

REGIONAL DISTRICT OF NANAIMO

**REGULAR BOARD MEETING
TUESDAY, OCTOBER 9, 2001**

(Nanaimo City Council Chambers)

A G E N D A

PAGES

1. **CALL TO ORDER**
2. **DELEGATIONS**
 - 8 **Jan Crossley**, re Structure Removal Bylaw - 3154 DeCourcy Drive - Area A.
 - 9 **Jim Champoux**, re Soil Conservation Permit Application No. 0104 - 3230 Palmer Road - Area F.
3. **BOARD MINUTES**
 - 10-17 Minutes of the regular Board meeting held on Tuesday, September 11, 2001.
4. **BUSINESS ARISING FROM THE MINUTES**
5. **COMMUNICATIONS/CORRESPONDENCE**
 - 18-20 **John Burrett, FCM**, re Call for Resolutions.
6. **UNFINISHED BUSINESS**
 - 21-44 Home Lake License Holders Association on behalf of Texada Land Corporation - Area H. (Bylaw No. 500.275) (All Directors except EA 'B' - One Vote)
Bylaws No. 1217 & 1218 (All Directors - One Vote)

For Adoption.

Bylaw No. 964.03 - Dashwood Fire Protection Local Service Area Boundary Amendment. (All Directors - One Vote)

Bylaw No. 975.23 - Pump & Haul LSA Amendment Bylaw - Darryl & Julianne Danner - 1926 Sea Otter Place - Area E. (All Directors - One Vote)

Bylaw No. 1239 - Security Issuing Bylaw - Nanoose Bay Bulk Water Supply. (All Directors - Weighted Vote)

Bylaw No. 1242 - Security Issuing Bylaw - Nanoose Bay Bulk Water Supply. (All Directors - Weighted Vote)

Bylaw No. 1243 - Security Issuing Bylaw - Nanoose Bay Bulk Water Supply. (All Directors - Weighted Vote)

Bylaw No. 1244 - Security Issuing Bylaw - Nanoose Bay Bulk Water Supply.
(All Directors - Weighted Vote)

Bylaw No. 1245 - Security Issuing Bylaw - Nanoose Bay Bulk Water Supply.
(All Directors - Weighted Vote)

Bylaw No. 1246 - Security Issuing Bylaw - French Creek Bulk Water Supply.
(All Directors - Weighted Vote)

Bylaw No. 1247 - Security Issuing Bylaw - French Creek Bulk Water Supply.
(All Directors - Weighted Vote)

Bylaw No. 1248 - Security Issuing Bylaw - French Creek Bulk Water Supply.
(All Directors - Weighted Vote)

Bylaw No. 1249 - Security Issuing Bylaw - French Creek Bulk Water Supply.
(All Directors - Weighted Vote)

Public Hearing.

45-52 Minutes of the Public Hearing held September 5, 2001 with respect to Home Based Business Review - Amendment Bylaws No. 500.270 & 500.272 - Areas A, C, D, E, G & H. (All Directors except EA 'B' - One Vote)

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

7.(I) DEVELOPMENT SERVICES STANDING COMMITTEE

53-56 Minutes of the regular Development Services Committee meeting held September 18, 2001. (for information)

CORRESPONDENCE/COMMUNICATIONS

Oceanside Development & Construction Association, re Bylaw No. 500.268 – Amendments to Subdivision Districts – Area E. (All Directors except EA 'B' - One Vote)

That the correspondence received from Oceanside Development & Construction Association with respect to clarification of the status of Bylaw No. 500.268, be received for information.

BUILDING INSPECTION

Section 700 Filings. (All Directors - One Vote)

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

(a) Lot 3, Section 11, Range 7, Plan 3163, Cranberry Land District, 2180 South Wellington Road, Electoral Area 'A', owned by R. Soderstrom;

- (b) *Lot B, Section 19, Plan 33183, Gabriola Island, Nanaimo Land District, 900 Bertha Avenue, Electoral Area 'B', owned by C. and D. Guest;*
- (c) *That part of Lot 1, Block 4, District Lot 27G (formerly known as District Lot 27), Plan 6756, Lying to the south of a boundary extending at right angles to the easterly boundary of said lot, from a point in the said easterly boundary distant 140 feet from the north easterly corner of said Lot 1, except that part in Plan 7960, Wellington Land District, 7022 Lavender Road, Electoral Area 'D', owned by M. and K. Monteiro;*
- (d) *Lot 5, Section 16, Range 3, Plan 30151, Mountain Land District, 3126 West Road, Electoral Area 'D', owned by R. and L. Easthom.*

PLANNING

DEVELOPMENT VARIANCE PERMIT

Application No. 0107- Pearce and Doricich - 2945 Ingram Road - Area A.
(Electoral Area Directors except EA 'B' - One Vote)

Delegations wishing to speak to Application No. 0107.

That Development Variance Permit Application No. 0107, submitted by David Pearce and Lesley Doricich, to facilitate the development of a two-car detached garage and vary the minimum setback requirement for a building or structure within a Rural 4 zone from 8.0 metres (26.3 feet) to 6.0 metres (19.7 feet) for the exterior side lot line located along Ingram Road, and from 8.0 metres (26.3 feet) to 2.0 metres (6.6 feet) for the rear lot line located along the south boundary of the subject property for the property legally described as Lot B, Section 10, Range 4, Cedar District, Plan VIP66286, be approved as submitted subject to the notification requirements pursuant to the Local Government Act..

OTHER

Application No. FLR 0105 - McGarrigle - Munroe Road - Area D. (All Directors except EA 'B' - One Vote)

That the Board of the Regional District of Nanaimo support the application for inclusion into the Forest Land Reserve for the property legally described as The West 20 Acres of Section 15, Range 5, Mountain District, the East 20 Acres of the West 40 Acres of Section 15, Range 5, Mountain District, Parcel B (DD 8669N) of Section 15, Range 5, Mountain District.

That the application be referred to the Growth Management Review Process as a potential amendment for consideration subject to the approval of the inclusion by the Land Reserve Commission.

Zoning Amendment - Valentim - 2651 Island Highway - Area A. (All Directors except EA 'B' - One Vote)

1. *That Amendment Application No. 0105 submitted by John and Rhonda Valentim, to rezone the subject property legally described as Lot 3, Section 6, Range 7, Cranberry District, Plan 10423 Except Parcel A (DDG95323), from Rural 4 (RU4) to Comprehensive Development 10 (CD10) be advanced to a public hearing subject to the conditions outlined in Schedule No. 1.*

2. *That "Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.278, 2001" be given 1st and 2nd reading and proceed to Public Hearing.*
3. *That the Public Hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.278, 2001" be delegated to Director Elliott or his alternate.*

That Schedule No. 4, Section 6.4.108.5, item 3 be amended to allow for the placement of "For Sale" signs in vehicles to distinguish them from repair vehicles.

Manufactured Homes in RS1 Zone – Columbia Beach – Area G. (All Directors except EA 'B' - One Vote)

That the staff report outlining options with respect to restricting the siting of mobile homes or manufactured dwelling units in the Columbia Beach neighbourhood of Electoral Area 'G', be received for information and that the RS1 zoning regulations not be amended.

Liquor License Increased Occupancy Capacity Applications – Areas A & G. (All Directors - One Vote)

That the Board of the Regional District of Nanaimo recommend that the applications for increases in occupancy capacity, as submitted by Timberland Pub, legally described as R. 1, Plan 29967, District Lot 15, Bright Land District Except that Part in Plan 38105, and French Creek House Resort, legally described as Lot 1, Plan 58358, District Lot 28, Nanoose Land District, be supported, subject to the applicants meeting all zoning, building inspection and official community plan bylaw requirements.

LATE ITEMS

ADMINISTRATOR'S REPORT

Green's Landing Wharf – Gabriola Island. (All Directors - One Vote)

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

7.(II) ENVIRONMENTAL SERVICES STANDING COMMITTEE

7.(III) CORPORATE & COMMUNITY SERVICES STANDING COMMITTEE

57-60

Minutes of the regular Corporate & Community Services Committee meeting held October 2, 2001. (for information)

COMMUNICATIONS/CORRESPONDENCE

Gary Korpan, re Treaty Negotiations. (All Directors - One Vote)

That the correspondence received from Mayor Gary Korpan with respect to treaty negotiations, be received.

Reed Elley, re Treaty Negotiations. (All Directors - One Vote)

That the correspondence received from Reed Elley, MP, with respect to treaty negotiations, be received.

ADMINISTRATION

Local Telephone Calling Area Expansions. (All Directors - One Vote)

1. *That staff correspond to the CRTC supporting the following principles related to the expansion of local calling areas:*
 - *Local government authority to initiate and determine the size of the local calling area*
 - *Where costs to residential customers will exceed \$1.00 per month, that an opportunity to vote on the proposal be required and be managed by the telephone service provider through a mail-in ballot sent with the telephone subscriber bill*
 - *That the expansion of a local calling area be revenue neutral to the telephone service provider*
2. *That staff correspond with our neighbouring municipalities and Regional Districts (Cowichan Valley and Alberni-Clayoquot) to encourage them to individually correspond to the CRTC supporting the above noted principles for the expansion of local calling areas.*

COMMISSION, ADVISORY & SELECT COMMITTEE

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

That the minutes of the District 69 Recreation Commission meeting held September 20, 2001 be received for information.

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

That the minutes of the Gabriola Island Recreation Commission meeting held September 17, 2001 be received for information.

That the following Grants-in-Aid applications and subsequent amounts be approved:

<i>Gabriola Community Arts Council – Kids Art Day</i>	<i>\$ 300</i>
<i>Gabriola Shotokan Karate-Do</i>	<i>500</i>
<i>Gabriola Fire Department – Fireworks</i>	<i>500</i>
<i>Youth Art – Music Club</i>	<i>640</i>

<i>People for a Healthy Community – The Gathering Place</i>	1,800
<i>Youth Art – Art Club</i>	2,364
<i>Huxley Park Sports Association</i>	3,400
<i>Gabriola Islander Days</i>	500
	<u>\$ 10,004</u>

REGIONAL GROWTH MANAGEMENT

Growth Management Plan Review – Discussion Paper – Preparation and Public Process Update. (All Directors except EA 'B' - One Vote)

That the Growth Management Plan Review – Discussion Paper Preparation and Public Process Update report be received for information.

COMMISSION, ADVISORY & SELECT COMMITTEE

AVICC TAC Meeting at UBCM. (All Directors - One Vote)

That Director Hamilton's verbal report on the AVICC TAC meeting be received.

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Treaty Negotiations. (All Directors - One Vote)

That, in light of Mr. Elley's correspondence to the Honourable Robert Nault, a letter be sent to Mr. Nault requesting that the proposed meeting with the City of Nanaimo also be attended by Islands Trust and the Regional District of Nanaimo.

7.(IV) EXECUTIVE STANDING COMMITTEE

7.(V) COMMISSION

7.(VI) SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE

Intergovernmental Advisory Committee. (All Directors - One Vote)

61-64 Minutes of the Intergovernmental Advisory Committee meeting held September 13, 2001. (for information)

Building Addition Committee. (All Directors - One Vote)

65 Minutes of the Building Addition Committee meeting held October 2, 2001. (for information)

(All Directors - One Vote)

66-70 1. *That the Board approve the construction of an addition to the RDN Administration Building which includes a Board Room with a seating capacity for an audience of 50 persons and direct staff to prepare the necessary tenders to undertake this project; and*

2. *That staff be directed to prepare the reserve fund expenditure bylaws to approve the release of funds from the Building Addition Reserve Fund to proceed with this project.*

71-73 **Administration Building Reserve Fund Expenditure Bylaw No. 1263.** (All Directors - 2/3)

Selection Committee. (All Directors - One Vote)

That Michelle Honeyman be appointed to the EA 'A' Parks, Recreation & Greenspace Advisory Committee for a term ending December 31, 2002.

8. ADMINISTRATOR'S REPORT

- 74-77 Structure Removal Bylaw No. 1262 - Crossley - 3154 DeCourcy Drive - Area A. (All Directors - One Vote)
- 78-80 Amendment to Apportionment Formula for the Northern Community Sewer Local Service Area Bylaw No. 889.19. (All Directors - One Vote)
- 81-82 French Creek Pollution Control Centre Biosolids Composting Contract Award. (All Directors - Weighted Vote)
- 83-85 Garbage Collection and Recycling Program Contract Award. (All Directors - Weighted Vote)
- 86-88 Landfill and Transfer Station Yard Waste Composting Contract Award. (All Directors - Weighted Vote)

9. ADDENDUM

10. BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

11. NEW BUSINESS

12. BOARD INFORMATION (Separate enclosure on blue paper)

13. ADJOURNMENT

14. IN CAMERA

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

Burgoyne, Linda

From: Pearse, Maureen
Sent: Monday, October 01, 2001 11:52 AM
To: Burgoyne, Linda
Subject: FW: Notice of Hearing - October 9 board meeting

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

From: Armet, Tom
Sent: Monday, October 01, 2001 11:29 AM
To: Lapham, Bob
Cc: Schopp, Stan; Pearse, Maureen
Subject: Notice of Hearing - October 9 board meeting

Re: 3154 DeCourcy Drive, Cedar - Structure Removal Bylaw

For your information, I contacted the PO, Jan Crossley and she confirmed her intentions to address the Board next week regarding this 698 action.

*T.W. (Tom) Armet
Regional District of Nanaimo
Bylaw Enforcement
(250) 390-6530
www.rdn.bc.ca*

August 28, 2001

Regional District of Nanaimo
6300 Hammond Bay Rd.
Nanaimo, B.C.
V9T 6N2

via fax: (250) 390 4163

Attention Maureen Pearse:

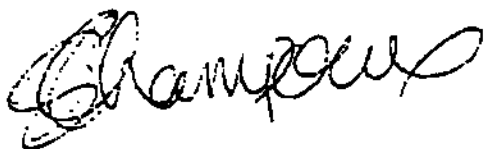
Re: file 0104

Please be advised that I respectfully wish to request that I be able to speak at the board meeting on October 09, 2001 pertaining to our property at 3230 Palmer Rd. Qualicum Beach.

If you should have any questions please do not hesitate to contact us at (250) 752 8822.

Yours Sincerely;

Jim Champoux
3230 Palmer Rd.
Qualicum Beach, B.C.
V9K 1W4



Please advise time & location of meeting.

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE REGULAR MEETING OF THE BOARD
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, SEPTEMBER 11, 2001, AT 7:32 PM IN THE
NANAIMO CITY COUNCIL CHAMBERS

Present:

Director G. Holme	Chairperson
Director L. Elliott	Electoral Area A
Director B. Sperling	Electoral Area B
Director E. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
Alternate	
Director J. Pullen	Electoral Area F
Alternate	
Director M. Klee	Electoral Area G
Director J. Macdonald	City of Parksville
Director T. Westbrook	Town of Qualicum Beach
Director D. Rispin	City of Nanaimo
Director G. Korpan	City of Nanaimo
Alternate	
Director S. Lance	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director L. Sherry	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

Brian Smith, Chairperson, Nanaimo Airport Commission, re Nanaimo Airport Commission Update.

Mr. Smith updated Board members on the activities at the Nanaimo Airport.

Kenneth Walker, re Soil Conservation Permit Application No. 0104 - 3230 Palmer Road - Area F.

Mr. Walker reviewed the plans for the proposed riding ring and the removal of gravel from the property.

Julia Patterson, re Soil Conservation Permit Application No. 0104 - 3230 Palmer Road - Area F.

Ms. Patterson, owner of the adjacent lot, expressed her concerns with respect to the proximity of the riding ring to the wetlands and urged Board members to withhold final approval until further review of the proposal could be undertaken.

Carol Morrissey, re Soil Conservation Permit Application No. 0104 - 3230 Palmer Road - Area F.

Mr. Bill Preston spoke in place of Ms. Morrissey and also expressed his concerns about the wetlands and the removal of the tree buffer. He requested the Board to delay the approval to allow for further public input.

LATE DELEGATION

MOVED Director Westbrook, SECONDED Director Korpan, that Mr. Champoux be permitted to speak as a late delegation.

CARRIED

Jim Champoux, re Soil Conservation Permit Application No. 0104 - 3230 Palmer Road - Area F.

Mr. Champoux responded to concerns expressed by the delegations and clarified the amount of gravel to be removed from the property for the proposed riding ring.

BOARD MINUTES

MOVED Director Sherry, SECONDED Director Rispin, that the minutes of the regular Board meeting held on Tuesday, August 14, 2001 be adopted.

CARRIED

ADDENDUM

COMMUNICATIONS/CORRESPONDENCE

**D. Unrau re Soil Conservation Permit Application No. 0104 - 3230 Palmer Road - Area F.
Kathy Neden, re Soil Conservation Permit Application No. 0104 - 3230 Palmer Road - Area F.**

MOVED Director Rispin, SECONDED Director Sherry, that the correspondence from D. Unrau and Kathy Neden with respect to Soil Conservation Permit Application No. 0104 be received.

CARRIED

DEVELOPMENT SERVICES STANDING COMMITTEE

MOVED Director Hamilton, SECONDED Director Sherry, that the minutes of the regular Development Services Committee meeting held August 28, 2001, as amended, be received for information.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Application No. 0116 – Coldstream (Vernon) Ltd. – 2048 Hemer Road – Area A.

MOVED Director Elliott, SECONDED Director Hamilton, that Development Permit No. 0116, submitted by Coldstream (Vernon) Ltd., to legalize an existing free-standing sign by varying the minimum setback requirement for another lot line located along Cedar Road within a Recreation 1 (RC1) zone from 5.0 metres (16.4 feet) to 2.1 metres (6.9 feet) and permit the construction of two scoreboards for the property legally described as Lot A, Section 14, Range 1, Cedar District, Plan 37404, be approved as submitted subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

Temporary Commercial Use Permit No. 0104 & Development Permit No. 0119 – Intracorp (on behalf of Fairwinds) – Fairwinds Drive – Area E.

MOVED Director Hamilton, SECONDED Director Sherry, that Temporary Commercial Use Permit No. 0104 and Development Permit No. 0119, submitted by Intracorp on behalf of Fairwinds Development Corporation Inc. No. 441838 for the property legally described at the Remnant of District Lot 78, Nanoose District, to allow a temporary real estate office use, proceed to a public information meeting prior to the Board's consideration of these permits, subject to the conditions outlined in Schedule No. 1 and notification requirements pursuant to the Local Government Act.

CARRIED

DEVELOPMENT VARIANCE PERMIT

Application No. 0106 – Dueck – 6941 Seaside Terrace – Area D.

MOVED Director Hamilton, SECONDED Director Haime, that Development Variance Permit No. 0106, submitted by Blair Dueck, Agent on behalf of Dean and Roberta Dueck, to legalize the siting of an existing retaining wall by varying the minimum setback requirements for an interior side lot line within the Residential 1 (RS1) zone from 2.0 metres to 0.05 metres for the property legally described as Strata Lot 3, District Lot 37, Wellington District, Strata Plan VIS4291 Together With an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1, be approved as submitted subject to the notification requirements pursuant to the Local Government Act.

CARRIED

FRONTAGE RELAXATION

Request for Relaxation of the Minimum 10% Perimeter Requirement - Ward – 640 Grovehill Road – Area H.

MOVED Director Hamilton, SECONDED Director Sherry, that the request from Douglas Ward, on behalf of Douglas Reid Ward and Mary Jacqueline Ward, to relax the minimum 10% frontage requirement for proposed Lot 2, as shown on the plan of subdivision of Lot 9 (DDS1005N), District Lot 90, Newcastle District, Plan 1874, Except Part in Plan VIP52920, be approved.

CARRIED

ENVIRONMENTAL SERVICES STANDING COMMITTEE

MOVED Director Sherry, SECONDED Director Westbrook, that the minutes of the regular Environmental Services Committee meeting held August 28, 2001 be received for information.

CARRIED

LIQUID WASTE/UTILITIES

Driftwood Water Supply Service Area Establishment Bylaw No. 1255 and Driftwood Water Supply Service Area Loan Authorization Bylaw No. 1256 – Area E.

MOVED Director Sherry, SECONDED Director Westbrook, that "Driftwood Water Supply Service Area Establishment Bylaw No. 1255, 2001" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Sherry, SECONDED Director McNabb, that "Driftwood Water Supply Service Area Loan Authorization Bylaw No. 1256, 2001" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

Pump & Haul LSA Amendment Bylaw No. 975.24 – William & Linda Crowther – Marina Way – Area E.

Moved Director Sherry, SECONDED Director Westbroek, that the application for exclusion from the pump and haul service be accepted:

Lot 7, Block 1, District Lot 38, Nanoose District, Plan 10777
Marina Way
William and Linda Crowther
Area E

CARRIED

MOVED Director Sherry, SECONDED Director Macdonald, that “Regional District of Nanaimo Pump & Haul Local Service Area Amendment Bylaw No. 975.24, 2001” be read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

Electoral Area A (MacMillan Rd. School Site) Sewer LSA Rates & Regulations Amendment Bylaw No. 1237.01.

MOVED Director Sherry, SECONDED Director Elliott, that “Electoral Area ‘A’ (MacMillan Rd. School Site) Sewer Local Service Area Rates and Regulations Amendment Bylaw No. 1237.01, 2001” be introduced for three readings.

CARRIED

MOVED Director Sherry, SECONDED Director Elliott, that “Electoral Area ‘A’ (MacMillan Rd. School Site) Sewer Local Service Area Rates and Regulations Amendment Bylaw No. 1237.01, 2001” having received three readings, be adopted.

CARRIED

Bylaws No. 889.18 and 813.26 – Application for Inclusion in French Creek LSA – 825 Reid Road – Area G.

MOVED Director Sherry, SECONDED Director Klee, that Lot 23, Plan 13406, DL 29, Nanoose Land District be included in the French Creek Sewer Local Service Area.

CARRIED

MOVED Director Sherry, SECONDED Director Klee, that “Northern Community Sewer Local Service Area Amendment Bylaw No. 889.18, 2001” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Sherry, SECONDED Director Klee, that “French Creek Sewer Local Service Area Amendment Bylaw No. 813.26, 2001” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

CORPORATE & COMMUNITY SERVICES STANDING COMMITTEE

MOVED Director Rispin, SECONDED Director Macdonald, that the minutes of the regular Corporate & Community Services Committee meeting held August 28, 2001 be received for information.

CARRIED

RECREATION AND PARKS

Trans Canada Trail.

MOVED Director Hamilton, SECONDED Director Rispin, that the report on the Trans-Canada Trail be received and that staff be directed to negotiate trail partnership agreements with the TCT committee, negotiate bridge tenure agreements with Weyerhaeuser and enter into a project management agreement with the Land Use Coordinating Office should provincial funding be available for the Haslam Creek bridge project.

CARRIED

REGIONAL GROWTH MANAGEMENT

Transportation Study.

MOVED Director Sherry, SECONDED Director Macdonald, that the Transportation Study be received, and that it be forwarded to the Growth Management Plan Review for further consideration and consultation with the public.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

Area 'A' Parks, Recreation & Greenspaces Advisory Committee.

MOVED Director Elliott, SECONDED Director Sherry, that the minutes of the Area 'A' Parks, Recreation & Greenspaces Advisory Committee meeting held June 13, 2001 be received for information.

CARRIED

District 69 Arena Committee.

MOVED Director Macdonald, SECONDED Director Westbrook, that the minutes of the District 69 Arena Committee meeting held August 22, 2001 be received for information.

CARRIED

MOVED Director Macdonald, SECONDED Director Westbrook, that funds be reallocated within the District 69 Arena function twinning project budget to provide for the expenditure of up to \$14,000 for additional consulting services required for this stage of the project and a second open house public meeting in October.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Crows Nest Park.

MOVED Director Sherry, SECONDED Director Haime, that the proposed change to policy with respect to park maintenance be referred to the Nanoose Bay Parks and Open Space Project Advisory Committee and that staff prepare a report to the Board with respect to the Advisory Committee's input.

CARRIED

SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE

Intergovernmental Advisory Committee.

MOVED Director Sherry, SECONDED Director Rispin, that the minutes from the Intergovernmental Advisory Committee meeting held August 21, 2001 be received for information.

CARRIED

ADMINISTRATOR'S REPORT

Temporary Use Permit No. 0104 - Intracorp Developments Ltd. - 3484 Fairwinds Drive - Area E.

MOVED Director Sherry, SECONDED Director Hamilton, that the minutes for a Public Information Meeting held September 4, 2001 for Temporary Use Permit No. 0104 submitted by Brian Larsen, acting as agent for Intracorp Developments Ltd., to locate a commercial real estate sales center on the subject property (proposed Lot 22) legally described as Part of District Lot 78, Nanoose District be received for information.

CARRIED

MOVED Director Sherry, SECONDED Director Hamilton, that Temporary Use Permit No. 0104, submitted by Brian Larsen, acting as agent for Intracorp Developments Ltd., to locate a commercial real estate sales center on the subject property (proposed Lot 22) legally described as Part of District Lot 78, Nanoose District be approved, subject to conditions as outlined in *Schedule No. 1*.

CARRIED

MOVED Director Sherry, SECONDED Director Hamilton, that Development Permit No. 0119, submitted by Brian Larsen, acting as agent for Intracorp Developments Ltd., to locate a commercial real estate sales center on the subject property (proposed Lot 22) legally described as Part of District Lot 78, Nanoose District be approved, subject to conditions as outlined in *Schedule No. 1*.

CARRIED

Soil Conservation Permit Application No. 0104 – Alan Stewart - 3230 Palmer Road - Area F.

MOVED Director Sherry, SECONDED Director Westbrook, that the application be referred back to Committee.

DEFEATED

MOVED Director McNabb, SECONDED Director Pullen, that the application for a Soil Conservation Permit under the *Soil Conservation Act* for Lot 3, District Lot 8, Cameron District, Plan 1981, be approved for the removal of up to 4000 m³ of material from the area specified and approved by the Land Reserve Commission and other agencies to facilitate the construction of a riding ring, and provided that any material extracted be used for the purpose of road construction as authorized by Permission to Construct Works in Crown Land and not for off-site sales.

CARRIED

MOVED Director McNabb, SECONDED Director Rispin, that a \$1000 performance bond be required of the applicant to ensure that the extracted materials are not sold off-site.

CARRIED

Chase River Pumping Station Upgrade - Contract.

MOVED Director Sherry, SECONDED Director Rispin, that the Regional District of Nanaimo award 2001 Chase River Pumping Station Upgrade for the tendered amount of \$254,293.00 to D. Robinson Contracting.

CARRIED

City Centre Transit Exchange Licence Agreement.

MOVED Director McNabb, SECONDED Director Elliott, that the Licence Agreement between the City of Nanaimo and the Regional District of Nanaimo for use of the Gordon Street site as a Transit Exchange be approved.

CARRIED

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15

Growth Management Plan Review - Project Update.

MOVED Director McNabb, SECONDED Director Westbroek, that the Growth Management Plan Review – Project Update report be received for information.

CARRIED

Port Theatre Funding Request.

MOVED Director Haime, SECONDED Director Hamilton, that Electoral Area Culture Centre Contribution Local Service Area Bylaws for Areas A, B, C, D and E be amended to provide for one additional year of funding (2002).

CARRIED

MOVED Director Elliott, SECONDED Director Haime, that Electoral Area A Cultural Centre Contribution Local Service Area Bylaw No. 1037.01 be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Sperling, SECONDED Director Haime, that Electoral Area B Cultural Centre Contribution Local Service Area Bylaw No. 1038.01 be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Hamilton, SECONDED Director Haime, that Electoral Area C Cultural Centre Contribution Local Service Area Bylaw No. 1039.01 be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Haime, SECONDED Director Sperling, that Electoral Area D Cultural Centre Contribution Local Service Area Bylaw No. 1040.01 be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Macdonald, SECONDED Director Elliott, that Electoral Area E Cultural Centre Contribution Local Service Area Bylaw No. 1041.01 be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Hamilton, SECONDED Director Klee, that arrangements be made to provide for a referendum in November 2002 on the consideration of funding beyond 2002 for the Port Theatre.

CARRIED

Community Park Referendum on Gabriola Island.

MOVED Director Sperling, SECONDED Director Haime, that an Electoral Area B community parks referendum to obtain voter assent be held on November 24, 2001 for the borrowing of up to \$500,000 to assist with the acquisition of parkland on Gabriola Island be approved and with the question to be:

“Are you in favour of Bylaw No. 1258, 2001, which if approved, would authorize the borrowing of up to \$500,000 to assist with the acquisition of Part of the North ½ of the North ½ Section 20, Gabriola Island, Nanaimo District, except Plan 42874 (PID 002-138-719) for parkland purposes in Electoral Area B?”

CARRIED

MOVED Director Sperling, SECONDED Director Sherry, that “Regional District of Nanaimo Electoral Area B Parkland Acquisition Loan Authorization Bylaw No. 1258, 2001” be introduced and given three readings and proceed to referendum to obtain voter assent.

CARRIED

MOVED Director Sperling, SECONDED Director Sherry, that "Electoral Area B Community Parks Local Service Amendment Bylaw No. 799.06, 2001" be introduced and given three readings.

CARRIED

MOVED Director Sperling, SECONDED Director Haime, that C. Mason be appointed as Chief Elections Officer and M. Pearse as Deputy Elections Officer for the Referendum.

CARRIED

NEW BUSINESS

Transit Ad.

Director Korpan expressed concern with the wording of a recent ad placed in the newspaper advertising student day passes.

ADJOURNMENT

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

CARRIED

TIME: 8:35 PM

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES



Federation of Canadian Municipalities
 Fédération canadienne des municipalités

MEMBERS' ADVISORY

REGIONAL DISTRICT OF NANAIMO			
SEP 20 2001			
CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMES	
<i>Dist. Correspondence</i>			

September 20, 2001

PLEASE BRING TO THE ATTENTION OF COUNCIL

CALL FOR RESOLUTIONS FOR CONSIDERATION BY THE FCM NATIONAL BOARD OF DIRECTORS, DECEMBER 2001

The Federation of Canadian Municipalities (FCM) invites members to submit resolutions on subjects of **national municipal interest** for debate at the December 5-8 meeting of the National Board of Directors in Dawson City, Yukon.

FCM will take a stand only on issues that are clearly of national municipal interest and which fall within the jurisdiction of the federal government. Indirect municipal issues and local/regional issues will not be supported by major research and lobbying activity, unless otherwise directed by delegates at the Annual Conference or by FCM's National Board of Directors.

Resolutions should meet the enclosed guidelines and must be received by FCM no later than midnight on October 17, 2001. Resolutions received after the deadline will be processed for the March 2002 meeting of the National Board of Directors.

Please forward your resolution(s) to: Nicole Ladouceur, Federation of Canadian Municipalities, 24 Clarence Street, Ottawa, Ontario, K1N 5P3 (Tel: (613) 241-5221 ext. 364; Fax: (613) 241-7440). **To facilitate the processing of your resolution(s), FCM requests that you also submit an electronic copy of your resolution(s) by e-mail to: nladouceur@fcm.ca.**

FCM looks forward to hearing from its members.

John Burrett
 Acting Director
 Economic and Social Policy
 Enclosure

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GUIDELINES FOR PRESENTATION OF RESOLUTIONS TO FCM

1. It is by way of resolutions that Municipal Members bring their concerns to FCM for consideration at the Annual Conference, held in June of each year, or at meetings of the National Board of Directors, held in September, December and March.
2. Resolutions may be submitted by any municipality or provincial/territorial municipal association which is a member in good standing of the Federation of Canadian Municipalities.
3. All resolutions endorsed at the Annual Conference or at the National Board of Directors and which require action from the Government of Canada shall be submitted to the appropriate minister, department or agency for response.
4. It is therefore important that resolutions be carefully worded so that FCM is directed to take the appropriate action and that the proper message is conveyed.
5. FCM does not wish to receive resolutions which pit one municipality against another.
6. Members submitting resolutions regarding Community Safety and Crime Prevention matters are advised to focus on the "principle" of the issue being addressed and avoid attempts to re-word the criminal code.
7. A national vocabulary should be used at all times when drafting resolutions. Local references may detract from the national significance of resolutions.

CONSTRUCTION OF RESOLUTIONS

8. All members are urged to observe the following guidelines when preparing resolutions for submission to FCM:
 - a) FCM will take a stand only on issues which are clearly of national municipal interest and which fall within the jurisdiction of the federal government, the provincial and territorial governments acting at the interprovincial level. Indirect municipal issues and local/regional issues will not be supported by major research and lobbying activity, unless otherwise directed by the Annual Conference or by FCM National Board of Directors.
 - b) The descriptive clauses (**WHEREAS...**) should clearly and briefly set out the reasons for the resolution. If the sponsor believes that the rationale cannot be explained in a few preliminary clauses, the problem should be more fully stated in supporting documentation.

- c) The Operative Clause (**BE IT RESOLVED...**) must set out its intent clearly and briefly, stating a specific proposal for action to be taken by FCM. (i.e., **BE IT RESOLVED** that FCM urge/endorse/petition...) Generalization should be avoided. Further, the resolution must clearly include a municipal thrust (i.e., how does or will the intent of the resolution affect municipal governments?).
- d) Background information must be submitted with the resolution. When a resolution is not self-explanatory and when adequate information is not received, FCM staff may return the resolution to the sponsor with a request for additional information or clarification.
- e) Proof of endorsement by the sponsoring council must accompany the resolution.

PLEASE NOTE: Resolutions that do not comply with the foregoing guidelines will be returned to the sponsoring municipality/municipal association for revision/rewriting or/and receipt of adequate information in justification and support of the intent of the resolution.

CATEGORIZATION OF RESOLUTIONS

Category A:	National municipal issues
Category B:	Local/regional municipal issues
Category C:	Issues not within municipal jurisdiction
Category D:	Matters dealt with by FCM in the previous three years and in accordance with FCM policy
Category E:	Matters dealt with by FCM in the previous three years and NOT in accordance with FCM policy

SUPPLEMENTARY INFORMATION

The Executive Committee is responsible for receiving and taking action on all resolutions in accordance with the above stated guidelines. Resolutions which fall within the mandate of an FCM Standing Committee will be reviewed by that committee for the purpose of categorizing them and presenting recommendations to the Executive Committee and the National Board of Directors or/and the Annual Conference, in accordance with FCM's guidelines. The Standing Committee will select suitable resolutions for inclusion in a Consent Agenda.

**THE DEADLINE FOR SUBMISSION OF RESOLUTIONS TO THE
DECEMBER 2001 MEETING OF THE NATIONAL BOARD OF DIRECTORS IS
OCTOBER 17, 2001.**



REGIONAL DISTRICT OF NANAIMO		
OCT 3 2001		
CHAIR		GMCrS
CAO		GMDS
GMCmS		GMES
		<i>Bud</i>
		<input checked="" type="checkbox"/>

MEMORANDUM

TO: Kelly Daniels, CAO **DATE:** October 01, 2001

FROM: Robert Lapham **FILE:** 3360 30 9630 (500.275)
General Manager of Development Services

SUBJECT: Amendment Application No. 9630 – Horne Lake License Holders Association on behalf of Texada Land Corporation (Bylaw Amendment Bylaw No. 500.275) Portions of District Lots 251 and 251A and Block 40, Alberni District bordering Horne Lake - Electoral Area 'H'

PURPOSE

To consider Bylaw 500.275 for adoption, Development Permit No. 0120 for approval, introduce the Horne Lake Pump and Haul Service Area and to direct staff to proceed with the preparation of Terms of Reference for work on a Horne Lake Regional Park Management Plan.

BACKGROUND

Bylaw No. 500.275 was considered by the Board and given 3rd reading on August 14, 2001.

The purpose of Bylaw No. 500.275 is to rezone portions of the lands surrounding Horne Lake from Resource Management 1 (RM1) to a Comprehensive Development Zone to allow a maximum of 400 Recreational Residences (registered as individual bare land strata lots) and to allow for a Recreational Vehicle Storage Area. In addition, Bylaw No. 500.275 also proposes the rezoning of the surface of Horne Lake from Water 1 (WA1) to Water 4 (WA4) to allow for docks at a restricted maximum area, height and number. The subdivision district of all lands considered in the rezoning is also proposed to be amended to 'CD9- Minimum Permitted Parcel Size 400 m²'. The subdivision district of all water considered in the rezoning is also proposed to be amended to 'Subdivision District 'Z' - No Further Subdivision'.

The balance of the subject properties will remain within the FLR and be managed as forest within the Resource Management zone.

The rezoning is also intended to resolve a number of outstanding issues with provincial and federal government agencies. These issues and the required agreements are outlined in *Schedule No. '1'*.

In addition, a portion of the subject properties are designated within the Environmentally Sensitive Areas Development Permit Area pursuant to the Regional District of Nanaimo Shaw Hill – Deep Bay Official Community Plan, Bylaw No. 1007, 1996. This report also considers a concurrent application for a development permit (*see conditions and guidelines as outlined in Schedule No. '2'*).

ALTERNATIVES

1. To adopt Bylaw No. 500.275 and approve Development Permit No. 0120.
2. To deny Bylaw 500.275 and not approve Development Permit No. 0120.

LAND USE IMPLICATIONS

The adoption of the bylaw will result in zoning regulations that permit a maximum of 400 Recreational Residences (registered as individual bare land strata lots) and a 2-hectare area for Recreational Vehicle Storage Area on the lands. A restrictive covenant will ensure that newly created lots provide adequate building sites in compliance with the zoning regulations and development permit area requirements.

PARKS AND TRAILS IMPLICATIONS

As part of the proposal, the applicant will transfer approximately 250 acres, included within Block 40, Alberni District, to the Regional District as Regional Park. In addition, as part of the closure of a portion of a gazetted right-of-way across the lands, the applicant has agreed to dedicate a sufficient road right-of-way (15 metres) to the Ministry of Transportation, including an additional 1 metre contiguous statutory right-of-way to the Regional District, to protect a Trail Corridor connecting the new Home Lake Regional Park with the remainder of the gazetted right-of-way. The Home Lake License Holders have also agreed to work with the RDN to establish a constructed trail upland from the road.

As part of the agreement to resolve Qualicum First Nation concerns with the closure of a portion of the original gazette, Texada Land Corporation, Home Lake License Holders Association and Qualicum First Nation have all agreed to support best efforts by the RDN to have the Provincial Government proclaim the Home Lake Trail, by Order In Council, as an historic trail. This request will require a resolution of support from the Regional Board (*see Attachment No. 1- Map of Home Lake Regional Park and Trail*).

The Board will recall that the Home Lake License Holders will also be granted an option to assume the operation of the Home Lake Regional Park in accordance with a Regional District Park Management Plan for the site. There are many issues associated with the management of this significant active regional park including the ongoing operation of a campground of up to 200 sites, public access to the beach area, boat ramp, caretakers residence and other facilities as well as the protection of environmentally sensitive areas. Therefore, in order to provide the necessary policies, direction and guidelines for the parks operation, the Regional District must immediately establish interim operating policies, as well as prepare terms of reference for an appointed committee to work with the RDN to prepare a park plan. The work will begin as part of the implementation of the development agreement within the planning department and be further assessed as part of the 2002 provisional budget related to regional parks; however, the project needs to be substantially completed in the early spring of 2002 to accommodate increased seasonal use of the site. While this will have budget implications for the RDN, the site offers income potential that should be sufficient to offset future operational costs and enhance public access and recreational opportunities.

DEVELOPMENT PERMIT IMPLICATIONS

A development permit is being considered for approval concurrently with the adoption of the zoning amendment bylaw to set out criteria for the approval of the location of some cabins relative to the natural boundary of Home Lake and other watercourses. The development permit approvals also provide direction on the future setbacks for additions or structural improvements to cabins as well as landscaping. In addition, the development permit area guidelines have been drafted providing for some existing and anticipated works related to the protection of existing cabin sites from erosion and to guide the construction of docks and dock access. Site-specific variances will be required where existing cabins do not meet zoning requirements (*see Schedule No. 2, attached*).

PUMP AND HAUL IMPLICATIONS

The adoption of the zoning amendment bylaw and ability to create 400 bare land strata lots is contingent on the submission of a petition to establish a pump and haul service area for the area being rezoned. The Home Lake Pump and Haul Service Establishment Bylaw establishes pump and haul service for the lands being rezoned for development and the Home Lake Pump and Haul Service Regulatory Bylaw establishes regulations and requirements related to the provision of the service. The bylaws and petition will provide for the phased implementation of the service over 3 years, initially at an annual charge of \$100.00 with respect to each cabin installing a holding tank during the 3-year period. After 3 years, all cabins are required to have holding tanks and the discharge fees will be established pursuant to the Trucked Liquid Waste Bylaw No. 988 (see Attachment Nos. 2 and 3).

FLOOD CONTROL IMPLICATIONS

The flood control provisions of Bylaw No. 500.275 are being established pursuant to Section 910 of the *Local Government Act* and have received approval on behalf of the Minister of Water, Land and Air Protection. The adoption of the bylaw will result in significant works being undertaken at the dam and spillway controlling the level of Horne Lake in relation to the new flood construction level.

VOTING

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

SUMMARY/CONCLUSIONS


The purpose of Bylaw 500.275 is to rezone portions of the lands surrounding Horne Lake from Resource Management 1 (RM1) to a Comprehensive Development Zone to allow a maximum of 400 Recreational Residences (registered as individual bare land strata lots) and to allow for a Recreational Vehicle Storage Area. In addition, Bylaw No. 500.275 also proposes the rezoning of the surface of Horne Lake from Water 1 (WA1) to Water 4 (WA4) to allow for docks at a restricted maximum area, height and number. The balance of the subject properties will remain within the FLR and be managed as forest within the Resource Management zone.

As part of the proposal, the applicant will transfer approximately 250 acres, included within Block 40, Alberni District, to the Regional District as Regional Park. As part of the agreement for the transfer, the RDN will provide an option to the Horne Lake Licence Holders to assume the operation of the Park subject to the terms and conditions of a Regional District Park Management Plan.

A number of other agreements, permits and services are also being secured or registered as part of the rezoning application as outlined in Schedule '1'. These instruments have now either been signed or accepted in the form of undertakings such that staff can recommend that the bylaw be considered for adoption. In addition, due to the need to proceed with the bare land subdivision as part of the land transaction, staff are also advancing recommendations to approve a development permit to recognize the siting of a number of the cabins and to set out guidelines for future additions, dock construction and land management. The proposed Horne Lake Pump and Haul Establishing Bylaw and Regulatory Bylaws are also recommended to be introduced, given three readings, and forwarded to the appropriate agencies for approval.

RECOMMENDATIONS

1. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.275, 2001," be adopted.
2. That Development Permit Application No. 0120 be approved with variances subject to the guidelines and conditions set out in Schedule No. 2.
3. That "Home Lake Pump and Haul Service Establishment Bylaw No. 1217, 2001" be introduced and read three times and referred to the Inspector of Municipalities for approval.
4. That "Home Lake Service Area Sewage Disposal Regulation Bylaw No. 1218, 2001" be introduced and read three times and referred to the Provincial Health Officer for approval.
5. That the Board of the Regional District of Nanaimo request that the Province of British Columbia proclaim the 'Home Lake Trail' currently established by Gazette dated June 8, 1911 and in part now held by the Regional District of Nanaimo as Regional Park Statutory right-of-way, as an 'Historic Trail', similar to the historic Barkerville Wagon Trail and Alexander McKenzie Voyager Route.


Report Writer


CAO Concurrence

COMMENTS:

reports/development/2001/za3360 30 9630 au brd Texada HLLA 3rd .doc

SCHEDULE NO. 1

Home Lake License Holders Association on behalf of Texada Land Corporation

Application ZA9630

Bylaw Amendment Bylaw No. 500.275

Agreements or undertakings to be secured prior to consideration of adoption of Bylaw No. 500.275.

1. Resolution of the outstanding conflict between the right-of-way (established by gazette) and the cabins located within the Comprehensive Development Zone.
2. The transfer of approximately 270 acres of land within Block 40, Alberni District to the RDN as regional park on the condition that specific uses and the operation of the park will be governed by a RDN park management plan, including provision for up to 200 campsites with an option for the HLLHA to assume the operation subject to the terms and conditions of the plan.
3. A provision for only 377 cabin sites unless evidence is provided that the additional 23 sites can be reasonably accommodated on the lands as determined by the RDN.
4. A new flood construction elevation to be established as part of the zoning with restrictive covenants recognizing the flood risk, establishing new minimum habitable floor elevations and setbacks, including a release and indemnity in favour of the Regional District and other government agencies.
5. A flood reconstruction definition determining the degree of reconstruction that will trigger relocation of existing cabins to the newly established elevation and setback and also ensuring that all new cabin construction meets these requirements.
6. A new local pump and haul service area and conditions for mandatory compliance over a 3-year implementation period according to agreed upon fees and charges.
7. The requirement for a development permit to protect environmentally sensitive and hazardous areas according to current development permit area guidelines and agency referral comments.
8. A letter of understanding agreeing to work toward providing public access opportunities through corridors to be licensed to the RDN.

SCHEDULE NO. 2

**SUMMARY OF VARIANCES TO
DEVELOPMENT PERMIT NO. 0120**

Part of Parcel A (DD33934I) of District Lot 251, Alberni District Except Part in Plan 1735R and Except Part in Plan 46602 and Part of Parcel B (DD33933I) of District Lot 251, Alberni District
Section 6.4.107.4 Minimum Setback Requirements – All watercourses except Horne Lake be varied as follows:

- from 15 metres to 0 metres for any new and existing structural retaining walls or shoreline stabilization structure greater than 1 metre in height for the purpose of erosion protection and providing slope stability as approved pursuant to section 9 of the *Water Act*.
- from 15.0 metres to 8.0 metres for any new and existing porches.
- from 15.0 metres to 8.0 metres for any new and existing structural decks.
- from 15.0 metres to 8.0 metres for any new and existing accessory buildings.
- from 15.0 metres to 8.0 metres for any existing cabins.

Section 6.4.107.4 Minimum Setback Requirements from Horne Lake be varied as follows:

- from 8.0 metres to 0 metres for any new structural retaining wall greater than 1 metre in height for the purpose of erosion protection and providing slope stability as approved pursuant to section 9 of the *Water Act* or otherwise established prior to this bylaw

With respect to the proposed Bare Land Strata Subdivision, the following variances apply:

- Non contiguous parcels where the proposed strata lots are separated by access routes and shown on the plan of subdivision prepared by Bruce Lewis, BCLS and dated October, 2001.
- Relaxation of minimum 10% perimeter frontage pursuant to Section 944 of the Local Government Act as shown on the plan of subdivision prepared by Bruce Lewis, BCLS and dated October, 2001.

**GUIDELINES AND CONDITIONS TO BE ATTACHED TO
DEVELOPMENT PERMIT NO. 0120**

Any construction or land alteration activity shall be consistent with the following guidelines. Any construction or land alteration activity that is not consistent with the development permit guidelines requires a site-specific variance from the Regional District of Nanaimo.

GENERAL GUIDELINES AND CONDITIONS

1. General

- a) All development activities shall use the Stream Stewardship Series, 1993 and Land Development Guidelines, 1992 publications by Fisheries and Oceans Canada and BC Ministry of Environment and the Environmental Requirements and Best Management Practices for the Review of Land Development Proposals, March 2001 publication by Ministry of Water, Land and Air Protection, or any subsequent editions.
- b) Construction and any land alteration activities shall be undertaken to ensure water quality and sensitive habitat areas are not negatively impacted.
- c) The area of disturbance by construction activities shall be minimized to preserve vegetation within the development permit area.
- d) Any construction machinery shall be in good working order and no fuels, lubricants or construction wastes are permitted to enter any watercourse. Machine work shall be done from the upland, and is not permitted to occur from within the watercourse or the foreshore of Home Lake. Refueling of machinery should be conducted more than 25 m from all watercourses.
- e) When heavy machinery is being used a spill kit shall be on-site to prevent the introduction of any fuels in the event of a spill. If a spill occurs, the Provincial Emergency Program shall be contacted.
- f) Concrete poured on-site shall be fully contained in forms and is prohibited from entering the watercourse.
- g) Fish habitat enhancement work approved by Fisheries and Oceans Canada or the Province of BC are permitted.
- h) Prior to any construction commencing temporary fencing (snow or 'hi-vis' fence) or a prominent visual barrier shall be installed to delineate where heavy machinery and land alteration is not permitted. The fencing shall be removed once all development activity has been completed.

2. Storm Water Management

Management of storm water shall be consistent with the following guidelines:

- a) Run off from roofs and other impervious areas shall be:
 - i. directed away from any banks, watercourses, and Home Lake; and
 - ii. directed to flow over erosion resistant materials and then dispersed into seepage pits or vegetated swales such that no erosion is caused; and
- b) Collection and reuse of run off is encouraged.

3. Fill Placement

- a) Placement of fill to raise a foundation of a cabin shall be contained foundation within a poured concrete foundation.
- b) The placement of fill for any other purpose is not permitted unless otherwise specified in this development permit.

CONSTRUCTION AND MAINTENANCE OF DOCKS, WALKWAYS, AND TRAILS

Where Bylaw No. 500.275 allows a dock, a ramp, an access walkway, or a diving board or slide, the following guidelines and conditions apply:

1. Dock construction and materials

Dock construction shall be consistent with the following guidelines and conditions and the Home Lake Docks Best Practices Guidelines (available by June 2002):

- a) The following materials are acceptable in the construction of a dock:
 - i. natural untreated wood,
 - ii. steel,
 - iii. wood treated with metallic salts (e.g. chromated copper arsenate (CCA) or ammonia cal copper arsenate (ACA) using accelerated fixation procedures or water-borne preservatives,
 - iv. clean plastics with no contaminants,
 - v. fasteners and brackets that do not produce rust, or
 - vi. styrofoam (bead board) extruded polystyrene floatation billet.
- b) The following materials are unacceptable in the construction of a dock:
 - i. creosote treated timber,
 - ii. oil based wood preservatives,
 - iii. used industrial steel drums,
 - iv. unprotected expanded polystyrene (white open cell Styrofoam), or
 - v. any container previously containing toxic materials.

2. Construction and Maintenance

- a) Wood preservatives or paint to docks or gangplanks shall be applied during dry periods or upland from the shore.
- b) The minimum clearance should be deep enough such that the dock does not ground out on the shoreline.
- c) Dredging, blasting or filling below the Natural Boundary is not permitted.
- d) Grates or space boards on ramps and float decking is encouraged to reduce the impact of shading.

3. Dock and Walkway Anchoring

- a) General
 - i. Docks shall be free floating with adequate anchoring to limit disturbance of the bed of the lake and to avoid breakaways that may impact the shoreline or result in a hazard.
 - ii. acceptable anchor materials include cured concrete and steel.
 - iii. anchoring shall limit the disturbance to the shore.

4. Gangplank Walkways, or Pedestrian or Boat Trails

- a) The following materials are acceptable in the construction of a gangplank, walkway, or pedestrian or boat trails:
 - i. permeable, non-toxic material such as crushed gravel, and
 - ii. on slopes, wooden stairs are preferred.
- b) The following materials are unacceptable in the construction of a gangplank, walkway, or pedestrian or boat trails:

- i. impermeable surfaces such as paving and concrete, and
 - ii. bark mulch or hog fuel.
- c) Pedestrian and Small Boat Launching Trails through the development permit area shall:
- i. provide the most direct route of feasible passage through the development permit area to limit disturbance or the necessity to remove native vegetation,
 - ii. not impact sensitive habitat by adding materials not common to the natural cobble/sand shoreline (for example, paving stones, or introduced beach sand),
 - iii. not destabilize banks or other erosion prone areas through extensive vegetation removal, and
 - iv. not be paved or made of concrete.

FORESHORE MANAGEMENT AND WATERCOURSE MANAGEMENT

The foreshore is defined as the area located below the natural boundary as shown on the survey plan prepared by Bruce Lewis, BCLS and dated March 2000.

Watercourses are those shown on the survey plan prepared by Bruce Lewis, BCLS and dated March 2000 and are those that meet the definition of watercourse pursuant to Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 which will be classified by Fisheries and Oceans Canada (DFO).

Land alteration or construction activity within the foreshore shall be consistent with the following:

1. General

- a) no building or structures and other than 1 dock and walkway per recreational residence is permitted on the foreshore pursuant to Bylaw No. 500.275,
- b) no dredging and blasting is permitted below the natural boundary, and
- c) no removal of vegetation, or alteration of land or placement of fill is permitted on the foreshore unless the proposed activity is consistent with the guidelines set out in this development permit.

2. Shoreline Protection and Restoration

Shoreline protection and restoration shall be consistent with the following:

General

- a) All shoreline protection activities (retaining walls or shore stabilization) must be approved by the Province of BC pursuant to Section 9 of the *Water Act*.
- b) This development permit authorizes any retaining wall or shore stabilization works less than 1 metre in height that has received approval from the Province of BC.
- c) Any new structural retaining wall greater than 1 metre in height requires a variance to Bylaw No. 500 other than walls intended for erosion protection and providing slope stability.
- d) Experienced professionals shall be consulted for the design of the project and to provide guidance for installation of proposed works.
- e) Retaining walls constructed for the purpose of reclaiming land are not permitted.
- f) Bioengineering methods are preferred over hard armouring for shoreline stabilization.
- g) Any shoreline protection or restoration activities incorporating planting shall be undertaken during the late fall and spring when plants are best able to establish roots and temperatures are not extreme.
- h) Where hard armouring is necessary as prescribed by an experienced professional the materials used shall not be solid steel or solid concrete structures or lock blocks.

- i) All retaining walls or shore stabilization works requires a Section 9 permit from the Province of BC.

CONSTRUCTION

New construction of buildings or structures within the development permit area or the consideration of conforming status for existing buildings or structures within the development permit area will require individual applications for development permits to be evaluated on a site specific basis with the exception of minor additions as defined in Bylaw No. 500.275, 2001 which may be located below the FCL provided the minor addition is sited behind the front face of the subject cabin.

1. Accessory Buildings

- a) Existing accessory buildings shall be located more than 8 metres from the natural boundary of Horne Lake or more than 8 metres from the natural boundary or top of the bank from all other watercourses, whichever is greater and shall be located behind the existing face of the building fronting Horne Lake or other watercourses
- b) Existing accessory buildings located less than 8 metres from the natural boundary of Horne Lake or less than 8 metres from the natural boundary or top of bank from all other watercourses, whichever is greater, requires a site-specific variance.
- c) New accessory buildings shall be located more than 15 metres from the natural boundary of Horne Lake and 15 metres from the natural boundary or top of bank from all other watercourses, whichever is greater.

2. Cabins, Porches, and Structural Decks

- a) Existing cabins, existing porches, and existing structural decks shall be located more than 8 metres from the natural boundary of Horne Lake or more than 8 metres from the natural boundary or top of bank from all other watercourses, whichever is greater, provided no addition is placed in front of the existing face of the structure adjacent to Horne Lake or other watercourses.
- b) Existing cabins, existing porches, and existing structural decks located less than 8 metres from the natural boundary of Horne Lake or less than 8 metres from the natural boundary or top of bank from all other watercourses, whichever is greater, shall require a site-specific variance.
- c) New cabins, new porches, and new structural decks shall be located more than 15 metres from the natural boundary of Horne Lake or more than 15 metres from the natural boundary or top of bank from all other watercourses, whichever is greater.
- d) Where a cabin, located more than 8 metres and less than 15 metres, is being raised to the FCL, it shall not be moved closer to the natural boundary of Horne Lake or to the natural boundary or top of bank from all other watercourses, whichever is greater.

3. New Porches

- a) A newly constructed porch:
 - i. may be located below the FCL; and
 - ii. shall be located behind the front face of the cabin unless siting is consistent with adjacent porches; and
 - iii. shall be located more than 8 metres from the natural boundary of Horne Lake and more than 8 metres from the natural boundary or top of bank from all other watercourses, whichever is

greater provided no addition is placed in front of the existing face of the structure adjacent to Horne Lake or any other watercourse.

- b) Any new porch proposed to be located less than 8 metres from the natural boundary of Horne Lake or 8 metres from the natural boundary or top of bank from all other watercourses, whichever is greater, requires a site-specific variance.

4. Decks

- a) Landscape decks or hard surface patios are decks or patios that are not raised more than 0.6 m (2 feet) off the ground; and
 - i. shall be located more than 2 metres from the natural boundary of Horne lake or more than 2 metres from the natural boundary or top of bank from all other watercourses, whichever is greater, and
 - ii. may be constructed using paving stones, gravel, interlocking bricks, and/or decay resistant wood blocks.
- b) Structural Decks are decks raised more than 0.6 m (2 feet) off the ground; and
 - i. shall have a 1.06 metre (42 in) hand rail;
 - ii. shall be located more than 8 metres from the natural boundary;
 - iii. shall be sited behind the front face of the building,
 - iv. may be located to the front of the cabin between 8 and 15 metres provided the location is consistent with adjacent cabins and decks and does not project in front of adjacent structures, and
 - v. any new porch proposed to be located less than 8 metres from the natural boundary of Horne lake or 8 metres from the natural boundary or top of bank from all other watercourses, whichever is greater, requires a site-specific variance.

5. Parking Spaces and Driveways

- a) The following general guidelines apply to the construction of parking spaces and driveways:
 - i. existing parking spaces and driveways located within the development permit area shall not be paved.
 - ii. visitor recreational vehicles shall be located outside of the development permit area.
 - iii. new parking spaces and/or driveways shall be located outside the development permit area where site conditions permit.
- b) The following materials are acceptable in the construction of parking spaces and driveways:
 - i. permeable non-toxic material that resists the creation of excess dust and surface erosion.
- c) The following materials are unacceptable in the construction of a gangplank, walkway, or pedestrian or boat trails:
 - i. bark mulch or hog fuel, and
 - ii. impermeable surfaces including asphalt and concrete.

6. Outdoor Storage

- a) The following guidelines and conditions apply to outdoor storage:
 - i. outdoor storage may be located more than 2 metres from the natural boundary or top of bank of all watercourses except Horne Lake, whichever is greater,

- ii. outdoor storage may be located more than 8 metres from the natural boundary of Horne Lake, and
- iii. gasoline, oil, and other potentially hazardous materials shall be stored outside of the development permit area in a building with a solid floor. Emergency clean-up materials shall be stored with any stored chemicals.

VEGETATION MANAGEMENT AND LANDSCAPING

Vegetation Management and Landscaping

Plants and trees help to hold the soil and prevent erosion, especially on steep slopes. Exposing the sandy soils will negatively impact the water quality of Horne Lake and destabilize steep banks. Property owners are encouraged to retain the natural characteristics of their property and minimize disturbance to the site.

1. The alteration of land, construction and maintenance of landscaping or yard and features shall be consistent with the following guidelines:
 - a) Replanting within the development permit area shall be comprised of trees, shrubs, and ground cover native to the area and selected to suit soil, light, and groundcover conditions of the site.
 - i. landscaping shall be comprised of drought resistant plants.
 - ii. minimum native tree stock of 1.5 metres in height is recommended.
 - iii. minimum planting density of 2.0 metres for trees is recommended
 - iv. shrubs and smaller species should be planted at between 0.5 and 1.0 metre centers.
 - v. Fall (September to October) or Spring (March to April) planting is recommended to maximize survival.
 - b) Existing lawns and gardens shall be maintained in a manner that prevents the possible contamination of ground and surface waters.
 - c) Establishment of new lawns shall not result in the excessive removal of vegetation near the shore and on slopes.
 - d) Application of chemical fertilizers and pesticides within the development permit area is not permitted.
 - e) Application of chemical fertilizers and pesticides outside of the development permit area should be avoided and only used with extreme caution.
 - f) The storage of yard waste including leaves, grass clippings, fruit and vegetable wastes and woody materials is not permitted within the development permit area.
 - g) The removal of invasive plants or noxious weeds is permitted on a small scale within the development permit area including, but not limited to: Scotch broom, Himalayan blackberry, morning glory, and purple loosestrife, provided that erosion protection measures to avoid sediment or debris begin discharged into the watercourse are taken.
2. Tree Management shall be consistent with the following guidelines:
 - a) Hazardous trees may be removed.
 - b) Top or prune trees rather than remove them.
 - c) Tree removal is acceptable within the building envelope and more than 15 metres from the natural boundary with approval from the Strata Corporation.
 - d) Bark, limbs and roots shall be protected during construction by
 - e) tying planks or fence around trees to protect them from equipment;
 - f) not drive or park equipment over the root area.

- g) Filling, compacting or removing soil from the root area is not permitted. This area is generally consistent with the edge of the drip line of the plant.

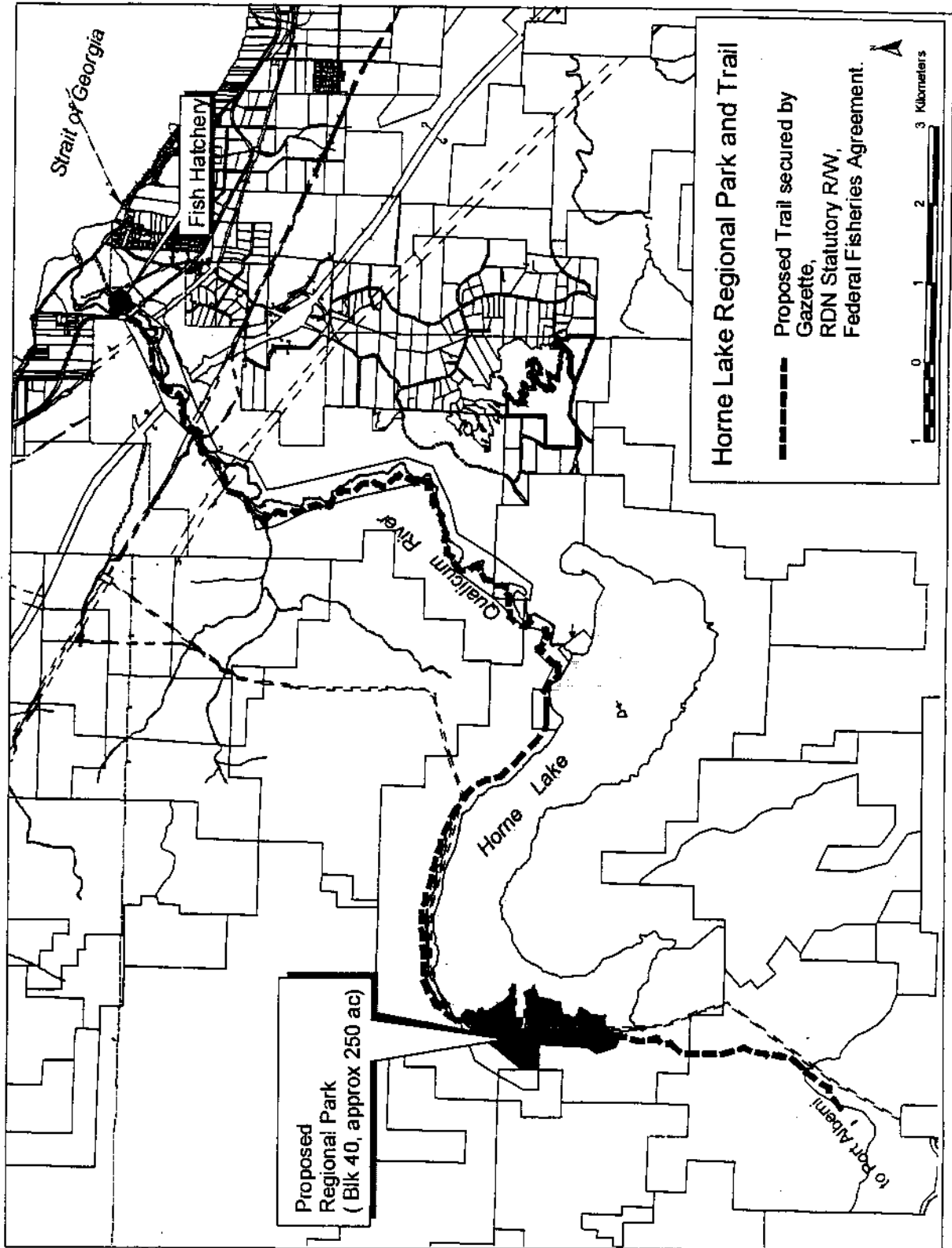
SEDIMENT AND EROSION PROTECTION

Erosion is a naturally occurring process – but when land is disturbed by construction activities, erosion increases by 2 to 40,000 times the pre-construction rate. Erosion creates sediment, which is transported by flowing water, wind, or gravity (slumping).

Sediment and Erosion Protection activities shall be consistent with the following guidelines:

- I. An Erosion Control Plan should be developed to include the following elements:
 - a) Timing - Limit timing of these activities to dry periods of the year and ensure sites are re-vegetated prior to the winter wet season.
 - b) Minimize the Disturbance Area by:
 - i. clearing only those areas of the sites that must be graded for the current phase of development,
 - ii. leaving vegetated areas in place as long as possible, and
 - iii. on larger sites, complete grading and erosion control in one area before opening another.
 - c) Retain Existing Vegetation by:
 - i. retaining existing trees, grasses or other vegetation where possible, and
 - ii. when clearing vegetation grubbing of tree roots should be done just prior to grading.
 - d) Design slopes by:
 - i. recognizing soil, run off and groundwater conditions when designing slopes. (note; saturated soils and silt soils are highly erodable),
 - ii. avoiding erodable slopes over 2:1 (height/distance),
 - iii. avoiding slope lengths over 30 m between slope breaks, and
 - iv. encouraging sheet drainage, by avoiding concentrated water flow down unarmoured slopes.
 - e) When seeding and permanently planting:
 - i. seed disturbed areas whenever they will be dormant for 45 days or more. Consult local seed suppliers for appropriate seed mixes,
 - ii. seed during the appropriate germination season. Grasses will not germinate in the winter. Permanent grasses are best planted April 15 to May 30 or August 15 to September 30. Annual ryegrass may germinate March 1 to October 15 and will form a temporary tall grass cover, but it requires summer mowing,
 - iii. apply mulch and tackifier to large sites or slopes to stabilize soils until germination. Hand placed straw mulch on flat or small sites will provide some cover and enhance germination, and
 - iv. permanent seeding and planting of grasses, legumes, trees and shrubs to prevent further soil erosion and provide filtration of surface runoff.

Attachment No. 1 - Horne Lake Regional Park Trail



Attachment No. 2

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1218
A BYLAW TO REGULATE SEWAGE DISPOSAL
IN THE HORNE LAKE SERVICE AREA

WHEREAS Bylaw No. 1217 established a local service for the collection, conveyance, treatment and disposal of sewage within parts of Horne Lake Pump and Haul Service Area;

AND WHEREAS by Order in Council No. 1961, approved and ordered the 17th day of June, 1970, the Regional District of Nanaimo was granted by Supplementary Letters Patent the powers of a Municipal Council under what is now section 523 of the *Local Government Act* for all or part of the Regional District not within a municipality;

AND WHEREAS the Board may operate any service that the Board considers necessary or desirable for all or part of the Regional District;

AND WHEREAS under section 797(1) of the *Local Government Act*, Division 4 of Part 15 applies to regional districts;

AND WHEREAS section 518.1(4) provides for a system of licences, permits or approvals in relation to a service and includes setting out the conditions that must be met before a licence, permit or approval is granted, the nature of the conditions and who may impose it;

AND WHEREAS the Board may under Section 796.2(1) make rules for the provision, operation and administration of a service and for the maintenance and management of property under the control of the Regional District, including the right to set conditions respecting access to and use of the property;

AND WHEREAS the Board is desirous of establishing regulations governing the collection, conveyance, treatment and disposal of sewage for the Horne Lake Pump and Haul Service Area;

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

1. **Short Title**

This bylaw may be cited for all purposes as the "Horne Lake Service Area Sewage Disposal Regulation Bylaw No. 1218, 2001".

2. **Interpretation**

(1) For the purposes of this bylaw, unless the context otherwise requires:

"Board" means the Regional Board of the Regional District of Nanaimo;

"Community Sewer System" means a system of sewage disposal which services two (2) or more parcels and which is owned, operated and maintained by a Municipality, a

Regional District, or an agency of Her Majesty the Queen in Right of the Province of British Columbia;

"General Manager of Environmental Services" means the person appointed as such by the Board or any other person appointed by the Board to administer this bylaw;

"Health Act" means the *Health Act*, (British Columbia);

"Holding Tank" means a tank designed to store sewage on a parcel of land for a period of time before the sewage is transported to an approved disposal site or community sewer system located elsewhere;

"Holding Tank System" means a system of sewage containment or disposal designed and intended to be used or actually used to hold, convey or dispose of sewage from, in or on a parcel;

"Lot" includes a strata lot;

"Officer" means a Municipal Sewage Control Officer appointed by the Board.

"On-Site" means on the parcel on which sewage is generated;

"Permit" means a holding tank disposal permit issued under section 4 of this bylaw;

"Public Health Inspector" means a person so appointed under the *Health Act*;

"Regional District" means the Regional District of Nanaimo;

"Service Area" means the service area established in the Horne Lake Pump and Haul Service Establishment Bylaw No. 1217;

"Sewage" means human excretion or the water carried wastes from personal or domestic washing, food preparation and laundering, resulting from occupation of a building;

"Sewage Control Manager" means a sewage control manager appointed by the Regional District of Nanaimo, or a person appointed by the Board as his or her deputy, under the *Waste Management Act*;

"Sewage Disposal Regulations" means the Sewage Disposal Regulations, B.C. Reg. 411/85 under the *Health Act*;

3. **Application**

An owner or occupier of the land within the Horne Lake Service Area may apply for a holding tank sewage disposal permit under Section 4 (3) where the estimated maximum daily sewage flows for the intended use do not exceed 750 litres per day (165 imperial gallons per day per lot.

4. **Administration**

- (1) The General Manager of Environmental Services is authorized to administer this bylaw.
- (2) The General Manager of Environmental Services, Sewage Control Manager, Officer, a Bylaw Enforcement Officer or a Public Health Inspector may enter upon any parcel to which this bylaw is applicable at all reasonable times to ascertain whether a requirement under this bylaw is being met or the regulations under this bylaw are being observed.
- (3) The application for a holding tank sewage disposal permit shall be submitted to the Regional District by the owner of a parcel within the Horne Lake Service Area or his agent, in the form as shown in Schedule A;
- (4) No person shall interfere with or obstruct the entry of the General Manager of Environmental Services, Sewage Control Manager, Officer, or a Bylaw Enforcement Officer in the course of administering and enforcing this bylaw.
- (5) The General Manager of Environmental Services may issue a Permit where the following conditions have been met:
 - (a) the estimated daily sewage flows for the lot do not exceed the volume set out in section 3; and
 - (b) the application is approved by the Public Health Inspector.

5. **Fees**

As set out in Schedule 'B'

6. **Prohibitions**

- (1) No person shall commence the construction, installation, alteration or repair of a holding tank system or part thereof without a Permit.
- (2) No person shall do any work that is at variance with the descriptions, plans, and specifications for the holding tank system for which a Permit has been issued, unless the change has been approved by a Public Health Inspector.
- (3) No person shall discharge septage to a Regional District septage disposal facility without a Permit or if the Permit is suspended or cancelled.

7. **On-Site Regulations**

- (1) One (1) on-site holding tank shall be permitted per lot located within the Service Area.
- (2) It is a condition of approval of use of a Regional District of Nanaimo septage disposal facility that:
 - (a) a warning device approved in accordance with the terms and conditions of the permit issued by the Public Health Inspector shall be installed to provide the owner with an advance warning of the need to pump out the holding tank;

- (b) all sewage generated on-site be collected and contained within a holding tank or holding tank system for which a Permit has been obtained from the Public Health Inspector;
 - (c) all on-site holding tanks and holding tank systems shall be designed, constructed, sited and approved in accordance with the terms and conditions of the permit issued by the Public Health Inspector;
 - (d) the owner or occupier of a parcel on which a holding tank system is installed pursuant to this bylaw shall pump out and maintain or cause the holding tank to be pumped out and maintained as required to ensure sewage does not exceed the permitted capacity of the holding tank;
- (3) The General Manager of Environmental Services may suspend a Permit if a condition set out in Section 7 is not met, until the owner or occupier remedies the breach of condition.
 - (4) If a breach of a condition under Section 7 is not remedied within 30 days, the Permit may be cancelled.

8 Discharge

No person shall discharge sewage from a holding tank installed pursuant to this bylaw to any disposal facility except a septage disposal facility as defined in "Regional District of Nanaimo Trucked Liquid Waste Disposal Bylaw No. 988, 1995".

9 Remedial Powers

- (1) The Board may, in accordance with the provisions of the *Local Government Act*, authorize the demolition, the removal, or the bringing up to standard of any holding tank or required warning device, in whole or in part, that is in contravention of this bylaw.
- (2) The Regional District, by its employees, contractors or others, may also undertake, pursuant to the *Local Government Act*, the pumping of sewage from a holding tank constructed pursuant to this bylaw that is maintained contrary to the prohibitions and regulations set out in Sections 6 and 7 of this bylaw in order to preserve public health or maintain sanitary conditions.
- (3) In accordance with the provisions of the *Local Government Act*, all expenses connected with correcting an unsanitary condition under Sections 6 and 7 shall be charged to the owner of the real property and, if unpaid on the 31st day of December in any year, shall be added to and form part of the taxes payable in respect of that real property as taxes in arrear.

10 Penalties

- (1) A person who contravenes this bylaw commits an offence and is liable upon conviction to the maximum penalty prescribed under the *Offence Act*.
- (2) For each day during which a contravention of this bylaw continues, a new and separate offence shall be deemed to occur.

- (3) Nothing in this bylaw shall prevent the Regional District from taking such other lawful action as it deems necessary to prevent or remedy any contravention of this bylaw.

11. **Severability**

If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the section, subsection, sentence, clause or phrase may be severed without affecting the validity of the remaining portions of this bylaw.

Introduced and read three times this ____ day of _____, 2001.

Received the approval of the Minister of Health this ____ day of _____, 2001.

Adopted this ____ day of _____, 2001.

Chairperson

General Manager, Corporate Services

Chairperson

General Manager, Corporate Services

REGIONAL DISTRICT OF NANAIMO
APPLICATION FORM
HOLDING TANK DISPOSAL PERMIT

1. Name of Property Owner: _____
2. Address of Property Owner: _____
3. Legal Description of Property for which application is made:
Lot: _____ Plan: _____ DL: _____ LD: _____
4. Civic address of property referred to in No. 3: _____

This form will be completed and submitted together with:

- a) A site plan drawn to scale and showing the proposed location of the holding tank in relation to the cabin, the natural boundary of Home lake and any other watercourse, collection lines, and elevation of the lower lip of the access hatch or other opening.
- b) An application fee per the schedule of fees in effect from time to time.
- c) A fee of \$200.00 per holding tank sewage disposal system for application processing by the Local Health Region.

Note:

The Local Health Region has jurisdiction for approval of on-site sewage disposal systems. Property owners must obtain a permit for all on-site works and pay any charges imposed by the Local Health Region for inspection or other purposes.

This application information will be forwarded to the Local Health Region for their approval. Owners are advised that tank installation and design requirements will be specified by the Local Health Region as part of their approval of this application.

Approval of this application by the Local Health Region is required before the property has authority to discharge septage to a Regional District septage disposal facility.

This Permit may be cancelled or suspended for failure to comply with the terms of the Home Lake Service Area Sewage Disposal Regulation Bylaw No. 1218, 2001.

Property Owner(s) Date:
Signature: _____

Schedule 'B' to accompany "Home Lake Service
Area Sewage Disposal Regulation Bylaw
No. 1218, 2001"

Chairperson

General Manager, Corporate Services

FEES

Application Fee

\$100.00

Attachment No. 3

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1217

**A BYLAW TO ESTABLISH A SERVICE AREA
WITHIN THE REGIONAL DISTRICT OF NANAIMO
FOR THE PURPOSE OF COLLECTION, CONVEYANCE,
TREATMENT AND DISPOSAL OF SEWAGE FROM
HOLDING TANKS**

WHEREAS the Regional District of Nanaimo wishes to establish and operate a service under Section 796(1) of the Local Government Act for the purpose of providing for the collection, conveyance, treatment and disposal of sewage from holding tanks within a defined portion of the Regional District;

AND WHEREAS the Board has waived the assent requirement of the Local Government Act for the proposed electoral participating area under Section 801.5(1)(a) of the Local Government Act;

AND WHEREAS the Regional Board has received petitions under Section 797.4 for the service which meets the requirements of Section 801(2) of the Local Government Act for the establishment of the service;

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

1. LOCAL SERVICE

The collection, conveyance, treatment and disposal of sewage from holding tanks is established as a service.

2. BOUNDARIES

The boundaries of the service area shall be the boundaries of the parcels set out in Schedule 'A' to this bylaw.

3. PARTICIPATING AREAS

A defined portion of Electoral Area 'H' is the sole participating area in the service.

4. COST RECOVERY

The annual costs for the service, net of grants and other revenue, shall be recovered by one more of the following:

- (a) the requisition of money under Section 803(1)(a) of the Local Government Act to be collected by a property value tax to be levied on the net taxable value of land and improvements in the service area.;
- (b) the imposition of a parcel tax under Section 803(1)(b);
- (c) fees and charges imposed under Section 797.2.

5. **MAXIMUM REQUISITION**

The maximum amount that may be requisitioned under Section 800.1(e) of the Local Government Act shall be the greater of:

- (a) \$79,125; or
- (b) the amount resulting from applying a property tax rate of \$7.642 per thousand to the net taxable value of land and improvements in the service area.

6. **CITATION**

This bylaw may be cited as "Horne Lake Pump and Haul Service Establishment Bylaw No. 1217, 2001".

Introduced and read three times this 9th day of October, 2001.

Received the approval of the Inspector of Municipalities this ____ day of _____, 2001.

Adopted this ____ day of _____, 2001.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager, Corporate Services

BYLAW NO. 1217
SCHEDULE 'A'

Parcel A, DD33934I, District Lot 251, Alberni Land District

Parcel B, DD33934I, District Lot 251, Alberni Land District

Block 40, Alberni District, Plan 691N, Except that part thereof shown outlined in Red on Plan 1339R and
Except that part in Plan 46603



CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	

MEMORANDUM

TO: Robert Lapham
General Manager of Development Services

DATE: October 2, 2001

FROM: Pamela Shaw
Manager of Community Planning

FILE: 3360 30 9617

SUBJECT: Home Based Business (HBB) Review- RDN Land Use and Subdivision Bylaw Amendment Bylaw No. 500. 270, 2001 & Accessory Building Size Provisions- RDN Land Use and Subdivision Bylaw Amendment Bylaw No. 500. 272, 2001 Electoral Areas A, C, D, E, G & H

PURPOSE

To receive the minutes of the Public Hearing on Bylaw No. 500.270 and Bylaw No. 500.272, and further, to consider the Bylaws for 3rd reading.

BACKGROUND

Bylaw Nos. 500.270 and 500.272 were considered by the Board and given 1st and 2nd reading on July 10th, 2001.

The Public Hearing concerning the proposed amendments was held on September 5, 2001. A summary of the proceedings is attached for the Board's consideration (*see Attachment No. 1*).

The intent of Bylaw No. 500.270 is to update the RDN's regulations regarding home-based businesses (HBBs). Briefly, the Bylaw will:

- Allow expanded product sales (including goods unrelated to the HBB);
- Expand the HBB's location (to the dwelling unit, attached garage or accessory building for all zones excluding Residential 1 less than 2000 m², Residential 3 and Rural 5 zoned properties, where the HBB is restricted to the dwelling unit and/or attached garage);
- Restrict bed and breakfast units to within the dwelling unit in all zones (with units limited to 2 in Residential 1 and 3 zones and 4 in all other zones);
- Expand HBB floor area allowances to 100 m² for Residential and Rural 5 zoned properties and 150 m² for Rural 1-4; 6-9, and Resource Management 1-5; 7-9 zoned properties;
- Permit two non-resident employees for properties zoned Residential 2, all Rural zones excluding Rural 5, and Resource Management zones, and a maximum of one non-resident employee in all other zones;
- Limit HBB signs to .75 m² (approximately a 3'x3' sign), with allowances for the sign to be located on a wall, fence face, or as a free-standing sign sited within setbacks; and
- Be monitored and verified by an HBB business registry (operating as a form of business licensing, being mandatory after a one-year implementation period, with no requirement for annual renewals).

The intent of Bylaw No. 500.272 is to establish new maximum size provisions for accessory buildings. For Residential zoned parcels, the Bylaw proposes to implement a sliding scale based on parcel size,

which will allow a maximum accessory building size up to 250 m². The maximum size for accessory buildings and in Rural and Resource Management zoned would be increased to 400 m².

ALTERNATIVES

1. To give 3rd reading to Bylaw No. 500.270 and Bylaw No. 500.272, subject to the amendments specified in 'Schedule No. 1' then forward the Bylaws to the Ministry of Transportation pursuant to Section 54(2) of the *Highway Act*.
2. To deny 3rd reading to Bylaw No. 500.270 and 500.272, thereby maintaining home based business regulations and accessory building sizes as currently specified in Bylaw No. 500.

PUBLIC CONSULTATION IMPLICATIONS

At the public hearing, comments were received on: opposition to a mandatory business registry and related future difficulties with enforcement; recommendations on the siting of HBBs in accessory buildings in all zones; opposition to prohibiting the processing of wood products; recommendations on relaxing the Bylaw's signage provisions; and support for amending the Bylaw to express only prohibited uses (thereby allowing any activity not expressly prohibited). No comments were received on the issue of accessory building size.

INTERGOVERNMENTAL IMPLICATIONS

Earlier in the public consultation process, the Ministry of Transportation indicated concerns with the number of on-site parking spaces required for a home based business and the Central Vancouver Island Health Region (CVIHR) specifically opposed the location of bed and breakfast units in accessory buildings; the proposed Bylaw has been amended to recognize these concerns. The Land Reserve Commission also commented that the Commission is currently involved in an initiative that will result in a different approach to the way in which the Commission deals with non-farm uses in the ALR and FLR. No new information is yet available on this initiative. Comments were also received from the City of Parksville, strongly recommending that some form of home-based business registry be established. In addition, letters indicating no specific objection or comment were received from the (then) Ministry of Environment, Lands and Parks and School District No. 69 (Qualicum).

No comments were received during the public consultation process from the referral agencies on the issue of increased accessory building size.

It should be noted that, pursuant to Section 54(2) of the *Highway Act*, the Ministry of Transportation's statutory approval is required prior to the amendment bylaws being considered for adoption.

FINANCIAL IMPLICATIONS

There are no direct financial implications associated with supporting the recommendations in this report. Should the Bylaws be adopted, it is anticipated that inquiries will increase over the short term; however, these increases will be met through the normal staffing budget.

VOTING

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

SUMMARY/CONCLUSIONS

"Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.270, 2001" and "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.272, 2000" were given 1st and 2nd reading on July 10th, 2001. A Public Hearing with respect to these Bylaws was conducted on September 5th, 2001. A Summary of the Proceedings of the Public Hearing is attached for the Board to receive and consider.

At the Public Hearing, comments were received on: opposition to a mandatory business registry and related future difficulties with enforcement; recommendations on the siting of HBBs in accessory buildings in all zones; opposition to prohibiting the processing of wood products (with the example given of creating bird houses from logs); restrictive signage provisions; and the bylaw's approach to limiting permitted uses instead of expressing only prohibited uses. No comments were received on the issue of accessory building size.

Schedule No. 1 outlines recommended amendments resulting from the Public Hearing.

These bylaws may now be considered for 3rd reading.

RECOMMENDATIONS

1. That the Summary of Proceedings of the Public Hearing held September 5th, 2001 as a result of public notification of "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.270, 2001" and "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.272, 2001", be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.270, 2001" (amendments to home-based business regulations) be given 3rd reading, subject to the amendments listed in 'Schedule No. 1'.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.272, 2001" (amendments to accessory building size) be given 3rd reading.
4. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.270, 2001" (amendments to home-based business regulations) be forwarded to the Ministry of Transportation pursuant to Section 54(2) of the *Highways Act*.
5. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.272, 2001" (amendments to accessory building size) be forwarded to the Ministry of Transportation pursuant to Section 54(2) of the *Highways Act*.

Report Writer

General Manager Concurrence

CAO Concurrence

COMMENTS:

reports/development/2001/3360 30 9617 oc brd 3rd reading.doc

SCHEDULE NO. 1

**PROPOSED AMENDMENTS TO
"Regional District of Nanaimo Land Use and Subdivision Bylaw
Amendment Bylaw No. 500.270, 2001"**

1. In response to concerns expressed at the Public Hearing with limiting the ability of home based business operators to create products from wood, staff recommend amending the term '**...or other wood products**' from the list of Prohibited Uses to '**... or other primary wood processing (ie: sawmills)**'. The amendment of this statement will limit the prohibition to those uses specifically noted by citizens earlier in the public consultation process. As well, the amendment will clarify that the intent of the prohibition is not to limit the crafting of wood products as a home based business.
2. To clarify that the intent of the Bylaw is to entirely contain the home based business to within a dwelling unit, attached garage and/or accessory building (as permitted by this Bylaw), staff recommend deleting the term '**...and specifically excluding outdoor storage relating to the home based business.**' This will clarify that the home based business must not be visible from the perimeter of the property, except for a maximum of one non-illuminated home based business sign.

Attachment No. 1

REGIONAL DISTRICT OF NANAIMO

**SUMMARY OF PROCEEDINGS OF A PUBLIC HEARING
HELD WEDNESDAY, SEPTEMBER 5, 2001 AT 7:00 PM
AT COSTIN HALL
TO CONSIDER BYLAW NO. 500.270, 2001 AND 500.272, 2001**

George Holme	Chairperson, Director, Electoral Area 'E'
Laurence Elliott	Director, Electoral Area 'A'
Elaine Hamilton	Director, Electoral Area 'C'
Denise Haime	Director, Electoral Area 'D'
Joe Stanhope	Director, Electoral Area 'G'
Richard Quittenton	Director, Electoral Area 'H'
Teunis Westbroek	Director, Mayor of Town of Qualicum Beach
Pamela Shaw	Manager, Community Planning
Deborah Jensen	Planner

There were approximately 22 people in attendance.

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

The Manager of Community Planning provided a summary of the Bylaw.

The Chairperson announced receipt of written submissions from Helga Schmitt and John Alcock-White. (*see Attachments*)

The Chairperson called for formal submissions with respect to Bylaw No. 500.270 and 500.272.

Eric Smith, 2420 Nanoose Road, submitted written comments and stated that he is concerned about mandatory business registry and related enforcement. Mr. Smith feels RDN staff misrepresented the proposed bylaw by stating the business registry would be voluntary. Mr. Smith reinforced his position regarding a mandatory business registry by stating that both lawyers and the City of Parksville do not recommend the registry, as was suggested by RDN staff, and stated it is impossible to enforce business operations within a home as bylaw enforcement officers do not have right-of-entry for private homes. Eric Smith reiterated that the bylaw registry should be voluntary.

Maurice Hedges, 2469 McDivitt Drive, stated provision should be made to allow for other types of home based businesses other than those listed as permitted uses. Mr. Hedges specifically mentioned home based businesses pertaining to computer activity, and reiterated that some provision must be made for permitting other types of businesses.

Mary Jane Puckrin, 5400 West Island Highway, stated that she concurs with Eric Smith regarding his concerns for a mandatory business registry, but understands this registry is being implemented to allow for enforcement when nuisance situations arise. Mary Jane Puckrin stated she would prefer that home based businesses in all zones would have the ability to carry out operations within accessory buildings.

Lynn Reeve, 6958 Jacks Road, stated that the prohibited uses do not allow for people who are running a wood processing operation, for example, building bird houses from logs.

Brian Dempsey, 6930 Owen Road, stated that the provision for number of employees should be reconsidered as different types of businesses generate different amounts of traffic. Brian Dempsey stated the provisions for signage lack imagination and should allow for various types of signs, for example, models of the work produced, logos and flower beds. Brian Dempsey also suggested an appeal board be implemented for complaints that may arise, but that only those persons residing near a problem area should have the ability to file a complaint. Mr. Dempsey thanked the Directors for their attendance at the meeting.

Jack Moss, 7497 Elizabeth Way, stated that he is disappointed the bylaw attempts to define permitted home-based businesses, and instead should list only prohibited uses. Jack Moss thanked the planners for their professionalism and respect for the democratic process throughout the preparation of this bylaw.

The Chairperson called for further submissions.

The Chairperson called for further submissions a second time.

The Chairperson called for further submissions a third time.

There being no further submissions, the Chairperson adjourned the Hearing at 7:26 p.m.

Certified true and correct this 5th day September 2001.

Deborah Jensen
Recording Secretary

Director George Holme
Electoral Area 'A'

**Helga Schmitt
2004 Ross Road
Nanoose Bay, V9P 9B1**

September 5, 2001

Regional District of Nanaimo
Planning Department
P.O. Box 40, Lantzville, B.C. V0R 2H0

Dear Ms. Pamela Shaw:

RE: Modernized Home Based Business Regulations Proposed for 2001

I would like to thank the board for taking into consideration the desires and wishes of the majority of the residents, regarding the new Home Based Business Bylaws. Our future peace and quiet will hopefully now remain intact, as well as the protection of our natural environment. The ground water, traffic patterns and fire safety will also be protected to some degree. I feel that this proposal keeps a balance between the rights and wishes of the property owners. I must commend the RDN Board for their actions and decisions with this matter.

Sincerely,



Helga Schmitt

John Alcock-White
2705 Ritten Rd.
Nanaimo BC
V9X 1W4
tel 250 722 2683
fax 250 722 2131
August 15, 2001

Pam Shaw
Planning Dept.
Regional District of Nanaimo
fax. 390 6513

Dear Ms. Shaw,

re. Home based business sign bylaw and enforcement

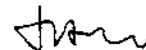
Thank you for your reply to my inquiry. Your letter, however, does not make reference to the point you made when I met with you, that the Regional District does not enforce the Sign Bylaw if the sign is located on Highway's properties. You stated that I would have to talk to Highways if I wanted nonconforming signs removed; that the Regional District had no jurisdiction or arrangement with Highways in this area.

Subsequently I talked to Peter Wightman of Highways. When I asked if Highways would remove the signs, he stated that Highway's policy was only to enforce the removal of signs on "major routes" i.e. the Island Highway. He stated the this policy unlikely to change.

I now have two questions:

1. Were you aware of this when You referred me to Highways?
2. Does this mean that any amount of unregulated signage can be placed on Cedar or Yellow pine or other area residential roads?

Sincerely,



REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE DEVELOPMENT SERVICES COMMITTEE
MEETING HELD ON TUESDAY, SEPTEMBER 18, 2001, AT 7:30 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
Director J. Macdonald	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Director L. Sherry	City of Nanaimo
Alternate	
Director S. Lance	City of Nanaimo
Director G. Korpan	City of Nanaimo
Director D. Rispin	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director L. McNabb	City of Nanaimo

Also in Attendance:

K. Daniels	Chief Administrative Officer
B. Lapham	General Manager of Development Services
N. Connelly	General Manager of Community Services
P. Shaw	Manager of Community Planning
S. Schopp	Manager of Inspection & Enforcement
N. Tonn	Recording Secretary

Director Holme asked for a minute of silence in respect for the tragedy in the United States on September 11, 2001.

MINUTES

MOVED Director Rispin, SECONDED Director Sherry, that the minutes of the regular Development Services Committee meeting held August 28, 2001, be approved.

CARRIED

CORRESPONDENCE/COMMUNICATIONS

Oceanside Development & Construction Association, re Bylaw No. 500.268 - Amendments to Subdivision Districts - Area E.

MOVED Director Elliott, SECONDED Director Holme, that the correspondence received from Oceanside Development & Construction Association with respect to clarification of the status of Bylaw No. 500.268, be received for information.

CARRIED

BUILDING INSPECTION

Section 700 Filings.

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

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

- (a) Lot 3, Section 11, Range 7, Plan 3163, Cranberry Land District, 2180 South Wellington Road, Electoral Area 'A', owned by R. Soderstrom;
- (b) Lot B, Section 19, Plan 33183, Gabriola Island, Nanaimo Land District, 900 Bertha Avenue, Electoral Area 'B', owned by C. and D. Guest;
- (c) That part of Lot 1, Block 4, District Lot 27G (formerly known as District Lot 27), Plan 6756, Lying to the south of a boundary extending at right angles to the easterly boundary of said lot, from a point in the said easterly boundary distant 140 feet from the north easterly corner of said Lot 1, except that part in Plan 7960, Wellington Land District, 7022 Lavender Road, Electoral Area 'D', owned by M. and K. Monteiro;
- (d) Lot 5, Section 16, Range 3, Plan 30151, Mountain Land District, 3126 West Road, Electoral Area 'D', owned by R. and L. Easthom.

CARRIED

PLANNING

DEVELOPMENT VARIANCE PERMIT

Application No. 0107-- Pearce and Doricich - 2945 Ingram Road - Area A.

MOVED Director Elliott, SECONDED Director Stanhope, that Development Variance Permit Application No. 0107, submitted by David Pearce and Lesley Doricich, to facilitate the development of a two-car detached garage and vary the minimum setback requirement for a building or structure within a Rural 4 zone from 8.0 metres (26.3 feet) to 6.0 metres (19.7 feet) for the exterior side lot line located along Ingram Road, and from 8.0 metres (26.3 feet) to 2.0 metres (6.6 feet) for the rear lot line located along the south boundary of the subject property for the property legally described as Lot B, Section 10, Range 4, Cedar District, Plan VIP66286, be approved as submitted subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

OTHER

Application No. FLR 0105 - McGarrigle - Munroe Road - Area D.

MOVED Director Haime, SECONDED Director Sherry, that the Board of the Regional District of Nanaimo support the application for inclusion into the Forest Land Reserve for the property legally described as The West 20 Acres of Section 15, Range 5, Mountain District, the East 20 Acres of the West 40 Acres of Section 15, Range 5, Mountain District, Parcel B (DD 8669N) of Section 15, Range 5, Mountain District.

CARRIED

MOVED Director Haime, SECONDED Director Sherry, that the application be referred to the Growth Management Review Process as a potential amendment for consideration subject to the approval of the inclusion by the Land Reserve Commission.

CARRIED

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Zoning Amendment – Valentim – 2651 Island Highway – Area A.

MOVED Director Holme, SECONDED Director Korpan,:

1. That Amendment Application No. 0105 submitted by John and Rhonda Valentim, to rezone the subject property legally described as Lot 3, Section 6, Range 7, Cranberry District, Plan 10423 Except Parcel A (DDG95323), from Rural 4 (RU4) to Comprehensive Development 10 (CD10) be advanced to a public hearing subject to the conditions outlined in Schedule No. 1.
2. That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.278, 2001” be given 1st and 2nd reading and proceed to Public Hearing.
3. That the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.278, 2001” be delegated to Director Elliott or his alternate.

MOVED Director Elliott, SECONDED Director McLean, that Schedule No. 4, Section 6.4.108.5, item 3 be amended to allow for the placement of “For Sale” signs in vehicles to distinguish them from repair vehicles.

CARRIED

The question was called on the main motion as amended.

The motion CARRIED.

Manufactured Homes in RS1 Zone – Columbia Beach – Area G.

MOVED Director Stanhope, SECONDED Director Macdonald, that the staff report outlining options with respect to restricting the siting of mobile homes or manufactured dwelling units in the Columbia Beach neighbourhood of Electoral Area ‘G’, be received for information and that the RS1 zoning regulations not be amended.

CARRIED

Liquor License Increased Occupancy Capacity Applications – Areas A & G.

MOVED Director McLean, SECONDED Director McNabb, that the Board of the Regional District of Nanaimo recommend that the applications for increases in occupancy capacity, as submitted by Timberland Pub, legally described as R. 1, Plan 29967, District Lot 15, Bright Land District Except that Part in Plan 38105, and French Creek House Resort, legally described as Lot 1, Plan 58358, District Lot 28, Nanoose Land District, be supported, subject to the applicants meeting all zoning, building inspection and official community plan bylaw requirements.

CARRIED

LATE ITEMS

ADMINISTRATOR’S REPORT

Green’s Landing Wharf – Gabriola Island.

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

CARRIED

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AVICC TAC Meeting at UBCM

Director Hamilton has received an invitation to a Joint TAC meeting with members from Vancouver Island and the Sunshine Coast during UBCM and requested the Board's direction.

MOVED Director McNabb, SECONDED Director Rispin, that Director Hamilton attend the Joint TAC meeting during UBCM provided that the members in attendance be made aware of the RDN Board's policy position with respect to treaty negotiations and the Board's resolution of August 14, 2001.

CARRIED

IN CAMERA

MOVED Director Holme, SECONDED Director Sherry, that pursuant to Section 242.2(I)(f) of the *Local Government Act* the Committee proceed to an In Camera Development Services Committee Meeting to consider a matter of litigation or potential litigation affecting the Local Government.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 8:02 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE CORPORATE & COMMUNITY SERVICES
COMMITTEE MEETING HELD ON TUESDAY, OCTOBER 2, 2001,
AT 7:30 P.M., IN THE CITY OF NANAIMO COUNCIL CHAMBERS,
455 WALLACE STREET, NANAIMO, B.C.**

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
Alternate	
Director J. Pullen	Electoral Area F
Alternate	
Director J. Pipes	Electoral Area H
Director J. Macdonald	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Director L. Sherry	City of Nanaimo
Alternate	
Director R. Cantelon	City of Nanaimo
Director D. Rispin	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
C. Mason	General Manager, Corporate Services
N. Connelly	General Manager, Community Services
C. Thomas	Senior Planner
N. Tonn	Recording Secretary

DELEGATIONS

Dan Biggs, South Island Forest District, re Timber Supply Review for the Arrowsmith Timber Supply Area.

Greg Bach, Clayoquot Issues Section, Ministry of Forests, presented an overview of the Timber Supply Review, which examines the impacts of current forest management practices on the timber supply, economy, environment and social conditions of the local area and the province and determines the allowable annual cut for that area. The Arrowsmith timber supply area is presently under review and comments are encouraged from the Arrowsmith TSA until November 13, 2001.

MOVED Director Rispin, SECONDED Director Holme, that the delegation be received.

CARRIED

MINUTES

MOVED Director Sherry, SECONDED Director Westbrook, that the minutes of the Corporate and Community Services Committee meeting held on August 28, 2001 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Gary Korpan, re Treaty Negotiations.

MOVED Director Krall, SECONDED Director Westbrook, that the correspondence received from Mayor Gary Korpan with respect to treaty negotiations, be received.

CARRIED

Reed Elley, re Treaty Negotiations .

MOVED Director Krall, SECONDED Director Westbrook, that the correspondence received from Reed Elley, MP, with respect to treaty negotiations, be received.

CARRIED

ADMINISTRATION

Local Telephone Calling Area Expansions.

MOVED Director McNabb, SECONDED Director Macdonald,:

1. That staff correspond to the CRTC supporting the following principles related to the expansion of local calling areas:
 - Local government authority to initiate and determine the size of the local calling area
 - Where costs to residential customers will exceed \$1.00 per month, that an opportunity to vote on the proposal be required and be managed by the telephone service provider through a mail-in ballot sent with the telephone subscriber bill
 - That the expansion of a local calling area be revenue neutral to the telephone service provider
2. That staff correspond with our neighbouring municipalities and Regional Districts (Cowichan Valley and Alberni-Clayoquot) to encourage them to individually correspond to the CRTC supporting the above noted principles for the expansion of local calling areas.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

District 69 Recreation Commission.

MOVED Director Holme, SECONDED Director Pipes, that the minutes of the District 69 Recreation Commission meeting held September 20, 2001 be received for information.

CARRIED

Gabriola Island Recreation Commission.

MOVED Director Sperling, SECONDED Director Haime, that the minutes of the Gabriola Island Recreation Commission meeting held September 17, 2001 be received for information.

CARRIED

MOVED Director Sperling, SECONDED Director Holdom, that the following Grants-in-Aid applications and subsequent amounts be approved:

Gabriola Community Arts Council – Kids Art Day	\$ 300
Gabriola Shotokan Karate-Do	500
Gabriola Fire Department – Fireworks	500
Youth Art – Music Club	640
People for a Healthy Community – The Gathering Place	1,800
Youth Art – Art Club	2,364
Huxley Park Sports Association	3,400
Gabriola Islander Days	500
	<u>\$ 10,004</u>

CARRIED

REGIONAL GROWTH MANAGEMENT**Growth Management Plan Review – Discussion Paper – Preparation and Public Process Update.**

The General Manager of Community Services presented a short update with respect to the Growth Management Plan review process and introduced Ken Balmer.

Presentation – K. Balmer.

Mr. Balmer reviewed phase one of the Growth Management Plan review process and presented an overview of phase 2. The Directors were asked to comment on the process and contribute any issues which should be part of the process. The Committee was provided Director response forms for their input to the question, "From your perspective as an elected official, what issues related to the Growth Management Plan will require substantive debate during the review process and therefore should be opened for public discussion as soon as possible".

MOVED Director Holdom, SECONDED Director Sherry, that the Growth Management Plan Review – Discussion Paper Preparation and Public Process Update report be received for information.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE**AVICC TAC Meeting at UBCM**

Director Hamilton provided a verbal report of the AVICC TAC meeting which she attended on behalf of the Board at UBCM in September.

MOVED Director Rispin, SECONDED Director Krall, that Director Hamilton's verbal report on the AVICC TAC meeting be received.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**Treaty Negotiations.**

MOVED Director Holme, SECONDED Director McNabb, that, in light of Mr. Elley's correspondence to the Honourable Robert Nault, a letter be sent to Mr. Nault requesting that the proposed meeting with the City of Nanaimo also be attended by Islands Trust and the Regional District of Nanaimo.

CARRIED

IN CAMERA

MOVED Director Sherry, SECONDED Director Hamilton, that pursuant to Section 242.2(1)(e) of the Local Government Act the Committee proceed to an In Camera Meeting to consider a matter regarding acquisition of land.

ADJOURNMENT

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

TIME: 9:05 PM

CARRIED

CHAIRPERSON

**Minutes for the Meeting held:
Thursday, September 13, 2001 @ 1:00 PM
Ramada Inn at Long Lake
Nanaimo, BC**

Present:

Dan Biggs, MF
C. Hawksworth, MCAWS
T. Pollock, MT
P. Butler, Town of Qualicum Beach
W. Haddow, MA
T. Hall, MEM
R. Cheetham, LRC

G. Jackson, City of Parksville
J. Finnie, RDN
S. Erickson, MWLAP
S. Fletcher, City of Nanaimo
P. Shaw, RDN
N. Connelly, RDN
C. Thomas, RDN

Regrets:

B. Huot, MCAWS
D. Coombe, CVIHR

Guest Presenter:

Blake Hudema, Harris Hudema

Item

1. **Call to order**

The meeting was called to order at 1:00 PM.

2. **Minutes from the Meeting of August 21, 2001**

The minutes were approved as presented. It was noted that there is a need to balance the minute-taking approach so that the minutes summarize the discussion and provide sufficient detail for the discussion context.

3. **Growth Management Plan Review 2001-2002**

Economic Development Opportunities in the Context of the Growth Management Plan

B. Hudema, Harris Hudema Consulting Group, provided an overview of the report prepared for the Growth Management Plan Review regarding economic development opportunities. The report provides information about industrial prospects and trends, retail trade, and industrial land sales. It also documents the findings of the workshop, conducted as a part of the study, to obtain the perspectives of key players in the regional economy.

Committee comments included the following:

- Concern was expressed regarding the discussion about 'multipliers' as the model that the Ministry of Finance uses undervalues the contributions of some sectors of the economy, such as agriculture, to the overall economy.
- A decline in employment in the agricultural sector does not mean that the role of agriculture is diminishing in the regional economy.
- Parcelization of large land holdings is not conducive to large-scale agriculture. There has been substantial parcelization in the region.
- It was noted that smaller agricultural parcels could be used for greenhouse development.
- It was noted that greenhouse development would not necessarily be desirable or economically feasible in the region.
- The data in the report regarding the agricultural sector of the regional economy could serve to provide a warning.

- An article was published in the Times Colonist recently that indicated that Vancouver Island is the only place in Canada where the number of farms has increased, and that the increase is the result of niche market agricultural activities.
- The data regarding the agricultural component of the economy do not provide a complete picture of the status of agriculture in the region.
- It would be useful to include data regarding the value-added component to primary processing and extraction. For example: data regarding wood harvesting do not take into account the role the resource plays in the manufacturing and retailing sectors of the economy.
- It would be useful to supplement quantitative data about the various sectors of the regional economy to ensure the role of primary products is considered in the value-added sectors of the economy.
- Farm sales values have increased.
- The report needs to provide a more complete picture about the agricultural sector of the regional economy.
- It is important to note that the Regional District's Growth Management Plan has supported the protection of agricultural land in the Agricultural Land Reserve with the Plan's Resource Lands and Open Space land use designation.
- Can local governments do anything to restrict or prohibit the development of greenhouses in their jurisdictions?
- The Ministry of Agriculture says that greenhouse development cannot be restricted or prohibited, as long as normal farm practices are used. Local governments can work with the Ministry of Agriculture to ensure greenhouse development is sensitive to the area. However, it is unlikely that the region will see much, if any greenhouse development because of the cost of transportation and the lack of sufficient sunshine hours in the region.
- The Community Charter development process will be addressing issues such as the relationship between local government and provincial government decision-making.
- It should be noted in the report that it is expected that there will continue to be market support for 'big box' commercial development.
- The relationship between the development of 'big box' commercial uses and the decreased feasibility of alternative forms of transportation other than the private automobile should be noted. Perhaps it would be more realistic to strive for policies that recognize automobile use for some activities, such as transportation to work, and support the viability of and or encourage other forms of transportation for other activities, such as purchasing groceries, participating in recreational activities, and accessing other personal services.
- Apparel sales, an area of projected growth for the region proposed in the report, do not need to be accommodated in 'big boxes'.
- The report should include clear recommendations with respect to whether there is a need for additional land for industrial development within the region.
- The report needs to provide advice with respect to whether there really is a need, or not, for a supply of inexpensive land for industrial and commercial development.
- The report would be more effective if it included a section with a series of 'bulleted' recommendations regarding areas where the Regional District of Nanaimo and the member municipalities have influence and can take action.
- The report doesn't link economic development activities with the availability of land for economic development.
- It should be noted that one of the issues that has contributed to the establishment of more commercial and industrial space in the region is that the owners of many existing commercial and industrial developments are absentee landowners that have not participated in the process or decisions regarding the establishment of additional industrial and commercial lands.
- If more land is developed for commercial or industrial purposes than is required it can result in high vacancy rates in existing commercial and industrial developments and a consequential

lower tax income for the local government because the assessment value of the commercial and industrial property will decline.

- The regional probably cannot support any more 'big box' developments, but it probably could support mid-sized business development.
- With regard to economic development, the temptation generally is to increase the amount of land designated and zoned for industrial or commercial development as the means to help economic development in the region. It has been found that decisions to create additional commercial or industrial land in the spirit of helping economic development have really served to detract from economic development because they have comprised commercial or industrial development in other locations, and consequentially decreased the land values and taxation generated by existing commercial and industrial development.
- The report recommendations need to be tied to land use decisions.
- Economic development is a very important issue for Parksville. One related issue Parksville is facing is pressure to convert existing commercial resort development into residential development. Such a conversion could compromise one of the key sectors or niches in Parksville's economy, resort tourism. In light of the importance of economic development, would it be possible to consider arranging for the study consultant to provide a presentation to the City of Parksville council?
- The fundamental question the report needs to address is, "Does the research undertaken to prepare the report confirm the direction of the Growth Management Plan?"
- It would be beneficial for the project for arrangements to be made for the consultant to deliver presentations to all of the member municipality councils and the Regional Board.
- Economic development opportunities are a big concern for jurisdictions that feel like they are losing their market share to adjacent areas. It is important to reconcile the perspectives of various jurisdictions regarding economic development.

The consultant noted:

- Commercial and industrial development is not dependant on the price of land. Consequently, it is not mandatory to provide a supply of inexpensive land for commercial and industrial development. The market will respond to local and regional conditions.
- Local government is not responsible for ensuring that absentee landlords participate in decision-making processes to protect their investment interests. Landlords should be looking after their own interests and involve themselves in decision-making processes about the development of additional commercial or industrial land.
- In Alberta there are some local governments that have planning policies that permit the development of large department stores and other commercial developments over a certain size only in their downtown areas to protect the viability of their downtowns.
- Local government can't regulate competition to protect areas of a community or region, but it can get close to regulating competition through land use policies (i.e. not permitting the development of additional commercial development in particular locations so that commercial development in other locations can thrive).

Identification of Issues & Strategic Questions Needing Discussion in the Review

N. Connelly indicated that Ken Balmer of the RETHINK GROUP, had been scheduled to facilitate a discussion about the Growth Management Plan Review amongst area planners during the morning of September 13, 2001, and then facilitate a discussion about the Growth Management Plan amongst the Intergovernmental Advisory Committee during the afternoon of September 13, 2001. Given the events of September 11th, Mr. Balmer was unable to travel to Nanaimo for the meeting on September 13th. Consequently, it was noted that those invited to the Planners Meeting had been invited to Intergovernmental Advisory Committee and that Regional District staff would facilitate the

discussion intended for both of these meetings at the IAC meeting using the material developed by Mr. Balmer. A discussion was facilitated by N. Connelly regarding the participant's perspectives about the following matters:

- General impression of the quality of the Growth Management Plan;
- The extent to which the Growth Management Plan has had a positive influence on official community plans and other local government policies or decisions;
- Whether the vision statement still reflects the values of regional residents and the future they want to see created;
- Whether the eight goals still adequately focus attention on the key strategic growth issues facing the region;
- The policy level addressed in the plan;
- For each of the eight goals, their importance, the extent to which they are having a positive impact, the extent to which they need public debate during the review process, and whether the policies/guidelines/actions should be made more general or specific in any revision to the plan;
- Areas of the plan that require significant public input or discussion.

Material generated in this discussion will be forwarded to Ken Balmer for use in the development of the discussion paper about the key strategic questions that should be addressed in the Growth Management Plan Review and that should be the focus for Review consultation activities with the public scheduled for this fall.

Land Inventory Analysis

C. Thomas noted that in response to IAC member's concerns staff had investigated the raw data used to develop the Land Inventory Analysis Report, identified a number of technological errors and had undertaken appropriate corrections to the data. The corrected data indicated that there is sufficient development capacity to accommodate the development intended to take place between now and 2025 and that there is not as significant amount of excess capacity as originally anticipated. Data tables, revised as at September 11, 2001 were distributed to Committee members. It was noted that the report is being revised by Westland Resource Group, the consultant for the project, to respond to the corrected data. The upcoming Urban and Rural Villages Workshop on Saturday, September 22, 2001 will feature a presentation by Westland Resource Group about the land inventory analysis data and what it means within the context of the Growth Management Plan and the Review.

Copies of reports recently considered by the Regional Board regarding the status of the Transportation Study and the Growth Management Plan Review Project were made available to Committee members.

5 Next Meeting

The next meeting is Thursday, September 27, 2001 @ 1:30 PM. The key topic for discussion at this meeting will be the compatibility between the land use and servicing strategies of the Growth Management Plan.

6 Adjournment

N. Connelly adjourned the meeting at approximately 4:30 PM.

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE BUILDING ADDITION COMMITTEE
MEETING HELD ON TUESDAY, OCTOBER 2, 2001, AT 6:15 P.M.
IN THE BOARDROOM OF THE CITY OF NANAIMO
455 WALLACE STREET, NANAIMO, B.C.

Present:

Director G. Holme	Chairperson
Director L. Elliott	Electoral Area A
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 J. Macdonald	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Director L. Sherry	City of Nanaimo
Director D. Rispin	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director T. Krall	City of Nanaimo

Also in Attendance:

K. Daniels	Chief Administrative Officer
C. Mason	General Manager, Corporate Services
S. Schopp	Manager of Inspection and Enforcement

MINUTES

MOVED Director Sherry, SECONDED Director McNabb, that the minutes of the Building Addition Committee meeting held on March 6, 2001 be adopted.

CARRIED

ADMINISTRATION

Building Addition.

MOVED Director Westbroek, SECONDED Director McNabb,:

1. That the Board approve the construction of an addition to the RDN Administration Building which includes a Board Room with a seating capacity for an audience of 50 persons and direct staff to prepare the necessary tenders to undertake this project; and
2. That staff be directed to prepare the reserve fund expenditure bylaws to approve the release of funds from the Building Addition Reserve Fund to proceed with this project.

CARRIED

ADJOURNMENT

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

TIME: 6:34 P.M.

CHAIRPERSON

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REGIONAL DISTRICT OF NANAIMO			
SEP 26 2001			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	
Bldg. Comm.			✓
DATE:			
FILE:			

MEMORANDUM

TO: K. Daniels
Chief Administrative Officer

FROM: C. Mason
General Manager, Corporate Services

SUBJECT: Building Addition Cost Implications

September 27, 2001

PURPOSE:

To review the costs of constructing an addition to the existing RDN Administration Building for the purpose of adding office and meeting space.

BACKGROUND:

At the March 6, 2001 Building Addition Committee Meeting the following resolutions were endorsed by the Committee:

MOVED Director Haime, SECONDED Director Holdom, that staff prepare a report investigating the cost to construct an addition to the RDN Administration Building for the purpose of adding office space and a Board room to accommodate an audience of 50 persons.

MOVED Director Haime, SECONDED Director McNabb, that staff prepare a report investigating the options for partnership in constructing an addition to the RDN Administration Building.

Staff have conducted a preliminary investigation of the cost of constructing an addition to the existing RDN building to provide more office and meeting space based upon an industry standard cost of \$112.27 per square foot. This report provides approximate estimates for expanding the Administration Building with two options, one which includes a Board Room that could accommodate a seating gallery of 50 people and the second which only adds office, administrative and meeting space, but does not include a separate Board Room.

ALTERNATIVES:

1. Approve the construction of an addition to the RDN Administration Building without a Board Room.
2. Approve the construction of an addition to the RDN Administration Building which includes a Board Room with a seating capacity for an audience of 50 persons.

FINANCIAL IMPLICATIONS:

Alternative 1:

If the Board approves the construction of an addition to the RDN Administration Building without a Board Room, staff anticipate that approximately 2500 sq ft per floor will still be required to accommodate existing and future staff and administrative needs. The table below identifies the estimated cost of expanding the building under this option:

Costs without a Board Room

Base Costs

Size / Floor	2,500	includes interior/exterior finish
Cost/sq ft:	\$ 112.27	doors/carpeting/heat/ventilation/sprinkler
Total Size of Addition:	<u>5,000</u>	system
		meeting space ~ 600 sq ft
Total	<u>\$ 561,350</u>	

Other Costs

Servicing	\$ 16,000
Excavation/paving/septic	\$ 78,000
Drawings & certification	\$ 12,000
Landscaping	\$ 10,000
Firewall	\$ 38,000
Elevator	\$ 30,000
Electrical Room Upgrade	\$ 5,000
Computer/Telephone	\$ 25,000
DCC's	<u>\$ 25,000</u>
	\$ 244,000
Furnishings	<u>\$ 40,000</u>
Total Expansion Cost	<u>\$ 845,350</u>

Included in these estimates are related costs for landscaping, servicing and City of Nanaimo DCC charges, etc. The estimated total expansion cost for putting an addition on the existing building, without a Board Room, will be \$845,350. Currently, the Building Addition Reserve Fund is at \$1,026,856, so it is projected that a surplus of \$181,506 would be available for unforeseen costs, or for other purposes as directed by the Board. If an addition is constructed, the Building Code will require the existing building to install a sprinkler system, these costs would be covered out of the 2002 operating budget.

Alternative 2:

The second alternative is similar to the first, except that it provides for the inclusion of a Board Room of approximately 1500 square feet on the lower floor of the building, increasing the overall size of the building from 5000 sq ft to a total of 5904 sq ft. The table below highlights the estimated costs for an expansion of this size.

Costs with a Board Room

Base Costs

Size / Floor	2,952	includes interior/exterior finish doors/carpeting/heating/ventilation/sprinkler system
Cost/sq ft:	\$ 112.27	
Total Size of Addition:	<u>5,904</u>	meeting space ~ 1500 sq ft
Total	\$ 662,842	

Other Costs

Servicing	\$ 16,000
Excavation/paving/septic	\$ 78,000
Drawings & certification	\$ 12,000
Landscaping	\$ 10,000
Firewall	\$ 38,000
Elevator	\$ 30,000
Electrical Room Upgrade	\$ 5,000
Computer/Telephone	\$ 30,000
DCC's	<u>\$ 30,000</u>
	\$ 249,000

Furnishings	<u>\$ 40,000</u>
Total Expansion Cost	\$ 951,842

Less (Annual Savings)

Savings in Council Chamber Rentals	\$ 12,500
Savings in Meeting Room Rentals	\$ 7,000
Savings in Mileage Expenses	<u>\$ 3,000</u>
	\$ 22,500

Expansion Cost after 1st Year Annual Savings	<u>\$ 929,342</u>
--	--------------------------

The primary difference in cost between the two alternatives is highlighted in the cost/sq ft which increases by approximately \$101,492 for an additional 904 sq ft of space. As with Alternative 1, the estimates for related costs such as landscaping, and servicing will remain the same, the City of Nanaimo DCC charges will be slightly more. The estimated total expansion cost for putting an addition on the existing building, with a Board Room, will be \$951,842. As mentioned earlier, currently the Building Addition Reserve Fund is at \$1,026,856, so a surplus of \$97,514 would be available for unforeseen costs, or for other purposes as directed by the Board. Annual savings would also be achieved under this alternative through reductions in rental and mileage costs of approximately \$22,500 per year.

Meeting Space Requirements:

The current meeting space available in the existing administrative building is severely limited. If the Board selected Alternative 2 to include a 'moderate' sized Board Room, this room could be used as a multi-purpose/community use meeting room that, in addition to accommodating Board and Committee meetings, could also be used for a variety of advisory and select committee meetings as well as public and administrative meetings. The Committees that currently require meeting space or rent facilities offsite include:

- Board of Variance
- Various Local Sewer Advisory Committees
- Intergovernmental Advisory Committee
- Liquid Waste Advisory Committee
- Solid Waste Advisory Committee
- Solid Waste Select Committee
- Aggregates Study Select Committee
- Emergency Planning Committee
- Performance Review Committee
- Other Select & Advisory Committees as established by the Board

The administration office presently contains 2 meeting rooms with a total floor area of 475 sq ft to accommodate all of its meetings (which range between approximately 1000 – 1200 meetings per year). The inclusion of a 1500 sq ft room that could be separated into smaller rooms when not in use as a Board Room would not only address the needs outlined above, but would also provide facilities for the District's Emergency Operations Centre and for a meeting/training facility that could be made available for use by the community and outside agencies.

PARTNERSHIP OPTIONS:

As referenced, the Board has also asked for this report to address options for partnership in constructing any addition. Previous reports have identified a number of partnering opportunities, some of which are no longer available. However, one major option that may still be available to the Board involves a possible partnership with BC Assets & Land Corporation (BCALC). This option can be summarized as follows:

- Partnering with BCALC on a development scheme that would include the sale of a large portion of the existing site to a developer, the relocation of the existing transit facilities, the construction of an addition to the existing building, the retention of the remaining smaller land parcel by the RDN, and a share of the percentage of revenues received by BCALC from the sale of the larger portion of land (to be negotiated).

If the Board wishes staff to pursue this option further, a meeting will need to be arranged with BCALC representatives to discuss whether this option is still viable, as this concept has not been discussed for some time.

VOTING IMPLICATIONS:

In order to approve the release of money from the Building Addition Reserve Fund, a resolution must have 2/3 of the Board members vote in favour of the resolution. In addition, awarding of contracts for the construction of an addition will require a weighted vote by all Board members. Therefore, staff are recommending that for any resolutions on this matter, the Board receive at least 2/3 of the members support to ensure that the appropriate approvals are received.

CONCLUSIONS:

As directed by the Building Addition Committee, estimates have been obtained by the Regional District Manager of Building Inspection, in discussions with local contractors, to more accurately determine the cost of building an addition at the Hammond Bay Administration Office, both with and without a Board Room.

Currently, the building is over-capacity in terms of staff in proportion to available office space and there is a critical need to expand the building for this purpose. In addition, the building has inadequate meeting facilities and storage space to accommodate existing requirements. Presented for the Board's consideration are two options for expansion of the existing building. The difference in cost between the two options is approximately \$84,000 (after first year savings in rentals and expenses) and both options are within the amount set aside in the Building Addition Reserve Fund. Therefore, staff are recommending Alternative 2 which proposes to include a moderate sized multi-use Board Room that can accommodate an audience of up to 50 persons.

RECOMMENDATION:

1. That the Board approve the construction of an addition to the RDN Administration Building which includes a Board Room with a seating capacity for an audience of 50 persons and direct staff to prepare the necessary tenders to undertake this project; and
2. That staff be directed to prepare the reserve fund expenditure bylaws to approve the release of funds from the Building Addition Reserve Fund to proceed with this project.



Report Writer



A/C.A.O. Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO			
OCT 4 2001			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
Board			✓
		DATE:	
		FILE:	

MEMORANDUM

TO: K. Daniels
Chief Administrative Officer

DATE: October 3, 2001

FROM: C. Mason
General Manager, Corporate Services

FILE:

SUBJECT: "Administration Building Reserve Fund Expenditure Bylaw No. 1263, 2001"

PURPOSE:

To present the "Administration Building Reserve Fund Expenditure Bylaw No. 1263" for consideration which, if approved, would release funds to proceed with construction of an addition to the RDN Administration Building.

BACKGROUND:

At the October 2, 2001 Building Addition Committee Meeting, the Building Committee passed the following motions:

1. That the Board approve the construction of an addition to the RDN Administration Building which includes a Board Room with a seating capacity for an audience of 50 persons and direct staff to prepare the necessary tenders to undertake this project;
2. That staff be directed to prepare the reserve fund expenditure bylaw to approve the release of funds from the Building Addition Reserve Fund to proceed with this project.

As directed, staff have prepared "Administration Building Reserve Fund Expenditure Bylaw No. 1263, 2001" for consideration by the Board in conjunction with the above noted resolutions.

ALTERNATIVES:

1. Approve "Administration Building Reserve Fund Expenditure Bylaw No. 1263, 2001".
2. Do not approve "Administration Building Reserve Fund Expenditure Bylaw No. 1263, 2001".

FINANCIAL IMPLICATIONS:


The projected cost to proceed with building an addition to the RDN Administration Building, which includes a Board Room with a seating capacity of 50 persons, has been estimated at \$951,842. There are sufficient funds in the Building Reserve Fund to cover the project, with funds on hand currently at \$1,072,934. If the project is completed under-budget, unspent funds will be returned to the reserve fund.

CONCLUSIONS:


It is required that the Board approve an "Administration Building Reserve Fund Expenditure Bylaw" in order to release the necessary funds to proceed with the building addition project. Future Board approvals may also be required to award various contracts related to this construction as the project progresses. The reserve fund expenditure bylaw has been prepared and is attached for the Board's consideration.

RECOMMENDATION:

1. That "Administration Building Reserve Fund Expenditure Bylaw No. 1263, 2001" be introduced and read three times;
2. That "Administration Building Reserve Fund Expenditure Bylaw No. 1263, 2001" be adopted.



Report Writer



A.C.A.O. Concurrence

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1263

**A BYLAW TO AUTHORIZE AN EXPENDITURE
OF FUNDS FROM THE ADMINISTRATION
BUILDING RESERVE FUND**

WHEREAS the Administration Building Reserve Fund was established under Bylaw No. 997, 1995;

AND WHEREAS the Board wishes to expend reserve fund monies for the purpose of constructing an addition to the Administration building;

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

1. That the amount of One Million, Seventy Two Thousand, Nine Hundred and Thirty Four Dollars (\$1,072,934.00) is hereby appropriated from the Administration Building Reserve Fund to be expended for building construction and improvements.
2. Should any of the above amount remain unexpended, such unexpended balance shall be returned to the credit of the Reserve Fund.
3. This bylaw may be cited as the "Administration Building Reserve Fund Expenditure Bylaw No. 1263, 2001".

Introduced and read three times this 9th day of October, 2001.

Adopted this 9th day of October, 2001.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES



REGIONAL DISTRICT OF NANAIMO	
SEP 28 2001	
CHAIR	GMCrS
CAO	GMDS
GMCrS	GMES
Bed	

MEMORANDUM

TO: Stan Schopp
 Manager, Building Inspection and Enforcement

DATE: September 21, 2001

FROM: Tom Armet
 Bylaw Enforcement Officer

FILE: 3900 20 00A069

SUBJECT: Building Bylaw Contraventions – Crossley
 3154 DeCourcy Drive – Electoral Area A

PURPOSE

To obtain Board direction regarding the 3 illegal structures on the above noted property.

BACKGROUND

Property: 3154 DeCourcy Road, Cedar

Legal: Lot 7, Plan 13970, Section 7, Range 5, Cedar Land District

Owner: Janice Linda Crossley
 3154 DeCourcy Drive
 Ladysmith, B.C. V9G 1E2

The above noted property is zoned Rural 4 (RU4) pursuant to *Regional District of Nanaimo Land Use & Subdivision Bylaw No. 500, 1987*". Staff initially noted that two accessory buildings, a house addition and a garage addition had been constructed without valid building permits. A 'Stop Work Order' was issued on May 14, 1998. The property owner, at that time, failed to respond to staff direction to obtain building permits. Subsequently, a "Notice of Contravention of Bylaw" was filed on title in November 1998. During this process, the property was foreclosed on by the bank and subsequently purchased by Ms. Crossley on July 28, 1998.

Prior to purchasing the property, Ms. Crossley was advised by staff of all the outstanding building bylaw contraventions and was informed of the requirement to apply for building permits for the following construction:

- 20 square metre addition to existing garage
- 27 square metre accessory building (tack barn)
- 20 square metre glass addition to existing house (sun room)
- 38 square metre accessory building (studio)

In August 1998, Ms. Crossley applied for a permit for one of the illegal buildings however, staff considered it to be structurally unsafe and her application was not accepted unless accompanied by engineering certification. During the ensuing two years, the owner ignored numerous staff requests to correct the contraventions by applying for building permits or removal of the structures. In November 2000, staff re-inspected the property and determined that the buildings were in fact being used for storage and that no effort had been made to legitimize or remove them. Ms. Crossley advised staff that it would take her "two or three years" to deal with the buildings.

On January 22, 2001, Ms. Crossley was advised in writing to apply for building permits, accompanied by engineering reports by March 31, 2001, on all structures she intended to retain. Failing that, she was directed to bring the property into compliance by voluntarily removing all illegal structures by July 31, 2001. To date, Ms. Crossley has only removed the illegal garage addition. No effort has been made to deal with the remaining structures or provide staff with any form of commitment to bringing the property into compliance.

ALTERNATIVES

1. To proceed with action to order removal of the three structures, to wit: the studio accessory building, the tack barn accessory building and the sun room house addition, 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

Ms. Crossley purchased the property in 1998 fully aware of the presence of the illegal structures and the requirements for complying with Regional District of Nanaimo bylaws. For the past three years, the property owner has resisted all attempts at achieving voluntary compliance, leaving the RDN no alternative but to pursue a legal remedy. It should also be noted that the quality of construction of these structures is questionable and that one of the accessory buildings is situated in violation of the setback requirements.

RECOMMENDATION

1. That "Regional District of Nanaimo Structure Removal Bylaw No. 1262, 2001" be introduced and given three (3) readings.
2. That "Regional District of Nanaimo Structure Removal Bylaw No. 1262, 2001", having received three (3) readings, be adopted.
3. That staff be authorized to proceed with legal action if necessary to ensure compliance.


Report Writer

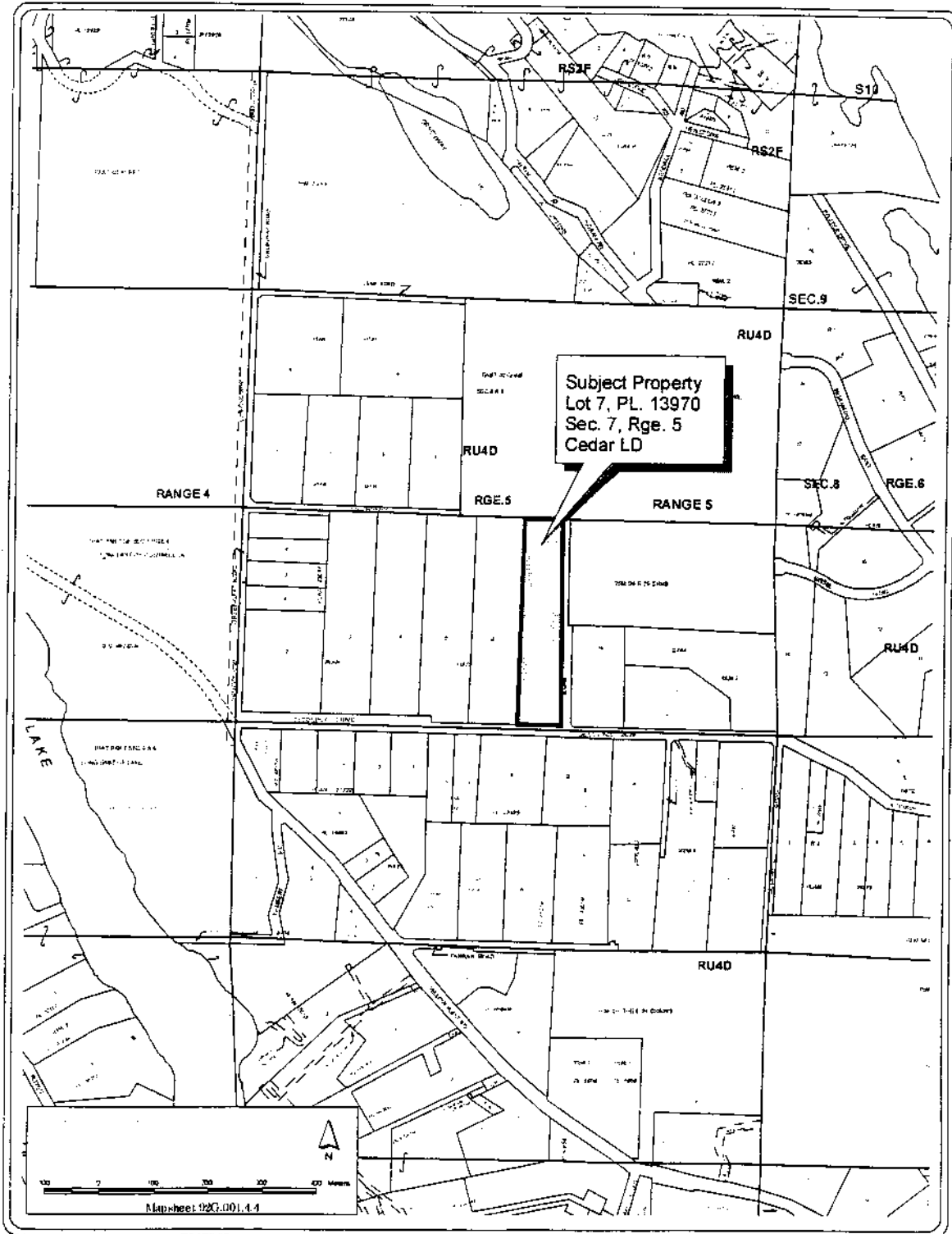

General Manager Concurrence


Manager Concurrence


CAO Concurrence

COMMENTS:

SUBJECT PROPERTY



**REGIONAL DISTRICT OF NANAIMO
BYLAW NO. 1262**

**A BYLAW TO AUTHORIZE THE REMOVAL
OF THREE ILLEGAL STRUCTURES**

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 studio accessory building, the tack barn accessory building and the sun room house addition situated on Lot 7, Plan 13970, Section 7, Range 5, Cedar Land District, hereinafter called "the land", are in the opinion of the Regional Board, in contravention of a bylaw;

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. 1262, 2001".
2. The three buildings 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 the owner, pursuant to this bylaw, is hereby directed to demolish or remove the buildings 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 31st 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 9th day of October, 2001.

Adopted this 9th day of October, 2001.

CHAIRPERSON

SECRETARY

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REGIONAL DISTRICT OF NANAIMO			
SEP 26 2001			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	

MEMORANDUM

TO: J.Finnie
General Manager, Environmental Services

DATE: September 25, 2001

FROM: N. Avery
Manager, Financial Services

FILE:

SUBJECT: Amendment to apportionment formula for the Northern Community Sewer Local Service Area

PURPOSE:

To introduce for three readings " Regional District of Nanaimo Northern Community Sewer Local Service Area Amendment Bylaw No.889.18, 2001".

BACKGROUND:

Property taxes collected for the Northern Community Sewer Local Service Area are apportioned to the benefiting areas (City of Parksville, Town of Qualicum Beach, French Creek, Surfside and Pacific Shores Sewer) on a user pay formula based on flows to the French Creek treatment plant. Flows are measured at critical points in the system by flow meters. While flows are a reasonable measure of the usage capacity, a variety of environmental circumstances influence the readings -- staff estimates that flows are accurate to a factor of plus or minus 5%. A shift of 1% changes a participant's share of the requisition by about \$27,000 (based on the existing budget) and measurements have in recent years fluctuated between 2 to 4 percent. The flow data for 2001 resulted in a significant realignment of costs over the prior year -- in particular to Parksville and the French Creek area. Staff met with both municipalities to discuss alternative measurement approaches, which would smooth out annual fluctuations, given the inherent inaccuracies of the physical equipment.

ALTERNATIVES:

1. Adopt a three-year moving average approach and amend the apportionment formula for the benefiting areas.
2. Examine other alternatives before making a recommendation.

FINANCIAL IMPLICATIONS:

Alternative 1

Based on the existing tax requisition, a shift of 1% changes a participant's allocation by about \$27,000. This equates to a an overall change in the cost of Regional District services of about 1.7% for the City of Parksville, 1.8% for the Town of Qualicum Beach and 2.7% for Electoral Area G (some would go up while the others would go down). Staff examined the effects of changing the annual measurement approach to a two-year average, a three-year average or a five-year average. Collectively staff concluded

that the three year moving average was the most appropriate at this time – it covers a period long enough to reflect the impact of changes over time and yet is a short enough time frame for reflecting real changes to a participant's flow (e.g. improvements in inflow and infiltration).

Both municipalities have responded that they concur with this approach with certain reservations as outlined below.

Alternative 2

By changing the formula commencing in 2002 staff expect to establish better year to year consistency in the allocation of costs, pending further more detailed review of other alternatives.

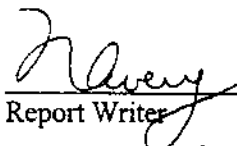
For example, municipal staff requested that the Regional District provide information related to the cost/benefits of increasing the number of flow meters, which might add to the accuracy of the measurement data. Additionally, the City of Parksville has suggested that staff consider a fixed plus variable cost formula over the next two to three years. Staff will follow up these suggestions and further changes may result – however, at present the best available information rests on the flow measurement data currently collected.

SUMMARY/CONCLUSIONS:

Property taxes for the Northern Community Sewer Local Service Area (French Creek wastewater treatment plant) are allocated on a user pay basis using sewage flows measured at critical points in the collection system. Flow meters have an expected accuracy of plus or minus 5% and this has been reflected in the variability experienced by each participant since this formula was introduced making it difficult to predict with reasonable accuracy the annual budget implications. At present, the cost impact of a shift of 1% is about \$27,000 and shifts have generally been in the range of 2% to 4% (between \$54,000 and \$108,000). Staff met with our municipal partners and all agreed that a three- year moving average would reduce the volatility considerably. Staff have also committed to reviewing both the physical location and number of flow meters to determine the cost/benefits of increasing the number of data collection points as well as examining whether a fixed plus variable cost formula has merit. Based on the feedback from Parksville and Qualicum Beach, staff recommends proceeding with the three year average apportionment formula at this time.


RECOMMENDATION:

That " Regional District of Nanaimo Northern Community Sewer Local Service Area Amendment Bylaw No.889.18, 2001" be introduced for three readings and be forwarded to the Inspector of Municipalities for approval.


Report Writer


Manager Concurrence


General Manager Concurrence


C.A.O. Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 889.19

A BYLAW TO AMEND THE RDN
NORTHERN COMMUNITY SEWER
LOCAL SERVICE AREA BYLAW

WHEREAS the Board enacted "Regional District of Nanaimo Northern Community Sewer Local Service Conversion Bylaw No. 889, 1993" as amended which established the Northern Community Sewer Local Service Area;

AND WHEREAS the Board wishes to amend the formula for apportionment related to the benefiting areas;

AND WHEREAS the Board has obtained the consent of at least two thirds of the participants;

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

1. This bylaw may be cited for all purposes as the "Regional District of Nanaimo Northern Community Sewer Local Service Area Amendment Bylaw No. 889.19, 2001".
2. Paragraph 5(c)(iii) is deleted and the following is substituted therefore:

"Annual Costs shall be apportioned among the Benefitting Areas on the basis of a three year moving average of sewage flow measured as the average of the current year, plus the two immediately preceeding years ending December 31st, with the share of such costs for a participating area equivalent to the percentage of flow thus calculated for that area in relation to the total combined flow for the current year ending December 31st for all the Benefitting Areas."

Introduced and read three times this 9th day of October, 2001.

Received the approval of the Inspector of Municipalities this _____ day of _____, 20__.

Adopted this _____ day of _____, 20__.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

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**REGIONAL DISTRICT
OF NANAIMO**

OCT 1 2001

CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
<i>Bid</i>			
		DATE:	

MEMORANDUM

TO: Dennis Trudeau
Manager of Liquid Waste

FROM: Natalie Cielanga
Engineering Technologist

SUBJECT: **Liquid Waste Management**
FCPCC Biosolids Composting Bid Results

September 14, 2001

FILE: 5340-05

PURPOSE

To consider bids for composting biosolids from the French Creek Pollution Control Centre (FCPCC) from November 2001 until December 2002.

BACKGROUND

In January the Environmental Services Committee considered a report summarizing a proposal to beneficially reuse, through land application, biosolids from the Greater Nanaimo Pollution Control Centre (GNPCC) and FCPCC. Staff was directed to investigate all options for biosolids and report back in twelve months and in the meantime only landfilling and composting are considered acceptable for handling RDN biosolids. Since then, the RDN has been approached by a few parties interested in composting biosolids. A Request for Quotes was released in July for composting biosolids. Five bids were received for composting biosolids from the FCPCC as follows:

Contractor	Price per cubic meter	MWLAP approval
Rascal Trucking/HF Ventures	\$25.00	No
Malaspina College	\$49.90	No
Westcoast Landfill Diversion Corp.	\$57.47*	Yes
Evansdale Farms Ltd.	\$59.00	Yes
Earthbank Resource Systems	\$70.00	Yes

* This price is conditional on receiving the contract for composting yard waste at \$70.00 per tonne

A requirement in the Request for Quotes is Ministry of Water Land and Air Protection (MWLAP) approval. The lowest bids, Rascal Trucking/HF Ventures and Malaspina College do not have approvals in place. Westcoast Landfill Diversion Corp. invalidated their bid by making it conditional on receiving the contract for yard waste. The next lowest bid is Evansdale Farms Ltd. at \$59.00 per cubic meter.

Evansdale Farms have seven years experience composting biosolids at their property in Courtenay and have MWLAP approval for this site. They also have a property near Qualicum that had a temporary approval from MWLAP for biosolids composting; this site may be authorized again.

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Five bids were received for GNPCC biosolids composting as well. Four of the five bids did not meet the requirement in the RFQ of having MWLAP approval. The one bid that did meet this requirement was conditional on receiving yard waste. Therefore, none of the bids could be accepted.

ALTERNATIVES

1. Award contract to Evansdale Farms Ltd.
2. Do not award contract

FINANCIAL IMPLICATIONS

The current costs for handling biosolids are \$30.00 per tonne tipping fee at the landfill and \$120.00 hauling per load, which works out to \$45.00 per cubic meter. The tipping fee for biosolids is expected to increase to \$60.00 per tonne in January.

Initially, the cost to compost the biosolids through Evansdale farms is \$14.00 per cubic meter more than landfilling, however, in 2002 it is \$16 per cubic meter less.

INTERDEPARTMENTAL IMPLICATIONS

The Solid Waste Department does not want the biosolids at the landfill due to lack of space at the site to stockpile and process biosolids material so alternate disposal or reuse strategies are required.

ENVIRONMENTAL IMPLICATIONS

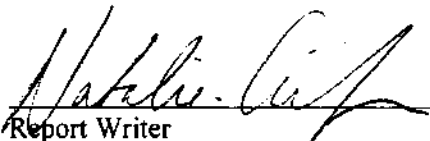
Biosolids processing and utilization must be done according to MWLAP regulations.


SUMMARY/CONCLUSIONS


The RDN has been investigating options for biosolids and released a Request for Quotes for composting biosolids in July. Five bids were received for biosolids from the FCPCC, of which three had MWLAP approval. The lowest qualified bid was Evansdale Farms Ltd.

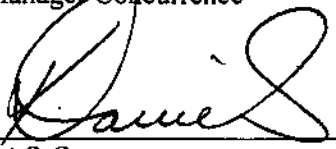
RECOMMENDATION

1. That Evansdale Farms Ltd. be awarded the contract for composting biosolids from FCPCC for \$59.00 per tonne.


Report Writer


Manager Concurrence


General Manager Concurrence


CAO Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO			
OCT 3 2001			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	
			DATE:
			FILE:

MEMORANDUM

TO: Carey McIver
Manager of Solid Waste

October 1, 2001

FROM: Alan Stanley
Waste Reduction Coordinator

FILE: 5370-01

SUBJECT: Garbage Collection and Recycling Program
Contract Tender Results and Tender Award

PURPOSE

To award the contract for garbage and recyclables collection.

BACKGROUND

Garbage and recyclables collection service to households in the RDN is currently provided by two contractors, Canadian Waste Services in School District 68 and Salish Disposal in School District 69. These contracts expire December 31st, 2001.

Prior to retendering these contracts, staff completed a detailed review of the current program. The review included analysis of trends in garbage and recyclables generation, breakdowns of quantities of the various recyclable materials and customer surveys designed to determine how well the program is working and what could be done to improve the service.

In summary, our customers are very satisfied with the current service but an overwhelming majority of customers would like additional plastic types collected with the recyclables. There was little support for any extra costs that may be associated with additional plastics collection. A slight majority of customers wished to see yard and garden waste included in the collection program.

Term of New Contract

The current contract term will be extended three months, to March 31st, 2002 to avoid new program start-up January 1st. Winter weather and conflict with the Christmas and New Year Holiday season are significant factors to avoid when starting up new programs. The new contract term will be five years, commencing April 1st, 2002 and ending March 31st, 2007.

Tenders

A contract tender was prepared with the following service options:

- Option A - Current service levels and material types.
- Option B - Adding most post-consumer rigid plastic to the recyclables collection.

Additionally, in order to achieve the best possible pricing for the RDN customers, bidders were required to submit pricing for the entire region and each of the two school districts. Past tenders indicated that savings might result by breaking the contract into two pieces and awarding the different geographical areas to separate contractors.

Staff conducted a pre-qualification process for all contractors wishing to participate in the contract tender. The purpose of the pre-qualification was simply to protect the RDN from being forced to consider bids from unqualified or ill prepared contractors. Five contractors met the RDN's requirements, which focused on past experience with similar contracts and financial strength.

The tender package was distributed to the qualified contractors on August 15th, 2001. A pre-tender meeting was held August 29th, 2001 at which attendance was mandatory and the tender was due September 13th, 2001.

Three contractors submitted bids on a variety of service and scheduling options. The following table summarizes the garbage and recyclable collection bids submitted by the bidding contractors on the main contract options. Note that Option A refers to the current recyclable materials collection and Option B refers to an expanded recyclable materials collection including most rigid plastic containers:

Summary of Contractors Bid Prices – Total Annual Costs

Contractor	School District 68		School District 69		Region Wide Service	
	Option A	Option B	Option A	Option B	Option A	Option B
IPI	\$464,161	\$503,791	\$890,637	\$966,736	\$1,100,382	\$1,192,259
Canadian Waste	\$419,523	\$431,420	\$1,041,584	\$1,070,119	\$1,416,512	\$1,456,930
Salish Disposal	\$258,517	\$258,517	\$657,965	\$657,965	\$916,241	\$916,241

Note- numbers in bold represent the lowest cumulative total annual costs submitted for all options and geographic areas.

Yard and Garden Waste

Prices for yard and garden waste were also submitted as a result of this tender. The options and pricing for yard waste collection will be detailed in a report to the October Environmental Services Committee.

ALTERNATIVES

1. Award the contract for region wide collection of garbage and recyclables with the current materials mix to Salish Disposal.
2. Award the contract for region wide collection of garbage and recyclables with additional plastics to Salish Disposal.

FINANCIAL IMPLICATIONS

The total annual contractual financial commitment will be \$687,181 in 2002 due to the April 1st startup, not including tipping fees, administration or taxes and \$916,241 per year in subsequent years. The term of this contract will be five years resulting in a total financial commitment of \$4,583,705.

The current annual contract fees for this program are \$706,620. The current contract fees are based on tenders received six years ago and except for a 2% increase in 2001, have remained stable over that period. Significant increases in costs for fuel, labour and waste haulers WCB premiums over the term of the current contract have resulted in the higher costs tendered by the haulers. Contract costs comprise a portion of total program costs and are not expected to cause user fees to increase by more than 2% in 2002.

SUMMARY/CONCLUSIONS

The existing garbage and recyclable collection contracts expire December 31, 2001. Prior to retendering these contracts, staff completed a detailed review of the current program. A contract tender package was distributed to the qualified contractors on August 15th, 2001. A pre-tender meeting was held August 29th, 2001 at which attendance was mandatory and the tender was due September 13th, 2001. Salish Disposal provided the RDN the best prices for garbage and recyclable collection on all service areas and options and can provide additional plastics collection for no extra costs. The new contract will commence April 1st, 2002 and end March 31st, 2007.

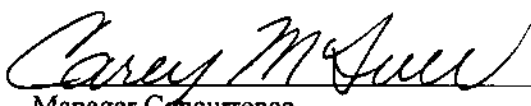
Yard and garden waste collection options and prices will be detailed in a later report.

RECOMMENDATION

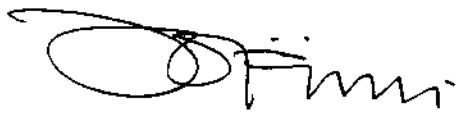
That the Board award a five year contract for region wide collection of garbage and recyclables with additional plastics collection to Salish Disposal.




Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO			
OCT 3 2001			
CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMES	

MEMORANDUM

TO: John Finnie, P. Eng. DATE: October 1, 2001
 General Manager Environmental Services

FROM: Carey McIver FILE: 5365-02
 Manager Solid Waste

SUBJECT: Landfill and Transfer Station Yard Waste Composting Bid Results

PURPOSE

To consider bids for composting yard waste delivered by RDN residents and businesses to the Regional Landfill and Church Road Transfer Station.

BACKGROUND

In June the Environmental Services Committee received a written status report on the development and implementation of a curbside yard waste collection program to service urban households throughout the RDN. This report identified that under the current management system for yard waste, RDN disposal facilities would not be able to handle the increased volumes that would result from a curbside collection program. Consequently, as discussed in the report, staff implemented a four-month pilot project to demonstrate that private composting facilities could process the volume of yard waste materials currently delivered to the Regional Landfill and Church Road Transfer Station.

The two companies involved in the pilot are West Coast Landfill Diversion Corp (WCLD) located in Cobble Hill and Earthbank Resource System located near Parksville. When the pilot was designed these were the only two composting facilities that had been approved by the Ministry of Water, Land and Air Protection (MWLAP).

To date the pilot has been successful, however, to ensure competitive pricing, a Request for Quotations was released in July. The following four bids were received for composting yard waste from both facilities:

Contractor	Regional Landfill \$/tonne	CRTS \$/tonne	MWLAP Approval
Rascal Trucking/HF Ventures	\$25.00	\$25.00	No
Evansdale Farms	\$42.50	\$32.50	Yes
Earthbank Resource Systems		\$35.00	Yes
Westcoast Landfill Diversion Corp.	\$70.00	\$70.00	Yes

An important requirement of this Request for Quotations is that the contractor's composting facility has been approved by the MWLAP. The lowest quote from Rascal Trucking/HF Ventures does not have an MWLAP in place.

Evansdale Farms have seven years experience composting yard waste and biosolids at their property in Courtenay and have MWLAP approval for this site. They also have a property near Qualicum Beach that had a temporary approval for biosolids composting. Evansdale are currently in the process of securing a

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permanent approval for this site. If they do not obtain an approval for this site when the contract commences November 1, 2001, RDN yard waste will be transported to their approved Courtenay site for processing until such time as the Qualicum Beach site is approved by the MWLAP. All extra costs associated with transport to the Courtenay site will be at the expense of Evansdale Farms.

Curbside Yard Waste Collection Program

In September, in conjunction with the tender process for the RDN garbage collection and recycling program, bids were submitted for various curbside yard waste collection options. The results of this tender will be discussed in a report to the October Environmental Services Committee.

ALTERNATIVES

1. Award contract to Evansdale Farms Ltd.
2. Do not award contract.

FINANCIAL IMPLICATIONS

The current cost for composting yard waste delivered to the Regional Landfill is \$50.00 per tonne as charged by WCLD. The cost to compost yard waste delivered to the CRTS is \$35.00 per tonne as charged by Earthbank. The quote from Evansdale is the lowest for both sites, even including the extra transportation costs from the Earthbank site near Parksville to the Evansdale sites at Qualicum Beach or Courtenay.

The term of the contract will be from November 1, 2001 to December 31, 2002. The projected total cost of the fourteen-month contract is \$261,846.00. This represents an average cost per tonne of \$39.02. The current tipping fee for yard waste is \$45.00 per tonne; however, under the current rate structure the actual revenue received is \$28.93 per tonne. This is because the first 200 kg of yard waste is charged at a flat rate of \$4.00.

If this contract is not awarded then yard waste will continue to consume expensive landfill space that was originally designed to contain garbage. Given the current cost of \$86.51 per tonne to export garbage to Cache Creek, it makes economic sense to fill remaining RDN landfill capacity with garbage rather than yard waste, particularly since yard waste only generates a revenue stream of \$28.93 per tonne.

ENVIRONMENTAL IMPLICATIONS

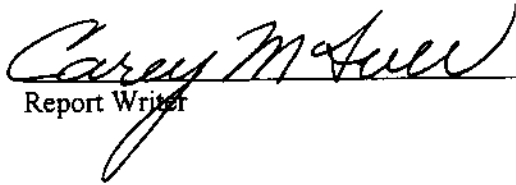
Composting yard waste at the Evansdale Farms facilities will save expensive landfill space for waste materials that do not have the potential to be beneficially re-used.


SUMMARY/CONCLUSIONS

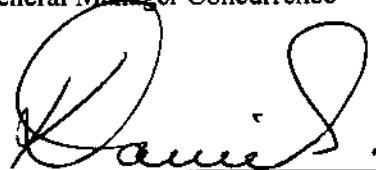
In July staff released a Request for Quotations to compost yard waste delivered by RDN residents and businesses to the Regional Landfill and Church Road Transfer Station. Four bids were received. The lowest qualifying bid was Evansdale Farms Ltd.

RECOMMENDATION

1. That Evansdale Farms Ltd. be awarded the contract for composting yard waste from the Regional Landfill and Church Road Transfer Station for \$42.50 and \$32.50 per tonne respectively.


Report Writer


General Manager Concurrence


CAO Concurrence

COMMENTS: