE



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

April 17, 2002

VIA FAX: (250) 390-7511

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

FAXED

PAGE 1 OF 1

ATTENTION: GEOFF GARBUTT, SENIOR PLANNER

Dear Sirs:

SUBJECT: ELECTORAL AREA "F" OFFICIAL COMMUNITY PLAN  
AMENDMENT BYLAW NO. 1152.02, 2002

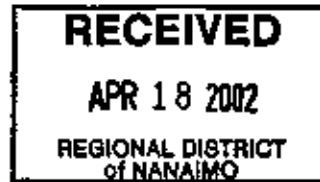
At the regular meeting of Council held Monday, April 15, 2002 the following resolution was adopted:

- "02-127 That the report from the Director of Community Planning, dated April 12, 2002 entitled "Comment to Regional District of Nanaimo (RDN) Regarding Area F Zoning Bylaw", be received;  
And That the Regional District of Nanaimo be advised the City strongly supports the concept of adopting a Zoning Bylaw for Area F, but that it will only consider support of this specific bylaw when a development permit designation for the purpose of protection of groundwater and water-sources generally is applicable and in place under the Official Community Plan, for all industrial and commercial situations, and a building permit requirement and process is established by Bylaw.  
CARRIED."

Yours truly,

GAYLE A. JACKSON  
Director of Community Planning

GAJ/sh



File: 53170-53/CID

April 16, 2002

Nanaimo Regional District  
6300 Hammond Bay Road  
Nanaimo, B.C. V9T 4C6

Attention: Geoff Garbutt, Senior Planner

Dear Sir:

Re: Electoral Area "F" Zoning and Subdivision Bylaw No. 1285/2002

Further to your letter of April 10, 2002, please be advised that I have now had the opportunity to review the above-noted document and offer the following comments.

- Section 6 page 4 6.10 – As the Regional District has set the quantity of potable water required for each lot being created by subdivision, I suggest it would be appropriate for the Regional District to advise the Provincial Approving Officer when this requirement has been complied with.

Yours truly,

  
Rob Howat  
Provincial Approving Officer  
e-mail: Rob.Howat@gems6.gov.bc.ca

RJH/rtp  
cc: B. Wylie, Sr. District Dev. Technician, Nanaimo Area Office



Oceanside Development & Construction Association  
P.O. Box 416, Parksville, BC V9P 2G7  
E-mail: oceanside@island.net

April 24, 2002

Regional District of Nanaimo  
P.O. Box 40  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

VIA Fax: 390-7511

Attention: **Geoff Garbutt**  
**Senior Planner**

Dear Sir,

**RE: Area 'F' Zoning & Subdivision Bylaw No. 1285,2002**

Our Association has been contacted by several members regarding the Electoral Area 'F' Zoning & Subdivision Bylaw No. 1285,2002. The main concern that we are hearing at this time is in regards to how the Zoning Bylaw for Area 'F' will effect the development of Building Strata's on Rural Properties. From our discussion with several property owners and other consultants who are commonly involved with the development of land in Area 'F' and the rest of the Regional District of Nanaimo, there is a great deal of confusion over the ability or inability to do a building strata under the Strata Property Act in Zone R-1 for example. This zone allows for 2 dwelling units per lot under the zoning, provided the lot is over the 2 ha. minimum lot size. The question then is if a building strata under the Strata Property Act could legally be registered on the dwellings. This is a common practice in this area and for that matter other areas of the Regional District as long as the total number of dwellings conforms to the zoning designation.

We are in receipt of a copy of your fax dated April 22, 2002 to Helen Sims stating that the new Bylaw will not specifically prohibit the continuation of Building Strata Development within Area 'F'.

However, there is still some confusion among our membership. The confusion stems from the definition of a lot. Following is the definition as defined in Bylaw 1285, and Bylaw 500.

#### **DEFINITIONS**

• **Bylaw 1285**

Lot means any parcel, block or other area in which land is held or into which it is subdivided whether under the Land Title Act or the Strata Property Act.

• **Bylaw 500**

Lot means the same as parcel.

Parcel means the smallest area of land which is registered in the Land Title Office, except that a parcel divided pursuant to the Condominium Act and amendments thereto and not contained within a Bare Land Strata Plan shall not be considered subdivided for the purpose of this Bylaw.

While the stated intent of the Regional District (4/22/02 fax) is not to prohibit the creation of Building Strata's within Area 'F', by altering the definition of a lot from that which is customary within the remainder of the Regional District of Nanaimo, our membership and area residents are confused and concerned.

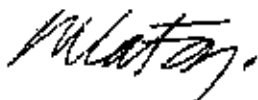
We request that the Regional District review the definition of "lot" under the proposed Bylaw 1285,2002 and revise it to clarify this confusion. This amendment would go a long way in showing the residents of Area 'F' that the Regional District of Nanaimo is not trying to impose a change to the status quo in regards to the ability to register Building Strata's on lots which allow for two dwelling units.

Thank you in advance for your consideration of this matter. If you wish to discuss this matter further, please feel free to contact our Association at 250-752-6214 to arrange an appropriate time to discuss this matter.

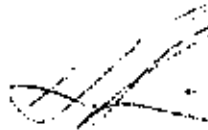
Yours truly,



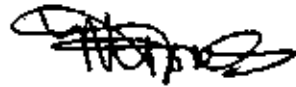
Rob Hill  
President



Manley Lafey  
Vice President



Helen Sims  
RDN Committee



Michelle Jones  
Secretary/Treasurer

c.c.

Mr. Jack McLean, Area 'F' Director VIA Fax: 752-2549

April 24/02

Well were do we start. I am going to start with Parksvilles little blurb in the paper. Now Parksville wants to see development and building permits hoping this will help protect their water. I think Parksville has a right to be concerned about their water, when you see what Lee mar has done. Chopped a big notch and plunked themselves on the water aquifer. Mind you that is partly parksvilles fault because of their anti-business attitude they are always chasing business's out of town. On the other hand who's idea is to have a industrial park on top of a water supply. It seems to me that this is the RDN's idea. There is no need to have a industrial park in this location. Area f is big area and there is lots of room. the end of Chatsworth rd. is one place that comes to mind we already got lots of noise happening there with the mill running. Just go to the agriculture land Commission and tell them we have a environmentally sensitive area on Church rd and we would like to turn that area into cow pasture or a park and get them to give us a different area in trade. Question I have is what incentive did RDN have to put the ind park there to start with. It is not a very smart move for a planner, maybe someone is lining someone's pocket with cash. The transfer station doesn't need to be there either. The RDN has spent thousands of dollars getting a consultant to convince us that there is no danger of pollution but why take that risk when there is no need to. The church rd property is on a slope and traditionally industrial buildings are big so a lot of business's moving in will have to do big excavations like lee mar did. A herd of cows could never do that much damage. It seems like RDN PLANNERS have their own ideas and they don't have to make sense like the SIGN bylaw that nobody asked for. They wrote one just for me at the Junction 4 and 4a. The planner wants my sign to be close to a busy corner 10 meters. that seems like a dumb thing to ask for. there is already enough accidents on that corner as it is. Also a while ago I was wondering if every body that goes thru this zoning process has to fight every inch of the way. the way we have been fighting the RDN. So I called and talked to a head hunch of another regional district. This person explained the two biggest problems we have. One is the government has set out guidelines that the Regional district has to follow but nowhere does it say that the rdn has to listen to the people when they are creating a ocp or zoning bylaws. Which has been very obvious. This person also said the other problem we have is if the head planner doesn't want to listen to the public then if he thinks it fits you then you are going to wear it. This also has been very obvious in this zoning process. All the rules and regulations are not going to stop the potential for pollution if the industrial park is sitting on a water supply. If Parksville is concerned their mayor should ask to have the planners and their ideas turfed. Maybe we could get someone with some sense to replace them. Someone who would work with us and protect our interests for the future.

Now we have a board of directors who have no respect for democracy and are on their own little power trip. you tried to get Jack McLean for conflict of interest on this 5 acre deal. When the rdn did a survey and found that 65% of the people wanted 5acre subdivision in area f and that Jack was right, then Nanizao voted as a block to defeat what they know the residents of area f wanted. You other directors can laugh and make fun of Jack all you want but not one of you has the guts to stand up and represent your area the way Jack does. Most of you are not decent enough to be embarrassed by your little back room sweetheart deals. This was our first attempt to amend our OCP and Nanizao blocked it. No wonder people in area f are upset. We don't want your ocp or zoning and I hope the minister George Abbott sees this as a good reason to let us become our own municipality.

DAVE MUNRO  
COOMBS B.C.



24 02 03:11p

Sims Assoc.

7529241



223 Fern Road West  
Qualicum Beach, B.C. V9K 1S4  
Telephone: (250) 752-9121 Facsimile: (250) 752-9241

TO: Ross Harvey

COMPANY:

FAX: 248 8084

FROM: Helen Sims

DATE: 2002 04 24

No. of Pages 5 (including cover sheet)

File No:

**COMMENTS:**

Ross

Re: Forest Land Reserve

Gordon Bednard sent me the attached email regarding the proposed changes to the Forest Land Reserve Act. I've also printed the proposed changes to this Act from the website & have attached the pages relevant to the FLR. The biggest change in the revised Act is repealing Sections 14, 15 & 16. These Sections deal with the land use & subdivision controls. Therefore, when these Sections are removed, the Land Commission will no longer have any responsibilities for land use controls or subdivision. After this Act is adopted, the Commission will be responsible for only:

1. inclusions
2. exclusions
3. forest practice

Since the Commission will no longer have any responsibilities for land use controls, it is unfair to have a 50 ha minimum parcel size for former FLR land in Area F only.

I'm not sure if I will be able to go to the meeting tonight but please feel free to use this as a submission on my behalf.

Helen

**PAGE**  
57

**Helen Sims**

---

From: "Bednard, Gordon LRC:EX" <Gordon.Bednard@gems2.gov.bc.ca>  
To: <helen.sims@shaw.ca>  
Sent: April 24, 2002 2:32 PM

Helen,

This confirms our conversation of this afternoon.

The FLR Act is proposed to be amended by Bill 21.

Among other things, Sections 14, 15 and 16 which deal with land use and subdivision in the FLR are being repealed. Following adoption of the legislation, the Commission will no longer be responsible for subdivision or land use control in the FLR; that responsibility will naturally devolve to local government bylaws.

The Commission will remain responsible for inclusion, removal and forest practices in the private land portion of the FLR, until next year, when the FLR is replaced with another agency dealing with forest practices on private land.

More information can be found on our website at:

or on the

provincial government site.

Cheers,

GB

PS - have a good time at the zoning meeting

(ii) in an agricultural land reserve with the approval under the *Agricultural Land Commission Act* of the Provincial Agricultural Land Commission; .

*Forest Land Reserve Act*

*64 Section 1 (1) of the Forest Land Reserve Act, R.S.B.C. 1996, c. 158, is amended*

(a) in the definition of "agricultural reserve land" by striking out "Agricultural Land Reserve Act;" and substituting "Agricultural Land Commission Act;" ,

(b) in the definition of "chief executive officer" by striking out "of the commission appointed under section 5 (1) of the *Land Reserve Commission Act*;" and substituting "appointed under the *Agricultural Land Commission Act*;" ,

(c) by repealing the definition of "commission" and substituting the following:

"commission" means the commission established under the *Agricultural Land Commission Act*;

(d) by repealing the definition of "forest reserve land" and substituting the following:

"forest reserve land" means land designated under section 10; , and

(e) by repealing the definition of "recapture charge".

*65 Section 2.1 is repealed and the following substituted:*

*Object of the commission*

2.1 The object of the commission under this Act is to work with owners, local governments, first nations and other communities of interest to encourage responsible forest management practices on identified land.

*66 Section 9 (1) is repealed and the following substituted:*

(1) The Forest Land Reserve consists of

(a) private land that is designated as forest reserve land under section 10, and

(b) additional private land that was designated as forest reserve land by or under this Act before February 12, 2002.

*67 Sections 11 (4) and (5) and 12 are repealed.*

*68 Section 12.1 (2) is repealed and the following substituted:*

(2) This Act governs forest practices on identified reserve land whether or not notice under

BILL 21 ~ 2002: AGRICULTURAL LAND COMMISSION ACT

Page 29 of 32

subsection (3) is filed in the land title office.

*69 Sections 13 to 16 are repealed.*

*70 Section 18 is amended*

*(a) by repealing subsections (3) and (4), and substituting the following:*

(3) If a removal is approved by the commission, the designation of land as forest reserve land is removed when any applicable conditions under subsection (2) have been met, and

*(b) by adding the following subsections:*

(5) The commission, by resolution, may establish criteria under which applications for exclusion from the reserve may be approved by the chief executive officer.

(6) An approval of an application by the chief executive officer under subsection (5) is a decision of the commission for the purposes of this Act.

*71 Section 19 is repealed and the following substituted:*

*Criteria for removal*

19 (1) The commission may approve a removal if the commission is satisfied that the removal is in the public interest.

(2) The commission must give the applicant and the local government written notice of its decision regarding an application under this section.

*72 Sections 20 to 24 are repealed.*

*73 Section 25 (2) and (3) is repealed.*

*74 Section 28 (2) to (4) is repealed.*

*75 Section 33 (3) is amended by striking out "a use permitted under section 13." and substituting "timber production and harvesting."*

*76 Section 34 (2) (c) is amended by striking out "as permitted under section 13." and substituting "for timber production and harvesting."*

*77 Section 37 (2) (c) to (e), (f), (g), (i), (j) and (l) (ii) and (iii) is repealed.*

*78 Section 38 is repealed.*

*79 Section 39 (2) is amended by striking out everything after "this section".*

*80 Section 40 is repealed.*

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BILL 21 - 2002: AGRICULTURAL LAND COMMISSION ACT

Page 32 of 32

**Explanatory Note**

This Bill repeals the *Agricultural Land Reserve Act*, the *Land Reserve Commission Act* and the *Soil Conservation Act*, and replaces them with a new Act that incorporates some of the provisions from the repealed Acts and establishes the Provincial Agricultural Land Commission.

This Bill also amends the land use provisions of the *Forest Land Reserve Act*, but retains the forest land reserve designations and the authority of the commission to regulate forest practices for private forest reserve lands.

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[ [Return to: Legislative Assembly Home Page](#) ]

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BILL 56

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- (2) Before making an order under this section, the Lieutenant Governor in Council may refer the proposal to the commission for its comments.

**Permitted uses of forest reserve land**

13. (1) Forest reserve land that is Crown land or Crown licence land must not be used except as permitted by or under the *Forest Act*.
- (2) Forest reserve land, other than Crown land or Crown licence land, must be used in a way that is consistent with one or more of the following:
- (a) timber production, utilization and related purposes;
  - (b) forage production and grazing by livestock and wildlife;
  - (c) forest or wilderness oriented recreation, scenery and wilderness purposes;
  - (d) water, fisheries and wildlife, biological diversity and cultural heritage resources purposes;
  - (e) a use or occupation authorized under the *Coal Act*, *Geothermal Resources Act*, *Mineral Tenure Act* or *Petroleum and Natural Gas Act*;
  - (f) a use or purpose permitted by the regulations, subject to any applicable conditions established by the commission;
  - (g) a use specifically permitted by the commission under section 14 in relation to the land on which the use is to take place.

**Specifically permitted uses of forest reserve land**

14. (1) Subject to the regulations, on application of the owner made in accordance with section 26, the commission may permit a use of forest reserve land referred to in section 13 (2) other than one authorized by paragraphs (a) to (f) of that section.
- (2) If applicable, before or at the same time as making the application under subsection (1), the owner must apply to the applicable local government for the authorization required by subsection (3).
- (3) If an application under this section requires, in order to proceed, an amendment to an official settlement plan, official community plan, official development plan, rural land use bylaw or zoning bylaw of a local government, the application may not proceed under this section unless authorized by a resolution of the local government.

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BILL 56

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- (4) Subject to the regulations, the commission may make a use permitted under this section subject to any conditions the commission considers advisable.
- (5) Without limiting subsection (4), the commission may require as a condition of permitting a use that a covenant against the land in favour of the commission be registered under section 215 of the *Land Title Act*.

**Non-conforming uses of forest reserve land**

- 15. (1) As an exception to section 13 (2), if on the date this Act receives First Reading in the Legislative Assembly private forest reserve land subject to the restrictions of that provision was lawfully used for other than a purpose or use permitted by that provision, the use may be continued as a non-conforming use.
- (2) Subsection (1) does not authorize the non-conforming use to be continued on a scale or to an extent or degree greater than that at the time referred to in that subsection.
- (3) For certainty,
  - (a) the exception in subsection (1) applies only to the land that was actually being used for a use other than one permitted by section 13 (2) and not to the entire parcel on which that use was being conducted, and
  - (b) a change of owners, tenants or occupants of the land does not, by reason only of the change, affect the use of the land.
- (4) The exception for a non-conforming use under subsection (1) ceases to apply if
  - (a) the use ceases to be lawful under another enactment, or
  - (b) the non-conforming use is discontinued for a continuous period of 6 months.
- (5) For the purposes of subsection (4) (b), the use of forest reserve land for seasonal uses or for agricultural purposes is not discontinued as a result of normal seasonal or agricultural practices, including
  - (a) seasonal, market or production cycles,
  - (b) the control of disease or pests, or
  - (c) the repair, replacement or installation of equipment to meet environmental standards or standards for the health or safety of people or animals.

**BILL 56**

**Restriction on subdivision of forest reserve land**

16. (1) A parcel, all or part of which is private forest reserve land other than Crown licence land must not be subdivided unless
- (a) the subdivision is permitted under the regulations without approval of the commission, or
  - (b) the subdivision is approved by the commission under subsection (3) or in conjunction with the removal of all or part of the parcel from the reserve.
- (2) An owner who wishes to have a parcel referred to in subsection (1) subdivided must
- (a) indicate to the applicable approving officer in the application for subdivision that the subdivision affects forest reserve land, and
  - (b) if subsection (1) (b) applies, at the time the application for subdivision is submitted, apply to the commission in accordance with section 26 for approval of the subdivision.
- (3) If an application for approval of a subdivision to which subsection (1) applies is not made in conjunction with an application for removal of the land from the reserve, the commission may approve the subdivision if satisfied that the subdivision will not affect the use of the forest reserve land in accordance with the objects of this Act.
- (4) The commission may require, as a condition of authorizing a subdivision under this section, that a covenant against the land in favour of the commission be registered under section 215 of the *Land Title Act*.

**Restriction on local government authority regarding uses of forest land**

17. (1) A local government must not
- (a) adopt a bylaw under any enactment, or
  - (b) issue a permit under Part 21 or 29 of the *Municipal Act* that would have the effect of restricting, directly or indirectly, a forest management activity relating to timber production or harvesting
  - (c) on land that is forest reserve land, or
  - (d) on managed forest land other than forest reserve land, so long as the managed forest land continues to be used only for that purpose.
- (2) For certainty, this section applies if the bylaw or permit would have the effect described in subsection (1) even though the bylaw or permit does not directly apply to land referred to in that subsection.



**Sharon and Shawn Tomczyk,  
3250 Melon Rd  
Coombs**

**I grew up in area F and I have now chosen to raise my children with the same rural lifestyle and sense of community that I valued growing up. Sadly it seems this lifestyle has been harder and harder to maintain due to an imbalance between the wants of larger business, versus those that just live in and enjoy our rural lifestyle.**

**I understand the importance of bigger businesses and industry, however, does it need to come at the expense of those who simply live with the expectation of a clean water supply, a safe place for our kids to play and moments of tranquility. The only way that I can see to meet the needs of both of these groups, is with some regulations and zoning that encourage economic growth, yet still protects the family next door.**

**It will mean that we all have to give a little, but that is essential to maintain what is important to us. For the past 5 years, I have made it a priority to attend information sessions and public planning meetings. I believe that during that time there has been many opportunities for the communities members to be heard and to have their viewpoints considered.**

**It is now time to put zoning in place to protect what we all treasure. Whether or not we personally agree with all of the bylaws or not, it must be done. To all those who put in many volunteer hours to civilly and respectfully share their ideas and opinions, I thank you for all your efforts.**

**Sharon Tomczyk.**

Delegation to the Board of the Regional District of Nanaimo  
Concerning  
Electoral Area 'F' Zoning and Subdivision Bylaw #1285,2002.

Re: "Site Specific Zoning Regulations Section 4.22  
Page 23 Section 4 "Additional R-1 Zones"

Zone R 1.5

During an inquiry to the local provincial health officer about the recognition of this usage on this parcel I was informed : **IT IS ILLEGAL**. This is a direct quote. As a representative of a senior level of regulation he immediately informed by telephone the Regional District planner in my presence.

Section 1.4 of the Bylaw clearly states **"1. The lawful use of any land....."**

By recognizing a land use that is illegal the proposed zoning R 1..5 violates the Bylaw it is contained in, as well as provincial regulations in place to protect the public.

Immediate residents as well as the general public are threatened by the recognition of this **illegal non-conforming** usage.

Regional Board members are asked to see amended this section : Section 4.22 to protect the safety of residents prosecuting legal conforming usages on neighbouring parcels.

Re: Parks and Open Spaces1 Section 4.20

Section 4.20.1 d) permits as a recognized use in a park **"Dwelling Unit"**

At no time in the public process was inhabitation of public parklands discussed. The Official Community Plan makes no mention of inhabitation of parklands.

Section 4.20.2 b) permits **"Accessory Office and Retail Sales"** in a public park. At no time in the public process was the establishment of retail use in a public park agreed upon. The majority public comment was to preserve and enlarge parklands. Never in the public process was office space considered as a permitted use. At no time in the public process was the keeping of animals or the density of subdivision of parklands discussed. Section 4.20 specifically creates a zoning to reduce free recreational use of public parklands in direct contrast to the stated aims of the Official Community Plan.

Sec. 6 page 2 of the Official Community Plan #5 Support public private initiatives to **provide recreational services and maximize public resources**. This section proceeds from "Section 6 page 1 Objectives #5 Encourage public/private partnerships or private interests to **provide recreational services**."

**At no time did the public indicate that private interests were to operate in public parklands**. The Official Community Plan clearly states public desire for public parks. The provision only of "services" to enhance recreation in parks would be allowed. Prior to final reading this must be addressed. Coupled with permitting of utilities construction and operations in parklands the primary use of parks- public recreation- in greatly curtailed.

To: Geoff Garbutte

Re: Area F Plan

March 14/02  
April 23/02

We own a 20 acre parcel of land on Grafton near the Errington School. In the proposed Area F Plan, it is slated for FR-1 zoning. We were told that this very restrictive zoning was necessary to match the Provincial FLR Zoning. Since the FLR has been eliminated by the Provincial Government, the FR-1 classification is no longer needed, especially in our area where there are just a few FR-1 parcels surrounded by R-2 and R-1.

Has the RDN addressed this matter? We think it is important to do so before the Area F Plan goes any farther. We would like our parcel changed to R-2 to be consistent with neighbouring properties.

Yours sincerely,

Marv and Carol Wolver

Lot 25, District Lot 139, Nanoose District, Plan 1913

250-651-2317 cwolver@yahoo.com

April 23, 2002

Rusty Joerin

1765 Errington Rd

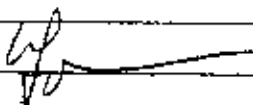
Errington VOR 110

Regional District Board: Public Hearing

Electoral Area F Zoning & Subdivision Bylaw 1285-2002

I support the implementation of this bylaw.  
It's been a long & winding road.

Best wishes



Rusty J. Joerin

April 23, 2002

To: The Board, Regional District  
of Nanaimo.

From: Carol Joeira

RE: Electoral Area "F" Zoning and  
Subdivision Bylaw No. 1285, 2002

I support the implementation of  
Electoral Area "F" Zoning and  
Subdivision Bylaw No. 1285, 2002

Carol Joeira  
1765 Errington Rd.  
Box 286 Errington BC  
V0R 1V0  
250-248-4318

Re the question of what adoption  
of is my understanding that  
the matter may be put to  
refer back to the

Andrew A. Knorr  
116 St. Rd.  
Courtenay

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

Board of the  
Regional District of Nanaimo

April 24<sup>th</sup> 2002

Re: Area 'F' Zoning Bylaw

**The process to develop an Official Community Plan and Zoning Bylaw for Electoral Area 'F' stated in October 1997. At the initial meeting of the Area 'F' Steering Committee, our goal was to have the whole process completed in about one year. Four and a half years of meetings and public input, and hundreds of thousands of dollars later, it is time that we acknowledge the fact that the 'perfect' zoning bylaw does not and never will exist. Somebody will always find an issue to complain about.**

**Planning a community is not unlike planning a new home, at some point we must stop disagreeing about the size of the spare bedroom, and start the job of building. This bylaw, is a reasonable compromise between the many interests and issues that have evolved in the area.**

**The majority of the people in Area F would like to see this process finalized. I am requesting the Board of the regional District of Nanaimo to adopt this Zoning Bylaw so that we can get on with our lives and spend more time enjoying our rural lifestyles.**

**Sincerely, Eileen and Trevor Wicks.**

2(10)

Box 4, FERRINGTO  
B.C. VORVO

24 April, 02

New Jack,

Keep up the good work, & try to  
keep these people who know what is  
good for us all, out of area "F"

We don't want bylaw 1285  
foisted upon us. Besides, most  
of the land in area "F" is in the  
Agricultural Land Reserve  
(ALR) & does not come under  
the jurisdiction of the R.D.N.

Also, we are more self-sufficient  
than people who live in towns.

Thanking you.

Yours sincerely,  
Ellen Pullen,

TIGER LILY FARM  
RD 204 202  
ERRINGTON B.C.  
V0R 1V0

April 27, 2002.

To the Board of Directors  
of the Regional District of Nanaimo,

I would like you to note that I am in favour  
of restricting land parcel sizes in Area F Agricultural  
Land to at least 4 hectares. Farm land must  
be protected for future generations.

Sincerely,

*Cecil R. Mercer*

Cecil R. Mercer  
1692 Errington Rd.  
Errington, B.C.  
V0R 1V0

TIGER LILY FARM  
PO BOX 202  
ERRINGTON B.C.  
V0R 1V0

April 24, 2002

To:  
the Board of Directors of the R.D.N.,

~~This is my vote against reducing the~~  
allowable size of parcels of Agricultural  
Land. For all the obvious reasons that Agricultural  
Land Reserves were created, they should be protected  
- supported at all levels of government. I am a  
member of Island Farmers Alliance, whose ultimate  
goal is to create an island as self-sufficient  
~~as possible. Only with government, consumer~~  
support is this possible. Please protect the farmland.

Sincerely,

Joan K Mercer  
1692 Errington Rd.  
Errington B.C.



MAY 24, 2002  
RE. PROPOSED BYLAW 1285

IT IS CERTAIN THAT THIS BYLAW WOULD RESULT IN THE APPOINTMENT OF A BYLAW INSPECTOR FOR PURPOSES OF BYLAW ENFORCEMENT.

HAVING VIEWED WHAT THE R.D.N. CALLS SECTION 700 FILINGS, WHICH ARE NUMEROUS NOTICES FILED AGAINST THE TITLES OF PROPERTIES LISTED FOR ALLEGED INFRACTIONS, AND HAVING NOTED THE PUNISHMENT IF SO CALLED DEFICIENCIES ARE NOT RECTIFIED WITHIN A PRESCRIBED TIME LIMIT, IT MAKES THE OWNERS SUBJECT TO LEGAL ACTION.

IT MAY NOT SEEM LIKE IT TO MANY PEOPLE, BUT DISOBEYING SUCH NOTICES FILED AGAINST YOU IS A CIVIL OFFENCE.

REGIONAL GOVERNANCE DOES NOT ABIDE BY USEFUL CONCEPTS, LIKE LIVE AND LET LIVE. THE VOTING METHOD IS A FARCE AND DISGRACEFUL.

THIS PUBLIC HEARING IS SUPPOSED TO BE FOR US, THE INHABITANTS OF AREA F. IN THE PAST, DIRECTORS FROM THE THREE MUNICIPALITIES OF QUILICUM, PARKSVILLE, AND NANAIMO, HAVE TOTALLY IGNORED THE FINDINGS FROM PUBLIC HEARINGS IN AREA F. IN FACT SOME HAVE ALREADY DECIDED TO IMPOSE BYLAW 1285 FAR IN ADVANCE OF THIS SO CALLED HEARING, WHICH CONFIRMS THE POINT MADE ABOVE. IT IS ALL A FARCE.

ONE GOOD REASON FOR OPPOSING THIS AND OTHER R.D.N. BYLAWS IS THE FACT THAT DIRECTORS FROM THE THREE MUNICIPALITIES PUT A CHILDREN'S GO-CART OPERATION OUT OF BUSINESS WHICH WAS DEVELOPED QUITE LEGALLY AND PAID FOR BY PARENTS AND FRIENDS. WESTBROEK AND MACDONALD WERE INVOLVED.

WHO CAN TRUST THESE KIND OF PEOPLE?  
LET'S HAVE A REFERENDUM  
JOE PULLEN, SENIOR

2(1231)  
**FRANK BURGER**  
970 PRATT ROAD  
QUALICUM BEACH BC  
V9K 1X2 250-752-0079

①

My name is Frank Burger

I am the owner of lot #6 in area F with an area of 15.46 acres.

It stretches from Port Alberni highway to the E+N Railway

I am in favor of the land in area F being allowed to be split into 2 separate lots.

When I purchased the lot it had two (2) derelict homes. I have renovated both homes and improved the landscaping

2(14-2)

near the houses. (2)

The land is all sand and gravel and rocks. It is loaded with stumps and has three (3) different levels, and foggy near the railway.

The little area I have developed required that I bring in many many yards of top soil and it would be ~~impractical~~ impractical to do a large area.

This land is not suitable for agriculture.

Subdividing the property into 2 hectare lots would make it

2(14-3)

(3)

possible to develop ~~the~~  
small acreages for families

~~It~~ finally, I reiterate  
that this land would  
best serve the  
community if it were  
subdivided into 2 hectare  
lots.

Thank you for  
allowing me to make  
this presentation

J. Fryer

Public Hearing April 24 2002 RDN ByLaw1285/ 2002

My Name Is Evelyn McLean and I reside at 1115 Mclean Rd Coombs  
I am NOT in support of Bylaw 1285/2002.  
I DO SUPPOIRT the 2ha. Lot size in the ALR

*Evelyn McLean*

Evelyn McLean  
April 24 2002

Wednesday April 24<sup>th</sup> 2002

To whom it may concern: -

Although I am in favour generally of the zoning bylaw - I am totally opposed to the proposed reduction in minimum lot size from 4 hec to 2 hec. This is the thin edge of the wedge. If the rural integrity of Area F is to be maintained, then the Agricultural land **MUST** be saved and protected. Once that land is lost through subdivision - it is lost forever - and as a result the food producing potential and the rural nature of Area F will also be lost.

This is an Island and as such is particularly susceptible to the effects of natural or manmade disasters. The emphasis should be towards saving agricultural land and becoming as self sufficient as possible with regard to food production.

When the O.C.P. was being worked on - a description to help differentiate between "Rural" and "Agricultural" was formulated: -

Rural is a lifestyle.

Agriculture is a life support.

I think we should all remember this.

In closing I would like to commend those members of the R.D.N who voted in favour of retaining a 4 hec minimum lot size. It would seem that they maybe have a broader view and a concern for the overall negative effect in the long term of lot size reduction that is being proposed.

Submitted by.

Shila Emmens (EMMENS)  
1333 Dobson Road

Regional District of Transcona  
Attn Mr. Geoff Harbutt

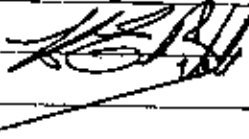
RECEIVED  
04-24-2002  
PLANNING DEPT

Dear sir

I would ask that you read the attached letter at tonight's meeting on behalf of the four people I have had time to contact.

These people, and many, many more will not be attending the meeting because of the nauseous nature of the Puckman crowd, the foul language used & the juring & threatening remarks hurled at anyone of views opposed to theirs.

I am sure that the RDN is aware that the views of Puckman and the noisy people at these meetings are not in the ~~majority~~ majority they would have you believe.

Gavin Troby  


Much has been made of the fact that there are more than 720 ALR parcels in the area, but look at the median size, what they are currently being used for, etc. Many do not in fact contribute to "rural lifestyle" in a meaningful way. I am not in favour of allowing agricultural land to be divided into 2 HA. parcels.



---

Attachment No. '3'  
Ministry of Transportation Approvals



File: 06 002 20991

May 24, 2002

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

Attention: Robert Lapham, General Manager  
Development Services

RE: Electoral Area "F" Zoning and Subdivision Bylaw No. 1285, 2002

The Ministry of Transportation hereby grants approval of Zoning and Subdivision Bylaw No. 1285, 2002.

If you have any questions, please do not hesitate to contact me at (250) 390-6274.

Yours truly,

Handwritten signature of Debbie O'Brien in cursive.

Debbie O'Brien  
District Development Technician

NVA/2002



File: 06-002-24459

May 31, 2002

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

Attention: **Geoff Garbutt**  
**Senior Planner**

**Re: Text Amendment – Regional District of Nanaimo Land Use and Subdivision Bylaw  
Amendment Bylaw No. 500.276**

This letter is to advise that the Ministry of Transportation has no objection to the above noted text amendment.

If you have any questions, please do not hesitate to contact me at (250) 390-6274.

Yours truly,

A handwritten signature in cursive that reads "D. O'Brien".

Debbie O'Brien  
District Development Technician

DLO/ps



REGIONAL DISTRICT OF NANAIMO			
JUN - 3 2002			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	
			<i>B. d. u.</i>

MEMORANDUM

**TO:** Pamela Shaw  
Manager of Community Services

**DATE:** May 31, 2002

**FROM:** Geoff Garbutt  
Senior Planner

**FILE:** 6410 00 RAIL

**SUBJECT:** Zoning/OCP Amendment Bylaws for E&N Railway Corridor

PURPOSE

To receive the Summary of Proceedings of the Public Hearing held May 29th, 2002 on the E&N Railway Zoning Bylaw and Official Community Plan Amendment Bylaws and further, to consider these bylaws for 3<sup>rd</sup> reading.

BACKGROUND

Recognizing the importance of the E&N railway as a regional transportation route, the Board of the Regional District of Nanaimo has taken steps to implement land use regulations and new Official Community Plan Policies for the E&N Railway corridor. Recent actions on this project include the following:

- The Board gave 1<sup>st</sup> reading and referred the Electoral Area 'A', Arrowsmith Benson-Cranberry Bright, Lantzville, East Wellington-Pleasant Valley, Nanoose Bay, Englishman River, French Creek, and the Shaw Hill Deep Bay Official Community Plan Amendment Bylaws to the public and agencies for consultation at their Regular Meeting held March 12, 2002.
- In addition, at the March 12, 2002 Meeting the Board gave two readings to Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.283, 2002 and referred the bylaw to public hearing.
- The Board received a summary of the input received during the public consultation phase and gave 2<sup>nd</sup> reading to the Official Community Plan Amendment Bylaws and referred these bylaws to public hearing at their Regular Meeting held May 14, 2002
- A public hearing was held pursuant to the *Local Government Act* on May 29, 2002 (see Attachment No.1 for the Summary of the Minutes and Submissions to the Public Hearing).

ALTERNATIVES

1. To receive the Summary of Proceedings of the Public Hearing on the Zoning/OCP Amendment Bylaws, grant 3<sup>rd</sup> reading to the bylaws and to refer Bylaw 500.283 to the Ministry of Transportation for consideration of approval, and refer the OCP Amendment Bylaws to the Ministry of Community, Aboriginals and Women's Services and the Land Reserve Commission for approval.
2. To receive the Summary of Proceedings of the Public Hearing on the Zoning/OCP Amendment Bylaws and abandon the amendment bylaws.

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## **PUBLIC CONSULTATION IMPLICATIONS**

As outlined in the Consultation Strategy, referrals were sent to area municipalities and regional districts, government agencies, and local First Nations. Feedback from these referrals indicates that all agencies that responded support the proposed OCP and zoning amendments. All referral responses received prior to the Public Hearing are included in *Attachment No. 1*.

At the May 29<sup>th</sup> Public Hearing there were approximately 50 people in attendance. Comments received during the Public Hearing identified the need to protect the rail corridor for future uses, indicated that the rail corridor represents an opportunity for future regional economic development and that the public supported the RDN taking steps to protect the corridor through land use regulation.

The public raised some concerns with respect to the future use of the corridor. Comments were split, with some identifying the corridor as an excellent linear path system and with other residents saying that the corridor should be protected exclusively for rail uses only now and into the future. Key issues raised included the impact that any parks/trails use may have on adjacent properties. Comments received from adjacent landowners indicated that they are concerned about vandalism and trespass issues that are associated with public access along private properties. Of particular concern were ALR landowners who already have concerns with public impacts on farming operations. Potential impacts include dogs interacting with livestock and garbage and refuse impacting farm operations, including haying. Landowners indicated that there should be consultation with stakeholders should the rail corridor be used for public access in the future.

## **LEGAL IMPLICATIONS**

The process to draft and adopt proposed Official Community Plan and Zoning Bylaw Amendments is consistent with the requirements of the *Local Government Act*.

## **VOTING**

All Directors – one vote except Electoral Area 'B' with respect to the proposed amendments to the Official Community Plans.

Electoral Area Directors only- one vote except Electoral Area 'B' with respect to the proposed amendments to the Zoning Bylaw.

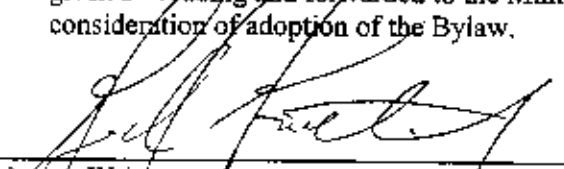
## **SUMMARY**


The Regional Board gave 1<sup>st</sup> and 2<sup>nd</sup> reading to "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.283, 2002" at its regular meeting on March 12, 2002 and referred the Bylaw to Public Hearing. The Board gave 2<sup>nd</sup> reading to the Official Community Plan Amendment Bylaws and referred these bylaws to public hearing at its Regular Meeting held May 14, 2002. At the May 29<sup>th</sup> Public Hearing held concurrently for all amendment bylaws, there were approximately 50 persons in attendance and speakers raised a number of issues. Key issues that were identified include supporting the protection of the rail corridor, the use of the corridor as an economic development tool, and the potential negative impacts that public access may have on adjacent properties particularly on area farms.


Given the level of consultation, and the response from the public and referral agencies, staff is of the opinion that the Zoning and OCP Amendment Bylaws for the E&N Railway Corridor may now be considered for 3<sup>rd</sup> reading.

## RECOMMENDATIONS

1. That the Summary of the Minutes and Submissions of the Public Hearing held Wednesday, May 29, 2002 at 7:00 pm, on the Zoning and OCP Amendment Bylaws for the E&N Railway Corridor be received.
2. That "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw Amendment Bylaw No. 1240.01, 2002", be given 3<sup>rd</sup> reading and forwarded to the Ministry of Community, Aboriginal and Women's Services and the Land Reserve Commission for consideration of approval prior to the Board's consideration of adoption of the Bylaw.
3. That "Regional District of Nanaimo Arrowsmith Benson-Cranberry Bright Official Community Plan Bylaw Amendment Bylaw No. 1148.02, 2002", be given 3<sup>rd</sup> reading and forwarded to the Ministry of Community, Aboriginal and Women's Services and the Land Reserve Commission for consideration of approval prior to the Board's consideration of adoption of the Bylaw.
4. That "Regional District of Nanaimo Lantzville Official Community Plan Bylaw Amendment Bylaw No. 974.02, 2002", be given 3<sup>rd</sup> reading and forwarded to the Ministry of Community, Aboriginal and Women's Services and the Land Reserve Commission for consideration of approval prior to the Board's consideration of adoption of the Bylaw.
5. That "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw Amendment Bylaw No. 1118.03, 2002", be given 3<sup>rd</sup> reading and forwarded to the Ministry of Community, Aboriginal and Women's Services and the Land Reserve Commission for consideration of approval prior to the Board's consideration of adoption of the Bylaw.
6. That "Regional District of Nanaimo Englishman River Official Community Plan Bylaw Amendment Bylaw No. 814.07, 2002", be given 3<sup>rd</sup> reading and forwarded to the Ministry of Community, Aboriginal and Women's Services and the Land Reserve Commission for consideration of approval prior to the Board's consideration of adoption of the Bylaw.
7. That "Regional District of Nanaimo French Creek Official Community Plan Bylaw Amendment Bylaw No. 1115.02, 2002", be given 3<sup>rd</sup> reading and forwarded to the Ministry of Community, Aboriginal and Women's Services and the Land Reserve Commission for consideration of approval prior to the Board's consideration of adoption of the Bylaw.
8. That "Regional District of Nanaimo Shaw Hill-Deep Bay Official Community Plan Bylaw Amendment Bylaw No. 1007.03, 2002", be given 3<sup>rd</sup> reading and forwarded to the Ministry of Community, Aboriginal and Women's Services and the Land Reserve Commission for consideration of approval prior to the Board's consideration of adoption of the Bylaw.
9. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.283, 2002" be given 3<sup>rd</sup> reading and forwarded to the Ministry of Transportation for consideration of approval prior to the Board's consideration of adoption of the Bylaw.

  
Report Writer

  
Manager Concurrence

  
General Manager Concurrence

  
CAO Concurrence

## COMMENTS:

devsvs/reports/2002/6410 00 RAIL in brd E&N ph and 3rd

Attachment No. '1'  
Summary of the Minutes and Submissions of the Public Hearing

**REGIONAL DISTRICT OF NANAIMO**

**REPORT OF THE PUBLIC HEARING HELD WEDNESDAY, MAY 29, 2002 AT 7:00 PM AT  
NANOOSE PLACE 2925 NORTHWEST BAY ROAD TO CONSIDER ZONING AND OFFICIAL  
COMMUNITY PLAN AMENDMENT BYLAWS FOR THE E&N RAIL CORRIDOR: SUMMARY  
OF THE MINUTES AND SUBMISSIONS**

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

**Present:**

G. Holme	Chair	Director, Electoral Area 'E'
M. Klee		Alternate Director, Electoral Area 'G'
R. Quittenton		Director, Electoral Area 'H'
L. McNabb		Director, City of Nanaimo
A. Kruyt		Alternate Director, Town of Qualicum Beach
S. Tanner		Councillor, Town of Qualicum Beach
G. Garbutt		Senior Planner, Regional District of Nanaimo

There were approximately 50 people in attendance.

There are 14 written submissions attached to and forming part of the minutes of the Public Hearing.

The Chair called the Hearing to order at 7:00 pm, introduced those present at the head table, outlined the proposed bylaws addressed at the Hearing and outlined the procedures to be followed during the Hearing.

The Chair asked staff to give an overview of the 8 bylaws being considered at the Public Hearing.

Geoff Garbutt outlined the land use regulations contained in Bylaw 500.276 and outlined the policies and objectives contained in the 7 Official Community Plan Bylaw Amendment Bylaws. G. Garbutt indicated that the proposed bylaws only affect the parcels of land that make up the E&N Rail Corridor and not any adjacent lands.

The Chair called for formal submissions with respect to the bylaws that were subject to the Hearing.

Jeff Hale, 240 Butler Avenue, indicated that he supports the proposed bylaws to protect the rail corridor; however, he spoke against using the corridor for railway uses only. He sees the corridor as an opportunity to support eco-tourism, creating a trail system linking Courtenay to Victoria.

**Fred Taylor, 204 Emery Way**, distributed a copy of "Crown Land Grants: A History of the Esquimalt and Nanaimo Railway Land Grants, the Railway Belt, the Peace River Block" published by Crown Land Registry Services to the Board Members in attendance at the Hearing. Mr. Taylor recounted the history of the creation of the E&N Railway through the Crown Land Grants document. Commented that in his opinion, the Crown grant was for a railway and that the proposed bylaws that identify railway uses are appropriate. Mr. Taylor commented that currently, no government could assemble this land and he supports the protection of this valuable transportation corridor.

**John Van Beek, 5716 Heather Place**, spoke in favour of the bylaw. As a cyclist, Mr. Van Beek supports the RDN for setting aside the rail line as a transportation corridor. From an environmental perspective, the corridor represents an opportunity to clean up the air in the region as rail service provides a lot less pollution than heavy trucks and cars. Mr. Van Beek indicated that if the government could not save the rail service than it should be protected as a corridor that could ultimately be used for alternative transportation including trails.

**Tom Howatt, 2369 East Island Highway**, indicated that he was unclear as to what impact that the proposed bylaws will have on his property.

**G. Garbutt** clarified for the people in attendance that the rezoning and redesignation bylaws only amended the land use regulations and policy for the parcels that make up the E&N rail corridor.

**Jason Haggstrom, 625 Martindale**, indicated that he supported the bylaws and having lived in the Englishman River area for a long time he sees the E&N railway as an economic development opportunity. Mr. Haggstrom commented that the rail line should not only be used for the transportation of goods but also to introduce tourists to the beauty of the area. Mr. Haggstrom indicated that there is a lot of potential tourism benefits associated with the rail corridor.

**The Chair** called for further submissions.

**Carrie, 590 Church Road**, indicated that she supported the idea in principle of protecting the rail corridor but worried about the potential impacts of trail users on their farm. Indicated that currently they have considerable trouble with people trespassing on their land that is split by the E&N railway. People accessing the rail corridor leave a considerable amount of garbage and refuse that has a negative impact on their farm operation and damages farming equipment.

**The Chair** called for further submissions a first time.

**Hans Stussi, Qualicum Bay**, indicated that he supports protecting the rail corridor. Mr. Stussi commented that the railway splits his property and he sees rail as the best use of the land even if it lies dormant for years there are opportunities associated with the corridor. Mr. Stussi indicated that the RDN should not make the corridor an official trail because once this takes place you lose the opportunity and it cannot go back to rail service. Mr. Stussi commented that the major cities should link the regional transit systems to the rail

line, which will have the potential to support light rail passenger service between these centers. Mr. Stussi indicated that as we grow, if they have good service, people will use rail as an alternative to the car.

The Chair called for further submissions a second time.

Dave Waddell, Qualicum Bay, indicated that he supported the bylaw and asked how E&N railway felt about the proposed bylaws?

Director L. McNabb indicated for the people in attendance that the E&N did not support the City of Nanaimo rezoning the corridor through their municipality.

Director R. Quintanton indicated that his constituents wanted him to ask what impact the proposed zones have on adjacent properties.


G. Garbutt clarified that the rezoning and redesignation bylaws only amended the land use regulations and policy for the parcels that make up the E&N rail corridor and they do not have an impact on the regulations and land use policy for adjacent properties.

The Chair indicated that 14 written submissions that been received and are included as submissions to the Public Hearing.

The Chair called for further submissions a third time. Being no further submissions, the Chairperson adjourned the Hearing at 7:45 pm.

Certified fair and accurate this 30 day of May, 2002

  
G. Garbutt  
Recording Secretary

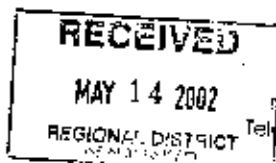
  
Director G. Holme  
Electoral Area 'E'



Schedule No. '1'  
Written Submissions to the Public Hearing



Today's Learner -  
Tomorrow's Future



395 Wakesian Ave.  
Nanaimo, B.C. V9R 3K6  
Telephone: (250) 754-5521  
Fax: (250) 754-6611

April 30, 2002

Geoff Garbutt  
Senior Planner  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

Dear Mr. Garbutt

RE: ELECTORAL AREA OFFICIAL COMMUNITY PLAN AMENDMENTS - E & N RAILWAY

Thank you for your letter of March 13, 2002 to Ernie Inglehart, Director of Facilities. Mr. Inglehart no longer works for the School District and I have been asked, as Chair of the Facilities Planning Committee, to respond on behalf of the staff and Board of School District No. 68.

The School District is in support of your recommendation that common OCP designations and zones be applied to the existing railway corridor recognizing the existing use and to maintain the transportation corridor.

On behalf of School District No. 68 thank you for the opportunity to comment on this issue.

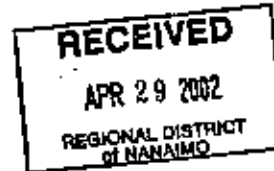
Yours truly,

Nelson Allen, Trustee  
Chair of the Facilities Planning Committee

pc: Pete Sabo, Manager of Planning and Facilities  
Secretary Treasurer's Office

SCHOOL DISTRICT 68 (NANAIMO-LADYSMITH)

PAGE 89



April 24, 2002

Your File: 6410-01-RAIL

WALP File: 58000-35/08-RD19  
Ref #: 2002VIN0371

Regional District of Nanaimo  
PO Box 40  
Lantzville, BC V0R 2H0

**ATTENTION:** Geoff Garbutt, Senior Planner

**Re: Electoral Area Official Community Plan Amendments – E & N Railway**

Thank you for providing us with the opportunity to review the above proposal.

Please refer to our *Environmental Objectives, Best Management Practices and Requirements for Land Developments* document dated March 2001. This document outlines a number of Best Management Practices (BMP's) and Ministry requirements that relate to most land development proposals. We believe these recommendations apply to your proposal.

We have no additional recommendations with regard to fish, wildlife, habitat, water or pollution prevention issues as they relate to the above proposal that are not contained within our document referenced above. Inventories available through your office and that of the Ministry of Water, Land and Air Protection should be reviewed as per Section B.1, page 5 and 6 of the BMP.

Should you have any questions regarding our response, please contact Maggie Henigman at 250-751-3214.

Yours truly,

Nancy Collis  
Planning and Referrals Technician  
Ecosystems Section, Environmental Stewardship Division

Ministry of  
Water, Land and Air  
Protection

Vancouver Island Region

Mailing Address:  
2080A Lantzville Road  
Nanaimo BC V0T 5J8

Telephone: 250 751-3100  
Facsimile: 250 751-3103

Version 1.3

July 6, 2001

Ministry of Water, Land and Air Protection - Vancouver Island Region

FISH AND FISH HABITAT PROTECTION - Best Management Practices

I. INTRODUCTION

Please review the publication titled: *Water Management - A Users Guide to Working In and Around Water* (referred to as the "Users Guide") for the Ministry of Water, Land and Air Protection requirements for working in and about streams. The information in this booklet will guide you through the Ministry's instream work regulatory requirements.

This document is meant to supplement information described under Section 42 (1) in the *Users Guide* and to provide proponents with additional protection measures for fish and fish habitat. This document does not supersede the requirements of the *Water Act and Regulations, Federal Fisheries Act* or any other related legislation.

These Best Management Practices (BMP's) are directed at all instream work. If proponents believe they cannot comply with the BMP's as described in this document, they must contact the Ministry of Water, Land and Air Protection, Planning and Assessment Program - Telephone: (250) 751-7047 or (250) 751-3153 for assistance.

II. BEST MANAGEMENT PRACTICES

A) Instream Reduced Risk Work Window

1. The general instream work window is July 1 - September 15, inclusive, for all streams (as defined under the *Water Act*) in any year.
2. If the stream channel is dry (no flow), the work window may be extended until September 30 in any year.
3. Fisheries and Oceans Canada (DFO) may require a different instream work window for anadromous fish bearing streams. Any instream work windows required by DFO supersede the general work window stated in A)1. above. Please refer to Part III of this document for DFO contact information.

B) Minimum stream flow

1. Natural stream flows shall be maintained upstream, downstream and at the work site throughout the work period.

C) Isolating the instream work site from streamflow

1. The worksite shall be isolated from water flowing in the stream channel. Refer to Section 41 Protection of Water Quality of the *Users Guide*. Stream flows shall be diverted around the instream worksite.

D) Removal of material from a stream channel, protection of natural materials and vegetation that contribute to habitat or stream channel stability and restoration of the work site after the change has been made (specifically these measures are targeted at channel clearing, beaver dam removal and culvert installation, replacement or removal)

Version 1.3

July 6, 2001

1. Care shall be exercised during all phases of the work to prevent silt or debris from entering the stream.
2. All work shall be carried out from the stream banks/lake shore.
3. All disturbed banks of the stream shall be restored to function as they did in their original condition.
4. All excavated material shall be deposited in a stable area above the high water mark of the stream and set back from the high water mark of the stream by a distance of at least 7.5 metres and in such a way that the excavated material does not contribute sediment or debris to the stream.
5. Each project is to have a written contingency plan to deal with sediment control during instream work in the event there is:
  - an increase in stream flow due to increased precipitation, or
  - an increase in local overland runoff, or
  - saturation of the work area
6. Work is to be suspended if the sediment control measures are ineffective. In the event of uncontrolled sediment release, proponents are directed to stabilize and correct the uncontrolled sediment release into streams as soon as possible and to notify the Ministry of Water, Land and Air Protection and Fisheries and Oceans Canada.
7. Any concrete work must be undertaken with caution. As wet cement/concrete is highly toxic to aquatic organisms, there is to be no contact with the water/stream through spillage, hosing off surfaces, rain, cleaning of tools, etc.

**E) Addition of substances, sediment, debris or material to the stream or stream channel**

1. None of the above (with the exception of approved fish habitat enhancement works) are permitted to enter the stream or stream channel without the specific consent of the Ministry of Water, Land and Air Protection and Fisheries and Oceans Canada.

**F) Fish Salvage**

1. Proponents must salvage fish that are present at the worksite or in an affected area due to instream work prior to beginning their project. A permit is required to salvage fish. Please contact the Regional Fish & Wildlife Fisheries Program at (250) 751-3210 or (250) 751-3100 for information on obtaining a fish salvage permit.

**G) Mitigation**

1. No harmful alteration, disruption or destruction (HADD) of fish habitat is authorized by this document.
2. Fisheries and Oceans Canada (DFO) Habitat technologists (refer to Part III below) may authorize a net loss of fish habitat, or HADD, where a mitigation/compensation package can be negotiated between DFO and the proponent.

**III. REQUIREMENTS OF FISHERIES AND OCEANS CANADA (DFO)**

All proponents are strongly encouraged to consult with DFO Habitat technologists with regards to any works in and around streams that can negatively impact fish and/or fish habitat. Vancouver Island DFO contact telephone numbers are listed below:

DFO - South Vancouver Island (Duncan)	-	(250) 746-6221 Fax: (250) 746-8397
DFO - South Central Vancouver Island (Port Alberni)	-	(250) 724-0195 Fax: (250) 724-2555
DFO - North Central Vancouver Island (Campbell River)	-	(250) 850-5701 Fax: (250) 287-4899
DFO - North Vancouver Island (Port Hardy)	-	(250) 949-6422 Fax: (250) 949-6755

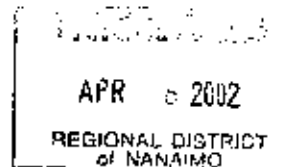


**ALBERNI-CLAYOQUOT  
REGIONAL DISTRICT**

3008 Fifth Avenue, Port Alberni, B.C. CANADA V9Y 2E3 Telephone (250) 720-2700 FAX (250) 723-1327

April 2, 2002

Geoff Garbutt  
Nanaimo Regional District  
6300 Hammond Bay Road  
P.O. Box 40  
Nanaimo, B.C.  
V9R 2H0



Dear Mr. Garbutt,

**Re: Regional District of Nanaimo Proposed Electoral Area OCP amendments -  
E&N Railway**

The Alberni-Clayoquot Regional District Board met on March 27, 2002 and reviewed the proposed Electoral Area Official Community Plan amendments referred on March 13, 2002. The Alberni-Clayoquot Regional District supports the Regional District of Nanaimo's proposed Official Community Plan designating the E&N railway corridor as a Transportation Corridor and the corresponding zoning amendments.

Yours truly,

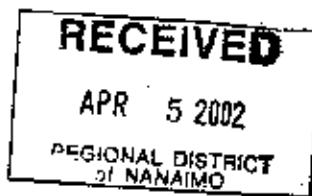
Mike Irg  
Planner



SCHOOL DISTRICT 69 (QUALICUM)

March 27, 2002

Geoff Garbutt  
Senior Planner  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, B.C.  
V9T 6N2



Dear Geoff Garbutt,

Re: Electoral Area Official Community Plan  
Amendments - E & N Railway

Thank you for your letter of March 13<sup>th</sup> requesting comments from the Board of School Trustees with respect to the proposed amendment to the Electoral Area Official Community Plans designating the E&N railway corridor as a Transportation Corridor.

The Board of School Trustees received your letter and the March Staff Report at last night's Regular School Board Meeting.

The School Board believes the proposed Electoral Area Official Community Plan amendments will serve the public well to preserve a tremendous asset for area residents.

The School Board wishes to encourage the Regional Board of Directors to give the Electoral Area Official Community Plan amendments third and final reading.

Yours truly,

Dan Whiting  
Secretary Treasurer

c Tom Watson, Superintendent of Schools

PO Box 430, 100 Jensen Ave. East, Parksville, B.C. V9P 2G5

Phone (250) 248-4241 Fax (250) 248-5767 <http://sd69.bc.ca>

File: 0430-20

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PAGE  
94



File: 53170-53/CID

March 19, 2002

VIA FACSIMILE

Regional District of Nanaimo  
5300 Hammond Bay Road  
Nanaimo, British Columbia V9T 6N2

Attention: Geoff Garbutt, Senior Planner

Re: Electoral Area Official Community Plan Amendments-E & N Railway

Further to your letter of March 13, 2002, please be advised that the Ministry of Transportation would have no objections to the philosophy of protecting the existing railways as transportation corridors. However, perhaps the permitted uses should include other allowable transportation uses as well as railway and railway stations, as there may be an opportunity to utilize portions of the corridors for such things as cycling.

Yours truly,



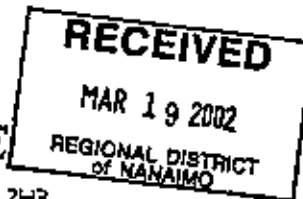
R. J. Howat  
Provincial Approving Officer  
e-mail: Rob.Howat@gems&.gov.bc.ca

RJHvod



**City of PARKSVILLE**

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



March 18, 2002

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

**ATTENTION: GEOFF GARBUTT, SENIOR PLANNER**

Dear Sirs:

**SUBJECT: ELECTORAL AREA OFFICIAL COMMUNITY PLAN  
AMENDMENTS - E & N RAILWAY**

Thank you for your March 13<sup>th</sup> referral on the above noted topic. The City is supportive of the Plan Amendments that you are proposing.

We are undertaking a similar initiative for our transportation corridors. I am enclosing a copy of a recent Council report on this topic. Council adopted the recommendation shown in the report.

I trust this is the information you require.

Yours truly,

**GAYLE A. JACKSON**  
Director of Community Planning

GAJ/sb  
Attachment

g/6480-00/Garbutt-1.



**COPY**

February 25, 2002

**MEMO TO: R. D. ROYCROFT, MCIP, CITY MANAGER**  
**FROM: G. A. JACKSON, DIRECTOR OF COMMUNITY PLANNING**  
**SUBJECT: CONSIDERATION OF PROVIDING APPROPRIATE ZONING FOR  
TRANSPORTATION CORRIDORS**

---

**Background:**

Recent discussion regarding the potential decommissioning of rail lines has brought to attention the fact that transportation corridors have not been provided with appropriate zoning, but rather 'default' to the adjacent zoning, based on the current method of defining zoning boundaries.

**Options:**

Council may:

1. Direct staff to prepare a bylaw which has the effect of providing a zoning category to accommodate and recognize transportation corridors.
2. Leave the zoning as is.

**Analysis:**

It is and has always been the City's intention that transportation corridors be used as such and that any intended change in use would necessitate a rezoning application. Despite this, there has been no clear delineation of transportation corridors on the zoning map and in many cases, zoning boundaries run down the middle of roads, giving roads the same zoning as the adjacent property. In many cases, this approach historically was used for drafting clarity, rather than land use intent. Now that computer drafting capability exists there is no reason not to delineate transportation corridors on the zoning map and provide corresponding zoning.

If this situation is unaltered, there is a potential for transportation corridors to develop under an inappropriate zoning category and, without any associated rezoning process.

**Recommendation:**

**That Council direct staff to prepare a bylaw which has the effect of providing a zoning category to accommodate and recognize transportation corridors.**

---

GAYLE A. JACKSON

GAJ/sh

g/4586-00/Reports/Transportation Report-1.

**DIRECTOR OF ENGINEERING AND OPERATIONS COMMENTS:**

---

GARY O'ROURKE, P. ENG.

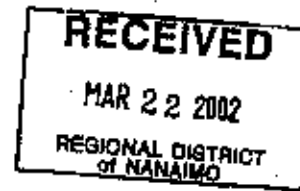
**CITY MANAGER'S COMMENTS:**

---

R. ROYCROFT, MCIP



Land Reserve Commission  
*Working Farms, Working Forests*



March 19, 2002

Reply to the attention of Roger Cheetham

Geoff Garbutt, Senior Planner  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

Dear Sir:

Re: OCP/Zoning Bylaw Amendments for E and N Railway Corridor

Our Ref: 32291

With reference to your letter dated 13<sup>th</sup> March 2002 we have no objection to the proposed amendments. However, as the corridor traverses significant areas of ALR the Commission might have a concern if the corridor were to be used for other purposes, for example a recreation trail.

Yours truly,

LAND RESERVE COMMISSION

Per:

K. B. Miller, Chief Executive Officer

Cc: Wayne Haddow, Ministry of Agriculture, Food and Fisheries, Duncan  
Jill Hatfield, Ministry of Agriculture, Food and Fisheries - Courtenay

RC/MC

Deep Bay Planning and Environmental Association  
RR1-S156-C8, Bowser, B.C. V0R 1G0  
e-mail: [gntaylor@shaw.ca](mailto:gntaylor@shaw.ca)  
Tel: 250 757 8909

March 19<sup>th</sup> 2002

Dr. J. Linnex, M.P.  
7 - 6908 Island Highway North,  
Nanaimo, B.C.  
V9V 1P6

Dear Dr. Linnex:

FAX 390 7511  
FOR JEFF GARBUTT  
PLANNING DEPT.

Proposed E & N Railway Closure

The Deep Bay Planning and Environmental Association is extremely concerned at the prospect of the closure of the E & N Railway and the removal of the railway tracks. It is very regrettable that the sole freight user decided to find alternative transportation, but that should not be a deciding factor to take up the tracks at this point in time.

As more people move to Vancouver Island more goods will need to be transported and with the inevitable increases in ferry charges, gas, maintenance and insurance costs to truckers, it may well be that over the next 15 - 20 years the railway may become the most viable mode for freight transportation. Using the railway to carry freight could lessen the number of trucks on the highway, thus cutting the pollution from harmful emissions.

The residents north of Qualicum Beach have very limited access to public transport there being only three or four buses a day to Nanaimo and the train. Therefore this rail link with Nanaimo and Victoria is a very vital part of life in these rural areas. In this area (Deep Bay) the buses pass by at 2 p.m. and 6 p.m. and maybe 8 p.m. to Nanaimo only. If you want to go to Victoria you have to change buses, which is not very convenient if you have children and luggage in tow.

The E & N Railway has stated that the service is not profitable. This need not be the case. Up to now there is only one train up to Courtenay and back to Esquimalt each day. Sometimes there is only one carriage running, other times there are TWO. This is usually for the skiers going to Mt. Washington in the winter and the tourists in the summer. At the present time the train leaves Esquimalt at approximately 8 a.m. arriving in Courtenay at 1 p.m. and departs Courtenay at 1:30 p.m. arriving back in Esquimalt at approximately 5:30 p.m. The half-hour lay over in Courtenay is ridiculous. It does not give passengers time to get anything to eat, as there are no restaurants or coffee shops in the immediate vicinity of the railway station. Passengers have to rely on an enterprising person who operates a Buns on the Run business at the station. With this half hour time frame passengers are unable to visit the stores or meet with friends or relatives at their homes. If you want to do this you have to stay overnight, which becomes expensive if you have to stay at a motel. This also applies if you want to go to

PAGE  
FOR

Victoria. In fact if you wanted to go to Victoria for a shopping expedition, you have to stay over for two nights as the stores may be closed by the time the train arrives and leaves again the next morning before the stores are open! This is even more expensive.

The service does appear to be very well used as far as Qualicum Beach, thanks to a very enterprising Business Association working in collaboration with the Tourist Board in Victoria who arrange tour packages from Victoria to Qualicum Beach utilizing the train service and includes one or more nights motel/hotel accommodation and tickets to the theatre.

This Association feels that to make the train more viable the schedule needs to be changed. First there needs to be two trains, simultaneously departing from Esquimalt and Courtenay at 7 a.m. arriving at their destinations at 11 a.m. Secondly both trains departing simultaneously on the return journey at 4 p.m. arriving at their destinations at 8 p.m. This would give passengers approximately 5 hours stop over for shopping or visiting and be able to return the same day. These changes in schedule would be of great benefit to the businesses in Qualicum Beach and, more especially, in Courtenay where the business community may entertain the idea of running a shuttle bus to and from the station and shopping areas of the Driftwood Mall and 5<sup>th</sup> Street etc. and may also offer motel/ theatre packages as Qualicum Beach has been doing for some time.

The members of Deep Bay Planning and Environmental Association feel that the changes in the schedule would encourage more resident/tourist/freight business and may contribute to less cars and trucks being on the highways, thus helping to cut down the accident rate and pollution emissions from vehicles being forced to use the highways.

In closing, Dr. Lumbry, we ask you to consider these suggestions, bearing in mind that this railway is a life line for many residents who do not have transport of their own. We trust you will do everything in your power to keep this line up and running. Once these rails are taken up they will, in all probability, never be put down again. It would be the end of rail travel on the Island and this will be a very regrettable decision for the future of the Island.

Thank you for your attention to our concerns.

Yours truly,

  
Oreta Taylor  
For and on behalf of  
Deep Bay Planning and Environmental Association,  
RR1-S156-C8  
Bowser, B.C. V0R 1G0

Co. Judith Reid, M.L.A. Gillian Trampler, M.L.A. Stan Hagen, M.L.A. Councillor Scott Tanner,

**Dr. James Lunnay, M.P.**

**Nanaimo - Alberni**

**OTTAWA**

**Apr 8, 2002**

Greta Taylor  
Duncan Bay Planning and  
Environmental Association  
RR 1, S. 1001  
Box 101, DR 1G0

Dear Ms Taylor:

Thank you for your recent letter regarding the proposed E & N Railway closure.

I recently took part in round table discussions in Nanaimo and Duncan with  
Federal, BC Provincial MP's and principal stakeholders.

The discussions represent an historic opportunity to revitalize Rail Travel on  
Vancouver Island. We have a few months to make it happen and everyone has  
a role to play.

Your comments on scheduling are certainly helpful. I have forwarded them to  
Mary Akeley and Tanner Elton co-chairs of the Round Table process.

Thank you once again for your input.

Sincerely,

  
James Lunnay, BSc, DC  
Nanaimo - Alberni

**Garbutt, Geoffrey**

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**From:** Beetstra, Marion  
**Sent:** Tuesday, April 02, 2002 8:31 AM  
**To:** Garbutt, Geoffrey  
**Subject:** FW: Land use regulations - E&N Corridor

-----Original Message-----

**From:** David & Margaret Hansen [mailto:mdhansen@nanaimo.ark.com]  
**Sent:** Sunday, March 31, 2002 5:33 PM  
**To:** Beetstra, Marion  
**Cc:** funnej@parl.gc.ca  
**Subject:** Land use regulations - E&N Corridor

The Nanaimo Regional Board is to be commended for a visionary purpose in moving to protect a transportation corridor which must eventually be a vital part of future mass transportation as population densities in the twenty first century make rail travel a viable part of the Vancouver Island infrastructure.

My wife and I offer our enthusiastic support to this amendment.

David & Margaret Hansen  
857 Reid Road  
Parksville, V9P 2E6 248-6172

Page 1 of 7

**Garbutt, Geoffrey**

**From:** McFarlane, Florence  
**Sent:** Wednesday, March 27, 2002 8:27 AM  
**To:** Garbutt, Geoffrey  
**Subject:** FW: E&N Railroad:

Florence

[McFarlane, Florence] —Original Message—  
**From:** Pooter Express [mailto:pooterex@island.net]  
**Sent:** Wednesday, March 27, 2002 6:15 AM  
**To:** McFarlane, Florence  
**Subject:** E&N Railroad:

**To:** Regional District of Nanaimo, Area Directors  
**Fm:** Peter Shaw, Parksville BC Mar 26 02

**Re:** E&N Railway, CP Rail & the Island Railroad:

This note is to thank you for your courage to zone the E&N right-of-way for 'rail-use only' or 'transportation corridor'. This will certainly defer propitious and irreversible actions regarding the E&N, and in this regard, I have some additional thoughts about CP Rail which you may find helpful to consider prior your upcoming meeting with CP Rail representatives.

CP is not the stolid-but-solid company I knew as a child, nor is it the diverse portfolio I worked for as a CP ocean freight agent for three years. The ever-shrinking CP management style is to look for easy money only to enhance short-term shareholder values and instant profit-taking at the expense of its own viability, all known vagaries of the marketplace considered.

It is doubtful CP Rail is looking for new rail business on Vancouver Island. More likely CP is looking for a tax deductible gift to some municipalities and districts while cashing in on its more valuable holdings along the line further south. Any Island community that should create a 'hole' in the rail line will enable CP Rail to declare the whole E&N forever unviable and run off with the easy money all that much sooner. We can, in all goodwill, stop this right in its tracks.

I have been working for the last few years researching a long-term solution to the E&N operation which, of course, is currently unviable, and the only business plan I can come up with the most benefits for the cost, provide stable employment and ensure wholistic government, community and business benefits, coincides with a North Island mayor's proposal to utilize the old Island Copper pit at Coal Harbour for a landfill dump for island municipalities.

As you know, the E&N railroad is under threat of extinction due to the loss of freight from Rail America's largest customer, Norske-Skagge in Port Alberni. You also know that south island municipalities are currently trucking their landfill over crowded ferries to the mainland and thence to the Cache Creek landfill site, hundreds of miles away. This setup is an extraordinary expense, with island money going over to the mainland to pay for it, and with precious ferry space lost to this activity.

It is time we came up with an island solution to island needs.

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While I am aware the Coal Harbour pit has been filled with water, with an aquaculture business now established on it, I believe it is no insurmountable problem to block the pit off of water source, pump it out and purchase the aquaculture business and compensate the company and workers with this new business or elsewhere and/or cash compensation.

As the pit is far deeper than the ocean inlet nearby, seachates and leakage will not be the problem it is eisewhere, especially as the pit will be lined. Environmentalist objectors can be reminded that right now the CRD had emptied a 200-acre lake for a landfill pit that is unworkable (see below). The Coal Harbour pit is good, I'm told, for at least 200 years.

The benefits of an Island Railroad municipal landfill rail pickup and transport to Coal Harbour will also allow for construction of other new business such as rail passenger connection to Campbell River and on to the BC Ferry depot in Port Hardy. Dangerous cargoes such as propane, and heavy cargoes such as long-distance log transfers, are more safely carried by rail than by highway. Heavy road-busting cargoes such as coal, marble and ore concentrate are also better carried by rail. There are several ocean freight ports around our Island which, at present, has its economy right up against the financial wall.

We need new good business, and we need it soonest.

To ensure that all Island stakeholders benefit, including Rail America, Canfor, and CP Rail, it is essential that the island municipalities and the Province of British Columbia guarantee rail-only transport of the abovementioned cargoes to island rail carriers over a period of charter that will enable the issuance of bonds and other capitalization vehicles to finance the Island Rail upgrading and extension.

Without such a charter, no one will lift a finger to move on this.

Aside from North Island haulers, long distance highway servicing to the proposed pit is not an option. Down Island, we are already seeing the negative effects of the Norske-Skagge decision to ship by truck. The Port Alberni Highway is now clogged with truck traffic. From Parksville, it now takes well over an hour to travel to Port Alberni by car, whereas it was only a 25-minute trip before. The highway itself is already showing the ravages of the extra volume of heavy truck traffic. The costs to the taxpayer of highway upgrading and maintenance far exceed the 25 percent increase in rail rates to Norske-Skagge which had this company switch to highway hauling.

Long-haul highway propane traffic is extremely high-risk, a disaster-in-waiting now that rail propane cargo is offloaded to the highways.

Historically, rail is well-proven to be the safest and cheapest land transport (all costs considered). In addition, for tourists and island commuters, it is the most comfortable mode of public transport. Rail is far easier on the environment, and after flood, heavy snow or severe earthquake, rail is always the first land transport infrastructure to be up and running. Rail is reliable, low-cost, safe and versatile, good for both passenger and freight traffic. The spin-off benefits to travel and tourism already provide business to communities down Island and even to a mainland railtour operator.

It is essential here to note that our economy is under long-term siege due to the U.S. softwood duties. As one who has worked extensively in the U.S. as an agent for some of America's

largest corporations, including Exxon, BP North America, Standard Oil of Ohio (now absorbed into BP-Amoco), and Keystone Shipping, I can assure you the American way of doing business has their softwoods position so severely entrenched that we will not see a satisfactory resolution of the problem, even after a WTO ruling favourable to Canada.

On Vancouver Island, with our little micro-economy, we have not the time to wait out softwoods settlements that will not be complied with anyway. Our communities are suffering terribly right now, and this problem affects all of us on the island. Again, I say, we must come up with an island solution to island needs.

In reference to your upcoming meeting between CP Rail representatives and the area district and municipalities to discuss this new zoning, I predicted to Dr. Lunney, MP, in January, that it is possible CP Rail, in response to any sudden re-zoning for 'rail right-of-way only', may initiate legal action. Thus it might be helpful for us to be ready with a railroad option and a tough program that discourages legal action.

In other words, we have to present the idea that the right-of-way is just as profitable to CP Rail in rail-use rather than as mere real estate. As I said to MP Lunney, this is the crux of the matter. As you will see below, there is a way to do this, as far as CP Rail is concerned, should rail extension and new freight not appeal to them.

It will be a tough call to make, of course, especially since, by my own numbers, by extrapolation, projection and extension, all nebulous qualities, I come up with rather fearsome figures which will mean that, while the island Railroad may show profit, its prospect as a 'goldmine' will be in the form of savings and revenues to governments, wages to workers and profits to tourist businesses, propane depots and other heavy cargo shippers, some of whom already do substantial business, thanks to the E&N. These people are making money, and more people can.

The south island municipalities and the relevant ministries of highways & municipal affairs know very well the the expense of building ferries, strengthened bridges and pavement and the maintenance costs attached thereto. They know the costs of highway accidents. They know that Cowichan Valley Regional District and the Regional District of Nanaimo annually spend over \$3,100,000 to ship landfill waste to Cache Creek, all money going to mainland truckers and Cache Creek tipping fees. As the figures below will show, we have other revenue sources, one very big one, which will get our trains to Coal Harbour and Port Hardy and keep island money on the island.

CP Rail will be well-informed of the costs of rail construction, maintenance, rolling stock, signals, crossings and all the other infrastructure required. However, as CP Rail is far more interested in demarketing itself and selling off real estate for gratuitous profit rather than extend its rail operations for lesser reward, I suggest BC Rail would be a better, more innovative manager of the entire island Rail system, though BC Rail may well balk at the suggestion.

There is a Vancouver Island Railway Society that is apparently willing to take on the management of the E&N, and they state there are reports showing viability of the E&N, Courtenay to Victoria.

However, while any proposal to CP Rail would have to be 'ultra-lucrative' in order to please CP Rail, BC Rail's management has shown itself to be open to new business at reasonable rates, and it has still maintained itself as a profitable and viable enterprise. Either way, a known quality is a more prudent choice than the unknowns.

In either case, a long-term charter is essential. Very long: 200 years, I would suggest - the minimum life of the pit. Anything less is too fragile, too isolated from long-term planning and financing for all stakeholders, not just a railroad.

CP Rail is based outside of this province. BC Rail is owned by this province. Therefore, if CP Rail or Rail America show extravagant costings, I would at least recommend BC Rail as a consultant to re-assess any excessive figures these 'foreign' railroads might propose. I would still encourage BC Rail's ownership of the rail extension and management of the whole system. At no time, however, would I suggest that anyone's real estate pretensions be awarded an extravagant property tax assessment, effective immediately, all taxes retroacted to the initial point of claim (July 24, 1871, for CP Rail), taxes refundable in part only when the right-of-way is surrendered to provincial-municipal ownership, rails intact.

However, I would be the first to suggest this very action, should CP Rail counter the recent rezoning or threaten to rip up the tracks, for any statement by CP Rail that any portion of their right-of-way is also 'real estate' is an admission that places them in a very tight corner, for by this statement, they are liable for back taxes on all right-of-way, from day one to the day the land was zoned as 'transportation corridor' or 'rail-use only'. A substantial sum, one would think, payable for right-of-way 'real estate' from Victoria to Courtenay.

It can thus be made 'lucrative' for CP Rail to do rail business on the island, all 'real estate' taxes thus deferred to such time as CP Rail again assumes real estate pretensions with its right-of-way and ancillary lands.

As British Columbia is one of two provinces with a tax on rail right-of-way, albeit a tiny one, this tax can be employed provincially as a leverage to encourage rail extension and good management. With the right mix of tax incentive and charter rights, corporations can be moved to beneficial commercial enterprise.

Therefore, while extra compensation to CP Rail, Rail America & Canfor would not be entirely out of line (with caveats & concessions secured), this may, at times, show up as a subsidy of their railway maintenance costs. Even so, the valuations of all benefits accrued to island economy and well-being should far exceed the subsidy. In other words, the right-of-way owners, the province and island municipalities would make and save money, even though portions of the railroad, itself, may show an operating loss on the books. On the other hand, rail profits may well exceed my coarse predictions, in which case the issue of subsidy is moot. The taxable profits and wages of primary, secondary and tertiary spin-off businesses must also be considered as government 'revenue' which shall more than offset any subsidy.

In all circumstances, highway subsidy to highway carriers exceeds any rail subsidy in Canada. Even so, we will need our buses and trucks for local pick-up and deliveries and as connectors to rail depots. Thus, both highway and railway required subsidy. The question is: where are the transportation subsidy dollars most beneficial in all requirements, including safety, comfort, economic stimulus, maintenance and long-term stability?

For Vancouver Island a mix of both road and railway is the answer. Both present benefits but only if both are working together to cover the whole island economy. An excess of one over the other causes imbalance.

The model I'm proposing is nothing new. It's been done before, and as we move to

privatization of highways, the subsequent highway tolls assure us the rail system looks more promising than ever. The old model is returning.

An Island Railroad dealing with island needs is a workable and sensible solution. It presents a functional, reliable and cost-beneficial long-term infrastructure to the whole island, not just to select southern communities. It alleviates the economic devastation of the North Island. It offers new tourist business, traveler comfort and travel connections. It is faster than bus transport. It satisfies island freight transportation and safety requirements. It deals effectively with a serious and costly landfill problem. It enhances the viability and value of the rail operation itself, and most importantly, it serves Vancouver Island and shall serve it well as highways price themselves beyond the realm of long-distance hauling.

I've done enough research to be convinced that truck drivers are the ones who benefit least from long-distance trucking. Some do not benefit at all. They suffer.

An Island Railroad is a win-win-win proposition that will open new doors of opportunity to all Vancouver Islanders, and its macro-economic benefit to the island economy is a plus.

I should note here that, as the Island Rail extension is not inconsistent with the federal government's Kyoto Protocol Agreement, the feds can surely assist in capitalization with their newly-established Infrastructure Fund. They can put their money where their mouths are. We already have choice MPs who are most adept at prodding them, and the recent failures of the softwood talks has the feds surprisingly willing to help us secure new business with new infrastructure.

To not move on this may eventually leave Vancouver Island with only a multitude of highway owners, each with a toll rate and differing standards, and already the writ is large upon all walls that insurance and other costs will be rendering highway travel financially prohibitive to many travelers and truckers very shortly. Historically, a railroad can do the job at an affordable cost and price, but only if local stakeholders ensure that local leverage is well secured for both passenger and freight traffic and that complex cost-price considerations are well balanced.

This is where you come in. Rails are a fixture to the E&N properties, and so are ancillary buildings and servicing areas. They are attached, by trade and trade practice, as necessary and ancillary infrastructural attachment. Please ensure that the 'rail-use only' zoning precludes E&N tracks, structures and other co-dependent attachments being relinquished to CP disposal. A 'rail-use only' zoning certainly assists in this continuance. And please be aware that any gift-horse from CP may, in fact, be a Trojan horse. Rail development on Vancouver Island is certainly valid, no matter how much CP Rail may claim otherwise.

Our good fortune lies in the fact that rail is so much cheaper to build than highways. For the sections from Courtenay to Canfor and from Beaver Cove to the pit and Port Hardy (the Canfor stretch has some terrific bridges over the highway but requires new bridges elsewhere, one long one), plus the pick-up spurs in the south, I can only throw a dart at a dartboard and come up with \$120 million for new construction and an equivalent amount for signaling, siding, upgrading, etc. and other work I think has to be done on the existing line that nobody seems to think about. That's \$240 million. The pit, itself, with lining (which can be done in stages as the pit fills), the dumping and gas recovery systems should cost about \$28 million, maximum. This includes a dam for the dug-out channel and filling the rest of the channel with the crushed rock and gravel that is on site already, thanks to Utah Mines.

Rolling stock can be leased to assist in cash flow, but even if it's purchased at \$240 million, the capitalization is then \$508 million, plus interest. Rolling stock includes diesels, hoppers, passenger and maintenance cars. However, if the federal government can give Ontario \$110 million from its Infrastructure Fund just for cultural items, like art galleries, it is not unreasonable for us to capture at least \$300 million for a railroad that also coincides with the federal pet Kyoto project and helps out an area that is especially hard hit with the softwood failures.

Over the period of expected life of the pit (200 years), the island cost translates roughly at \$1.5 million capital cost per year. However, we already know that CP Rail and Rail America want \$5 million a year just for the E&N. So, let us stick with a rough \$15 million annual bill here, for all costs. And please accept my apologies for not being able to cost out with accuracy. While I can do accurate freight statements for ocean bulk carriers and oil tankers, railroads are notoriously reticent with internal cost analysis. However, we do like to have some idea of costs, and though I do know some CP Rail internal costs of 1982, the figures are far too old and involve economies of scale (like comparing apples to T-bone steak).

Even so, as Via gives us \$3 million annually, and with the \$3.1 million from Cowichan and Nanaimo, we have \$6.1. Then, as the CRD puts out 130,000 tons of landfill annually, this represents \$11.7 shipping income at Cache Creek rates\* from the CRD alone.

\*Why am I calculating Cache Creek rates when I know that truckers can haul up island right now at a cheaper rate? Well, as I mentioned already, the truckers' shipping bills go up drastically in the next few years. Their highway subsidy is already a big one, and with this and all costs considered, the trucks cost more than our Cache Creek rates. The Cache Creek rate sets the market rate, and let's leave the budget alone. After all, federal help will not be extended without a body of provincial help as well.

In addition, the railroad can handle propane traffic up and down the island. This is a big concern to those who know the damages an exploding propane truck can cause. We've got to get that propane off the highway as much as possible. There are other dangerous cargoes as well for the railroad.

Furthermore, the CRD is running out of landfill space and is upsetting its dump site neighbours with its constant rock blasting for cut and cover to make its pit last another 50 years. Their truck traffic is causing problems with constant noise and hazard. The CRD is ripe for lawsuits from affected neighbours. The Island Copper Mine, where I worked long ago, has 'mountains' of crushed rock already on site for stopping up the channel and any cover layering. This is a huge operating savings. Blasting costs a fortune, and the CRD is the one very big customer the Island Railroad must have. At Cache Creek rates, the CRD is getting both relief and a bargain with the railroad. Their unworkable pit should be put to rest, for standby emergency use only.

I'm showing you annual income of \$17.8 million without even touching the income from other shippers and new passenger business. This should more than pay off our capital costs, labor, maintenance and cover plant renewal, and the Island Rail is moving service to the whole island, creating new jobs wherever it goes. I think, with federal infrastructure grants attached, we just capitalized our railroad, paid off the bonds, paid for the pit, paid for the trains and paid for passenger service all the way to Port Hardy, and we will pay our people well, won't we? If we get BC Rail to run things, at least on the extension, we would save a bundle on certain labour and other costs, yet pay well enough.

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Can we do it? I think we can. I believe this is a viable and worthy plan. And all other revenue source, which I hadn't accounted for, is, to be conservative, helpful. It may carry landfill waste, but the railroad will keep island gravy on the island where it belongs. Now I put the questions to you: how many direct jobs here? How many indirect? How many jobs created in the tourist industry? Will BC Ferries gather new trade on its Prince Rupert run? How many new jobs and new revenues will this railroad create? And how many serious safety issues will this railroad address to our satisfaction?

This is a window of opportunity wherein the window will not be open forever. As the federal government is sympathetic to our plight, and as the timing is crucial, your careful action in this regard will be of great assistance to the whole of Vancouver Island as well as to your good selves, now and in the future.

Respectfully,  
Peter Shaw

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April 2/02

To the R.D.N - Nanaimo.

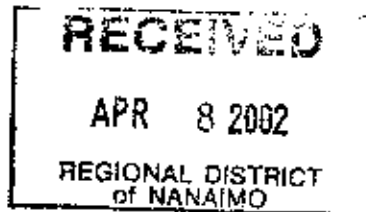
By any means possible  
designate the E and N. Railway  
as a Transportation Corridor.

It is important now and  
will be even more important  
in the future to save  
this rail line and the  
possibilities for change  
and expansion. Once  
lost, the Rail can never  
be "bought" back. We  
must save this valuable Train!

*Frances & Jerry Hughes*

Frances M. Hughes  
543 Martindale Rd.  
Parksville, BC V9P 1R1

Ph. 250 248 6986.



05/29/2002 12:15 FAX 604 631 3232

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**FASKEN  
MARTINEAU** 

**FACSIMILE COVER SHEET**

Date: May 29, 2002

TO	Firm and City	Telephone	Facsimile
Jeff Garbutt, Senior Planner	Regional District of Nanaimo	(250) 390-6510	(250) 390-7511

FROM	Telephone	Facsimile
Anne Hamilton ahamilton@van.fasken.com	604 631 4817	604 632 4817

Pages (including cover): 21

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Dear Mr. Garbutt,

Re: Public Hearing scheduled at 7:00 pm on May 29, 2002 at Nanoose Place 2925  
Northwest Bay Rd., Nanoose, British Columbia

Further to our telephone conversation earlier today, please find attached a copy of written comments with respect to the proposed Official Community Plan and Zoning Amendment Bylaws from Canadian Pacific Railway (CPR). Could you please read these documents into the record at the public hearing and provide copies to members of Council for their consideration. We are also attaching background material that is referenced in the CPR written comments, which should also be distributed to Council members.

If you have any questions or concerns, please do not hesitate to contact me.

Yours truly,

  
Anne Hamilton

cc: John Walsh, Vice-President, Real Estate, CPR

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**Canadian Pacific Railway Comments to Regional District of Nanaimo  
re Proposed Official Community Plan and Zoning Amendment Bylaws**

**For Public Hearing on May 29, 2002**

These are the comments of Canadian Pacific Railway ("CPR") regarding the Regional District of Nanaimo's proposed Official Community Plan Bylaw Amendment Bylaws (the "OCP Bylaws") and Land Use and Subdivision Bylaw Amendment Bylaw (the "Rezoning Bylaw").

CPR is the registered owner of many properties (the "Lands"), which will be affected by the Bylaws.

CPR wishes to advise Council of its views.

Proposed Bylaws

If adopted, the OCP Bylaws would apparently establish a new land use designation along the E&N Railway corridor lands entitled "Transportation Corridor" and redesignate such lands to recognize a transportation corridor throughout Electoral Areas "A", "C", "D", "E", "G" and "H" within the Regional District of Nanaimo.

If adopted, the Rezoning Bylaw would apparently establish a new zone within the Regional District of Nanaimo entitled "Public 3 Zone" (PU3).

The permitted land uses in the PU3 include:

- (a) Railway; and
- (b) Railway Station.

In our view, the Rezoning Bylaw is simply zoning the affected lands for a purely public transportation use, which is not an appropriate use of the planning/rezoning power.

Zoning powers are intended to be used for planning purposes regarding the future uses of private land. Rezoning that creates situations where there is no practical use for an owner's privately held land under the new zoning is of course unusual, and in our view unfair. Zoning designed to ensure that private land is reserved for public uses is not an appropriate use of this power. Our view is that this proposed zoning does not permit proper private use of our private land, but instead sets it aside from private use.

This of course begs the question as to why the proposed zoning is being considered and whether it is in fact required and whether it is fair.

CPR therefore wishes to:

- 2 -

- indicate the company's strong objection to this proposed new zone and the Bylaws on the basis that they are not appropriate on legal or planning terms;
- provide specific comments on the Bylaws; and
- share information with Council regarding the collaborative process that has been underway on Vancouver Island, to properly discuss and plan the future use of the line by involving all of the affected municipalities, including the Regional District of Nanaimo, CPR and RailAmerica.

#### Council Should Not Proceed

We urge Council to set aside and not proceed with the Bylaws. We instead urge Council to focus on committing to be an active participant in the present stakeholder collaboration process, to aid prospects for achieving a "win-win" solution for all.

#### Allow the Collaborative Process to Succeed

This collaborative process is an important part of the context for the decision Council is making regarding the Bylaws affecting CPR's E&N lands in the Regional District of Nanaimo.

*That context is that the future of rail operations on the E&N line on Vancouver Island is very uncertain.* There have been a number of key developments in recent months regarding the E&N rail line. These include:

- ENR's loss of 85% of its freight business;
- possible suspension of operation of the VIA E&N passenger service operated by ENR; and
- a joint effort of railways, local governments and other stakeholders, through the Round Table on the Future of Rail on Vancouver Island, to establish a process to explore together and collaboratively prospects for viable, ongoing rail operations.

Accompanying this submission are copies of a background presentation, tabled recently with the Council of the City of Nanaimo that reviews details of these developments. CPR requests that a copy of this material be provided to the Mayor and to each member of Council for their consideration.

This information on the context within which Council is considering the Bylaws are exceedingly relevant to the Council's decision.

The essential message in this material and in CPR's written comments in this document is that if the goal of Council is to achieve ongoing rail operations over the E&N rail line, the Bylaws will not achieve this. Zoning measures alone will accomplish nothing to achieve viable rail operations. There needs to be a viable business plan.

- 3 -

The best prospect for achieving on-going railway operations over the E&N rail line is through mutual and collective collaboration by the railways, local governments and other stakeholders on Vancouver Island, in support of the business planning process established by the Round Table on the Future of Rail on Vancouver Island and now being led by the Vancouver Island Railway Development Initiative or VIRDI.

Concerns Regarding the Bylaw

*With respect to the Bylaws, CPR objects to them on both technical and procedural grounds:*

1st - *The Rezoning Bylaw is overly restrictive.*

Railway uses are lawful permitted uses on the subject lands under the existing zoning. As a result, it is unclear why the proposed zoning amendments are necessary. By zoning these lands for railways and railway stations they are being set aside for public use. Private lands should not be set aside for public use.

2nd - *The Bylaws are not practical.*

Given the size and configuration of the parcels of land, the minimum parcel size (2 ha) mentioned in the OCP Bylaws and the setbacks mentioned in the Rezoning Bylaw are impractical and in our view designed to not be capable of being practically used from a land use perspective and are overly restrictive.

If there were a planning rationale for the Bylaws, it would appear that there is inescapable logic in support of committing to the current stakeholder collaboration process on the future of rail operations on Vancouver Island. The outcome of this collaborative, multi-stakeholder process would yield essential information to aid the Regional District of Nanaimo in determining if in fact there is a prospect for viable, ongoing rail operations.

If this collaborative planning process is not allowed to run its course and provide the basis for decision-making by Council *after* it is completed, then it may be that the zoning/planning amendments proposed in the Bylaws are not being proposed for a planning purpose.

3rd - *The Bylaws are non-collaborative and confrontational.*

It would appear to CPR that the proposed zoning/planning measures may amount to an effort by the Regional District of Nanaimo to launch a "pre-emptive" strike and take some action within its sphere of authority and responsibility that is ostensibly aimed at ensuring ongoing rail operations.

As railway operators, we can attest to the fact that it is the economics of the railway as they are today - with the loss of 85% of ENR's former freight business, not a zoning/planning initiative, that will determine whether or not there is a prospect for viable, ongoing rail operations.

How can ongoing railway operations be assured if such operations are or may now be uneconomic?

- 4 -

The best prospect for determining if ongoing operations are feasible is through the business planning process now being led by the Vancouver Island Railway Development Initiative and supported by CPR.

#### CPR has Followed Through on Its Commitment

*The railways made a commitment at the February 21, 2002 meeting of the Round Table on the Future of Rail on Vancouver Island to keep the track in place until at least July 15, 2002. This was done to allow time for stakeholders to consider and develop the business case and plan for alternative rail service over the E&N line. That business plan has been developed and was discussed by the stakeholders, including representatives of the railways and Local Governments, at a meeting in Victoria on May 8, 2002.*

We said that we would commit to doing this on the following condition:

*"Vancouver Island municipalities agree not to proceed with any E&N Right of Way rezoning initiatives."*

We have lived up to this commitment and CPR has provided additional financial support, along with other stakeholders, to enable ENR to continue operation of the VIA E&N passenger service first up to April 15, 2002, and then again from April 16, 2002 to May 15, 2002.

#### Municipal Response

Several municipalities have, however, taken various steps towards implementation of zoning initiatives affecting the E&N Right of Way. CPR views these actions as confrontational and as inconsistent with our understanding of agreements reached through the Round Table on the Future of Rail on Vancouver Island.

To address these concerns, a meeting of the railways and representatives of Vancouver Island municipalities through which the E&N rail line passes was held in April 2002. It was a very positive and useful meeting.

#### The MOU

Meeting participants reached agreement to define mutual understandings and undertakings through a Memorandum of Understanding ("MOU") to set out the parameters of how the railways and municipalities would work together to address the future of the E&N rail line on the basis of collaborative behaviour.

A draft of this MOU has been developed. It is intended that the MOU would be signed by ENR, CPR, by the AVICC and by each municipality along the E&N line. The AVICC has committed to meet with every municipality through which the E&N rail line passes and to discuss this MOU at a public session with the Mayor and Council members for each municipality.

The draft MOU expresses a mutual commitment to collaborative behaviour by the municipalities and the railways. It calls for this collaboration to be focused as follows:

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*First*, on mutual efforts by all stakeholders to exhaust, explore and develop options and plans for viable, ongoing rail operations on Vancouver Island; and

*Second*, should consensus be reached that viable, ongoing rail operations are not feasible, municipalities, railways and other stakeholders will then extend the mutual collaboration approach to the discussion and development of a "reuse plan" for the E&N Right of Way.

Summary

In summary, the railways object to the Bylaws for three reasons:

- they are not an appropriate use of the zoning/planning power because they restrict to a public use only and the Rezoning Bylaw creates a zone that is impractical for any use;
- they are unfair given that this is private land and also given the commitments the railways have made and are still standing by; and
- they are non-collaborative and confrontational.

We request that the Regional District of Nanaimo cease progression of the Bylaws. In addition, we ask Council to commit to the collaborative approach and to the existing stakeholder collaboration process aimed first at determining if there are viable, future rail use options and secondly, on an E&N right of way "reuse plan."

In our view, these Bylaws should not proceed and there should be no change to the zoning until the collaborative process to determine what is appropriate for the land from a future land use and planning perspective is complete.

CPR appreciates the opportunity to comment on the Bylaws. We also have provided the Clerk with copies of our background presentation, which we would commend to Council for their consideration and discussion, prior to third reading of the Bylaws.

# Railway Presentation to Nanaimo Public Hearing on E&N Railway Lands

April 4, 2002



RailAmerica, Inc.



E&N Railway Company (1999) Inc.



**CANADIAN  
PACIFIC  
RAILWAY**

# Objectives

1. *Explain business circumstances that have put future of rail operations on Vancouver Island in question*
2. *Emphasize importance of collaborative behaviour among all stakeholders in working together to explore options for the future of the E&N rail line*
3. *Review outcomes from the "Roundtable on the Future of Rail on Vancouver Island" and the specific requests and undertakings regarding E&N municipal zoning initiatives*
4. *Confirm the railways' objectives, plans and undertakings regarding the E&N railway ROW and expectations of Vancouver Island municipalities in view of undertakings made*
5. *Request Nanaimo cease progression of E&N zoning initiative and commit to collaborative process among stakeholders to explore options for the future of Vancouver Island rail options and the E&N ROW*

## Historical Background

- Esquimalt and Nanaimo Railway (E&N) was created in 1884, purchased by CPR from the Dunsmuir family in 1905
- Passenger service was taken over by VIA Rail Canada in the late 1970s (operated by CPR)
- Freight volumes have been dominated by the Port Alberni mill traffic
- 1996 – CPR established internal shortline, “E&N Rail Freight”
- December 1998 – CPR transferred rail freight and rail passenger operations to Rail America’s E&N Railway company (1998) Ltd (ENR) subsidiary in sale/lease transaction.
- January 1999 – ENR took over rail freight and passenger services on Vancouver Island
- August 2001 – Norske Canada acquires Pacifica Papers
- Nov 29 & Dec 12, 2001 – ENR announcements regarding freight passenger service operations on Vancouver Island



## **Future of Rail Operations Put at Risk**

- *Norske Canada plant rationalization decisions have resulted in cessation of rail freight services on Vancouver Island*
- *Norske Canada business has accounted for 85% of E&N Railway Co. (1998) Ltd. (ENR) business. Norske Canada shifting all of this to truck*
- *VIA's E&N passenger service*
  - *operated for VIA, by ENR*
  - *VIA manages and markets the service, provides the equipment and arranges for contracted maintenance of the equipment*
  - *ENR provides trackage and crews and operates the daily service*
- *ENR cannot continue to operate the passenger service with absence of the significant freight volumes that had been available from Norske Canada, without a significant increase in financial support*

## **ENR Announcements**

**1. November 29, 2001:** termination of *scheduled* rail freight operations, effective December 29, 2001 due to Norske Canada decision to move freight from rail to truck

**2. December 12, 2001:** ENR/CPR provide VIA Rail with 90 day notice of termination of train service arrangement

*“E&N cannot be placed in a position where it will lose money by continuing to provide the service”*

*“We will continue to work with interested stakeholders over the next 90 days to determine the alternatives and options that may exist”. (ENR press release)*

## **Transportation Implication of Norske Changes**

- ENR traffic base reduced by 85% given critical mass of Norske business
- *Remaining 15% of rail freight insufficient to support continued rail freight operations*
- ENR terminated regular rail freight service on Vancouver Island on December 29, 2001
- Special continuing service arrangements have been implemented with other rail customers, initially up to March 15, 2002, and since extended to April 15, 2002
- VIA E&N passenger service operating until April 15, 2002.

## **Public Policy Contribution to E&N Viability Question**

- Public policy towards transportation infrastructure has contributed to both Norske's decisions and the threat to the ongoing viability of the E&N
  - public investment made in highway infrastructure used by trucks
  - railways pay for cost of constructing and maintain railway ROWs - "our highways"
  - Governments levy property taxes on railway ROWs and fuel taxes on locomotive fuel inputs, affecting railway competitiveness versus trucks
- E&N railway traffic is short haul traffic on Vancouver Island where railways' modal competitor (trucks) benefits from public policy
- *Opportunity to rethink public policies in E&N "go forward" business planning process*

## Railway Property Taxes Paid on Vancouver Island, 2001

• Property tax on ENR leased portion	\$ 495,628.67*
• Property tax on – RailAmerica owned portion	\$ 322, 948.41
• Total E&N property taxes	\$ 818, 577,08**

\* 58%, or \$285,491 is tax on E&N ROW

\*\* Appx. \$600K of this total consists of property tax paid on E&N ROW (or 73% of E&N property taxes paid)

## **Incremental Freight Service, Assuming Continued Operation of Dayliner**

- ENR incremental freight rail operations possible given platform of a *continuing and fully funded VIA E&N Dayliner service*
- A “fully funded” Dayliner service means...
  - continued payments to ENR from VIA
  - continued payments to ENR from CPR\*
  - payment to ENR of additional revenue requirement of \$157,000/mth

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\* CPR has been paying ENR \$400K annually since January 1999 to support the passenger operation

## **ENR Message to Stakeholders in January & February**

- ***ENR very much wishes to continue operating the E&N passenger service, BUT***
  - cannot maintain the rail infrastructure continue operations if there is insufficient revenue to cover the cost of doing so
- **March 15, 2002 deadline is real!**
- ***Immediate objective: determine if interim funding can be secured to allow service to continue***
- ***ENR advised VIA Rail, governments & Vancouver Island Regional Board Chairs that additional revenue of \$157,000 month (\$1.88 M/year) is required to continue operation of the VIA E&N passenger service as a stand alone operation***

## **Railways' Plans and Undertakings**

**(As presented to Feb. 21 Roundtable Meeting)**

1. **March 15, 2002** – ENR will cease operation of VIA Dayliner service, unless additional revenue requirement of \$157,000 per month to operate service as a stand alone operation is met
2. **July 15, 2002** – ENR and CPR commit to keep the Victoria Sub E&N rail assets\* in place until at least July 15, 2002...  
**rationale:** allow time for stakeholders to consider and develop the business case and plan for alternative rail service(s) over the E&N line  
**condition:** *Vancover Island municipalities agree not to proceed with any E&N ROW rezoning initiatives*

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\* Note: RailAmerica in discussion with prospective purchasers for asset sale of Port Alberni subdivision



## **Summary: Collaboration and Cooperation** (As presented to Feb. 21 Roundtable Meeting)

- *Stakeholder cooperation and collaboration – not confrontation – offers the best chance for issue resolution*
- Proposed key objectives for E&N Stakeholders Round Table Process:
  1. *Evaluate alternatives and reach a consensus and conclusion regarding future rail use*
    - Can there be economically viable passenger and/or freight operations?
  2. *If “No”, achieve Stakeholder Agreement to cooperate in developing a reuse plan for the E&N, that will optimize benefits*  
*If “Yes”, agreement to proceed expeditiously to implement new proposals*

## **Roundtable on Future of Rail on Vancouver Island**

- Two Stakeholder Meetings held:
  - February 21, Nanaimo
  - March 5, Duncan
- Outcomes
  - *financial support provided to meet ENR's additional revenue requirements* for extending passenger operations from March 16 – April 15
  - *incremental freight service extended* for Superior Propane
  - *Vancouver Island Railway Development Initiative (VIRDI) established*, to develop business plan for possible future Vancouver Island rail operations
  - railway commitment to leave track in place until July 15, *on condition municipalities agree not to proceed with any E&N ROW rezoning initiatives*

## **Development Subsequent to Roundtable Meetings**

- Qualicum Beach passed an E&N ROW zoning initiative
- Other Vancouver Island municipalities including Nanaimo, Ladysmith and Victoria
- Municipalities' actions inconsistent with railways understanding of agreements reached through stakeholders roundtable process
- March 28 Nanaimo meeting of ENR, CPR and representatives of Vancouver Island E&N municipalities to discuss situation
  - positive discussion
  - agreement to work together to define understandings and undertakings in a Memorandum of Understanding

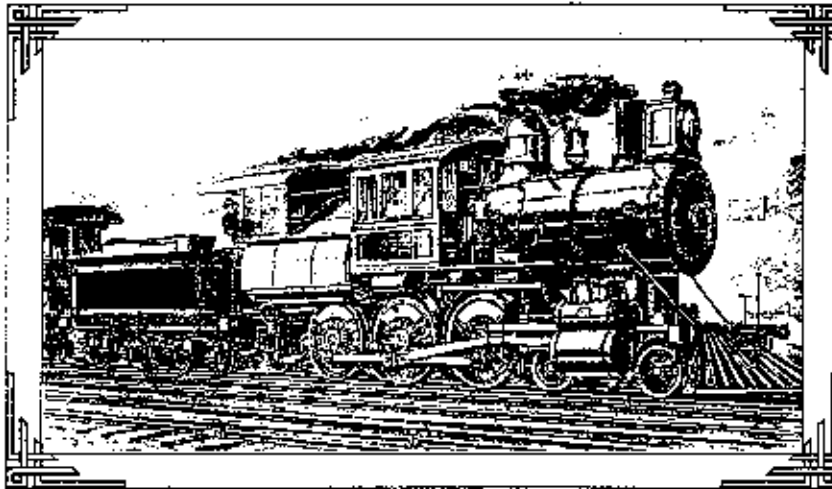
## **Railways Seeks Mutual Commitment to Collaborative Behaviour**

- Advised March 28 Meeting participants that E&N zoning initiatives were confrontational and inconsistent with undertakings made through the Roundtable process
- Call for Mutual commitment to collaborative behaviour by railways and Vancouver Island municipalities to...

**First:** focus mutual efforts by all stakeholders on exhausting exploration and development of options and plans for viable, ongoing rail operations on Vancouver Island

**Second:** should consensus be reached that viable, ongoing rail operations are not feasible, municipalities, railways and other stakeholders will then continue collaborative approach to discussion and development of a "reuse plan" for the E&N ROW

# Crown Land Grants



**A history of the  
Esquimalt and Nanaimo  
Railway Land Grants,  
the Railway Belt,  
the Peace River Block.**

**Crown Land Registry Services  
Ministry of Environment, Lands and Parks**





**SUMMARY**

Bylaw No. 500.285, 2002 was introduced and given 1<sup>st</sup> and 2<sup>nd</sup> reading on May 14, 2002. This was followed by a Public Hearing on May 30, 2002. The summary of the minutes and submissions is attached for the Board's consideration (*see Attachment No. 2*). Conditions, which the applicant is required to meet prior to consideration of 4<sup>th</sup> reading of this bylaw, are outlined in Schedule No. 1 of this report.

Bylaw Amendment Bylaw No. 500.285, 2002 may now be considered for 3<sup>rd</sup> reading.

**RECOMMENDATIONS**

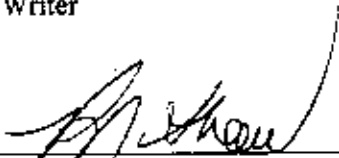
1. That the Summary of Minutes and Submissions of the Public Hearing held on May 30, 2002 as a result of public notification of "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.285, 2002" be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.285, 2002", be given 3<sup>rd</sup> reading.



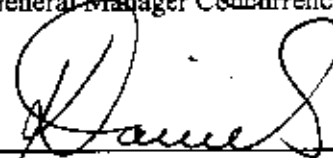
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

**COMMENTS:**

*devvs/reports/2001/3360 30 0204 jn brd pra hldgs 3rd.doc*

**ATTACHMENT NO. 1**

**REGIONAL DISTRICT OF NANAIMO**

**REPORT OF THE PUBLIC HEARING  
HELD WEDNESDAY, MAY 30, 2002 AT 6:45 PM  
IN THE WOODBANK ELEMENTARY SCHOOL GYMNASIUM  
1984 WOOBANK ROAD, CEDAR, BC  
TO CONSIDER BYLAW NO. 500.285, 2002**

**SUMMARY OF THE MINUTES AND SUBMISSIONS**

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

**PRESENT:**

Laurence Elliott	Chairperson, Director, Electoral Area 'A'
Pamela Shaw	Manager, Community Services
Susan Cormie	Senior Planner

There were approximately 6 persons in attendance.

The Chairperson called the Hearing to order at 6:46 p.m., introduced those present at the head table, and outlined the procedures to be followed during the Hearing.

The Senior Planner provided an outline of the Bylaw including the background and a summary of the contents of the Bylaw.

The Chairperson called for formal submissions with respect to Bylaw No 500.285, 2002.

**Karen Lister, 1957 Burchell Road**, stated that she does not read the newspaper that the public hearing advertisement appeared in and would like these ads placed in the Bulletin Newspaper instead. Ms. Lister further stated that she felt everyone in the Cedar area should be notified of all applications regardless of whether they live within the 100 metres of a property being considered for development or not.

The Chairperson called for further submissions a first time.

The Chairperson called for further submissions a second time.

The Chairperson called for further submissions a third and final time.

There being no further submissions, the Chairperson adjourned the Hearing at 6:52 p.m.

Certified true and accurate this 31st day May 2002.

\_\_\_\_\_  
Susan Cormie  
Recording Secretary

\_\_\_\_\_  
Director Laurence Elliott  
Electoral Area 'A'

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**SCHEDULE NO. 1**

**Conditions for Approval  
Zoning Amendment Application No. 0204**

1. Applicant to provide proof of registration of boundary adjustment subdivision at Land Title Office prior to consideration of 4<sup>th</sup> reading of "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.285, 2002".



**VOTING**

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

**PUBLIC CONSULTATION IMPLICATIONS**

The written submissions and minutes of the Public Hearing are attached. Issues raised included the notification procedure, concern for additional traffic in the community, need for the protection of York Lake and surrounding wetlands, concern for additional use of the Morden Colliery Trail, concern for the impact on the existing water supply, concern for what the multi-family development will look like and who will live there, concern for increased vandalism in the area, concern for increased residential density to the area, and the need to preserve the rural atmosphere of the Cedar area.

**LAND USE IMPLICATIONS**

Bylaw Amendment Bylaw No. 500.284, 2002 conforms to the overall goals of the Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001 and to the Growth Management Plan.

**SUMMARY**

Bylaw 500.284, 2002 was introduced and given 1<sup>st</sup> and 2<sup>nd</sup> reading on May 14, 2002. This was followed by a Public Hearing on May 30, 2002. The summary of the minutes and submissions is attached for the Board's consideration (*see Attachment No. 1*). The bylaw may only be considered for 4<sup>th</sup> reading following the applicant's completion of the conditions outlined in Schedule Nos. 1 and 2, which are attached to this report.

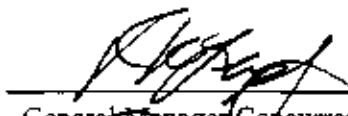
As the proposal is consistent with the Electoral Area 'A' Official Community Plan and the Growth Management Plan, staff would support consideration of this proposal. Bylaw Amendment Bylaw No. 500.284, 2002 may now be considered for 3<sup>rd</sup> reading.

**RECOMMENDATIONS**

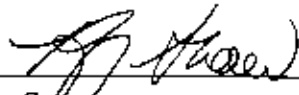
1. That the Summary of Minutes and Submissions of the Public Hearing held on May 30, 2002 as a result of public notification of "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.284, 2002" be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.284, 2002", be given 3<sup>rd</sup> reading.



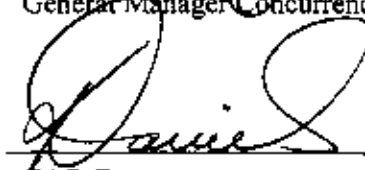
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

**COMMENTS:**

*devrs/reports/2001/3360 30 9806 ju brd cedar view estates 3rd.doc*

ATTACHMENT NO. 1

REPORT OF THE PUBLIC HEARING  
HELD WEDNESDAY, MAY 30, 2002 AT 7:00 PM  
IN THE WOODBANK ELEMENTARY SCHOOL GYMNASIUM  
1984 WOOBANK ROAD, CEDAR, BC  
TO CONSIDER BYLAW NO. 500.284, 2002

SUMMARY OF THE MINUTES AND SUBMISSIONS

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

**PRESENT:**

Laurence Elliott	Chairperson, Director, Electoral Area 'A'
Larry McNabb	Director, City of Nanaimo
Pamela Shaw	Manager, Community Services
Susan Cormie	Senior Planner

There were approximately 45 persons in attendance.

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

The Senior Planner provided an outline of the Bylaw including the background and a summary of the contents of the Bylaw.

The Chairperson called for formal submissions with respect to Bylaw No 500.284, 2002.

**Eric Alex, 2785 Holden Corso Road**, stated that while he does not live close to the development; he felt that he would be affected by the traffic generated by the proposal. Mr. Alex stated that this is the single biggest development in the area and that it seems unpleasant to him.

**Katherine Lodge Childs, 1627 Cedar Road**, stated that she is concerned with a number of issues including the water and sewer connections to the proposal. Ms. Lodge Childs stated that the North Cedar Improvement District (NCID) refused amalgamation with the City of Nanaimo and this development might mean extra water will be needed and that Cedar does not want that. Ms. Lodge Childs stated that she was also concerned with the expanding road; with the need for environmental studies, with the fact that the Morden Colliery Trail has just been finished and the development will impact it; and with the increase in traffic and the lack of sidewalks with 3 schools in the area. Ms. Lodge Childs asked why there were no representatives from the NCID invited. Ms. Lodge Childs concluded by stating that this development is of no benefit to the community and it will destroy the community.

**Karen Lister, 1957 Burchell Road**, stated that she lives by the fire hall, which is beyond 100 metres but she should have been notified about this hearing anyway. Ms. Lister stated that everyone in Cedar should have been notified about the proposal. Ms. Lister asked who are going to maintain the sewers after they are installed, the traffic lights, the storm sewers, and the street lighting. Ms. Lister stated that there will be 2,000 people in a 3-4 block radius and we cannot supply the people here now with water. Ms. Lister asked where is all the parking going to be, who is going to buy the new fire truck needed to service this

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development, who is going to pay from the additional police needed, who will widen Hemer Road, and what retail businesses will locate in the development. Ms. Lister stated that she likes Cedar the way it is now and Cedar is a rural area. Ms. Lister concluded by stating that do not bring any more people out here, as we cannot accommodate them.

**Terry Girard, 1720 Nairne Road,** stated that his property is adjacent to the proposal and he is concerned with what 100 multi-family dwelling units will look like and who will live there. Mr. Girard stated that he does not want a Harewood type development in Cedar. Mr. Girard further stated he was concerned about where the sewer lines will come through and will he be forced to hook up the community sewers. Mr. Girard stated that he is also concerned about the noise, the increased traffic, and vandalism associated with this development. Mr. Girard concluded he moved to Cedar because of the rural atmosphere.

**Stella Carriere, 2185 Quail Grove Place,** stated that she was concerned because the people of Cedar were not notified and that everyone should be notified. Ms. Carriere stated that she lives in a rural area and that this kind of density is totally wrong. Ms. Carriere stated that this proposal will affect the drainage of York Lake and the property should be left as commercial and not be high density.

**Dave Potvin, 2120 Hemer Road,** stated that he was concerned about the water supply and that there will be problems later on. Ms. Potvin stated that the existing Cedar Village was built to 2 storeys only and 3 storeys is not necessary for this development. Mr. Potvin also stated that Hemer Road is not upgraded. Mr. Potvin asked if the residents are going to be stuck with paying for the new water well needed for this development and that he felt that the developer should pay, not the community.

**Dave Williamson, 2198 Cedar Road,** stated that he is concerned about traffic from the development, low-income rental accommodation, ground water contamination, and what will happen to the youth in the area. Mr. Williamson stated that he is in favour of the property remaining commercial and that he is personally against the proposal.

**Janelle Park, 1821 Cedar Road,** stated that 100 dwelling units represents too many people, that the parking is inadequate, that there are no shoulders on Cedar and Hemer Roads for walking safely, and it is hard to get out of her driveway now. Ms. Parks stated she is concerned about the drainage to York Lake and the fish bearing river as well as people's properties. Ms. Park stated that this development should not go ahead unless planning is done for everyone. Ms. Park also stated that she is concerned with the filling in of the property, the crossing of the Morden Colliery Trail, and the need for commercial space. Ms. Parks stated that she does not want to change from a rural area and that the density is counter to what the community wants. Ms. Park wondered if the chair had a conflict, as he is a realtor.

**Karin Lister, 1957 Burchell Road,** stated that there better be a guarantee that there will not be all apartment buildings and no commercial uses.

**Victor Osborne, 1696 Nairne Road,** stated that there is problem with lack of water in the area and this development will use a lot of water. Mr. Osborne also stated that the seniors living in the seniors' housing would keep the firemen busy with emergency calls.

**Justine Hubble, 4090 Yellow Point Road,** stated that it is already hard enough to ride a bike on Cedar Road and to walk to school. Ms. Hubble stated that most of the kids have nothing to do now and now more will get into trouble and that she is concerned with vandalism.

**Vance Johnson, 1627 Cedar Road,** stated that he was not notified of the hearing and that with the extra traffic on Cedar Road, it would be on his front door step.

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**Jessica Childs, 1627 Cedar Road**, stated that she would not be able to sleep with all the additional traffic from the development.

**Orville LeBean, 1703 Nairne Road**, stated that he is concerned with the drainage of the site and who is going to accommodate the problem when the back up starts. Mr. LeBean stated that he finds it ironic that there is talk about sewer hook ups for this development and the residential area when he was told that there would be no other sewer hook ups to Duke Point except the high school. Mr. LeBean also stated that he was concerned about Nairne Road as an access road.

**Karin Wilson, 1720 Nairne Road**, stated that she is against the complex especially the 100 dwelling units and is concerned about who was going to live in these units. Ms. Wilson also stated that she is concerned about the pressure the development will place on the schools and that the Morden Colliery Trail cannot handle more people. Ms. Wilson also stated that she is concerned about the pressure the development will have on the existing water system and what will happen to the storm drainage. Ms. Wilson felt that York Lake needs to be preserved.

**Katherine Lodge Childs, 1627 Cedar Road**, stated she was concerned about the groundwater and that the building of the development could cause contamination of the complete water supply.

**Donna Sweeney, 2704 Cedar Height Crescent**, read a submission, which is attached to and forms part of these minutes.

**Orville LeBean, 1703 Nairne Road**, asked who the developer for the project is.

**Chris Thurston, Burchell Road**, asked if the proposal was to widen Cedar Road and stated that it is dangerous to come out onto Cedar Road now.

**Janelle Park, 1821 Cedar Road**, asked where is the pedestrian traffic going on Hemer Road and stated that she is concerned about the drainage problem that will occur on her property. Ms. Park asked whom she is going to sue.

**Justine Hubble, 4090 Yellow Point Road**, asked why do you want to wreck the place that people have built up for 20 years.

**Director McNabb** explained that the Regional District of Nanaimo is not trying to wreck anything, but is hear to listen to what people have to say.

**Katherine Lodge Childs, 1627 Cedar Road**, stated that there was a problem with the notification procedure and that she was not aware of this hearing until last night and that this proposal affects the whole community.

**Karen Lister, 1957 Burchell Road**, stated that she had to let people know herself and that she lives by the fire hall and was not informed.

**Dave Potvin, 2120 Hemer Road**, asked if the development would be rental housing and what assurances does the community have that the development will not be rental.

**Victor Osborne, 1696 Nairne Road**, stated that he was concerned about the traffic.

**Justine Hubble, 4090 Yellow Point Road**, stated that the swamp needs to be saved.

**Justine Childs, 1627 Cedar Road**, stated that she was concerned that the buildings will cause the swamp to overflow.

**Frank Garnish, 2512 Barnes Road**, stated that he has problems with this development and that Cedar enjoys being rural. Mr. Garnish stated that there is a small commercial development now and that is enough and that there are about 100 vacant residential lots, which is also enough for now. Mr. Garnish stated that multi-family has no place in a rural community and that this community has always insisted on being rural and that he believes this is what people want. Mr. Garnish stated that when he is ready to move off his property, he will move to town instead of Cedar Village because he is not going to impose himself on Cedar when he is old.

**Katherine Lodge Childs, 1627 Cedar Road**, stated that Cedar has survived on volunteers and now a lot of new people, who do not have vested interest in the community, will come in and the volunteer network will be compromised. Ms. Lodge Childs stated that the community will completely change with this development.

**Janelle Park, 1821 Cedar Road**, asked if there were perc tests done for the storm water and felt that there will be trouble with the runoff.

**Karen Lister, 1957 Burchell Road**, stated that Cedar Road between Hemer Road and the 49<sup>th</sup> is a high accident area right now and if more roads and people are put in with this development, it will be worse.

**Justine Hubble, 4090 Yellow Point Road**, stated that there is not space for bikes on Cedar Road.

**Frank Garnish, 2512 Barnes Road**, stated that what is proposed is not rural and Cedar does not need this. Mr. Garnish asked why is this being imposed on us and this development is not needed at this time. Mr. Garnish stated that you couldn't throw money at what we call our rural atmosphere.

The Chairperson called for further submissions a first time.

**Orville Le Bean, Nairne Road**, stated that the water system came about due to contamination of wells in 1947 and questioned what a complex of this magnitude could do to the water supply.

The Chairperson called for further submissions a second time.

The Chairperson called for further submissions a third and final time.

Submissions received are attached and form part of this Summary of the Minutes and Submissions.

There being no further submissions, the Chairperson adjourned the Hearing at 8:01 p.m.

Certified true and accurate this 31st day May 2002.

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Susan Cormie  
Recording Secretary

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Director Laurence Elliott  
Electoral Area 'A'

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2704 Cedar Heights Cres.  
Nanaimo, B.C., V9X 1N4

May 30, 2002

Director Lawrence Elliott  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, B.C.

Dear Mr. Elliott:

Re: Cedar View Estates Ltd. proposal *Bylaw 500.284, 2002*

I would like to go on record as being opposed to the Cedar View Estates proposal. I am very opposed to existing homeowners on the water system paying for new water sources to service a new development. The same applies to the sewer system. Forcing the Cedar Village area to pay for a sewer line to service this new development would be wrong. Then there is the issue of the multi family housing. This is far too high a density for our area. And with 45 units being one bedroom, there is no intention of these units being marketed to families. It is strictly an apartment type development for singles or couples with no children.

On the subject of commercial/medical space, I cannot see the area having the population to support this space for a long time to come as evidenced by the vacancies in the existing mall.

With regards to the senior care facility, ~~I agree that it would be nice to keep the seniors living in Cedar but I'm afraid putting them in the swamp would not be conducive to keeping them here for long. The drawings show the facility built beyond the 100-year flood plain but normal building practices put construction above the 200-year flood plain. Given how flat the area is, I doubt it is above this level. Also~~ I worry about the fact that the facility will have to draw seniors from up and down the Island as this will presumably increase traffic from outsiders coming to visit relatives in the facility. We have enough traffic problems with residents due to the narrowness of our roads without adding outsider traffic to the mix. And as we know from other subdivisions in our area, the Ministry of Highways does not require serious upgrading of roads by the developer to accomodate the traffic they generate. I certainly don't support traffic lights in Cedar.

So in summary, I would like to see a proven need for the commercial space and a seniors' care facility with details on how the servicing and traffic problems will be handled without cost to the local taxpayer and a reduction in the density of the multi family housing. Thank-you for looking after the taxpayers.

Yours truly,

*D.L.*

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MEMO

TO: Regional District of Nanaimo  
FROM: M. Shakespeare, Area A resident  
RE: "CEDAR VIEW ESTATES LTD" proposal

I support the idea of Cedar having "a balanced, mixed use Village Center whereby residents can live, work, shop and retire in a Village setting..."

But, having reviewed the staff report on the proposed development, I cannot support this proposal. I have serious reservations:

- Infrastructure requirements- this development lacks a committed water source and specific plan for sewage and environmental protection.
- The development proposes 100 residential units and a housing complex 75 seniors without having demonstrated the need for such housing.

We need detailed plans describing how the development will meet its infrastructure requirements, and detailed plans demonstrating how the development would be phased in over 15 to 20 years, before rezoning this property for this development. Until we have detailed commitments, I cannot support this proposal.

This proposal is too much, too soon for our community.

*Ann S. Eickman*

*May 30/02*

*Robert W. Bain*

*May 30/02*

**SCHEDULE NO. 1**

**Zoning Amendment Application No. 9809  
Cedar View Estates Ltd.  
Conditions of Approval**

The following conditions are required to be included within a development agreement to be registered on title as a section 219 covenant prior to consideration of 4<sup>th</sup> reading of the corresponding "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.284, 2002"

**Land Uses and Subdivision**

Land uses shall be limited to 100 residential dwelling units, a senior's housing complex for 75 residents, a commercial component, and a trail parking and staging area for use of the Morden Colliery Historical Park.

A vehicular connection to the neighbouring commercial area by a crossing of the Morden Colliery Trail is optional, but if included will be as shown in the location on the attached Schedule No. 2.

These uses shall be limited to the size and location as shown on Schedule No. 2.

**Community Water Services**

Applicant to supply proof to the Regional District of Nanaimo that community water has been supplied to the Development and complete with statutory rights-of-way as required, to the satisfaction of the North Cedar Improvement District.

**Community Sanitary Sewer Services**

Applicant to provide community sanitary sewer service to the Development, as designed and constructed by a Professional Engineer and complete with statutory rights-of-way as required, to the satisfaction of the Regional District of Nanaimo.

**On-Site Drainage**

Applicant to provide a storm water infiltration system complete with retention ponds on site, as designed and constructed by a Professional Engineer, to the satisfaction of the Regional District.

Applicant to provide proof that there shall be no net increase in peak storm water flow from the Development.

Applicant to provide statutory rights-of-way, as required for the purposes of storm water management for dedicated highway purposes to the satisfaction of the Ministry of Transportation and the RDN.

**Protection of Wetland of York Lake**

Applicant to prepare and register a protective covenant for wetland area as measured 15 metres from the natural boundary of the wetland adjacent to York Lake.

**Building Design / Development Permit Requirements**

Applicant to enter into a development permit to be considered concurrently with 4<sup>th</sup> reading of the bylaw. The guidelines of the development permit area, including landscaping provisions, location of off-street parking, building design, pedestrian circulation and connections, signage, outdoor refuse and storage areas, lighting, and vehicular circulation shall be applicable.

Building design of residential buildings shall include a mix of residential units, including 2-storey and 3-storeys high buildings provided the 3<sup>rd</sup> storey is built into the rooflines in order to maintain maximum height requirement pursuant to Bylaw No. 500, 1987 and to be compatible with the surrounding neighbourhood. A variety of building types such as 4-, 6-, and 8-plexes shall be encouraged.

Applicant to design buildings in a design complimentary to the existing commercial buildings located within the Village and use building materials that are durable.

Applicant to provide pathways throughout the development for pedestrian traffic, including connections to the Morden Colliery Historical Park.

All required off-street parking is to be located within the site and be consistent with the development permit guidelines.

#### **Roads / Ministry of Transportation**

Applicant to dedicate proposed road as shown on Schedule No. 2 to the satisfaction of MOT and RDN. Dedicated road to be designed and constructed, complete with sidewalks, to the satisfaction of the Ministry of Transportation.

Applicant to upgrade Hemer and Cedar Roads intersection to allow right in /right out/ left in managed movements to the satisfaction of the Ministry of Transportation.

Application to upgrade Hemer Road at Cedar Road with an add-on right turn lane within the current right-of-way to the satisfaction of the Ministry of Transportation.

Applicant to design and construct a center lane along Cedar Road to allow left turn traffic movements from Hemer Road to the access located on Lot 1 Plan VIP62706 within the existing road right-of-way to the satisfaction of the Ministry of Transportation.

Applicant to provide statutory rights-of-way for storm drainage as required to the satisfaction of the Ministry of Transportation.

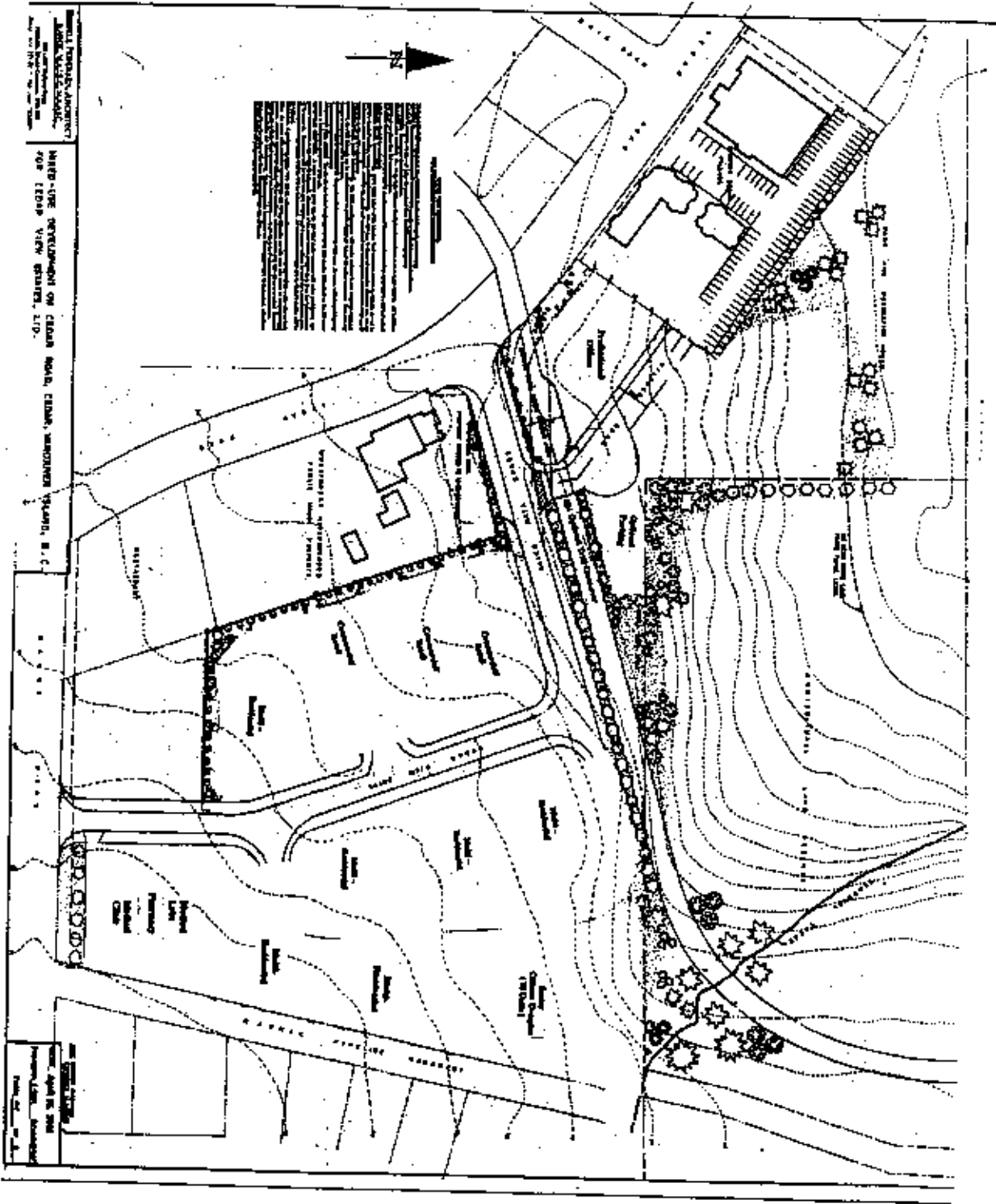
#### **Crown Lands / Park Disposition**

As an option, applicant to dedicate, design and construct a cross over road of the Morden Colliery Historical Park and adjacent park land to the satisfaction of provincial Crown Lands, the Ministry of Transportation, and the Regional District of Nanaimo. Crossing to be designed to be pedestrian friendly complete with rail theme signage.

#### **Amenities**

Applicant to provide a parking / staging area for the Morden Colliery Trail in the area as shown on Schedule No. 2.

**SCHEDULE NO. 2**  
**Proposed Land Uses**  
(as submitted by applicant)



REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE  
MEETING HELD ON TUESDAY, MAY 28, 2002, AT 7:00 PM  
IN THE CITY OF NANAIMO COUNCIL CHAMBERS,  
455 WALLACE STREET, NANAIMO, BC

Present:

Director E. Hamilton	Chairperson
Director L. Elliott	Electoral Area A
Director B. Sperling	Electoral Area B
Director D. Haime	Electoral Area D
Director G. Holme	Electoral Area E
Director J. McLean	Electoral Area F
Director J. Stanhope	Electoral Area G
Director R. Quittenton	Electoral Area H

Also in Attendance:

P. Shaw	Manager of Community Planning
N. Tonn	Recording Secretary

MINUTES

MOVED Director Stanhope, SECONDED Director McLean, that the minutes of the Electoral Area Planning Committee meeting held Tuesday, April 23, 2002 be adopted.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. 9626 – Rondalyn Resort/Danron Holdings Ltd. – 1350 Timberlands Road – Area C.

MOVED Director Holme, SECONDED Director Stanhope,:

1. That Application ZA9626 by Danron Holdings Ltd. to amend "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" for the lands legally described as That Part of Block 87, Bright, Douglas and Cranberry Districts, (Lying Within Said Bright District), Lying to the East of a Straight Boundary Bearing Due South From the Point on the Northerly Boundary of Said Block Distant 19.8 Chains Easterly From the South East Corner of District Lot 8, Bright District, Except Part in Plan VIP54950 by rezoning from Resource Management 9 (RM9) Subdivision District 'B' to Rondalyn Resort Comprehensive Development 13 (CD13) Subdivision District 'Z' that portion of the lands shown outlined on *Schedule No. 2*, be approved subject to the conditions as outlined in *Schedule No. 1*.
2. That definitions for *Accessory Recreational Vehicle Storage and Seasonal or Periodic Accommodation* be added to Bylaw No. 500 as shown on *Schedule No. 4*.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.287, 2002" be given 1<sup>st</sup> and 2<sup>nd</sup> reading and proceed to Public Hearing.

4. That the Public Hearing be chaired by the Director for Electoral Area 'C', Director Hamilton or her alternate.

CARRIED

#### DEVELOPMENT PERMIT APPLICATIONS

##### DP Application No. 0228 – Baldwin – East Side Road (Horne Lake) – Area H.

MOVED Director Quittenton, SECONDED Director McLean, that Development Permit Application No. 0228 to vary the minimum setback requirements of the Comprehensive Development 9 (CD9) zone of 15 metres from the top of the bank of a watercourse to a minimum of 3.0 metres from the top of the bank pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 to legalize the location of an existing recreational residence and permit the repair and replacement of structural supports and footings; and to permit the construction of a 10 m<sup>2</sup> minor addition, a 6 m<sup>2</sup> deck addition, and the replacement of access stairs to the recreational residence within the Environmentally Sensitive Areas Development Permit Area on the property legally described as Strata Lot 280, District Lot 251, Alberni District, Plan VIS5160, be approved subject to the requirements outlined in Schedule Nos. 1, 2 and 3.

CARRIED

#### DEVELOPMENT VARIANCE PERMIT APPLICATIONS

##### Development Variance Permit Application No. 0211 – Kosak – 3043 Jameson Road – Area D.

MOVED Director Haime, SECONDED Director Stanhope, that Development Variance Permit Application No. 0211, submitted by Wanda Kosak for the property legally described as Lot 1, Section 12, Range 3, Mountain District, Plan 38230, to vary a lot line from 8.0 metres to 1.89 metres, be approved, subject to notification requirements pursuant to the *Local Government Act*.

CARRIED

##### Development Variance Permit Application No. 0212 – Sims/Husson-Fallows – 2825 Sea Blush Drive – Area E.

MOVED Director Holme, SECONDED Director Haime, that Development Variance Permit Application No. 0212, submitted by Helen Sims, agent, on behalf of Kerry Husson and Tracey Fallow, to legalize the siting of an accessory building and to vary the minimum side lot line setback from 8.0 metres to 0.7 metres within the Rural 5 (RU5) zone for the property legally described as Lot 25, Block 586, Nanoose District, Plan 29314, be approved as submitted subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

#### ADJOURNMENT

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

CARRIED

TIME: 7:05 PM

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CHAIRPERSON

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REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE COMMITTEE OF THE WHOLE  
MEETING HELD ON TUESDAY, MAY 28, 2002, AT 7:30 PM  
IN THE CITY OF NANAIMO COUNCIL CHAMBERS,  
455 WALLACE STREET, NANAIMO, BC

**Present:**

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

**Also in Attendance:**

K. Daniels	Chief Administrative Officer
C. Mason	General Manager of Corporate Services
N. Connelly	General Manager of Community Services
J. Finnie	General Manager of Environmental Services
P. Shaw	Manager of Community Planning
S. Schopp	Manager of Inspection and Enforcement
N. Tonn	Recording Secretary

**DELEGATIONS**

**Ted Olynyk & Paula Barrett, BC Hydro, re Proposed Vancouver Island Generation Project at Duke Point.**

Mr. Olynyk made a verbal presentation to the Committee with respect to the proposed Vancouver Island Generation Project at Duke Point and distributed written information to Committee members.

MOVED Director McLean, SECONDED Director Haime, that the following late delegation be permitted to address the Committee.

CARRIED

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

Mr. Cowie updated the Committee on an ALR exclusion application which was previously put forward to the Board and requested that the Board approve its referral to the ALC.

**MINUTES**

MOVED Director Hamilton, SECONDED Director Krall, that the minutes from the Committee of the Whole meeting held on Tuesday, April 23, 2002 be adopted.

**DEVELOPMENT SERVICES**

CARRIED

**BUILDING INSPECTION**

**Expired Building Permit – Salapura – 2079 Walsh Road – Area A.**

MOVED Director Elliott, SECONDED Director McNabb, that the permit for the construction of an agricultural building and attached dwelling at 2079 Walsh Road be renewed for an additional two years at the minimum permit fee of \$45.00 and renewal of the temporary living facility permit for \$125.00.

**PLANNING**

CARRIED

**Request for Acceptance of Park Land – Keith Brown Associates Ltd. on behalf of 559500 BC Ltd. – Rowland Road – Area E.**

MOVED Director Holme, SECONDED Director Krall,:

1. That the resolution adopted by the Regional Board of Directors, at its Regular Meeting held on October 11, 1994, with respect to the dedication of park land for Lot B, District Lot 67, Nanoose District, Plan 13476, be rescinded.
2. That the request, submitted by Keith Brown and Associates Ltd., on behalf of 559500 BC Ltd., for park land dedication in the location and amount as shown on the proposed plan of subdivision of Lot B, District Lot 67, Nanoose District, Plan 13476, be accepted subject to the applicant registering section 219 covenants protecting the seasonal stream, the pond, the swamp areas outside the park land, and the waterfront portions of the parcel as outlined in Schedule No. 1 of staff report.

CARRIED

**Request for 10% Frontage Relaxation & Request for Provision of a Combination of Park Land and Cash in Lieu of Park Land – JE Anderson & Associates on Behalf of Terry Peterson & Sandra Strote – Woobank Road – Area A.**

MOVED Director Elliott, SECONDED Director Hamilton,:

1. That the request, submitted by JE Anderson & Associates, on behalf of Terrance Peterson and Sandra Strote to provide a combination of park land with the balance to be provided as cash in lieu of park land, be denied and the applicant be required to provide 5% cash in lieu of park dedication.
2. That the request for a relaxation of the minimum 10% perimeter frontage requirement for proposed Lots 2 & 3, as shown on the proposed plan of subdivision, be approved.

CARRIED



**COMMUNITY SERVICES**

**RECREATION & PARKS**

**Electoral Area B Parkland Acquisition Security Issuing Bylaws No. 1299, 1303, 1304, 1305, 1306 & 1307 and Electoral Area B Parkland Acquisition Temporary Borrowing Bylaws No. 1300 & 1302.**

MOVED Director Sperling, SECONDED Director Sherry,:

1. That "Regional District of Nanaimo Electoral Area B Parkland Acquisition Security Issuing Bylaw No. 1299, 2002" be introduced for three readings and be forwarded for approval to the Inspector of Municipalities.
2. That "Regional District of Nanaimo Electoral Area B Parkland Acquisition Security Issuing Bylaw No. 1303, 2002" be introduced for three readings and be forwarded for approval to the Inspector of Municipalities.
3. That "Regional District of Nanaimo Electoral Area B Parkland Acquisition Security Issuing Bylaw No. 1304, 2002" be introduced for three readings and be forwarded for approval to the Inspector of Municipalities.
4. That "Regional District of Nanaimo Electoral Area B Parkland Acquisition Security Issuing Bylaw No. 1305, 2002" be introduced for three readings and be forwarded for approval to the Inspector of Municipalities.
5. That "Regional District of Nanaimo Electoral Area B Parkland Acquisition Security Issuing Bylaw No. 1306, 2002" be introduced for three readings and be forwarded for approval to the Inspector of Municipalities.
6. That "Regional District of Nanaimo Electoral Area B Parkland Acquisition Security Issuing Bylaw No. 1307, 2002" be introduced for three readings and be forwarded for approval to the Inspector of Municipalities.
7. That "Electoral Area B Parkland Acquisition Temporary Borrowing Bylaw No. 1300, 2002" be introduced for three readings.
8. That "Electoral Area B Parkland Acquisition Temporary Borrowing Bylaw No. 1300, 2002" having received three readings be adopted.
9. That "Driftwood Water Service Area Temporary Borrowing Bylaw No. 1302, 2002" be introduced for three readings.
10. That "Driftwood Water Service Area Temporary Borrowing Bylaw No. 1302, 2002" having received three readings be adopted.

CARRIED

**Extension School Field and Playground Rental Agreement.**

MOVED Director Hamilton, SECONDED Director Krall, that the Regional District enter into the Rental Agreement for the Extension School property with School District 68.

CARRIED

**Cedar Heritage Centre - Funding Request.**

MOVED Director Elliott, SECONDED Director Hamilton, that the Regional District enter into an Agreement with the Cedar School and Community Enhancement Society to provide for \$38,000 in funding as a grant to allow the Society to retire the debts and allow them to finish the project.

CARRIED

## REGIONAL DEVELOPMENT

### Regional Growth Management Plan Review.

The General Manager of Community Services and the General Manager of Environmental Services presented an overview of the creation of the existing nodes in rural areas under the Growth Management Plan and future plans for servicing these nodes.

## TRANSIT

### Nanaimo City Centre Transit Exchange – Site Review.

MOVED Director Rispin, SECONDED Director Holme, that the information report on the Nanaimo City Centre Transit Exchange Site Review be accepted.

CARRIED

## CORPORATE SERVICES

## ADMINISTRATION

### Administration Computer Equipment Reserve Fund Expenditure Bylaw No. 1308.

MOVED Director Holdom, SECONDED Director McNabb,:

1. That "Administration Computer Equipment Reserve Fund Expenditure Bylaw No. 1308, 2002" be introduced for three readings.
2. That "Administration Computer Equipment Reserve Fund Expenditure Bylaw No. 1308, 2002" having received three readings be adopted.

CARRIED

### Port Theatre Funding Request.

MOVED Director McLean, SECONDED Director Westbrook, that the Board maintain the current agreement to proceed to referendum in November in Electoral Areas A – E to obtain elector assent and deny the Port Theatre's request to undertake referendums in the non-participating areas.

DEFEATED

MOVED Director Holme, SECONDED Director Hamilton, that staff be directed to prepare individual "Port Theatre Local Service Area" establishing bylaws for Electoral Areas A – E based upon a requisition rate of \$2.90 per \$100,000 of assessment for consideration at the September Board meeting and referendum in November 2002.

CARRIED

MOVED Director Quittenton, SECONDED Director Holdom, that staff be directed to prepare individual "Port Theatre Local Service Areas" establishing bylaws for Electoral Areas F – H based upon usage for consideration at the September Board meeting and referendum in November 2002.

MOVED Director McLean, SECONDED Director Quittenton, that the motion be amended to exclude Electoral Area 'F'.

DEFEATED

The question was called on the main motion.

The motion CARRIED

MOVED Director Holme, SECONDED Director Demmon, that the Board correspond with the City of Parksville and Town of Qualicum Beach and encourage them to support proceeding to referendum in November 2002 to put forward the Port Theatre's request for funding either on a requisition rate of \$2.90 per \$100,000 of assessment or on the basis of usage.

CARRIED

**FINANCE**

**Operating Results to March 31, 2002.**

MOVED Director Krall, SECONDED Director McNabb, that the summary report of financial results from operations to March 31, 2002 be received for information.

CARRIED

**FIRE PROTECTION**

**Firefighting Coverage by City of Nanaimo for Certain Properties Outside Municipal Boundaries.**

MOVED Director Hamilton, SECONDED Director Holme, that the Board correspond with the City of Nanaimo seeking support for the provision of fire protection services to the seven properties outside municipal boundaries identified as:

1675 Kelsie Road  
1670/1690 Kelsie Road  
1760 Kelsie Road  
1840 Kelsie Road  
1860 Kelsie Road  
1890 Kelsie Road  
2105/2115 Richardson Road

CARRIED

**Nanoose Fire Protection Service Area (Buildings) Reserve Fund Bylaw No. 1312.**

MOVED Director Holme, SECONDED Director Rispin,:

1. That "Nanoose Fire Protection Service Area Reserve Fund Bylaw No. 1312, 2002" be introduced for first three readings.
2. That "Nanoose Fire Protection Service Area Reserve Fund Bylaw No. 1312, 2002" having received three readings be adopted.

CARRIED

**ENVIRONMENTAL SERVICES**

**LIQUID WASTE MANAGEMENT**

**Northern Community Sewer LSA Boundary Amendment Bylaw No. 889.21.**

MOVED Director Holme, SECONDED Director Sherry, that "Regional District of Nanaimo Northern Community Sewer Local Service Area Boundary Amendment Bylaw No. 889.21, 2002" be introduced for first three readings and be forwarded to the Inspector of Municipalities for approval.

CARRIED

**Trucked Liquid Waste Disposal Amendment Bylaw No. 988.04.**

MOVED Director Sherry, SECONDED Director Krall,:

1. That "Regional District of Nanaimo Trucked Liquid Waste Disposal Amendment Bylaw No. 988.04, 2002" be introduced for three readings.
2. That "Regional District of Nanaimo Trucked Liquid Waste Disposal Amendment Bylaw No. 988.04, 2002" having received three readings be adopted.

CARRIED

**Sewer User Rates & Regulations Amendment Bylaws – Fairwinds Sewerage Facilities Amendment Bylaw No. 765.09, French Creek Sewer Service Area Amendment Bylaw No. 422.10 and Surfside Sewer Amendment Bylaw No. 1241.01.**

MOVED Director Holme, SECONDED Director Sherry,:

1. That "Fairwinds Sewerage Facilities Specified Area Rates Amendment Bylaw No. 765.09, 2002" be introduced for first three readings.
2. That "Fairwinds Sewerage Facilities Specified Area Rates Amendment Bylaw No. 765.09, 2002" having received first three readings be adopted.
3. That "French Creek Sewer Service Area Rates Amendment Bylaw No. 422.10, 2002" be introduced for first three readings.
4. That "French Creek Sewer Service Area Rates Amendment Bylaw No. 422.10, 2002" having received first three readings be adopted.
5. That "Surfside Sewer Rates and Regulations Amendment Bylaw No. 1241.01, 2002" be introduced for first three readings.
6. That "Surfside Sewer Rates and Regulations Amendment Bylaw No. 1241, 2002" having received first three readings be adopted.

CARRIED

**Fairwinds Sewerage Facilities Reserve Fund Establishment Bylaws No. 1310 and No. 1311.**

MOVED Director Holme, SECONDED Director Sherry,:

1. That "Fairwinds Sewerage (Treatment) Facilities Service Area Reserve Fund Bylaw No. 1310, 2002" be introduced for first three readings.
2. That "Fairwinds Sewerage (Treatment) Facilities Service Area Reserve Fund Bylaw No. 1310, 2002" having received three readings be adopted.
3. That "Fairwinds Sewerage (Collector System) Facilities Service Area Reserve Fund Bylaw No. 1311, 2002" be introduced for first three readings.
4. That "Fairwinds Sewerage (Collector System) Facilities Service Area Reserve Fund Bylaw No. 1311, 2002" having received three readings be adopted.

CARRIED

**Transfer of Land – Departure Bay Pump Station.**

MOVED Director McNabb, SECONDED Director Krall, that the Board approve the transfer of a portion of Lot 1, Section 2, Wellington District, Plan 14047 to the City of Nanaimo for highway improvements.

CARRIED

**GNPCC Biogas System Upgrade – Consulting Services.**

MOVED Director McNabb, SECONDED Director Holdom, that the Board direct staff to award the consulting project for the GNPCC Sludge Heating and Boiler Building upgrade to Associated Engineering Ltd.

CARRIED

**SOLID WASTE**

**Regional Landfill – Leachate Pre-Treatment System.**

MOVED Director Sherry, SECONDED Director Holdom, that the Board approve the installation of a leachate pre-treatment system at the Regional Landfill to reduce odours and corrosion at the Cedar Road pumping station.

**Electronic Waste Industry Produce Stewardship Resolution.**

CARRIED

MOVED Director Sherry, SECONDED Director Holdom, that the RDN Board adopt the Local Government Resolution on E-Waste and forward it, with a covering letter to the Minister of Water, Land and Air Protection requesting implementation of an industry operated E-Waste Produce Stewardship program, and further, the correspondence be copied to UBCM and AVICC for information and support.

**UTILITIES**

CARRIED

**French Creek Bulk Water & Northern Community Sewer Boundary Amendment Bylaws No. 1050.02, 1089.02 and 934.02.**

MOVED Director Holme, SECONDED Director Rispin,:

1. That "French Creek Bulk Water Supply Local Service Area Boundary Amendment Bylaw No. 1050.02, 2002" be granted first three readings and forwarded to the Inspector of Municipalities.
2. That "Regional District of Nanaimo French Creek Bulk Water Local Service Area Development Cost Charge Boundary Amendment Bylaw No. 1089.02, 2002" be granted first three readings and forwarded to the Inspector of Municipalities.
3. That "Regional District of Nanaimo Northern Community Sewer Local Service Area Development Cost Charge Boundary Amendment Bylaw No. 934.02, 2002" be granted first three readings and forwarded to the Inspector of Municipalities.

CARRIED

**Fairwinds Water Supply LSA Regulations & Rates Amendment Bylaw No. 764.11.**

MOVED Director Holme, SECONDED Director Sherry,:

1. That "Regional District of Nanaimo Fairwinds Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 764.11, 2002" be introduced for three readings.
2. That "Regional District of Nanaimo Fairwinds Water Supply Local Service Area Regulations and Rates Amendment Bylaw No. 764.11, 2002" having received three readings be adopted.

CARRIED

**French Creek Sewer LSA Regulations & Rates Amendment Bylaw No. 422.11.**

MOVED Director Holme, SECONDED Director Sherry,:

1. That "Regional District of Nanaimo French Creek Sewer Specified Area Regulation and Rates Amendment Bylaw No. 422.11, 2002" be introduced for three readings.
2. That "Regional District of Nanaimo French Creek Sewer Specified Area Regulation and Rates Amendment Bylaw No. 422.11, 2002" having received three readings be adopted.

CARRIED

**COMMISSION, ADVISORY & SELECT COMMITTEE**

**Area A Parks, Recreation and Greenspaces Advisory Committee.**

MOVED Director Elliott, SECONDED Director Haime, that the minutes of the Area A Parks, Recreation and Greenspaces Advisory Committee meeting held March 21, 2002, be received for information.

CARRIED

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

MOVED Director Haime, SECONDED Director Sherry, that the minutes of the Lantzville Parks & Open Space Advisory Committee meeting held April 1, 2002, be received for information.

CARRIED

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

MOVED Director Holme, SECONDED Director Holdom, that the minutes of the Nanoose Bay Parks & Open Space Advisory Committee meeting held April 22, 2002, be received for information.

CARRIED

**District 69 Recreation Commission.**

MOVED Director Quittenton, SECONDED Director Demmon, that the minutes of the District 69 Recreation Commission meeting held May 7, 2002, be received for information.

CARRIED

MOVED Director Quittenton, SECONDED Director Westbrook, that the following Community Grants be approved:

Errington War Memorial Hall Association – washroom addition	\$ 4,100
Lighthouse Recreation Commission – program expenses	\$ 1,250
Arrowview Elementary PAC – playground	\$ 2,000
Participaddle Society – paddles	\$ 1,710
Mid-Island Wheelchair Sports Club – backboard extensions	\$ 682
Mid-Island Wheelchair Sports Club – wheelchairs	\$ 3,715
Parksville Seniors Slo-Pitch – dugouts	\$ 3,700
Arrowsmith Cricket & Sports Association – tournament equipment	\$ 690
Arrowsmith Mountain Bike Society – timing equipment	\$ 3,310
Nanoose Bay Recreation and Activities Society – stage	\$ 3,000

CARRIED

MOVED Director Quittenton, SECONDED Director Westbrook, that the following Youth Grants be approved:

Nanoose Bay Recreation and Activities Society – youth dance	\$ 600
Parksville Royals Baseball Club – pitching bullpen	\$ 1,000
Parksville Royals Baseball Club – infield screen	\$ 1,200
Parksville Royals Baseball Club – 2ball program	\$ 350
Qualicum Beach Skateboard Park Committee – expansion	\$ 5,400
Vancouver Island Adrenalin Games – event costs	\$ 1,500
Ballenas Dry Grad – entertainment costs (Velcro Wall/Improv)	\$ 1,250
Ballenas Tennis Club – court improvements	\$ 2,000

CARRIED

**Gabriola Island Parks and Recreation Commission.**

MOVED Director Sperling, SECONDED Director Krall, that the minutes of the Gabriola Island Parks and Recreation Commission meeting held May 13, 2002, be received for information.

CARRIED

MOVED Director Sperling, SECONDED Director Haime, that the staff report and recommendation regarding the Gabriola Island Parks & Open Space Advisory Committee Proposal be tabled until the next Commission meeting to be held November 4, 2002.

CARRIED

**Grants-in-Aid Committee.**

MOVED Director Quittenton, SECONDED Director Westbrook, that the minutes of the Grants-in-Aid Committee meeting held May 16, 2002, be received for information.

CARRIED

MOVED Director Quittenton, SECONDED Director Westbrook, that the following grants be approved:

*School District 68:*

Cedar Community Association	\$ 3,000
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*School District 69:*

Arrowsmith Community Justice Society	\$ 500
Arrowsmith Search & Rescue	\$ 240
Mid Vancouver Island Habitat Enhancement Society	\$ 415
Navy League of Canada – Parksville Branch	\$ 1,000
North Island Wildlife Recovery Association	\$ 1,000
Oceanside Community Arts Council	\$ 500
Oceanside Radio Communications Association	\$ 950
Parksville & District Association for Community Living	\$ 1,000
Parksville Meeting Place Society	\$ 250
Parksville-Qualicum Beach & District SPCA	\$ 500

CARRIED

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

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

MOVED Director Demmon, SECONDED Director Krall, that the Wosk ALR Exclusion application be forwarded directly to the Agricultural Land Commission without a recommendation from the Board.

CARRIED

**NEW BUSINESS**

**Verbal Reports.**

MOVED Director Haime, SECONDED Director Holdom, that when verbal reports are included on agendas, attachments containing background information be circulated to Board members in advance to allow preparation by Directors.

CARRIED

**BOARD INFORMATION**

MOVED Director McNabb, SECONDED Director Sherry, that the Board Information be received for information.

**ADJOURNMENT**

CARRIED

MOVED Director McNabb, SECONDED Director Holme, that the meeting be adjourned to allow for an In Camera meeting.

CARRIED

TIME: 8:54 PM

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CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE MEETING OF THE  
BUILDING ADDITION COMMITTEE HELD ON  
TUESDAY, MAY 28, 2002, AT 6:00 PM IN THE  
NANAIMO CITY BOARD ROOM

**Present:**

Director G. Holme	Chairperson
Director L. Elliott	Electoral Area A
Director E. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
Director J. McLean	Electoral Area F
Director J. Stanhope	Electoral Area G
Alternate	
Director F. Demmon	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Director L. Sherry	City of Nanaimo
Director L. McNabb	City of Nanaimo

**Also in Attendance:**

K. Daniels	Chief Administrative Officer
C. Mason	Gen. Mgr. of Corporate Services
N. Avery	Manager. of Financial Services
D. Neale	Neale Staniszki Doll Adams Architects

**ADMINISTRATION**

**Building Addition – Development Permit Application – Verbal Report.**

The Project Architect presented the design plans for the proposed Building Expansion Project to the Building Committee members and explained that the drawing will form the basis of the development permit application required by the City of Nanaimo Design Review Panel.

MOVED Director McNabb, SECONDED Director Stanhope, that the RDN Administration Building Expansion Project Development Permit Application plans be approved for submission to the City of Nanaimo Design Review Panel.

CARRIED

Director Sherry recommended that the Development Permit Application also include aerial photos of the site. It was also suggested that opportunities be explored with the BC Wood Council regarding the use of natural wood products in the project construction.

**ADJOURNMENT**

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

TIME: 6:25 PM

CARRIED

---

CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO			
JUN - 3 2002			
CHAIR	<i>[Signature]</i>	GMCrs	
CAO	<i>[Signature]</i>	GMDS	
GMCms	<i>[Signature]</i>	GMES	
DATE:		May 29, 2002	
FILE:			

**MEMORANDUM**

**TO:** K. Daniels  
Chief Administrative Officer

**FROM:** C. Mason  
General Manager, Corporate Services

**SUBJECT:** Building Addition Update - Development Permit Application

**DATE:** May 29, 2002

**FILE:**

**PURPOSE:**

To approve the Development Permit Application being prepared for submission to the City of Nanaimo Design Review Panel.

**BACKGROUND:**

A meeting was held on May 28, 2002 with the Building Addition Committee to update them on the progress of the design to the addition of the RDN Administration Building. Drawings were presented by the District's architect displaying the floor plan, exterior finishes and site plan for the proposed expansion. The drawings will form the basis of the Development Permit Application to be considered by the City of Nanaimo on June 13<sup>th</sup>.

**ALTERNATIVES:**

1. To approve the Development Permit Application as presented.
2. To approve the Development Permit Application with amendments.

**FINANCIAL IMPLICATIONS:**

The architectural plans being submitted to the City of Nanaimo's Design Review Panel have been refined to ensure that they fit within the program requirements. A detailed preliminary cost analysis has been prepared based upon the proposed design and is within the budget allocated by the Board for this project.

**CONCLUSIONS:**

Drawings are attached which represent the Development Permit Application being prepared for submission to the City of Nanaimo Design Review Panel. The Plan was endorsed by the Building Addition Committee at its meeting held on May 28, 2002 and is being submitted to the Board for approval.

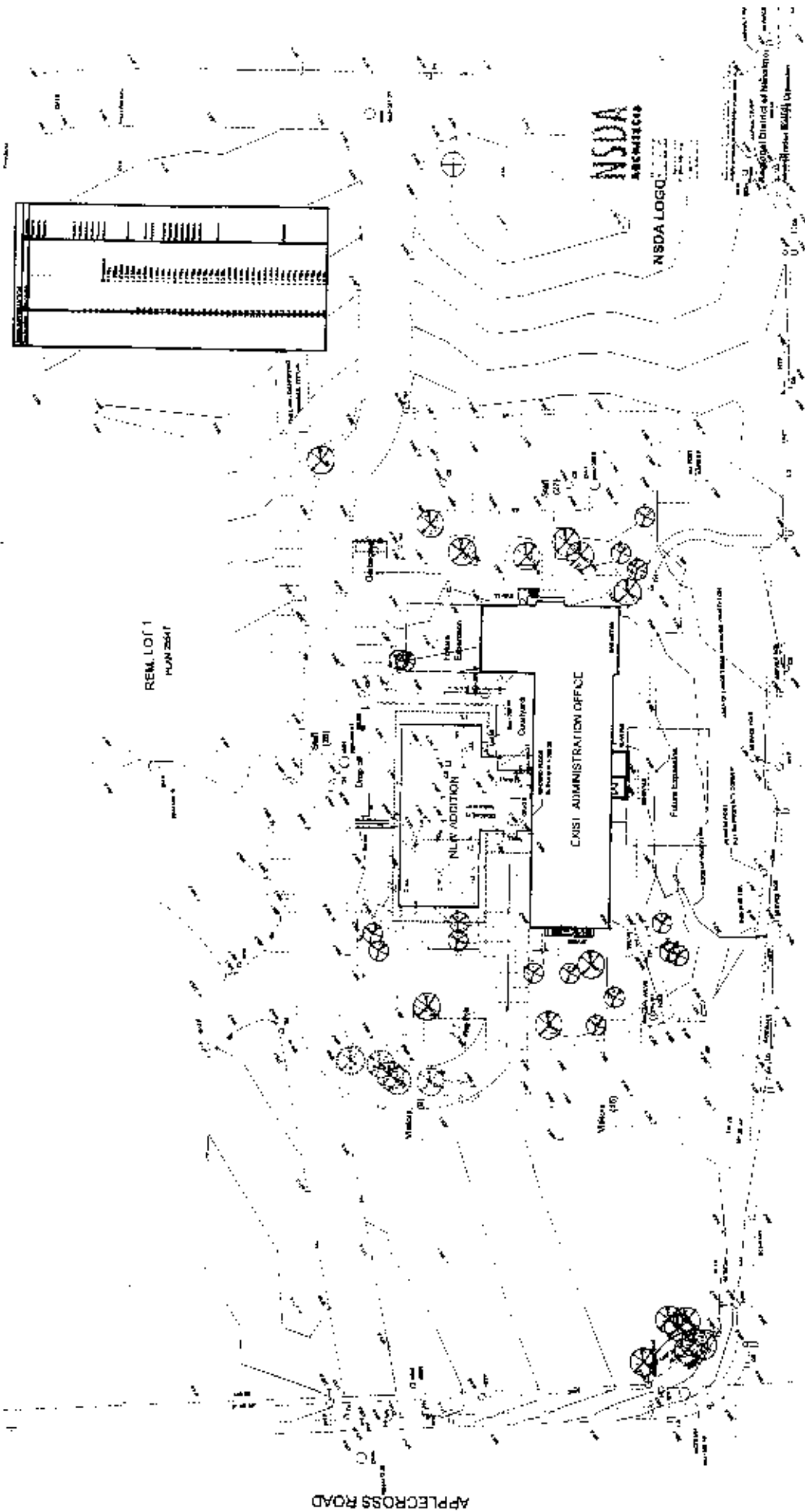
**RECOMMENDATION:**

That the RDN Administration Building Expansion Project Development Permit Application plans be approved for submission to the City of Nanaimo Design Review Panel.

*[Signature]*  
Report Writer

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

**PAGE**  
**163**



**NSDA**  
ARCHITECTS

NSDA LOGO

1 HAMMOND BAY ROAD

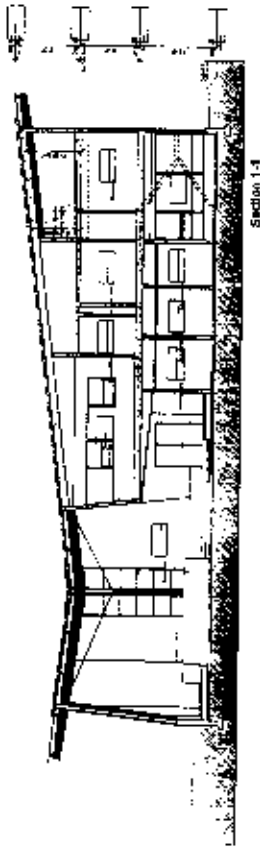
Site Plan  
Sheet 1

42007

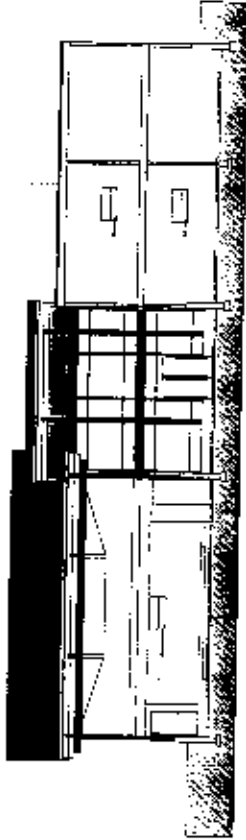
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A-001

**PAGE**  
*164*



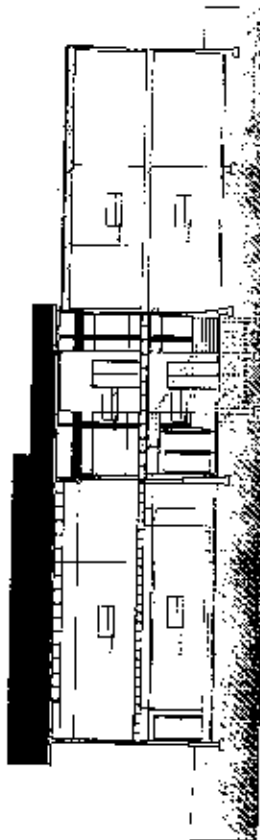
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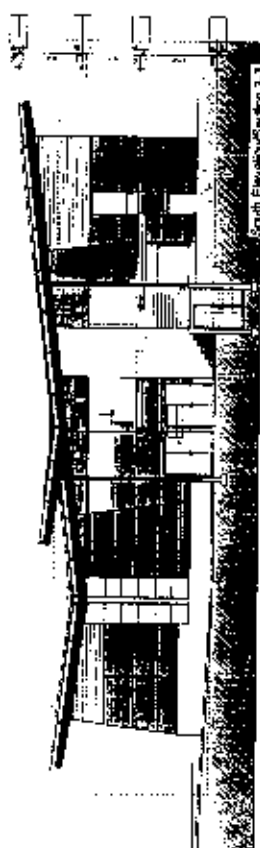
Section A-A



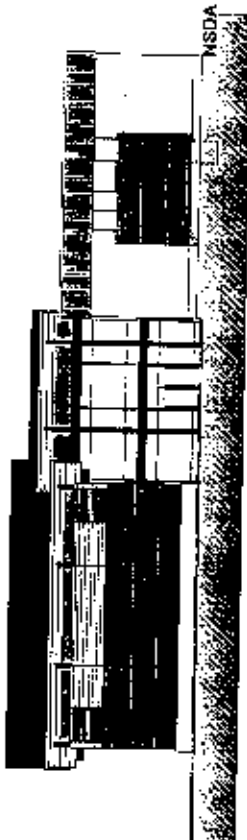
Section 2-2



Section B-B



Section 3-3



NSDA LOGG

West Elevation



East Elevation



North Elevation

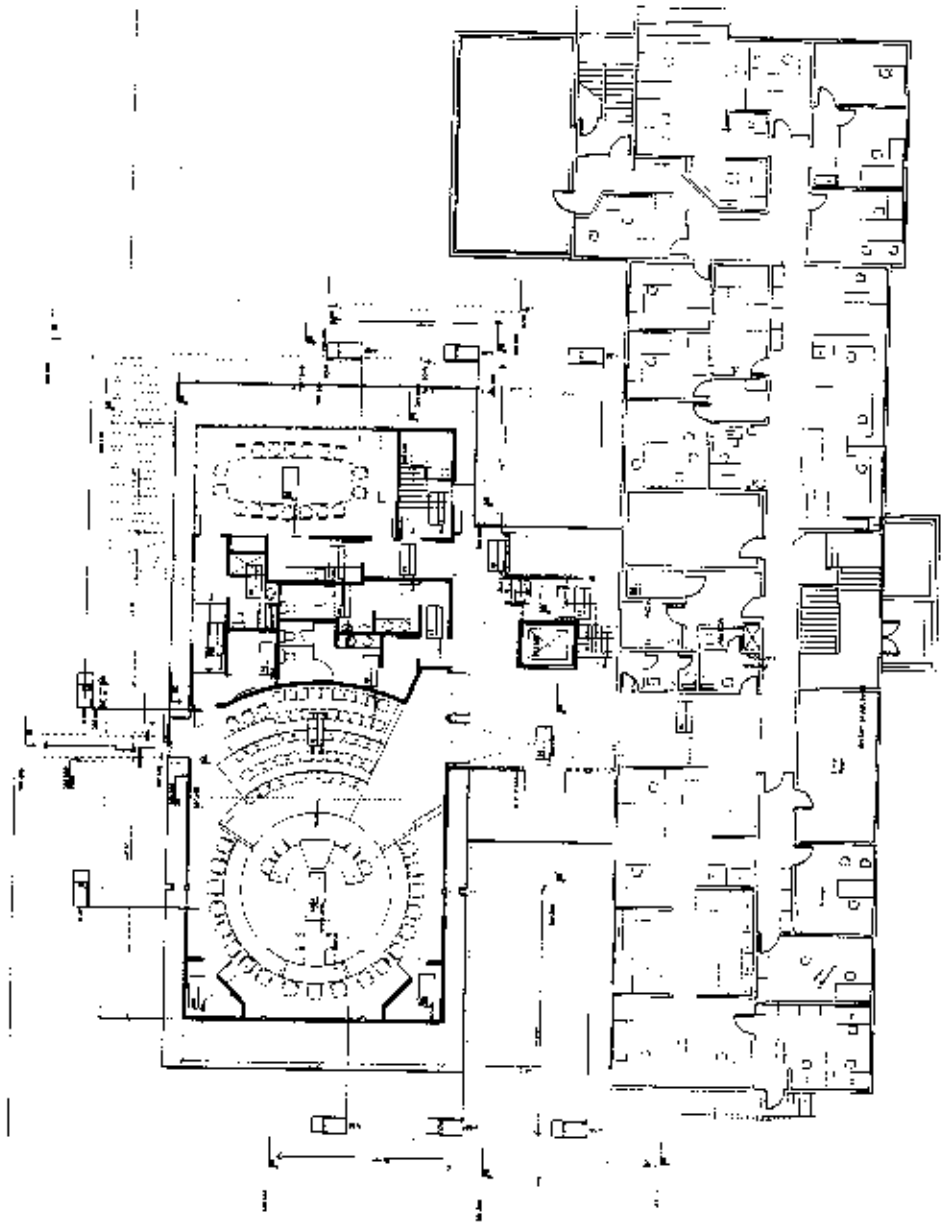
ARCHITECTS

Regional District of Northern  
Alberta, Edmonton, Alberta

Regional District of Northern  
Alberta, Edmonton, Alberta

Edmonton, Alberta

DATE  
DRAWN BY  
CHECKED BY  
A-301



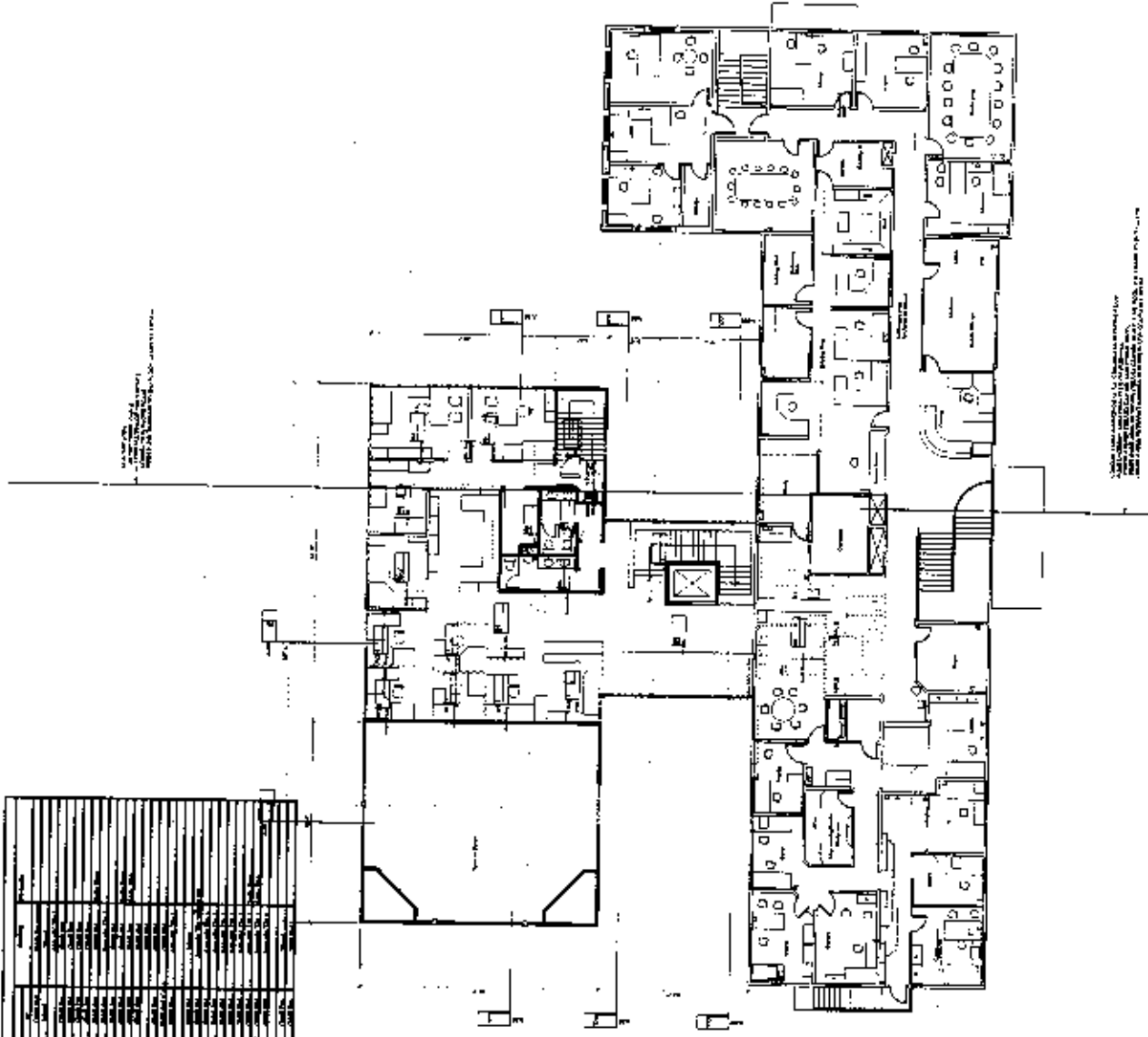
ARCHITECTS  
NSDA LDGO

Regional District of Northern  
American Mining Company

First Floor Plan  
Sheet 1

Scale  
1/8" = 1'-0"  
A-101

Room No.	Room Name	Area (sq. ft.)	Notes
101	RECEPTION	150	
102	OFFICE	120	
103	OFFICE	120	
104	OFFICE	120	
105	OFFICE	120	
106	OFFICE	120	
107	OFFICE	120	
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199	OFFICE	120	
200	OFFICE	120	



NOT TO SCALE  
 ALL ROOMS TO BE FINISHED  
 WITH THE FOLLOWING FINISHES:  
 FLOORING: POLISHED CONCRETE  
 WALLS: PLYMOUTH SHEETROCK  
 CEILING: 2' X 4' GRID WITH 2' X 2' PLASTER  
 LIGHTING: RECESSED CAN LIGHTS  
 PAINT: WHITE PEARL  
 DOORS: 1 3/4" SOLID CORE  
 WINDOWS: 1/2" GLASS WITH 1" ALUMINUM FINISH  
 STAIRS: POLISHED CONCRETE  
 ELEVATORS: 1/2" GLASS WITH 1" ALUMINUM FINISH

NOT TO SCALE  
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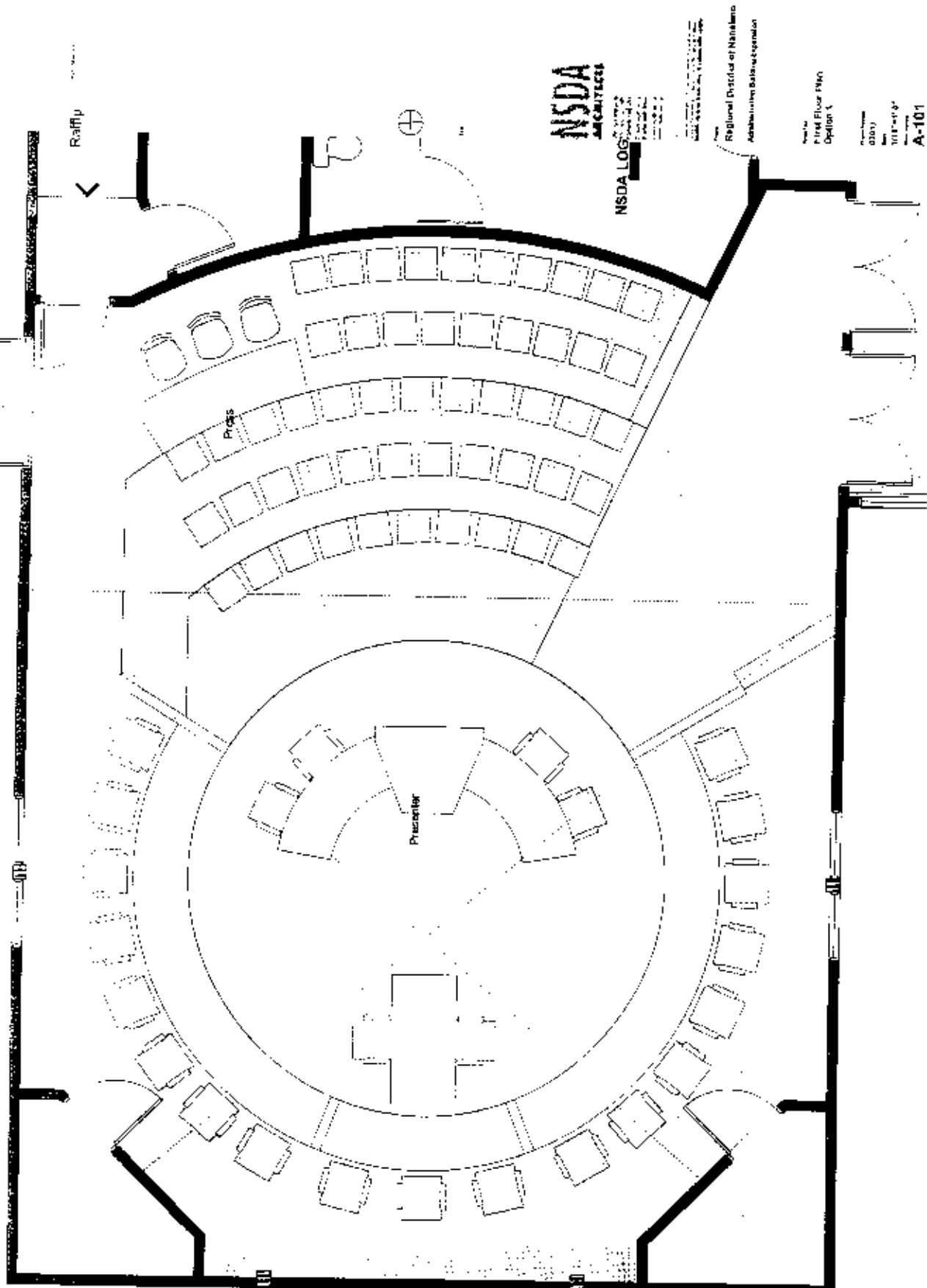
**NSDA**  
**ARCHITECTS**

NSDA LOGO

Regional District of Northern  
 Administrative Building

Sheet No. A-102  
 Date: 1/14/04

Scale: 1/8" = 1'-0"  
 A-102



Raffly

**NSDA**  
ARCHITECTS

NSDA LOG

Regional District of Nanaimo  
Administrative Building Expansion

Project Name  
First Floor Plan  
Option 1

Scale  
Date  
Author  
A-101





REGIONAL DISTRICT OF NANAIMO		
JUN - 4 2002		
CHAIR		GMCrs
CAO		GMDS
GMCms		GMES

MEMORANDUM

TO: Stan Schopp  
 Manager, Building Inspection Services

DATE: May 31, 2002

FROM: Maude Mackey  
 Bylaw Enforcement Officer

FILE: 4020 20 02D057

SUBJECT: Contraventions of Unsightly Premises Regulatory Bylaw No. 1073, 1996 & Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1000, 1995 - Kilner Electoral Area 'D' - 7056 Lavender Road

PURPOSE

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

BACKGROUND

Property: 7056 Lavender Rd.  
 Legal Description: Lot 1, Block 1, District Lot 27G (Formerly known as Lot 27), Wellington District, Plan 6756  
 Property Owner: Laverne L. Kilner  
 1945 Bunker Hill Dr.  
 Nanaimo, B.C. V9T 5X7

The first complaint regarding 'maintenance' issues on this property was received on April 29th, 2002. Since then 4 other area residents have also expressed their concerns regarding the accumulation of discarded materials and unlicensed vehicles on the property. Prior to the complaints, staff had already initiated a file for the property as a result of information received regarding a "Grow Op" having previously been on site. Ms. Kilner has been contacted about both issues. An inspection of the structure previously housing the "Grow Op" is required to ascertain what physical changes were done to the building that might result in health & safety concerns. Ms. Kilner has repeatedly said a convenient date and time to conduct the inspection would be forthcoming; however, does not follow through with this commitment. The RDN solicitor has now been requested to follow up with her reiterating the inspection requirement and that legal action may result if the matter cannot be resolved informally. She has also repeatedly said the property would be cleaned up and most recently was given the deadline of May 16<sup>th</sup>, 2002 to do so. While some effort to do so is evident, further work is required to bring the property to a community standard.

ALTERNATIVES

1. That staff be directed to take the legal action necessary to ensure the completion of the required structure inspection and a Bylaw pursuant to Section 698 of the *Local Government Act* subsequently be brought forward as required and that the owner be directed to remove the identified items from the property.
2. To not proceed with legal action or a Bylaw pursuant to Section 698 of the *Local Government Act* and the owner not be directed to remove the identified items from the property.

PAGE 169

## FINANCIAL IMPLICATIONS

Should a court order to inspect the structure be required, legal costs including disbursements are estimated at \$3000.00. Only a portion of these costs are recoverable as court awarded costs. All costs incurred in a Section 698 action are charged back to the property owner, pursuant to the *Local Government Act* and *Rural Taxation Act*. If the Board directs the property owner to remove the identified items from the property, any costs incurred by the Regional District or its agent with respect to the removal, are recoverable from the property owner.

## SUMMARY/CONCLUSIONS

This property is subject to both property maintenance and building inspection regulations. Staff has repeatedly attempted to achieve voluntary compliance without success.

## RECOMMENDATIONS

1. That should the property maintenance concerns not be rectified by June 11, 2002 pursuant to the "Unightly Premises Regulatory Bylaw No. 1073, 1996", the Board direct the owner of the above property to remove from the premises, those items as set out in the attached resolution within fourteen (14) days, or the work will be undertaken by the Regional District's agents at the owners cost.
2. That staff be directed to take the legal action necessary to ensure the completion of the required structure inspection.
3. If the inspection warrants, that staff be directed to notify the property owner and bring forward the applicable Section 698 bylaw to the next available Board meeting.

M. Mackey  
Report Writer

R. H. H.  
General Manager Concurrence

R. H. H.  
per Manager Concurrence

Daniel  
CAO Concurrence

COMMENTS:



**REGIONAL DISTRICT OF NANAIMO**  
**RESOLUTION**

*UNSIGHTLY PREMISES REGULATORY BYLAW NO. 1073, 1996*

MOVED , SECONDED , that pursuant to the provisions of the Unsightly Premises Regulatory Bylaw No. 1073, 1996 and amendments thereto, IT IS HEREBY RESOLVED that the owner/occupier of the respective premises set forth below be notified to remove the accumulation thereon of the materials specified to take such remedial measures as are specified.

PROPERTY DESCRIPTION: Lot 1, Block 1, District Lot 27G (formerly known as lot 27), Wellington District, Plan 6756

LOCATION: 7056 Lavender Rd.

OWNER: Laverne L. Kilner  
1945 Bunker Hill Dr.  
Nanaimo, B.C. V9T 5X7

UNSIGHTLY ACCUMULATION: Derelicts, household debris and discarded materials

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

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

I hereby certify the foregoing to be a true and correct copy of the resolution passed by the Board at its regular meeting, held June 11, 2002.

DATED at Nanaimo, BC )  
this 11<sup>th</sup> day of June, 2002 )

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

**PAGE**  
**112**



REGIONAL DISTRICT OF NANAIMO		
JUN - 4 2002		
CHAIR		GMCrS
CAO		GMDS
GMCmS		GMES
		<i>Bad</i>

MEMORANDUM

TO: Stan Schopp  
Manager of Inspection and Enforcement DATE: June 4, 2002

FROM: Maude Mackey  
Bylaw Enforcement Officer FILE: 4020 20 95B228

SUBJECT: Contravention of Regional District of Nanaimo Building Regulation and Fees  
Bylaw 800, 1989 - Schuerbeke  
Electoral Area 'B' - 1415 Hess Road, Gabriola Island

PURPOSE

To obtain Board direction regarding repealing "Regional District of Nanaimo Removal of Construction Bylaw No. 1032, 1996".

BACKGROUND

Property: 1415 Hess Road

Legal Description: Lot 20, Plan 30347, Section 9, Range 8, Nanaimo District, Gabriola Island

Property Owner: Roger E. Schuerbeke  
RR #2, Site 41  
1415 Hess Road  
Gabriola Island, B.C.  
V0R 1X0

On June 11, 1996, the Board of the Regional District of Nanaimo considered the history on this property and directed "Regional District of Nanaimo Removal of Construction Bylaw No. 1032, 1996" be adopted. The Bylaw required the property owner to remove all construction placed without a Building Permit, leaving the site clean and tidy, or to have the structure reviewed and certified by a Structural Engineer and to make application for the appropriate Building Permit. The property owner was non-responsive to this initiative and due to issues related to the occupancy of the structure, on September 10, 1996, the Board further directed staff proceed with the legal action necessary to ensure bylaw compliance. A court appearance followed in April 98 resulting in Mr. Schuerbeke agreeing to a consent order requiring compliance by October 1998.

Mr. Schuerbeke was unable to comply with the terms of the order and requested a further extension to do so. He subsequently acquired the services of a Professional Engineer and was issued a Building Permit on December 22, 1998. Despite reportedly progressing on the permit, Mr. Schuerbeke did not call for the required inspections. When prompted on that issue, Mr. Schuerbeke subsequently appeared before the July 1999 Board to plead his case. The Board did not consider any further concessions and the matter was referred back to the RD solicitor to initiate contempt proceedings on the existing order. The Contempt of Court application proceeded on March 27, 2000. Mr. Schuerbeke was found by the Court to be in contempt of the existing order; however, 'punishment' was suspended until November 2000 to

PAGE 1/3

allow the work to continue under the existing building permit. Again no inspections were called and in November 2000, a second Structural Engineer came forward representing Mr. Schuerbeke. A detailed engineering report of the structure was supplied however, soon after Mr. Schuerbeke left the country for an extended period, returning in May 2001. The matter could not be pursued further in his absence. Upon his return, Mr. Schuerbeke continued to work with his engineer to resolve the outstanding concerns.

Correspondence from Mr. Schuerbeke's professional engineer has since been received confirming the work required has now been completed to both the 1992 and 1998 Building Code Standards. Due to the implementation of both codes, no occupancy permit will be issued and the filing is to remain on the property title to identify the discrepancy.

#### ALTERNATIVES

1. To repeal *Regional District of Nanaimo Removal of Construction Bylaw No. 1032, 1996.*
2. To not repeal *Regional District of Nanaimo Removal of Construction Bylaw No. 1032, 1996.*

#### FINANCIAL IMPLICATIONS

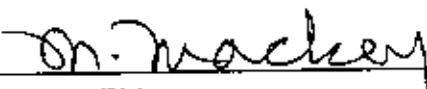
There are no initial financial implications. The RD will be pursuing recovery of costs on this matter as set out in the Contempt of Court Orders.

#### SUMMARY/CONCLUSIONS

This construction was initiated without the required building permit. The adoption of Bylaw 1032 started the enforcement process resulting in the required building permit being both issued and finalized. The requirements of Bylaw 1032 have therefore been satisfied.

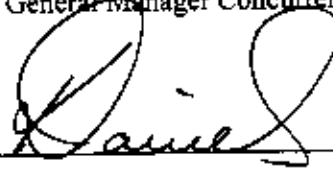
#### RECOMMENDATION

That the Board repeal "*Regional District of Nanaimo Removal of Construction Bylaw No. 1032, 1996.*"

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

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

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

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

= COMMENTS:



REGIONAL DISTRICT OF NANAIMO			
JUN - 4 2002			
CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMES	
Sed			

**MEMORANDUM**

**TO:** Stan Schopp  
Manager, Building Inspection and Enforcement

**DATE:** May 31, 2002

**FROM:** Tom Arnet  
Bylaw Enforcement Officer

**FILE:** 99E076

**SUBJECT:** Building Bylaw Contraventions - 3478 Grilse Road - Stesco  
Electoral Area E - Lot 69, Plan 15983, District Lot 78, Nanoose Land District

**PURPOSE**

To obtain Board direction regarding the illegally constructed stairway and decks on the above property.

**BACKGROUND**

**Property:** 3478 Grilse Rd, Nanoose Bay, BC  
**Legal:** Lot 69, Plan 15983, District Lot 78, Nanoose Land District  
**Owner:** Steven and Roberta Stesco  
 3478 Grilse Road  
 Nanoose Bay, BC V9P 9E5

On July 28, 1998, staff became aware of a series of recently constructed stairs and decks providing access from the top of the property to the beach area. The stairs and decks encroached on both the foreshore and adjacent property and were constructed in a Development Permit Area. A Stop Work Order was posted on the property as permits had not been issued for the construction.

Between July 1998 and November 1999, Building Inspection, Planning and Bylaw Enforcement staff made exhaustive efforts to gain voluntary compliance through verbal and written communications with the owners. The property owners did not appear to place any priority on resolving the issues and subsequently, the matter was referred to the Board for adoption of a Structural Removal Bylaw. On November 9, 1999, the Board considered a submission by Mr. Stesco and declined to adopt the bylaw in consideration of Mr. Stesco's assurance that he would work with staff to resolve the issues forthwith.

On February 24, 2000, after numerous requests by staff, Mr. Stesco applied for a Development Permit and the matter was assigned to a Planner to assist with the application. This process again became stalled for several months due to the owner's reluctance to cooperate with staff.

On September 7, 2000, Mr. Stesco submitted the required fee for the DP application but requested that the process be held in abeyance pending the results of his accretion application. It was his stated intention to claim a portion of the foreshore where his deck is located and then proceed with the DP and Building Permit applications. Planning Department staff agreed to delay processing the fee and DP application, pending further advice from Mr. Stesco.

During the next seven months, the Stescos failed to respond to staff requests for updates on their accretion and/or DP application. In April 2001, Mr. Stesco was contacted by the writer and stated that he had not yet taken steps to resolve the issues, either by an accretion application or removal of the offending structures. In subsequent correspondence to the owners, staff requested a commitment on how they intend to deal with the issues. Mr Stesco responded that he felt the matter was nearly resolved and that any order

**PAGE 1/5**

to demolish the structures would be "an over-reaction in this matter at this time." At his request, a letter was sent in November 2001, again outlining the compliance requirements in clear terms. Mr. Stesco then responded that he would remove those portions of the stairs and decks that encroached on adjacent properties and proceed with the DP application, with the understanding that failure to comply would result in the matter being referred back to the Board for further direction. The Stescos have not complied with staff requests to bring the property into compliance and the situation remains virtually unchanged since the contraventions first surfaced in 1998.

**ALTERNATIVES**

1. To proceed with action to order the removal of the illegal structures pursuant to Section 698 of the *Local Government Act*.
2. To take no further action.

**FINANCIAL IMPLICATIONS**

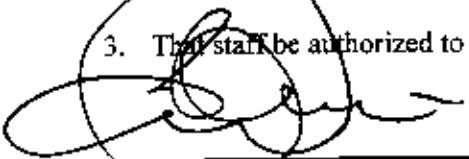
There are no initial financial implications involved as all costs incurred in a Section 698 action are charged back to the property owner, pursuant to the *Local Government Act* and *Rural Taxation Act*. However, if the property owner enters into an appeal to the Section 698 bylaw, then legal costs can quickly escalate. If the action ultimately results in the need to apply for an injunction, costs, including disbursements are estimated at \$3,000.

**SUMMARY/CONCLUSIONS**


The Stescos have provided assurances to staff on a number of occasions that the illegal construction would be brought into compliance with zoning and building regulations with the necessary permits. In November 1999, the Board considered adopting a Structure Removal Bylaw however declined to do so as a result of assurances made by the Stescos that the issues would be resolved forthwith. Extensive efforts by RDN staff over the past four years have failed to bring about a resolution and the owners continue to ignore the matter. Recent inspections by staff have confirmed that the structures remain as they were built in 1998 and are used by the owners. Given the history of the owner's false assurances and apparent disregard for regulations, staff have no other option but to recommend that the structures be ordered demolished.

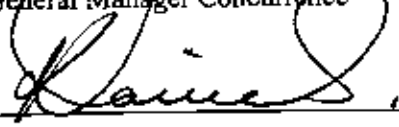
**RECOMMENDATION**

1. That "Regional District of Nanaimo Structure Removal Bylaw No. 1315, 2002" be introduced and given three (3) readings.
2. That "Regional District of Nanaimo Structure Removal Bylaw No. 1315, 2002", having received three (3) readings, be adopted.
3. That staff be authorized to proceed with legal action if necessary to ensure compliance.

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

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

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

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

COMMENTS:

**PAGE 136**



# REGIONAL DISTRICT OF NANAIMO

## BYLAW NO. 1315

### A BYLAW TO AUTHORIZE THE REMOVAL OF AN ILLEGAL STRUCTURE

WHEREAS Section 791(1)(b) of the Local Government Act authorizes the Regional Board to exercise the power contained in Section 698 of the Local Government Act, namely to authorize by bylaw the demolition, removal or bringing up to a standard specified in the bylaw of a building, structure or thing, in whole or in part that contravenes a bylaw, or that the Regional Board believes is in an unsafe condition;

AND WHEREAS the stairs and decks situated at Lot 69, Plan 15983, District Lot 78, Nanoose Land District, hereinafter called "the land", are in the opinion of the Regional Board, in contravention of bylaws;

AND WHEREAS Section 794(5) and Section 269 of the Local Government Act empowers the Regional Board to recover the expense of itself doing any work in default of a person or persons directed to do that work, together with costs and interest at the rate prescribed under Section 11(3) of the Taxation (Rural) Act, in the same manner as municipal taxes;

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

1. This bylaw may be cited as "*Regional District of Nanaimo Structure Removal Bylaw No. 1315, 2002*".
2. The structures which are situated on "the land" are hereby declared to be in contravention of Section 3(1) of the "*Regional District of Nanaimo Building Regulations and Fees Bylaw No. 1250, 2001*" and "*Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987*", and the owners, pursuant to this bylaw, are hereby directed to demolish or remove the structures from the land.
3. The Board shall give 30 days notice of its intention to carry out the action contemplated by this bylaw by sending to the owner, tenant and occupier of the land by double registered mail at the known address of each person, a copy of this bylaw and a copy of Section 698 of the Local Government Act in order to inform the owner of the right of appeal against this bylaw.
4. At the expiration of 30 days notice, if no appeal has been filed and the owner has failed to carry out the work directed to be done by this bylaw, the Board of the Regional District of Nanaimo is authorized to enter upon the land and to carry out the work by itself or by others at its direction, and the expense of the work, if unpaid by December 31<sup>st</sup> in the year in which the work was done, shall be added to and form that part of the taxes payable on the land designated in the notice.

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

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

\_\_\_\_\_  
Chairperson

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

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127



REGIONAL DISTRICT OF NANAIMO			
JUN - 4 2002			
CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMES	
Bred A. Jones			
		DATE:	June 3, 2002

MEMORANDUM

TO: Pamela Shaw  
Manager, Community Planning

DATE: June 3, 2002

FROM: Deborah Jensen  
Planner

FILE: 3090 30 0222

SUBJECT: Development Permit Application No. 0222A - Mauriks  
Lot 5, District Lot 110, Nanoose District, Plan 17536  
Electoral Area 'E' - 1429 Dorcas Point Road

PURPOSE

To consider an amendment to a Development Permit in the "Regional District of Nanaimo Nanoose Bay Official Community Plan Bylaw No. 1118, 1998" Watercourse Protection Development Permit Area in consideration of new information provided to the Board subsequent to approval of the Development Permit at the May 14, 2002 Board meeting.

BACKGROUND

This is an amendment to an approved development permit application to facilitate the renovation of a single dwelling unit on a residential property located in Nanoose Bay. The subject property is located along Dorcas Point Road and the legal non-conforming dwelling unit was constructed prior to implementation of the Nanoose Bay Official Community Plan Watercourse Protection Development Permit Area.

At the May 14, 2002 Board Meeting, an application was approved to vary the height of the dwelling unit and to vary the setback from the sea from 8.0 metres to 3.2 metres. Subsequent to that meeting, the agent for the applicant indicated that the previous setback measurement was taken to the foundation of the dwelling unit rather than to the outermost portion of the dwelling unit. Therefore, the applicant is requesting that the development permit be reconsidered with a request to vary the setback to the top of a bank adjacent to the sea from 8.0 metres to 3.2 metres. The siting and dimensions of the single dwelling unit are shown in Schedule No. 1.

The applicant has requested variances to legalize the legal non-conforming siting of the existing dwelling unit and allow for renovations to the dwelling unit. The footprint of the dwelling unit is not increasing, with the exception of a deck overhang that will increase by 0.8 metres. However, the deck is located farther from the top of the bank adjacent to the sea than the existing building foundation.

ALTERNATIVES

1. To approve Development Permit No. 0222A.
2. To deny the requested permit.

## PUBLIC CONSULTATION IMPLICATIONS

Subsequent to the initial notification of property owners within a 50-metre radius in May 2002, a second notification has been provided to the property owners advising of the revised variance. To date, the residents of neighbouring properties have expressed no concerns with respect to the revised variance and renovations to the dwelling unit.

## VOTING

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

## SUMMARY/CONCLUSIONS

This is an application for an amended development permit within the Nanoose Bay Official Community Plan Bylaw No. 1118, 1998 Watercourse Protection Development Permit Area. The development permit area covers those lands within 15 metres of the natural boundary of the sea and establishes guidelines in recognition of protection of the natural environment. The applicant is proposing to legalize and renovate an existing dwelling unit within the development permit area at a setback of 3.2 metres horizontal distance from the top of bank of the sea.

In consideration of the existing legal non-conforming dwelling unit location, staff recommends the Development Permit be approved subject to the notification requirements pursuant to the *Local Government Act*.

## RECOMMENDATION

That Development Permit No. 0222A, as submitted by Helen Sims on behalf of Patricia Mauriks to legalize the siting and renovation of an existing dwelling unit within the Watercourse Protection Development Permit Area varying the setbacks to the sea from the top of a slope of 30% or greater from 8.0 metres to 3.2 metres for the property legally described as Lot 5, District Lot 110, Nanoose District, Plan 17536 be approved subject to the notification requirements pursuant to the *Local Government Act*.

  
Report Writer

  
Manager Concurrence

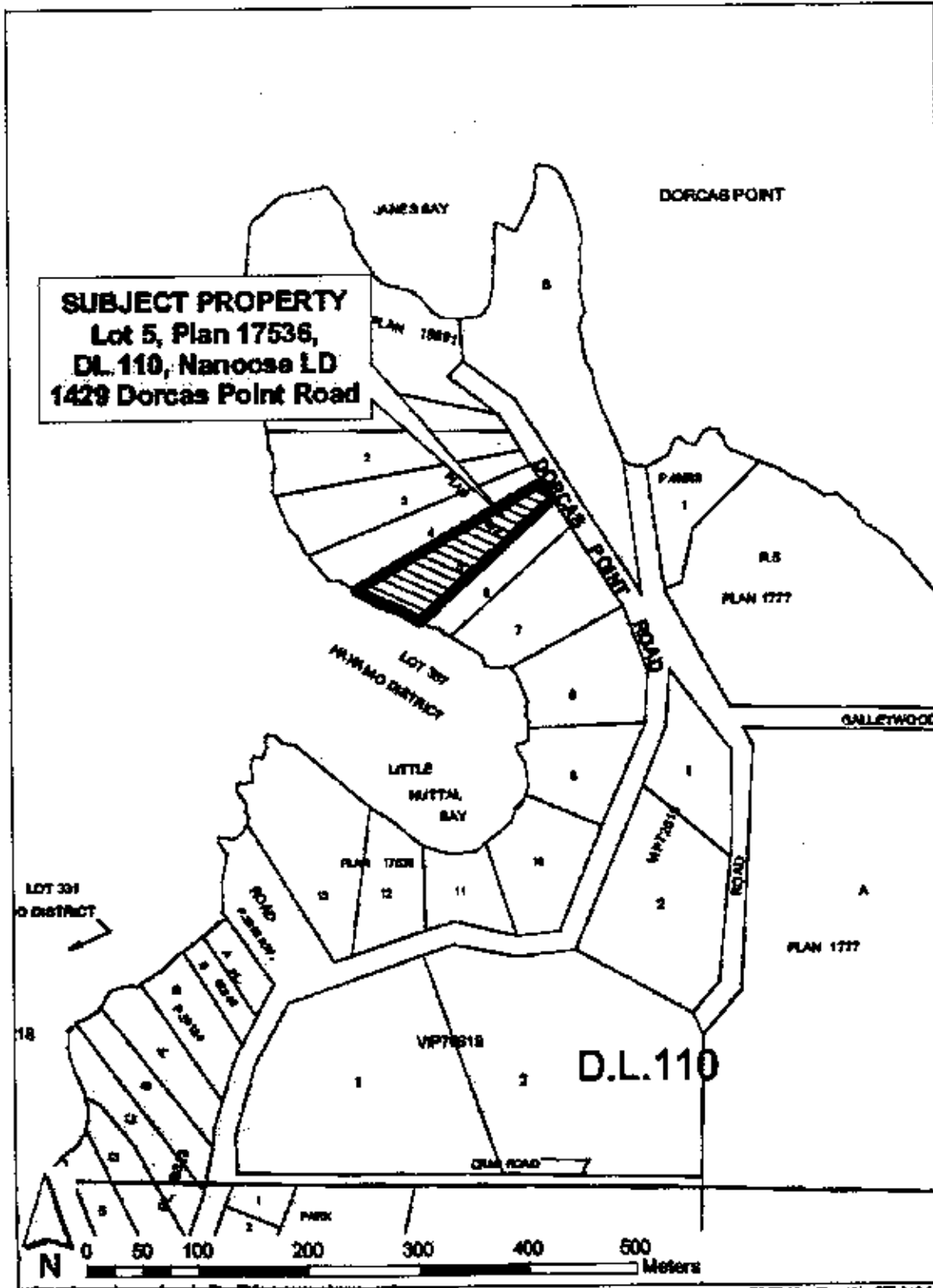
  
General Manager Concurrence

  
CAO Concurrence

COMMENTS:



Attachment No. 1  
Subject Property Location





**REGIONAL  
DISTRICT  
OF NANAIMO**

REGIONAL DISTRICT OF NANAIMO		
JUN - 3 2002		
CHAIR		GMCrs
CAO		GMDs
GMCms		GMS
		<i>B.S.D.</i>

**MEMORANDUM**

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

**DATE:** May 31, 2002

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

**FILE:**

**SUBJECT:** Special Event Application – BC Summer Games

**PURPOSE**

To bring forward the application under the Special Events policy for services to be provided by Nanaimo Regional Transit for the BC Summer Games being held in Nanaimo from August 1<sup>st</sup> to 4<sup>th</sup> of this year.

**BACKGROUND**

The BC Summer Games Transportation Organizing Committee has requested that Nanaimo Regional Transit support the games in three main areas (please refer to attached letter). This support has been requested in order to strengthen the already comprehensive transportation services planned for the games. Busing will be provided for athletes, coaches and volunteers that include privately supplied units as well as School District 68 buses. Regional Transit's role would be supplementary and supportive in nature.

**Fares**

The Games committee has requested that athletes, coaches and volunteers that can make use of the Transit system be permitted to do so free of charge. Those people would be identified by their individual I.D. cards supplied by the games. While the majority of transportation is being provided outside of Nanaimo Regional Transit there may be cases where our service is required.

**Provide Back Up Units If Required**

While games organizers plan to accommodate participants with respect to busing as noted above there may be instances where peak period movements of large numbers may require some support. It is anticipated that those peak period demands may occur in the evening when there are Transit units available.

**Park & Ride Service - Opening And Closing Ceremonies at the Rotary Bowl**

Regular scheduled service and additional backup buses would be required to provide Park & Ride service from the Country Club and Harbour Park Malls. Both facilities have approved the concept and will allow free parking on their sites. Regular fares would be charged.

The Special Events policy states that,

*Requests for the use of Transit buses for special events will be considered by the Regional District of Nanaimo where the following criteria are met:*

- *The event is community oriented and open to participation by all members of the public.*
- *The event is held within the Transit service area.*

This application meets those requirements in most respects.

#### **ALTERNATIVES**

1. Approve the application for support busing and fare modifications for the BC Summer Games.
2. Do not approve the application for support busing and fare modifications for the BC Summer Games.

#### **FINANCIAL IMPLICATIONS**

Due to the nature of the request an accurate cost estimate for the hours of service and loss in revenue are difficult to quantify. However a rough estimate of 40 hours of service could be used. This would be the equivalent of \$2,200 in operating costs that would be reduced to approximately \$1,200 with BC Transit cost sharing. Further cost reductions would be achieved through fare revenues.

Revenue lost by allowing participants to ride free would be negligible as the majority of transportation is being provided separately.

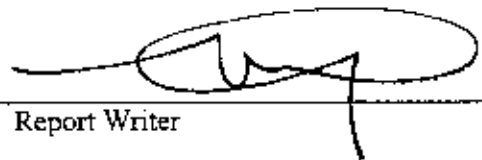
#### **SUMMARY/CONCLUSIONS**


The BC Summer Games are being held in Nanaimo this August. Regional Transit has been asked to provided assistance related to fares, equipment and personnel in the form of back up support to their existing transportation structure.

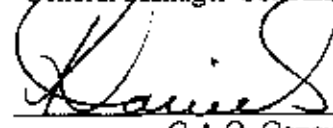
The cost impact is sustainable within the Transportation Services budget and would be cost shared with BC Transit.

#### **RECOMMENDATION**

That the Transit Special Events request by the BC Summer Games Committee be approved.

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

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

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

COMMENTS:



# BC Summer Games

nanaimo 2002

**Nanaimo 2002**  
**BC Summer Games Society**

admin@nanaimo2002.com  
www.nanaimo2002.com

June 3, 2002

Mike Donnelly  
Manager of Transportation Services,  
Regional District of Nanaimo  
6300 Hammond Bay Road  
V9T 6N2

Dear Mike,

As the *Nanaimo 2002 BC Summer Games* quickly approaches the Board of Directors and their various chairs are requiring community assistance in a number of areas. We respectfully request that the Nanaimo Regional District consider the following.

1. Fares to be forgiven for the athletes, coaches, officials and volunteers who display proper accreditation tags during the August 1-4 period.
2. Back up busses in the event we require additional transportation for athletes. (anticipated need 1-2)
3. Park & Ride Service for the general public for both the Open and Closing Ceremonies, with pickup and drop off at Country Club and Harbour Park malls.

We are encouraged by the wonderful support many individuals, departments of governments, and community businesses are providing to ensure that Nanaimo will host the "Best Games Ever" and to leave a lasting legacy for the development of amateur sport.

Thank you to you and your Board of Directors for consideration of these requests.

Sincerely,

**Dave Bakes**  
President, *Nanaimo 2002 BC Summer Games*



*The Spirit Lives On*

588 Terminal Avenue, Nanaimo, BC V9R 5C9 • Phone: 250.740.2002 • Fax: 250.740.3003



**PAGE**  
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REGIONAL DISTRICT OF NANAIMO			
JUN - 5 2002			
CHAIR		GMCMS	
CAO		GMS	
GMCMS		GMS	
		<i>Boal</i>	<input checked="" type="checkbox"/>

MEMORANDUM

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

**DATE:** June 3, 2002

**FROM:** Christina Thomas  
Senior Planner, Community Services

**FILE:** 6780 30

**SUBJECT: GROWTH MANAGEMENT PLAN REVIEW  
UPDATED REGIONAL GROWTH STRATEGY – BYLAW 1309  
INFORMATION ABOUT ISSUES RAISED BY BOARD**

**PURPOSE**

The purpose of this report is to provide information about issues related to the Growth Management Plan Review and the updated regional growth strategy (Bylaw 1309) raised at the May 14, 2002 and May 21, 2002 Board Meetings.

**BACKGROUND**

The Regional Board considered a revised, updated regional growth strategy (Bylaw 1309) at its meeting on May 14, 2002, and passed the following resolutions:

*MOVED Director Hamilton, SECONDED Director Haime, that the Extension Mine Site be included in the urban containment boundary.*

*CARRIED*

*MOVED Director Haime, SECONDED Director Stanhope, that the urban containment boundary be amended to match the proposed sub-urban boundary as contained in the staff report.*

*The motion was not voted on.*

*MOVED Director Stanhope, SECONDED Director Macdonald, that this item be deferred for 60 days and that staff prepare a report to discuss the proposed amendments and the implications of the comments by the delegation with respect to Present Status Lands in Lantzville.*

*CARRIED*

The Chief Administrative Officer (Kelly Daniels) facilitated a discussion with the Regional Board at its meeting on May 21, 2002 which resulted in the identification of issues or topics related to the regional growth strategy that the Board requested further information about. The issues identified were: (1) the Urban Containment Boundary (UCB) in rural areas; (2) servicing (particularly in the rural areas, both inside and outside the UCB); (3) the issues raised by delegations at the May 14, 2002 Board meeting (size of regional growth strategy, market demand as it relates to densification, flexibility, amount of industrial land); (4) parcelization of Agriculture Land Reserve (ALR) land; (5) destination resort nodes, (6) watershed planning, and (7) the results of discussions with large land holding property owners. The Present Status Lands (Sub-Urban Area) designation in Lantzville was also identified as a topic for further consideration.

At the May 28<sup>th</sup> Regional Board meeting the General Manager of Community Services (Neil Connelly) provided information verbally about the topic of the Urban Containment Boundary in rural areas, and the General Manager of Environmental Services (John Funnie) provided information verbally about the topic of servicing, in response to the Regional Board's request for information about these topics at the May 21<sup>st</sup> meeting.

This report provides information about the rest of the identified issues/topics, in written form as requested by the Regional Board at the May 28<sup>th</sup> meeting, with the exception of the Present Status Lands (Sub-Urban Area) designation. A report on this topic will be provided to the Board for information at the June Committee meeting.

### *Issues Raised by Delegations*

#### *Size of Regional Growth Strategy*

One of the delegations indicated concern about the size of the regional growth management plan, citing that shorter regional growth strategies are in existence.

The current plan (Bylaw 985.01) is 115 pages plus maps. The revised, updated regional growth strategy presently under consideration by the Board is approximately 20 pages (of which the substantive policy material constitutes 8 pages) plus maps<sup>1</sup>. The revised regional growth strategy has been shortened by eliminating unnecessary background and descriptive text and by eliminating all of the optional guidance material contained in the plan (such as the regular font text below each policy, and all of the guideline text). The revised, updated regional growth strategy is comprised of a vision statement, eight goals, 45 policies and land use designation maps.

It is important to keep in mind that there is no one "best" or "uniform" size for a regional growth strategy. The regional growth strategy for RDN has been tailored to respond to the unique needs and interests of the region. For example, the region has historically experienced a much higher than average population growth rate due to the region's desirable climate, proximity to the ocean, access to other major urban centres, and natural environment. Some of these attributes of the region can be compromised by the very development intended to accommodate population growth in the region. Consequently, one of the key policy directions of the regional growth strategy for the region is to identify desirable areas for development (i.e. land inside Urban Containment Boundaries and land designated as Present Status Lands<sup>2</sup>) and to proactively facilitate development in these areas, so that the areas of the region valued for their natural or rural attributes can be preserved (i.e. land designated Resource Lands and Open Spaces and Rural Residential). Regional growth strategies for some other jurisdictions are indeed shorter. However, it is important to note that these regional growth strategies were designed to respond to different issues and conditions in the applicable regions. For example, the primary issue driving the development of a regional growth strategy for the Central Okanagan Regional District is transportation, and the primary focus of the regional growth strategy for the Thompson Nicola Regional District is economic development.

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<sup>1</sup> The regional growth strategy under consideration for the Capital Regional District is approximately 30 pages plus maps.

<sup>2</sup> The revised regional growth strategy proposes re-naming "Present Status Lands" as "Sub-Urban Area".

### *Densification/Market Demand*

One delegation cited data from a survey conducted by the Parksville and District Chamber of Commerce and the Oceanside Development and Construction Association regarding characteristics of housing desired by future residents and business owners<sup>3</sup>. It was noted that data from that survey suggests that people considering relocation to the area prefer single-family homes and that townhouse and condominium housing is less desirable to people considering relocation to the area. Limited information is provided regarding the survey methodology (i.e. sample, sample size, method of sampling, accuracy etc.), although it appears that the data was collected over a period of six months from individuals that came into contact with one of the two sponsoring organizations.

The Land Inventory Analysis Report indicates that approximately 65% of the housing planned for the region will be of a single family form, with the remaining 35% of the housing planned to be other forms of housing, such as townhouses, condominiums and residences on the second floor of commercial establishments. The current and revised regional growth strategies both provide for a housing stock that is predominantly single family. The Growth Management Plan does not dictate the kinds of housing to be constructed in each jurisdiction. Rather, it is the responsibility of each local jurisdiction to plan for and designate lands for various forms of housing in response to market demand and other factors it deems appropriate.

Demographic and socioeconomic trends in the Regional District of Nanaimo suggest that a wider range of housing types will be more desirable in the future as the region's population grows and becomes more urbanized. Specifically, household size is declining in the region, particularly in Parksville, Qualicum Beach, and Electoral Areas A, B, C and F. Most households in the region are made up of only one or two persons. The region's population is becoming older, as the number of people in the seniors (65+), older adults (50-64), and middle-aged (35-49) categories are growing fastest and the number of people under the age of 34 (particularly between the ages of 20 and 34) is growing much slower. The smaller household sizes and older population of the region will make smaller single family homes on smaller parcels of land, and other forms of housing (such as townhouses and condominiums) more attractive over time. Townhouses and condominiums will become even more desirable forms of housing due to their proximity to other services and amenities desired by an older population.

### *Need For More Flexibility*

One delegation requested that regional growth strategy for the region be made more flexible.

The present regional growth strategy (Bylaw 985.01) and the updated, revised regional growth strategy under consideration (Bylaw 1309) provide specific direction on elements of vital importance to creating the desired future region and flexible or enabling direction on elements of lesser relevance to the Regional District's role. The two key issues deemed to be of vital importance are the location of new 'urban' or 'urban-like' development and the level of development deemed appropriate, particularly as it relates to the provision of community services by the Regional District. These issues are addressed in the revised regional growth strategy (Bylaw 1309) in the following policies related to urban containment and servicing: 1A, 1B, 1C, 3A, 7A, and 7B. All of the remaining policies provide flexible or enabling direction.

<sup>3</sup> Please see Appendix C of the report "Growth Management Plan Review: Phase (I) Public Feedback (April 2002)" to see a copy of the survey referred to, as well as the results. The survey is called "The Parksville Relocation Package".

### *Amount of Industrial Land*

One delegation cited an opinion that the revised regional growth strategy does not designate a sufficient amount of land as Industrial Area.

The present regional growth strategy (Bylaw 985.01) recognizes land designated as Industrial in official community plans in place at the adoption of the bylaw and designates 1,193.5 hectares as Industrial Area. The updated, revised regional growth strategy (Bylaw 1309) currently under consideration designates 1,222.2 hectares as Industrial Area, which includes an additional approximately 28 hectares of Industrial Area (another dozen parcels) advocated by the recently adopted Electoral Area A Official Community Plan. Further expansions of the Industrial Area designation in the regional growth strategy would result in the imposition of new industrial areas, not currently supported by official community plans, in communities.

Insufficient documentation is available to warrant the designation of additional lands as Industrial Areas. Technical reports prepared as a part of the Growth Management Plan Review and prior to the Review indicate that there is sufficient industrial land available in the region. Discussions with planning staff in the region also indicate that there is a sufficient supply of land available for industrial uses in the region. It should be noted that sufficient areas of land designated for industrial uses are currently undeveloped or underdeveloped. These lands should be developed first, to retain the value of lands designated for industrial purposes and ensure that industrial uses are developed on land that can be efficiently serviced if necessary or intended.

### *Parcelization of Agriculture Land Reserve Lands*

Approximately 18,000 hectares (or about 9%) of land in the Regional District of Nanaimo is in the Agriculture Land Reserve (ALR).

With regard to the subdivision of ALR lands into smaller parcels, the present regional growth strategy (Bylaw 985.01) includes policies that direct official community plans to “promote and encourage retention of large rural holdings” (Policy 3A) and support the retention of land in the ALR (Policy 3D). Policy 3D has been interpreted to mean that the RDN Board should not support any applications to exclude land from the ALR. The updated, revised regional growth strategy presently under consideration (Bylaw 1309) includes more specific policy direction regarding the subdivision, use and exclusion of land in the ALR. Specifically, policies in the updated, revised regional growth strategy limit the subdivision of ALR land (and other land designated as Resource Lands and Open Space) to the minimum parcel size advocated in official community plans<sup>1</sup> (Policy 3A), encourage and support the use of ALR lands for agricultural uses (Policy 3C), authorize the provincial government to consider applications to exclude land from the ALR in the absence of an RDN position on such applications in light of the fact that the province has expertise on agrology matters (Policy 3C), and focuses the RDN’s involvement on the use of land proposed for exclusion from the ALR to after the province has approved the application (Policy 3C).

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<sup>1</sup> Official community plans in the region require a minimum parcel size ranging from 4 to 8 hectares for land in the Agriculture Land Reserve.

### *Destination Resort Nodes*

The current regional growth strategy (Bylaw 985.01) includes a policy that allows for the consideration of a “destination alpine resort node adjacent and linked to Mount Arrowsmith” where it “addresses documented regional needs which cannot be met elsewhere and complements the environmental, economic, and social attributes of the area” (Policy 2E). The revised regional growth strategy (Bylaw 1309) includes a policy that enables the consideration of “destination resort nodes” with limited residential development anywhere in the region at the official community plan level (Policy 6H). As with Policy 2E in the current regional growth strategy, the destination resort nodes supported by Policy 6H in the revised regional growth strategy must address documented regional needs which cannot be met elsewhere and must complement the environmental, economic, and social attributes of the area. The new Policy 6H was included in the revised regional growth strategy to provide an opportunity for a type of economic development not presently advocated by the regional growth strategy but commonly pursued elsewhere. This policy responds to the finding of studies prepared prior to, and as a part of, the Growth Management Plan Review that recreation and tourism related economic development are among the most appropriate forms of economic development to encourage in the region.

### *Watershed Planning*

A watershed planning approach has been suggested as an effective method of ensuring that water sources of sufficient quantity and quality are protected and preserved. Watershed plans are very comprehensive plans done for a watershed area (as opposed to the typical geopolitical areas of official community plans) that are similar to official community plans, but have the more specific focus of identifying all of the possible sources of impact on water quantity and quality and providing direction regarding what actions will be taken to eliminate (or at least minimize) any negative impacts on water quantity and quality. Detailed information, much of which is unavailable, difficult, or very expensive to obtain, is generally required to prepare a comprehensive watershed plan. Regional districts have rather limited roles and responsibilities regarding watershed planning matters in comparison to the provincial and federal government. There are approximately 50 watersheds in the RDN, in comparison to the 13 official community plan areas.

In the absence of specific watershed plans, regional districts can use long range planning documents such as regional growth strategies and official community plans to provide protection to significant watershed areas. The most fundamental protection regional growth strategies and official community plans can provide for watersheds is focusing development onto the least sensitive areas of the watershed and limiting development elsewhere. Beyond that, both of these planning documents can provide direction regarding how local government will fulfill an environmental protection mandate within the purview of existing legislation, as well as provide direction regarding how local government would like the provincial government to fulfill their environmental protection mandates. The existing regional growth strategy (Bylaw 985.01) and the revised, updated regional growth strategy under consideration (Bylaw 1309) both provide this sort of direction. The regional growth strategy is not the most appropriate vehicle for detailed watershed planning. However, the regional growth strategy certainly could include policy direction that encourages or directs a watershed planning approach, either through official community plans or in addition to official community plans. In addition, or in lieu of this, the regional growth strategy could include a policy that directs a detailed examination of the merits of a watershed management planning approach. It should also be noted that the RDN is also addressing specific aspects of watershed planning/management through its current participation in stormwater management projects.

A report about the research previously undertaken on watershed management as a part of the Growth Management Plan Review will be provided at the next Committee meeting for the Board's consideration.

### ***Large Land Holdings: Discussions with Property Owners***

The Large Land Holdings Study was initiated in 1997 to obtain information about large land holdings in the Regional District of Nanaimo, and to develop an approach to determine the best use of large land holdings in the context of the regional growth strategy.

The Large Land Holdings Study classified sixteen large land holding areas into four categories according to the level of ownership consolidation, the potential significance of the parcel in achieving the vision and goals of the regional growth strategy, the ability to deal with the holding in the official community plan process, and the degree of existing policy commitments for specific uses on the holdings. The Study recommended a method of analysis for determining the best use of large land holdings in each category.

On September 12, 2000, the Regional Board received the Large Land Holdings Study, directed that the Study recommendations be considered for incorporation into the Growth Management Plan during the next review, and directed staff to consult with the owners of the Categories 1, 3, and 4 large land holdings identified in the Study report prior to the Growth Management Plan Review. Large land holdings in these categories are: Qualicum Bay/Dunsmuir, Qualicum River, Block 564, Lantzville Foothills, Mount Benson, Nanaimo River South, Duke Point Connector, Boat Harbour, and Horn Lake.

Shortly after the Board provided this direction (and prior to the Growth Management Plan Review) staff contacted each owner of the identified large land holdings to update the owner about the outcome of the study and to inform the owner about the availability of staff to discuss the results of the study as it pertains to each large land holding area with each property owner on a one-on-one basis. The owners of several of the large land holdings took advantage of this opportunity and met with staff (e.g. Ocean Cement, Weyerhaeuser).

As a part of the Growth Management Plan Review owners of the large land holding areas identified in the Study report were included in the GMP Review Project Mailing List. Members of the mailing list have been sent periodic memorandums via direct mail that provide information about the status of the project and opportunities to discuss or provide comments as a part of the project. The owners of the largest land holdings were invited and participated in the 'specialty' workshops conducted in the first phase of the Growth Management Plan Review (i.e. Economic Development Opportunities Workshop, Nodal Development workshop). Several of the large land holding owners have also participated in the general public events conducted as a part of the Growth Management Plan Review. The policy that supports the development of destination resort nodes was included in the revised, updated regional growth strategy (Bylaw 1309) in part to allow for the consideration of economic development opportunities on some of the identified large land holdings.

### **ALTERNATIVES**

1. To receive this report for information.
2. To not receive this report for information.

## FINANCIAL IMPLICATIONS

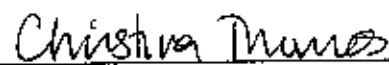
The Community Services budget provides for the budgetary requirements to complete the project as defined by the Terms of Reference for the project endorsed by the Regional Board in January of 2001.

## SUMMARY

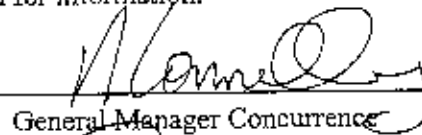
This report includes information about topics related to the Growth Management Plan Review and the updated Regional Growth Strategy Bylaw 1309, in response to the Board's request for information on the topics at Committee and Board meetings conducted in May of 2002. A report on the topic of the regional growth strategy's Present Status Lands (Sub-Urban Area) designation will be provided to the Board for consideration at the June Committee of the Whole Meeting.

## RECOMMENDATION

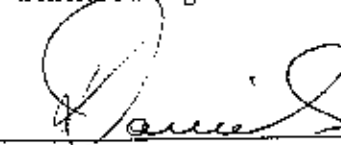
That the report on issues associated with the Growth Management Plan Review and Regional Growth Strategy Bylaw 1309 identified by the Board be received for information.



Report Writer



General Manager Concurrence



CAO Concurrence