

REGIONAL DISTRICT OF NANAIMO

**REGULAR BOARD MEETING
TUESDAY, SEPTEMBER 11, 2001
(immediately following the Hospital Board Meeting)**

(Nanaimo City Council Chambers)

A G E N D A

PAGES

1. **CALL TO ORDER**
2. **DELEGATIONS**
 - Brian Smith, Chairperson, Nanaimo Airport Commission, re Nanaimo Airport Commission Update.**
 - 7 **Jim Champoux or Kenneth Walker, re Soil Conservation Permit Application No. 0104 - 3230 Palmer Road - Area F.**
 - Julie Patterson, re Soil Conservation Permit Application No. 0104 - 3230 Palmer Road - Area F.**
 - Carol Morrissey, re Soil Conservation Permit Application No. 0104 - 3230 Palmer Road - Area F.**
3. **BOARD MINUTES**
 - 8-21 Minutes of the regular Board meeting held on Tuesday, August 14, 2001.
4. **BUSINESS ARISING FROM THE MINUTES**
5. **COMMUNICATIONS/CORRESPONDENCE**
6. **UNFINISHED BUSINESS**
7. **STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS**
- 7.(I) **DEVELOPMENT SERVICES STANDING COMMITTEE**
 - 22-23 Minutes of the regular Development Services Committee meeting held August 28, 2001. (for information)

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Application No. 0116 – Coldstream (Vernon) Ltd. – 2048 Hemer Road – Area A.
(Electoral Area Directors except EA 'B' - One Vote)

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.

Temporary Commercial Use Permit No. 0104 & Development Permit No. 0119 – Intracorp (on behalf of Fairwinds) – Fairwinds Drive – Area E. (All Directors except EA 'B' - One Vote)

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.

DEVELOPMENT VARIANCE PERMIT

Application No. 0106 – Dueck – 6941 Seaside Terrace – Area D. (Electoral Area Directors except EA 'B' - One Vote)

Delegations wishing to speak to Application No. 0106.

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.

FRONTAGE RELAXATION

Request for Relaxation of the Minimum 10% Perimeter Requirement - Ward – 640 Grovehill Road – Area H. (All Directors except EA 'B' - One Vote)

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 (DD51005N), District Lot 90, Newcastle District, Plan 1874, Except Part in Plan VIP52920, be approved.

7.(II) ENVIRONMENTAL SERVICES STANDING COMMITTEE

24-25 Minutes of the regular Environmental Services Committee meeting held August 28, 2001. (for information)

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.

(All Directors - One Vote)

1. *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.*

(All Directors – Weighted Vote)

2. *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.*

Pump & Haul LSA Amendment Bylaw No. 975.24 – William & Linda Crowther – Marina Way – Area E. (All Directors - One Vote)

1. *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*

2. *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.*

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

(All Directors - One Vote)

1. *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.*

(All Directors – 2/3)

2. *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.*

Bylaws No. 889.18 and 813.26 – Application for Inclusion in French Creek LSA - 825 Reid Road – Area G. (All Directors - One Vote)

1. *That Lot 23, Plan 13406, DL 29, Nanoose Land District be included in the French Creek Sewer Local Service Area.*
2. *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.*
3. *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.*

7.(III) CORPORATE & COMMUNITY SERVICES STANDING COMMITTEE

26-29 Minutes of the regular Corporate & Community Services Committee meeting held August 28, 2001. (for information)

RECREATION AND PARKS

Trans Canada Trail. (All Directors - One Vote)

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.

REGIONAL GROWTH MANAGEMENT

Transportation Study. (All Directors - One Vote)

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.

COMMISSION, ADVISORY & SELECT COMMITTEE

Area 'A' Parks, Recreation & Greenspaces Advisory Committee. (All Directors - One Vote)

That the minutes of the Area 'A' Parks, Recreation & Greenspaces Advisory Committee meeting held June 13, 2001 be received for information.

District 69 Arena Committee.

(All Directors - One Vote)

That the minutes of the District 69 Arena Committee meeting held August 22, 2001 be received for information.

(Parksville, Qualicum Beach, EA's E, F, G, & H – Weighted Vote)

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.

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Crows Nest Park. (All Directors - One Vote)

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.

7.(IV) EXECUTIVE STANDING COMMITTEE

7.(V) COMMISSION

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

Intergovernmental Advisory Committee. (All Directors - One Vote)

30-34 Minutes from the Intergovernmental Advisory Committee meeting held August 21, 2001. (for information)

8. ADMINISTRATOR'S REPORT

35-43 Temporary Use Permit No. 0104 - Intracorp Developments Ltd. - 3484 Fairwinds Drive - Area E. (All Directors except EA 'B' - One Vote)

44-74 Soil Conservation Permit Application No. 0104 – Alan Stewart - 3230 Palmer Road - Area F. (All Directors except EA 'B' - One Vote)

75-76 Chase River Pumping Station Upgrade - Contract. (All Directors - Weighted Vote)

77-85 City Centre Transit Exchange Licence Agreement. (All Directors - Weighted Vote)

86-88 Growth Management Plan Review - Project Update. (All Directors except EA 'B' - One Vote)

89-101 Port Theatre Funding Request. (All Directors - One Vote)

102-105 Community Park Referendum on Gabriola Island. (All Directors – One Vote and 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**

August 28, 2001

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

via fax: (250) 390 4163

Attention Maureen Pearce:

Re: file 0104

Please be advised that we respectfully wish to request that we be able to speak at the board meeting on September 11, 2001 pertaining to our property at 3230 Palmer Rd. Qualicum Beach.

Either Jim Champoux or our attorney Kenneth Walker will be the speaker.

We also request that a copy of the new report compiled by your planner for the board members be faxed to us as soon as possible. Our fax number is (250) 752 3289.

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

Yours Sincerely;

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



REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE REGULAR MEETING OF THE BOARD
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, AUGUST 14, 2001, AT 7:30 PM IN THE
NANAIMO CITY COUNCIL CHAMBERS

Present:

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

Also in Attendance:

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

DELEGATIONS

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

Mr. Smith was not in attendance. The Chairperson noted that Mr. Smith will make a presentation at the September Board meeting.

L. Hollingworth, on behalf of William Malainey, re Development Permit Application No. 0115.

Mr. Hollingworth spoke in opposition to Development Permit Application No. 0115 and urged the Board to not approve this application

Wendy Malainey, re Development Permit Application No. 0115.

Ms. Malainey provided written information for distribution to the Board members and noted the existence of a restrictive covenant which protects the area residences from flooding. She urged the Board to follow prior zoning regulations and not approve Development Permit Application No. 0115.

Delegations – re Temporary Commercial Use Permit No. 0103 & Development Permit No. 0117.

The Chairperson noted that Temporary Commercial Use Permit Application No. 0103 and Development Permit Application No. 0117 are to be held in abeyance at the request of the applicant and asked if there were any delegations in the audience still wishing to speak on these items. There were no presentations made.

Dawn Burnett, re Scheduling of Public Hearings.

Ms. Burnett was not in attendance.

Ian Harrison, re Contravention of RDN Building Regulations and Fees Bylaw No. 1250 – 464 Berg Road – Area B.

Mr. Harrison provided a short overview of the property and circumstances surrounding the contravention of Building Bylaw No. 1250, and requested that the Board approve a six month moratorium on any further legal action to allow for further consideration of the ramifications of legal action.

Janelle Park, re OCP Procedures.

Ms. Park, quoting sections of the Local Government Act, questioned the need for an amendment to an OCP prior to the five year timeline quoted in the Act. The Board is urged to allow for more open communication with residents in the OCP process and avoid holding public hearings during the summer season.

Bruce Kelt, re Streamside Protection Regulations.

Mr. Kelt raised his concerns with respect to streamside protection regulations and the inconsistencies across the country in the regulations followed in each jurisdiction.

LATE DELEGATIONS

MOVED Director Stanhope, SECONDED Director Rispin, that Ray Brookbank, Dorothy Kelt, Mr. Van Westen, David Little, Helen Sims, John Moore and Susan Gerrand be permitted to speak as late delegations.

CARRIED

Ray Brookbank, re RDN Procedures.

Mr. Brookbank raised his concerns with respect to the public meeting/hearing notification policy and urged the Board to adopt a bylaw which would clearly define procedures preceding the adoption of an OCP.

Dorothy Kelt, re OCP Procedures.

Ms. Kelt outlined the circumstances leading her and other residents to believe that presentations with respect to the Area 'A' OCP could be made to the Board after the Public Hearing. Ms. Kelt challenged the provisions of the Local Government Act in this regard and urged the Board to hold a second public hearing to allow community residents to raise their concerns.

S. Gerrand, on behalf of Mr. Van Westen, re Regional District Government in this Regional District.

Ms. Gerrand, speaking on behalf of Kees Van Westen, raised his concerns with respect to the increasing number of regulations being imposed on the residents of the RDN and the lack of communication opportunities afforded to those residents prior to adoption of these new regulations.

David Little, re Bureaucracy.

Mr. Little spoke on his concern with a rise in bureaucracy within all government levels and urged the Board to act on inherent goodwill rather than bureaucracy.

Helen Sims, re Development Permit Application No. 0115 – McGarrigle/Sims – Admiral Tryon Boulevard – Area G.

Ms. Sims provided an short overview of her client's application and was available for any questions from the Board.

John Moore, French Creek Estates Ltd., re Development Permit Application No. 0115 – McGarrigle/Sims – Admiral Tryon Boulevard – Area G.

Mr. Moore provided the Board with additional information pertaining to Development Permit Application No. 0115 and the French Creek Estates development as a whole.

Susan Gerrand, re Riparian Rights vs. Riparian Regulations.

Ms. Gerrand noted the importance of riparian rights in any area and stressed that good government must find a way to promote proper education in the preservation of natural stream courses and urged the Board to allow for a referendum on riparian regulation.

MOVED Director Sherry, SECONDED Director Rispin that the delegations be received.

CARRIED

BOARD MINUTES

MOVED Director Sherry, SECONDED Director Quittenton, that the minutes of the regular Board meeting held on Tuesday, July 10, 2001 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

J. Macdonald, City of Parksville, T. Westbroek, Town of Qualicum Beach and J. Stanhope, Electoral Area G, re the Area F Draft Zoning Bylaw.

MOVED Director Rispin, SECONDED Director McLean, that the correspondence from the City of Parksville, Town of Qualicum Beach and the Electoral Area 'G' Director, regarding the Area F Draft Zoning Bylaw, be received.

CARRIED

K. Daniels, re Response to Mayors Macdonald, Westbroek and Director Stanhope with respect to the Area F Draft Zoning Bylaw.

MOVED Director Rispin, SECONDED Director McLean, that the correspondence from K. Daniels with respect to the Area F Draft Zoning Bylaw, be received.

CARRIED

Gayle A. Jackson, Acting City Manager, City of Parksville, re the Area F Draft Zoning Bylaw – Potential Impact on City's Water Supply.

MOVED Director Rispin, SECONDED Director McLean, that the correspondence from the City of Parksville with respect to the potential impact on the City of Parksville's water supply, be received.

CARRIED

K. Daniels, re Response to Gayle Jackson, City of Parksville, re the Potential Impact on Parksville's Water Supply.

MOVED Director Rispin, SECONDED Director McLean, that the correspondence from K. Daniels with respect to the potential impact on Parksville's water supply as it relates to the Area F draft zoning bylaw be received.

CARRIED

Penny Grant, Vancouver Island Regional Library, re Ten Year Facility Plan.

MOVED Director Rispin, SECONDED Director McLean, that the correspondence from the Vancouver Island Regional Library with respect to the receipt of the 2001 version of the V.I.R.L. Ten Year Facility Plan be received.

CARRIED

Ed & Kay Brook, re Temporary Commercial Use Permit No. 0103 & Development Permit No. 0117 – Fairwinds Development Corp. – Real Estate Office – Andover Road – Area E.

MOVED Director Rispin, SECONDED Director McLean that the correspondence from Mr. and Mrs. Brook with respect a temporary commercial use permit application to allow placement of a Real Estate Office on Andover Road, be received.

CARRIED

Mike and Sheila Durnin, re Temporary Commercial Use Permit No. 0103 & Development Permit No. 0117 – Fairwinds Development Corp. – Real Estate Office – Andover Road – Area E.

MOVED Director Rispin, SECONDED Director McLean, that the correspondence from Mr. And Mrs. Durnin with respect to Temporary Commercial Use Permit No. 0103 and Development Permit No. 0117, be received.

CARRIED

M. & R. Miners, re Temporary Commercial Use Permit No. 0103 & Development Permit No. 0117 – Fairwinds Development Corp. – Real Estate Office – Andover Road – Area E.

MOVED Director Rispin, SECONDED Director McLean, that the correspondence from M. and R. Miners with respect to Temporary Commercial Use Permit No. 0103 and Development Permit No. 0117, be received.

CARRIED

William and Wendy Malainey, re Development Permit Application No. 0115.

MOVED Director Rispin, SECONDED Director McLean, that the correspondence from Mr. And Mrs. Malainey with respect to Development Permit Application No. 0115, be received.

CARRIED

Victor and Louise Parrack, Gary and Edith Hough, re Development Permit Application No. 0115.

MOVED Director Rispin, SECONDED Director McLean, that the correspondence from Victor & Louise Parrack and Gary & Edith Hough, with respect to Development Permit Application No. 0115, be received.

CARRIED

David and Wendy Liddiard, re Development Permit Application No. 0115.

MOVED Director Rispin, SECONDED Director McLean, that the correspondence from David and Wendy Liddiard with respect to Development Permit Application No. 0115, be received.

CARRIED

Alex Rennie, re Development Permit Application No. 0115.

MOVED Director Rispin, SECONDED Director McLean, that the correspondence from Alex Rennie with respect to Development Permit Application No. 0115, be received.

CARRIED

David and Gayle Jones, re Temporary Commercial Use Permit No. 0103 & Development Permit No. 0117 – Fairwinds Development Corp. – Real Estate Office – Andover Road – Area E.

MOVED Director Rispin, SECONDED Director McLean, that the correspondence from David and Gayle Jones with respect to Temporary Commercial Use Permit No. 0103 and Development Permit No. 0117, be received.

CARRIED

Ron McDonough, re Temporary Commercial Use Permit No. 0103 & Development Permit No. 0117 – Fairwinds Development Corp. – Real Estate Office – Andover Road – Area E.

MOVED Director Rispin, SECONDED Director McLean, that the correspondence from Ron McDonough with respect to Temporary Commercial Use Permit No. 0103 and Development Permit No. 0117, be received.

CARRIED

Jim Abram, UBCM President, re 2001 Local Government Awareness Award – Best Local Government Web Site (Medium Sized Community)

MOVED Director Rispin, SECONDED Director McLean, that the congratulatory correspondence from the Union of British Columbia Municipalities with respect to the award to the Regional District of the 2001 Local Government Awareness Award for the best local government web site, be received.

CARRIED

UNFINISHED BUSINESS

Southern Community Sewer LSA Development Cost Charge Amendment Bylaw No. 1020.02.

MOVED Director Krall, SECONDED Director McNabb, that "Southern Community Sewer Local Service Area Development Cost Charge Amendment Bylaw No. 1020.02, 2001" be adopted.

CARRIED

Summary of Proceedings of the Public Hearing held July 25, 2001 with Respect to Electoral Area 'A' Official Community Plan – Bylaw No. 1240, 2001 – Area A.

MOVED Director Elliott, SECONDED Director Krall, that the Summary of Proceedings of a Public Hearing held Wednesday, July 25, 2001 at 7:00 pm, together with all written submissions to the Public Hearing on the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" be received.

CARRIED

MOVED Director Elliott, SECONDED Director Westbrook, that the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" be granted 3rd reading with minor amendments as recommended in Schedule No. 1 and subject to the delayed implementation of Development Permit Area 5 "Streams, Nesting Trees and Nanaimo River Flood Plain" for a period of 2 years from the date of adoption of the Plan.

CARRIED

MOVED Director Elliott, SECONDED Director Krall, that the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" be forwarded to the Inspector of Municipalities for consideration of approval.

A recorded vote was requested.

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

MOVED Director Elliott, SECONDED Director Stanhope, that staff be directed to report back to the Board if there are any legislative amendments related to Development Permit Area No. 5 prior to its implementation and to bring forward a proposed public education program for stream side protection as part of the Planning Department's 2002 work program.

CARRIED

Minutes of the Public Hearing held August 1, 2001 with Respect to Amendment Application No. 9630 – Horne Lake License Holders Association on Behalf of Texada Land Corporation (Bylaw Amendment Bylaw No. 500.275) – Area H.

MOVED Director Quittenton, SECONDED Director Westbrook, that the Summary of Proceedings of the Public Hearing held August 1, 2001 on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.275, 2001" be received.

CARRIED

MOVED Director Quittenton, SECONDED Director Sherry, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.275, 2001", be given 3rd reading and be referred to the Ministry of Water, Land and Air Protection for approval.

CARRIED

MOVED Director Quittenton, SECONDED Director Westbrook, that staff be directed to secure the conditions as outlined in 'Schedule 1' prior to consideration of "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.275, 2001" for adoption.

CARRIED

DEVELOPMENT SERVICES STANDING COMMITTEE

MOVED Director Holdom, SECONDED Director McNabb, that the minutes of the regular Development Services Committee meeting held July 24, 2001 be received for information.

CARRIED

CORRESPONDENCE/COMMUNICATIONS

Marie Crawford, UBCM, re Premature Building Envelope Failure.

MOVED Director Holdom, SECONDED Director McNabb, that the correspondence from UBCM with respect to the provincial response to the Board's resolution on Premature Building Envelope Failure, be received.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Application No. 0115 – McGarrigle/Sims – Admiral Tryon Boulevard – Area G.

MOVED Director Holdom, SECONDED Director Quittenton, that Development Permit Application No. 0115, to vary the minimum 'other' lot line setback for the Residential 5 zone within Bylaw No. 500 from 5.0 metres to 2.0 metres and to vary the minimum setback from the natural boundary requirements from 8.0 metres to 7.5 metres pursuant to the RDN's Land Use and Subdivision Bylaw No. 500, 1987; and to vary the French Creek Watercourse Protection Development Permit Area setback from the natural boundary from 15.0 metres to 3.0 metres to permit the construction of a retaining wall and to vary the DPA setback from 15.0 metres to 7.5 metres to permit the construction of a deck and to vary the DPA setback from 15.0 metres to 10.5 metres to permit the construction of a dwelling unit for the property legally described as Lot 18, District Lot 28, Nanoose District, Plan VIP62528, be approved subject to the requirements outlined in Schedule '1' and subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

FRONTAGE RELAXATION

Request for Relaxation of the Minimum 10% Perimeter Requirement – Leigh Millan on behalf of Lorraine & Clifford Haslam – 3026 Adshead Road and 2974 Haslam Road – Area A.

MOVED Director Holdom, SECONDED Director Krall, that the request from Leigh Millan, BCLS, on behalf of Lorraine Haslam and Clifford Haslam, to relax the minimum 10% frontage requirement for the proposed Homesite Severance parcel and the Remainder of Lot 1, Plan VIP69321, as shown on the plan of subdivision prepared by Leigh Millan, be approved.

CARRIED

Request for Relaxation of the Minimum 10% Perimeter Requirement – Dave Wallace on behalf of 565832 BC Ltd. – off West Road – Area D.

MOVED Director Holdom, SECOMDED Director Haime, that the request from Dave Wallace, BCLS, on behalf of 565832 BC Ltd., to relax the minimum 10% frontage requirement for proposed Lots 4 and 5, as shown on the plan of subdivision of Part of Lot 3, Range 3, Mountain District, Plan VIP57411, be approved.

CARRIED

OTHER

Building Strata Conversion Application – Philip Sopow – 2525 Myles Lake Road – Area C.

MOVED Director Holdom, SECONDED Director Hamilton, that the request from Philip Sopow, for the building strata conversion as shown on the Sketch Plan of Lot A, Cranberry District, Section 8, Range 3, Plan VIP53510, be approved subject to the conditions being met as set out in Schedule No. 1 of the staff report.

CARRIED

Temporary Commercial Use Permit No. 0103 & Development Permit No. 0117 – Fairwinds Development Corporation – Real Estate Office – Andover Road – Area E.

The Chairperson noted that notice was received prior to the Board meeting that Temporary Commercial Use Permit Application No. 0103 and Development Permit Application No. 0117 are to be held in abeyance at the request of the applicant.

NEW BUSINESS

Zoning Regulations for Mobile and Modular Homes – Columbia Beach.

MOVED Director Holdom, SECONDED Director Macdonald, that staff be directed to investigate amendment to the zoning bylaw for the Columbia Beach neighbourhood to disallow mobile or modular homes at Columbia Beach.

CARRIED

ENVIRONMENTAL SERVICES STANDING COMMITTEE

MOVED Director Sherry, SECONDED Director Quittenton, that minutes of the regular Environmental Services Committee meeting held July 24, 2001 be received for information.

CARRIED

LIQUID WASTE/UTILITIES

Surfside Sewer LSA Reserve Fund Establishment Bylaw No. 1252.

MOVED Director Sherry, SECONDED Director Stanhope, that "Surfside Sewer Local Service Area Reserve Fund Establishment Bylaw No. 1252, 2001" be introduced and receive first three readings.

CARRIED

MOVED Director Sherry, SECONDED Director McNabb, that "Surfside Sewer Local Service Area Reserve Fund Establishment Bylaw No. 1252, 2001", having received three readings, be adopted.

CARRIED

Pacific Shores LSA Reserve Fund Establishment Bylaw No. 1253.

MOVED Director Sherry, SECONDED Director Quittenton, that "Pacific Shores Sewer Local Service Area Reserve Fund Establishment Bylaw No. 1253, 2001" be introduced and receive first three readings.

CARRIED

MOVED Director Sherry, SECONDED Director McNabb, that "Pacific Shores Sewer Local Service Area Reserve Fund Establishment Bylaw No. 1253, 2001" having received three readings, be adopted.

CARRIED

Pump & Haul LSA Amendment Bylaw No. 975.23 – Darryl & Julianne Danner – 1926 Sea Otter Place – Area E.

MOVED Director Sherry, SECONDED Director McLean, that the application for inclusion into the pump and haul service be accepted.

CARRIED

MOVED Director Sherry, SECONDED Director McLean, that "Regional District of Nanaimo Pump & Haul Local Service Area Amendment Bylaw No. 975.23, 2001" be read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

French Creek Pollution Control Centre Annual Report on Odour Control.

MOVED Director Sherry, SECONDED Director Stanhope, that the '2000 Annual Odour Report for the French Creek Pollution Control Centre' be received.

CARRIED

Funding Request from Green Communities Nanaimo – Residential Source Control & Volume Reduction Education.

MOVED Director Sherry, SECONDED Director Krall, that the RDN enter into an agreement with Green Communities Nanaimo to provide residential source control and volume reduction education for \$3,420,00.

OTHER

Security Issuing Bylaws – Nanoose Bay Bulk Water Supply and French Creek Bulk Water Supply.

MOVED Director Sherry, SECONDED Director Stanhope, that "Regional District of Nanaimo (Nanoose Bay Bulk Water Supply) Security Issuing Bylaw No. 1239, 2001" be introduced, given three readings and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Sherry, SECONDED Director McNabb, that "Regional District of Nanaimo (Nanoose Bay Bulk Water Supply) Security Issuing Bylaw No. 1242, 2001" be introduced, given three readings and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Sherry, SECONDED Director Holdom, that "Regional District of Nanaimo (Nanoose Bay Bulk Water Supply) Security Issuing Bylaw No. 1243, 2001" be introduced, given three readings and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Sherry, SECONDED Director Macdonald, that "Regional District of Nanaimo (Nanoose Bay Bulk Water Supply) Security Issuing Bylaw No. 1244, 2001" be introduced, given three readings and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Sherry, SECONDED Director Stanhope, that "Regional District of Nanaimo (Nanose Bay Bulk Water Supply) Security Issuing Bylaw No. 1245, 2001" be introduced, given three readings and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Sherry, SECONDED Director Stanhope, that "Regional District of Nanaimo (French Creek Bulk Water Supply) Security Issuing Bylaw No. 1246, 2001" be introduced, given three readings and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Sherry, SECONDED Director Stanhope, that "Regional District of Nanaimo (French Creek Bulk Water Supply) Security Issuing Bylaw No. 1247, 2001" be introduced, given three readings and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Sherry, SECONDED Director Stanhope, that "Regional District of Nanaimo (French Creek Bulk Water Supply) Security Issuing Bylaw No. 1248, 2001" be introduced, given three readings and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Sherry, SECONDED Director Stanhope, that "Regional District of Nanaimo (French Creek Bulk Water Supply) Security Issuing Bylaw No. 1249, 2001" be introduced, given three readings and forwarded to the Inspector of Municipalities for approval.

CARRIED

CORPORATE & COMMUNITY SERVICES STANDING COMMITTEE

MOVED Director Stanhope, SECONDED Director Macdonald, that the minutes of the regular Corporate & Community Services Committee meeting held July 24, 2001 be received for information.

CARRIED

CORRESPONDENCE/COMMUNICATIONS

Marie Crawford, UBCM, re Rescue Services on Rural Highways.

MOVED Director Stanhope, SECONDED Director Rispin, that the correspondence received from UBCM with respect to the provincial response to the 2000 resolution put forward by the Board regarding rescue services on rural highways, be received.

CARRIED

G.R. Peterson, Northwest Nanoose Residents Association, re Waterfront and Beach Access Issue – Parks and Open Space Plan.

MOVED Director Stanhope, SECONDED Director Rispin, that the correspondence received from G.R. Peterson, Northwest Nanoose Residents Association with respect to waterfront and beach access management within Nanoose, be received.

CARRIED

Mike Gray, Norwest Nanoose Residents Association, re Nanoose Parks and Open Space Plan.

MOVED Director Stanhope, SECONDED Director Rispin, that the correspondence received from Mike Gray, Northwest Nanoose Residents Association, with respect to the Association's request for amendments to the Nanoose Bay Parks and Open Space Plan, be received.

CARRIED

UNFINISHED BUSINESS

From the Board Meeting held July 10, 2001.

MOVED Director Stanhope, SECONDED Director Hamilton, that the Errington Fire Department be authorized to approach the Province of BC Coastal Fire Service with an offer to trade firefighting vehicles, with an overall budget target of \$130,000.

CARRIED

ADMINISTRATION

Treaty Negotiations Update – B. Sperling.

MOVED Director Stanhope, SECONDED Director Krall, that the verbal report with respect to Treaty Negotiations, be received.

CARRIED

Application for Temporary Change to Liquor Licence – Cassidy Inn – 2954 Trans Canada Highway – Area A.

MOVED Director Stanhope, SECONDED Director Elliott, that the Cassidy Inn's request for a temporary change to their Liquor Licence to provide for an extended patio area for their Show 'n Shine event scheduled for September 9, 2001 be approved.

CARRIED

RECREATION AND PARKS

Vancouver Island Recreational Corridor.

MOVED Director Stanhope, SECONDED Director McNabb, that the Board decline to sign the Vancouver Island Recreational Corridor Memo of Understanding at this time given the current priorities for regional district trail system development and the limited resources available to participate in their planning processes.

CARRIED

Qualicum Bay Lions Club Lease of Community Centre and Lighthouse Community Park – Area H.

MOVED Director Stanhope, SECONDED Director Quittenton, that the lease agreement between the Qualicum Bay Lions Club and the Regional District of Nanaimo for the property legally described as: Lot A, District Lot 32, Newcastle District, Plan 45846 for a ten year term be approved.

CARRIED

Regional Parks Act – Request for Additional Power Under Section 801 of the Local Government Act.

MOVED Director Stanhope, SECONDED Director Macdonald, that the Lieutenant Governor in Council be requested to grant to the Regional District additional power under Section 801 of the Local Government Act to acquire and manage land for a regional park or regional trail by way of a permit or a license or a lease for any term where that land has been designated for the regional park or regional trail under Section 4(1)(a) of the Park (Regional) Act.

CARRIED

SPECIAL EVENT/SPECIAL OCCASION APPLICATIONS

Status Reports.

MOVED Director Stanhope, SECONDED Director McLean, that the Special Event/Special Occasion status reports be received for information.

CARRIED

TRANSIT

Special Event Application – Royal Canadian Legion’s 75th Anniversary Celebrations – September 8, 2001 – Request for Bus Service.

MOVED Director Stanhope, SECONDED Director Haime, that the Transit Special Events request by the Royal Canadian Legion – Branch #10 for shuttle service to be provided on Saturday, September 8, 2001 be approved.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

Lantzville Parks & Open Space Committee.

MOVED Director Stanhope, SECONDED Director Haime, that the minutes of the Lantzville Parks & Open Space Committee meeting held June 25, 2001 be received for information.

Gabriola Island Parks and Recreation Commission.

MOVED Director Stanhope, SECONDED Director Sperling, that the minutes of the Gabriola Island Parks and Recreation Commission meeting held June 18, 2001 be received for information.

CARRIED

MOVED Director Stanhope, SECONDED Director Sperling, that the staff report on the proposed development of a Gabriola Island Community Recreation Association be received for information.

CARRIED

MOVED Director Stanhope, SECONDED Director Sperling, that the Regional District, through the Commission, work with the Community to provide for the establishment of a non-profit society (Gabriola Island Community Recreation Association) to deliver recreation services on the Island starting in January 2002.

CARRIED

MOVED Director Stanhope, SECONDED Director Sperling, that staff initiate the development of an agreement to advance funding and other arrangements with a society established to provide for the delivery of recreational services on Gabriola Island.

CARRIED

MOVED Director Stanhope, SECONDED Director Sperling, that the minutes of the Gabriola Island Parks and Recreation Commission meeting held July 16, 2001 be received for information.

CARRIED

MOVED Director Stanhope, SECONDED Director Sperling, that the resolutions from the July 16, 2001 Gabriola Island Parks and Recreation Commission meeting be received for information.

CARRIED

District 69 Recreation Commission.

MOVED Director Stanhope, SECONDED Director Westbrook, that the minutes of the District 69 Recreation Commission meeting held June 21, 2001 be received for information.

CARRIED

SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEES

Performance Review Committee.

MOVED Director Stanhope, SECONDED Director Sherry, that the minutes of the Performance Review Committee meeting held July 18, 2001 be received for information.

CARRIED

ADMINISTRATOR'S REPORT

Amendment Application 9601 – Bylaw No. 500.202 – Caillet – Biggs Road – Area D.

MOVED Director Haime, SECONDED Director Hamilton, that the Condition of Approval as outlined in the 3rd reading Report to the Board of May 14, 1996 requiring the establishment of a statutory right of way over the subject property be waived.

CARRIED

MOVED Director Haime, SECONDED Director Hamilton, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.202, 1996" be adopted.

CARRIED

Temporary Use Permit No. 0103 – Fairwinds Development Corporation – Lot 56, Andover Drive – Area E.

This item is to be held in abeyance at the request of the applicant.

Soil Conservation Permit Application 0104 – Alan Stewart – 3230 Palmer Road – Area F.

MOVED Director McLean, SECONDED Director Sherry, that the application for a Soil Conservation Permit under the *Soil Conservation Act* for Lot 3, District Lot 8, Cameron District, Plan 1981, be denied.

CARRIED

Dashwood Fire Protection Local Services Area Boundary Amendment.

MOVED Director Stanhope, SECONDED Director Krall, that "Dashwood Fire Protection Local Service Area Boundary Amendment Bylaw No. 964.03, 2001" be received for first three readings and forwarded to the Inspector of Municipalities for approval.

CARRIED

Refund of Property Taxes – Dashwood Fire Protection Local Service Area.

MOVED Director Stanhope, SECONDED Director McLean, that the repayment of taxes paid for Dashwood Fire Protection Local Service in 1999 to 2001 by the owners of Lots 2 to 6 of Plan VIP66682 be approved.

CARRIED

Second Quarter Operating Results for 2001.

MOVED Director Rispin, SECONDED Director McLean, that the second quarter summary report of financial results from operations to June 30th, 2001 be received for information.

CARRIED

Fire Truck Purchase for the Nanoose Volunteer Fire Department.

MOVED Director Krall, SECONDED Director Sherry, that the tender for a 1700 gal tanker fire vehicle in the amount of \$198,781 plus taxes be awarded to Pro-Fire Emergency Vehicles Ltd. Pursuant to their submission dated July 27, 2001.

CARRIED

MOVED Director Sherry, SECONDED Director Westbroek, that "Nanoose Fire Protection Function Reserve Fund Expenditure Bylaw No. 1254, 2001" be introduced for first three readings.

CARRIED

MOVED Director Sherry, SECONDED Director Westbroek, that "Nanoose Fire Protection Function Reserve Fund Expenditure Bylaw No. 1254, 2001" having received first three readings be adopted.

CARRIED

IN CAMERA

MOVED Director Sherry, SECONDED Director McNabb, that pursuant to Sections 242.2(1)(c) and (h) of the Local Government Act the Board proceed to an In Camera meeting to consider matters related to employee negotiations, potential litigation and draft policy matters pursuant to Section 13 of the Freedom of Information and Protection of Privacy Act.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 9:31 PM

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

PAGE
21

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE DEVELOPMENT SERVICES COMMITTEE
MEETING HELD ON TUESDAY, AUGUST 28, 2001, AT 8:18 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. Haimé	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. Westbrook	Town of Qualicum Beach
Director L. Sherry	City of Nanaimo
Director T. Krall	City of Nanaimo
Director G. Korpan	City of Nanaimo
Alternate	
Director R. Cantelon	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. Avery	Manager of Financial Services
D. Trudeau	Manager of Liquid Waste
N. Tonn	Recording Secretary

MINUTES

MOVED Director Westbrook, SECONDED Director Krall, that the minutes of the regular Development Services Committee meeting held July 24, 2001, be approved.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

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

MOVED Director Elliott, SECONDED Director Krall, 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 Holme, SECONDED Director Macdonald, 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 Macdonald, SECONDED Director Sherry, 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 Quittenton, SECONDED Director McLean, 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 (DD51005N), District Lot 90, Newcastle District, Plan 1874, Except Part in Plan VIP52920, be approved.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 8:20 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ENVIRONMENTAL SERVICES COMMITTEE MEETING
HELD ON TUESDAY, AUGUST 28, 2001, AT 8:20 P.M. IN THE
COUNCIL CHAMBERS OF THE CITY OF NANAIMO
455 WALLACE STREET, NANAIMO, B.C.**

Present:

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

Also in Attendance:

K. Daniels	Chief Administrative Officer
D. Trudeau	Manager of Liquid Waste
B. Lapham	General Manager of Development Services
N. Avery	Manager of Financial Services
N. Tonn	Recording Secretary

MINUTES

MOVED Director Krall, SECONDED Director McNabb, that the minutes of the Environmental Services Committee meeting held on Tuesday, July 24, 2001 be adopted.

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 Krall, SECONDED Director Holme,:

1. 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.
2. 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 Krall, SECONDED Director Holme, 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 Krall, SECONDED Director Holme, 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 Elliott, SECONDED Director McNabb,:

1. 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.
2. 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 Stanhope, SECONDED Director Holme,:

1. That Lot 23, Plan 13406, DL 29, Nanoose Land District be included in the French Creek Sewer Local Service Area.
2. 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.
3. 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

ADJOURNMENT

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

CARRIED

TIME: 8:22 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE CORPORATE & COMMUNITY SERVICES
COMMITTEE MEETING HELD ON TUESDAY, AUGUST 28, 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
Director J. McLean	Electoral Area F
Director R. Quittenton	Electoral Area H
Director J. Macdonald	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Director L. Sherry	City of Nanaimo
Director G. Korpan	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director T. Krall	City of Nanaimo
Alternate	
Director R. Cantelon	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

K. Daniels	Chief Administrative Officer
N. Connelly	General Manager, Community Services
T. Osborne	Manager of Recreation & Parks
B. Lapham	General Manager, Development Services
N. Avery	Manager of Financial Services
D. Trudeau	Manager of Liquid Waste
N. Tonn	Recording Secretary

DELEGATIONS

Michael Chriss, re Crows Nest Park – Area E.

Mr. Chriss raised his concerns with respect to the present policy on the trimming of trees and requested that the Board take a fair and sensible approach to tree trimming management to preserve the state of the existing environment.

Marj Wilkie, re Crows Nest Park – Area E.

Ms. Wilkie presented a short history of Crows Nest Park and the maintenance which had been done in the past to keep the park growth manageable. A letter from Bonnie Blue, pictures of Ms. Wilkie's property and a plan of the park and surrounding properties were distributed to the Committee members for information.

Annabel Kirby, re Crows Nest Park – Area E.

Ms. Kirby spoke in support of the managed control of trees in Crows Nest Park and noted incidents in the past when trees had fallen and damaged property through mismanagement of forest growth.

Philip Perry, re Crows Nest Park.

Mr. Perry raised his concerns with respect to the safety of residents and visitors to the Crows Nest Park in its present state, and noted that some home owners surrounding the park are willing to financially participate in the maintenance of the park.

Michael Chriss, re Crows Nest Park – Area E.

Mr. Chriss presented a summary of the delegations' concerns and noted that they are in favour of a green Nanoose but not an uncontrollable forest. A number of options were presented to the Committee for their review and a copy of the options and a petition were given to staff for their files.

Lynda Butterworth, re Nanaimo Trans-Canada Trail.

Ms. Butterworth presented an update on the progress of the Trans-Canada Trail and thanked the Regional District Board and staff for all their effort and support.

LATE DELEGATIONS

MOVED Director Holme, SECONDED Director Quittenton, that the following delegation be permitted to address the Committee.

CARRIED

Melinda Tymm, re Zoning & Bylaw Issues re Allsbrook Road – Area F.

It was noted that Ms. Tymm was unable to attend this evening's meeting but will submit a request to speak at a future meeting.

Diane Aussem, re Crows Nest Park – Area E.

Ms. Aussem spoke in opposition to the proposed change to the current policy with respect to tree maintenance in Crows Nest Park and noted that members of the Nanoose Bay Residents Association unanimously oppose the proposal. The Board is requested to maintain the present policy and defeat the proposed change.

MOVED Director McLean, SECONDED Director Holme, that the delegations be received.

CARRIED

MINUTES

MOVED Director Sherry, SECONDED Director McNabb, that the minutes of the Corporate and Community Services Committee meeting held on July 24, 2001 be adopted.

CARRIED

HOSPITAL

Nanaimo Regional Hospital District Capital Project Borrowing (Trillium Lodge Kitchen Renovations) Bylaw No. 131.

MOVED Director Holme, SECONDED Director Hamilton,;

1. That "Nanaimo Regional Hospital District Capital Project Borrowing (Trillium Lodge Kitchen Renovations) Bylaw No. 131, 2001" be introduced for first three readings.
2. That "Nanaimo Regional Hospital District Capital Project Borrowing (Trillium Lodge Kitchen Renovations) Bylaw No. 131, 2001" having received three readings, be adopted.

CARRIED

RECREATION AND PARKS

Trans Canada Trail.

MOVED Director Quittenton, SECONDED Director Westbroek, 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.

A recorded vote was requested.

The motion CARRIED with Directors Holme, Hamilton, Quittenton, Westbroek, Sherry, Haime, Sperling, Macdonald, Holdom, McNabb, Elliott, Krall, Cantelon and Stanhope voting in the affirmative and Director McLean voting in the negative. Director Korpan was not in attendance.

REGIONAL GROWTH MANAGEMENT

Transportation Study.

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

CARRIED

Director Korpan joined the meeting.

District 69 Arena Committee.

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

CARRIED

MOVED Director Holme, SECONDED Director Macdonald, 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 Holme, SECONDED Director Quittenton, 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

ADJOURNMENT

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

CARRIED

TIME: 8:17 PM

CHAIRPERSON

**Minutes for the Meeting held:
Tuesday, August 21, 2001 @ 1:30 PM
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC**

Present

- Chris Hayhurst, MF
- Dan Biggs, MF
- Terry Preston (for David Coombe), CVIHR
- Cynthia Hawksworth, MCAWS
- Terry Pollock, MT
- Paul Butler, Town of Qualicum Beach
- Wayne Haddow, MA
- Roger Cheetham, LRC
- Gayle Jackson, City of Parksville
- Neil Connelly, RDN
- John Finnie, RDN
- Bob Lapham, RDN
- Christina Thomas, RDN

Regrets:

- Sharon Erickson, MWLAP
- Dave Coombe, CVIHR
- Ted Hall, MEM

Guest:

- David Harper, Westland Resource Group

Item

1. Call to order

N. Connelly called the meeting to order at 1:30 PM.

2. Minutes from the Meeting of May 31, 2001

The minutes of the meeting were approved as presented.

3. Growth Management Plan Review 2001-2002 – Technical Aspects

Land Inventory Analysis

D. Harper, Westland Resource Group, provided an overview of the Land Inventory Analysis methodology and report. The Land Inventory Analysis report identifies a number of positive trends, including an increasing proportion of housing in the attached, 70% detached/30% attached, commercial/residential categories, and a decreasing proportion of housing in the detached, estate residential, and industrial categories. On a region wide basis this would indicate that densities have been reduced in rural areas and increased in urban areas, consistent with the intent of the Growth Management Plan.

Committee comments included the following:

- Much of the land with multiple family zoning in the City of Nanaimo is on steep land, and there is a possibility that it may be developed as large lots instead of multiple family housing forms.
- In the electoral area portion of the Regional District much of the development potential is due to the fact that a second dwelling may be constructed on many parcels.
- The projected number of dwelling units in Electoral Areas G and H may be too high and should be verified.
- The projected number of dwelling units in the Town of Qualicum Beach may be a little high and

- should be examined.
- There is more than an adequate housing capacity in the region for the period of the Growth Management Plan based on current plans and zoning.
 - Is it possible that some of the housing capacity in the City of Nanaimo is on land outside of the Urban Containment Boundary? If this were the case, this would be a concern.
 - The Town of Qualicum Beach has an identified node and information should be provided for it too in the report.
 - The report requires footnotes or disclaimers to identify that the required number of housing units reflect the PEOPLE model population projections, which are essentially straight line population projections (i.e. future growth will be at the same rate and in the same place as it has historically been) that do not take into account current or emerging planning policy.
 - Are the planned densities for the region being achieved?
 - The planned densities for the City are not being achieved in the City of Nanaimo.
 - One of the goals of the Growth Management Plan Review is to identify how we can make nodal development more attractive to residents, and viable as a form of development to accommodate new growth.
 - The figures provided by the Regional District regarding development potential based on current zoning and official community plans are 'aggressive' in that they assume every property owner maximizes the development capabilities of their property (i.e. establishes a second dwelling unit where it is permitted).
 - PEOPLE model population projections are done on a region wide basis and are not intended to be broken out to describe population trends and projections for smaller areas within the region.
 - The proportion of housing units allocated to the designated nodal areas represents a small proportion of the overall projected dwelling units in the region.
 - The City of Nanaimo is now trying to implement mechanisms to make residential development in the downtown more attractive.
 - Nodes need to be made attractive places for people to want to live in them. The disadvantage of having so much excess housing capacity in the rural areas is that it reduces the feasibility of creative concepts such as density transfers, which could be used to assist nodal development.
 - It would be beneficial if the Land Inventory Analysis Report includes recommendations regarding policy approaches that should be implemented to address issues associated with the allocation of the projected housing units.
 - The Land Reserve Commission could reduce the development potential of lands in the Agricultural Land Reserve by eliminating or tightening up the second dwelling provision.
 - The projected build outs in the electoral area village centres are based on the assumption that the village centres can and will be supplied with community sewer and water services.
 - Is there another method to allocate projected development capacities in the region, other than having each jurisdiction pick their own development capacity?
 - The City of Nanaimo is preparing a market analysis for downtown housing.
 - In the Cowichan Valley Regional District poorly supported Liquid Waste Management Plans have resulted in lower densities and virtually no infrastructure planning for development.
 - The Regional District may experience difficult decisions regarding how to service some of the village centres. It is quite possible that a treatment plant with its own ocean outfall will be the most viable servicing method and this may not be received well by the public.
 - It would be interesting to know what proportion of the projected housing oversupply is attributed to multiple family dwellings. If most of the housing oversupply is attributed to multiple family dwellings maybe it won't matter if there is no behavioural change leading to increased demand to live in nodal areas.
 - The 2500 units allocated to the Fairwinds area will not be possible unless different forms of

attached housing and small lot housing are developed given the topographical constraints of the area.

- There is a need to create communities where people want to live, and density is a tool that can be used to make desirable communities. Density does not have to mean the construction of high-rise developments.
- It would be helpful if the Land Inventory Analysis report included basic background information about the Growth Management Plan, for readers who do not have this background.
- The idea of reducing development potential through servicing decisions was identified. It was noted that in the electoral areas some of the control regarding servicing decisions is not with the Regional District, as there are many private water utilities that make decisions about which land to service. It was also noted that the Regional District has used servicing decisions to limit development in areas where it does have control over servicing decisions, such as the extension of community sewer service.

Committee members were invited to communicate any concerns arising from the data in the report to C. Thomas, who will obtain the primary data from Westland for review of the issue area. The possibility of arranging a meeting of planners involved in the initial development of the report data was discussed.

Committee members were invited to provide any additional comments regarding the report to C. Thomas by September 11, 2001. Comments will be considered and forwarded to the Westland Resource Group for report amendments.

Updates

C. Thomas updated Committee members regarding the other technical aspects of the Growth Management Plan Review. The update included the following:

- The report Demographic and Socio-Economic Trends for the Regional District of Nanaimo has been finalized. The finalized report includes changes based on the Committee's comments at the May 31, 2001 meeting.
- It is expected that a draft report regarding the economic development aspects of the Growth Management Plan will be completed by the end of August. Copies of the report will be distributed to the Committee, and the report will be discussed at the next Committee meeting. It is anticipated that the consultant that prepared the report will be in attendance at the meeting to present the report.
- A draft report (work in progress) regarding the compatibility of the Growth Management Plan land use and servicing strategies was circulated to the Committee. It was noted that the draft report will be completed and circulated to the Committee for discussion at the next Committee meeting. Committee members were invited to provide comments prior to or after the completion of the draft, at their discretion.
- A consultant has been retained to assess the environmental protection aspects of the Growth Management Plan (Growth Management Plan Review Terms of Reference Technical Task 7). Copies of the consultant contract were circulated for information.
- A consultant has been hired to help manage the public process aspects of the Growth Management Plan Review (Growth Management Plan Review Terms of Reference Technical Tasks 13, 14, & 15 and Consultation Tasks 8, 9, 10, 11, 12, 14, & 15). As a part of this work the consultant will be reviewing all of the technical work, completed and in progress, to identify and describe the key strategic questions that should form the basis of the public consultation process this fall.

4 Growth Management Plan Review 2001-2002 – Consultation Aspects

C. Thomas described the project consultation events scheduled to take place this fall. The events include:

- An all day Urban and Rural Villages Workshop on Saturday, September 22, that includes approximately 200 invited participants, and speakers representing a diversity of backgrounds including: growth management planning experiences in Washington, growth management in the BC context, growth management in the Regional District of Nanaimo, the perspectives of the development community, the environmental community and elected representatives. (It was suggested that the entire membership of municipal councils in the region be invited to the event.)
- A workshop regarding environmental protection tools and techniques for technical people and others, on September 24th and 27th respectively.
- A meeting of area planners is scheduled for September 13, 2001 (9 AM to 12 PM) to provide an update on the project, and to obtain the perspectives of planners regarding:
 - issues and opportunities that have arisen within their jurisdictions as a result of the adoption of the Growth Management Plan for the Regional District of Nanaimo in January of 1997;
 - their experience in living with the Growth Management Plan since January 1997;
 - Growth Management Plan issues that need to be discussed at upcoming public meetings to be conducted as a part of the Growth Management Plan Review;
- A second edition of the Regional Perspectives will be published and distributed to every household in the region in October to provide information about the key strategic questions that need to be discussed as a part of the Growth Management Plan Review and to provide information about project public events.
- Public events are scheduled to take place on October 24th and 25th, and November 1st and 3rd.
- The deadline for the submission of Growth Management Plan Review Suggested Change Forms would need to be extended to November 5, 2001.
- IAC members may suggest changes to the Growth Management Plan, along with the rationale for the changes, by early November 2001.

5 Old Business

C. Thomas indicated that the Transportation Study was being forwarded to the Corporate and Community Services Committee for consideration at their August 28, 2001 meeting.

6 Other Business

S. Fletcher, G. Jackson and P. Butler suggested that the Electoral Area F zoning bylaw be referred to the IAC. They cited the presence of a wide variety of resources available in the Committee membership, that the Committee is a neutral ground for discussion, the fact that concerns had been expressed by municipalities about the Electoral Area F official community plan during the official community planning process, the understanding that these concerns would be resolved in the development of the Electoral Area F zoning bylaw, and the fact that the Electoral Area F official community plan is better understood in the context of the draft zoning bylaw. It was suggested that the Electoral Area F zoning bylaw is a regional growth management issue.

N. Connelly acknowledged the variety of issues associated with the preparation of the zoning bylaw for Electoral Area F and indicated that the bylaw preparation process was being undertaken in a comprehensive manner with full consultation in accordance with its own project terms of reference. The IAC focus, by its mandate, is directed to more regional direction and linkages to official community plans and related policy issues, rather than zoning issues. In addition, the IAC has a full program and meeting agenda associated with the Growth Management Plan Review activities. The September 13th planners' meeting was referenced as an opportunity where these matters could be

discussed further.

7 Next Meeting

The next meeting is on Thursday, September 13, 2001 at 1:30 at the Ramada Inn at Long Lake.

8 Adjournment

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

Chair, N. Connelly

REGIONAL DISTRICT OF NANAIMO			
SEP - 5 2001			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMS	
		<i>DATE</i>	
		FILE:	

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

September 5, 2001

FROM: Lindsay Chase
Planner

FILE:

3360 50 0104
3060 30 0119

SUBJECT: Temporary Use Permit No. 0104—Intracorp Developments Ltd.
Electoral Area 'E' - 3484 Fairwinds Drive

PURPOSE

To receive the minutes of a Public Information Meeting and consider Temporary Use Permit Application No. 0104 for a real estate office on Fairwinds Drive in Fairwinds, Nanoose Bay.

BACKGROUND

The Regional District received a temporary use permit application from Intracorp Developments Ltd. for a commercial real estate sales office in the Fairwinds Community. The subject property is legally described as Part of District Lot 78, Nanoose District, and is zoned Residential 1 (RS1) pursuant to Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. This property is in the process of being subdivided; the site for the office is proposed Lot 22 (*see Attachment 1*).

The proposed site is also located within a designated Form and Character Development Permit Area and the Sensitive Ecosystems Development Permit Area pursuant to the Nanoose Bay Official Community Plan, No. 1118, 1998. However, given that there are no sensitive environmental features on proposed Lot 22 as illustrated on Map No. 4 of the Official Community Plan, the guidelines of this DPA do not apply to this application.

A Public Information Meeting for this application was held on September 4, 2001 at Schooner Cove Resort. Approximately 7 people attended this meeting. The summary is attached for the Board's consideration (*see Attachment 2—Summary of Proceedings of a Public Information Meeting*).

The applicant is proposing the construction of a new building that will temporarily act as a sales centre for Intracorp as the company's holdings in Fairwinds are marketed and developed. The applicant has indicated that the structure will eventually be converted into the garage portion of a dwelling unit (*see Schedule 2*).

Pursuant to the *Local Government Act*, a temporary use permit is valid for a period of two years and, at the end of two years, the applicant may apply to renew the permit for an additional two years.

ALTERNATIVES

1. To approve Temporary Use Permit No. 0104 and Development Permit No. 0119 subject to conditions outlined in Schedule No. 1.
2. To deny Temporary Use Permit No. 0104 and Development Permit No. 0119.

PAGE
35

PUBLIC CONSULTATION IMPLICATIONS

A public information meeting was held on September 4, 2001 on the proposed real estate sales office. At the public information meeting, citizens indicated that they did not have any major concerns with regards to this application. However, it was mentioned that there are still concerns over the proliferation of real estate sales offices.

At the Public Information Meeting, it was apparent that residents support this application.

DEVELOPMENT IMPLICATIONS

Temporary Use Permit No. 0104 conforms to the policies contained within the Fairwinds Land Use Designation within the "Nanoose Bay Official Community Plan Bylaw No. 1118, 1998" in that the OCP allows consideration of real estate offices as a temporary use. With respect to landscaping, Fairwinds Drive is a designated highway pursuant to Bylaw No. 500, and therefore the Landscaping Regulations of Schedule of '6F' of the Bylaw apply to the subject property. The applicant has indicated that landscaping shall be provided to enhance the building and promote compatibility with surrounding land uses as specified in Bylaw No. 500 and in the Form and Character Development Permit guidelines (*see Schedule No. 2—Building Elevations of Sales Centre*).

With respect to parking, the applicant has provided 10 parking spaces for the development, which meets the requirements of Bylaw 500 (*see Schedule No. 3—Site Plan as Submitted by Applicant and see Schedule No. 1—Conditions Attached to Temporary Use Permit No. 0104 and Development Permit No. 0119*).

The applicant has indicated they intend to use this site to market the 26 lots in the phase of subdivision, currently being developed, and may continue to use the site for some additional lots. The applicant has indicated that future phases of subdivision may require new sites for sales offices; the applicant is aware that they would be required to apply for a Temporary Use Permit for each new sales office site if required for future developments.

SUMMARY/CONCLUSIONS

A Public Information Meeting regarding Temporary Use Permit No. 0104 was held on September 4, 2001. A summary of the proceedings of the Information Meeting is attached for the Board's consideration.

Participants at the Public Information Meeting indicated general support for the application; however, they remain concerned about the potential proliferation of commercial real estate offices in the residential areas of Fairwinds.

From staff's perspective, the proposed site is accessed from Fairwinds Road, the major arterial road through the community and therefore, will not create additional traffic impacts for existing residential areas. In addition, the applicant has indicated that landscaping will be provided to enhance the building and promote compatibility with surrounding land uses. Finally, the proposed parking area meets the requirements of Bylaw No. 500.

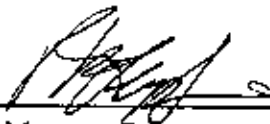
Based on community feedback and staff's review of the application, staff recommends that Temporary Use Permit No. 0104 and Development Permit No. 0119 be approved.

RECOMMENDATIONS

1. 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 centre on the subject property (proposed Lot 22) legally described as Part of District Lot 78, Nanoose District be received for information.
2. That Temporary Use Permit No. 0104, submitted by Brian Larsen, acting as agent for Intracorp Developments Ltd., to locate a commercial real estate sales centre 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*.
3. That Development Permit No. 0119, submitted by Brian Larsen, acting as agent for Intracorp Developments Ltd., to locate a commercial real estate sales centre 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*.



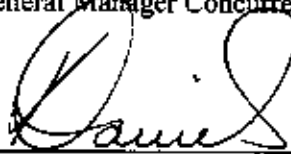
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs/reports/2001/3360 50 0104 se hrd intracorp tup.doc

Schedule No. 1
Conditions Attached to Temporary Commercial Use Permit No. 0104 and
Development Permit No. 0119

1. Building Development

The buildings shall be sited in accordance with Schedule No. 3 of staff report.

2. Off-Street Parking Spaces and Aisle Ways

- a. A minimum of 10 off street parking spaces shall be provided.
- b. The off-street parking spaces shall be located as indicated on Schedule No. 3.
- c. All parking areas, including aisle ways, shall be constructed to Bylaw No. 500 standard including being clearly delineated through the use of parking stops on a compacted and dust free surface.

3. Signage

- a. A maximum of 1 freestanding monument sign not exceeding 2.5 metres in height and 1 building fascia sign not exceeding 2.5 m² shall be permitted on the subject property.

4. Landscaping Provisions

- a. Landscaping shall be provided around off-street parking areas, access point, and sign.
- b. Required landscaping shall be provided and shall, at the minimum, satisfy the following criteria:
 - i. Landscaping shall be totally comprised of biologically diverse and drought resistant plants.
 - ii. Individual plants to be used in the landscaping shall have normal, well developed branches and vigorous, fibrous root systems; such plants shall be healthy, vigorous and free from defects, decay, disfiguring roots, sunscald, injuries, abrasions of the bark, plant diseases, insect pests' eggs, borers and all forms of infestations or objectionable disfigurements.
 - iii. All landscaping shall be permanently maintained in good condition with, at the minimum, the same quality and quantity of landscaping as was initially approved and within alteration of the approved design; the owner shall make provisions for the permanent irrigation works necessary to water the landscaping.
 - iv. The design of landscaping shall be such that the growth of roots, trunks, and branches of natural or introduced vegetation or the location of planted berms shall not conflict with the utilities, structures, necessary access, or required sight triangle.
 - v. All landscaped areas shall be constructed with a permanent curb a minimum of 15 cm in height to protect all landscaped areas from potential vehicular damage.
- c. The balance of the subject property shall be left in its natural state.
- d. Upon removal of the temporary commercial use permit, the subject property is to be reinstated to its original condition.

5. Access

- a. An approved access permit issued by the Ministry of Transportation prior to the permit being issued.

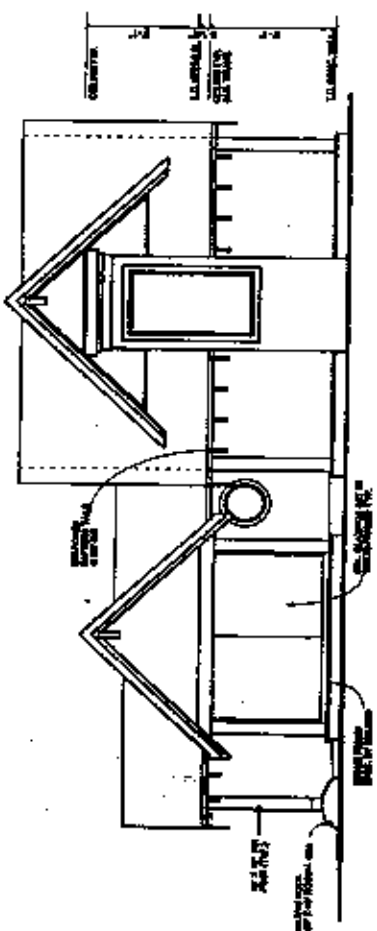
Schedule 2
 Building Elevations of Sales Centre



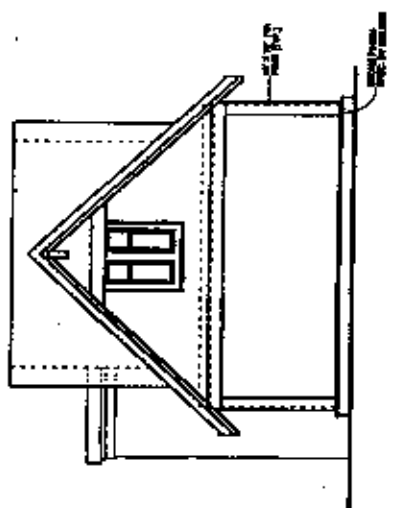
Project Name: _____
 Address: _____
 City: _____
 State: _____
 Zip: _____
 Date: _____
 Drawn by: _____
 Checked by: _____
 Approved by: _____

Fairwinds
 Discovery Center
 Intracorp Dev.
 ELEVATIONS/
 SECTION A-3

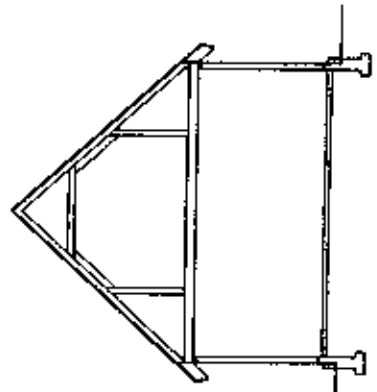
3



South Elevation (rear)
 Scale 1/4" = 1'-0"



East Elevation (left)
 Scale 1/4" = 1'-0"



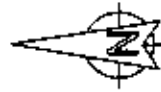
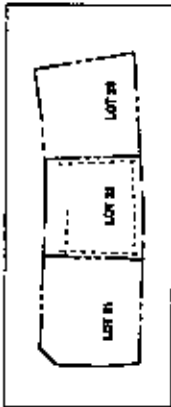
Section A-1 Typ.
 Scale 1/4" = 1'-0"

Schedule No. 3
 Site Plan as Submitted by Applicant

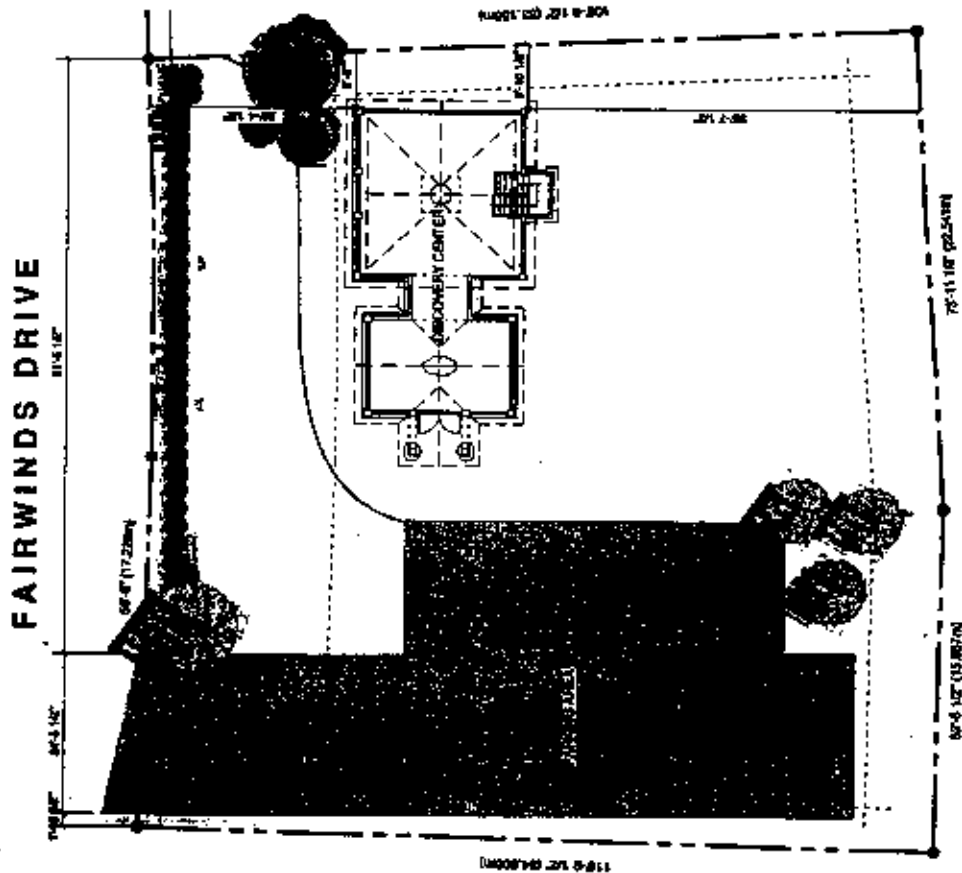


1. Fairwinds
 2. Discovery Center
 3. Intracorp Dws.
 4. Landscape Plan
 5. Legal Description
 6. Lot 22, D.L. 78, Mangrove District, Plan VP

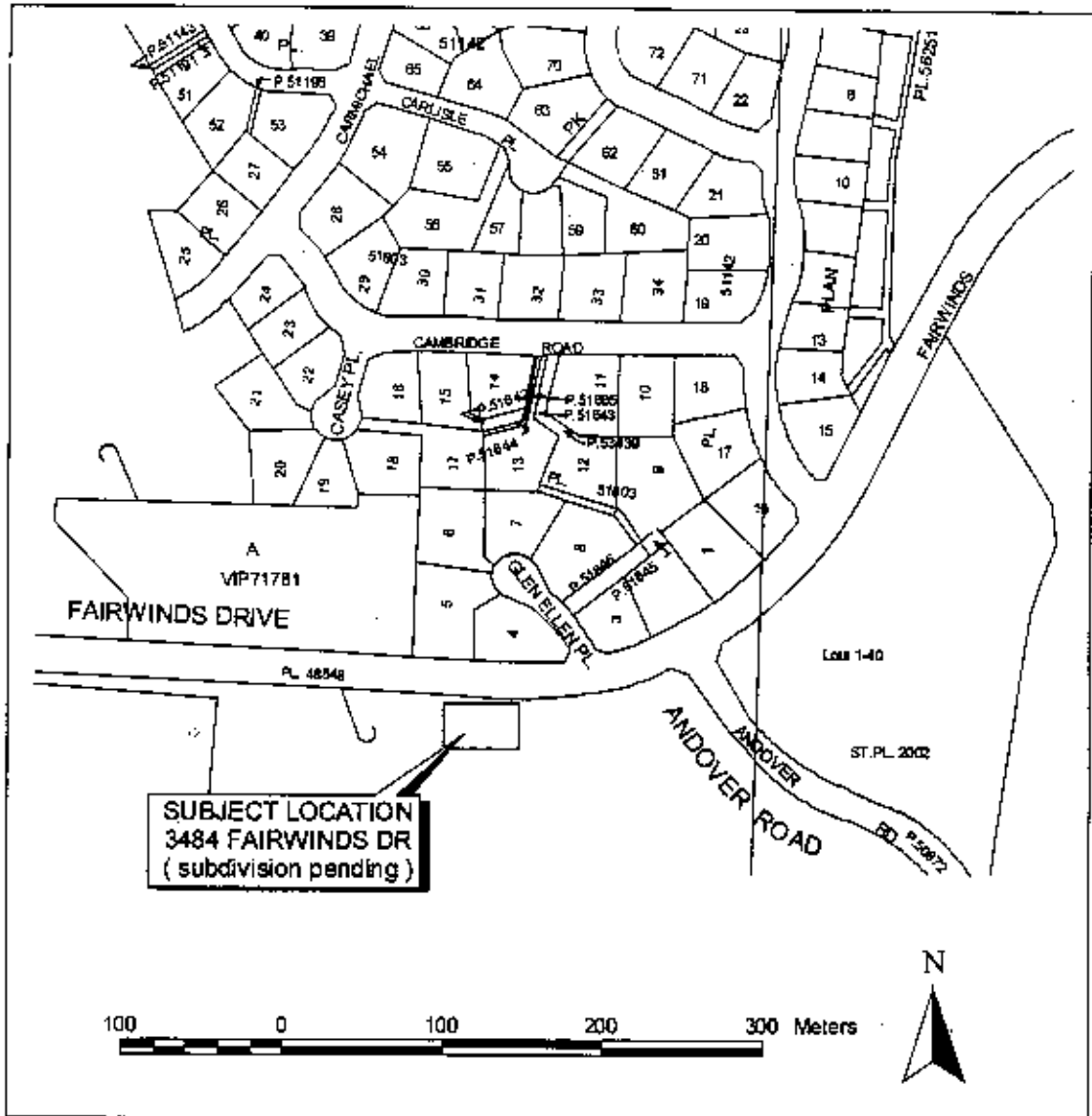
Project No.
 Fairwinds
 Discovery Center
 Intracorp Dws.
 Landscape Plan
 Legal Description
 Lot 22, D.L. 78, Mangrove District, Plan VP



LEGAL DESCRIPTION
 LOT 22, D.L. 78, MANGROVE DISTRICT, PLAN VP



Attachment No. 1
Subject Property Location



**Attachment No. 2
Public Information Meeting Minutes**

REGIONAL DISTRICT OF NANAIMO

**SUMMARY OF PROCEEDINGS OF A PUBLIC INFORMATION MEETING HELD TUESDAY,
SEPTEMBER 4, 2001 AT 7:00 PM AT SCHOONER COVE RESORT TO CONSIDER
TEMPORARY USE PERMIT 0104**

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

Present:

G. Holme	Director, Electoral Area 'E'
Brian Larsen	Intracorp Developments Ltd.
Pamela Shaw	Manager, Community Services
Lindsay Chase	Planner

There were approximately 7 people in attendance.

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

Director Holme provided a general overview of the purpose of a public information meeting.

Brian Larsen provided a general overview and the reasons for the site on Fairwinds Drive being selected as the proposed location for the presentation centre and sales office. He used illustrations to indicate the location and design of the proposed presentation centre.

Director Holme invited questions from the audience.

Ed Brook of 2341 Andover Drive asked if the structure would be part of a home at some point?

Brian Larsen responded that yes, it would eventually become the garage for a home.

An unknown audience member asked some questions with regards to the design.

Brian Larsen explained the design details of the project.

John Hall questioned the size of the new building in comparison to the old realty office.

Dave Scott of Fairwinds indicated that the current realty office was just over 1000ft².

Brian Larsen indicated the new center would be slightly smaller.

Hubert Daners asked how long the site would be used.

Brian Larsen indicated that it was initially planned to be used for the current subdivision of 26 lots. If an extension of the temporary use permit was granted than it may be used to market additional housing units. He also indicated that eventually they would move on to the most advantageous location.

Ed Brook speculated on future development.

John Hall asked about the relationship between the 2 temporary use permit applications and what kind of signage was proposed.

Brian Larsen indicated the location of proposed signage on the drawings he brought with him, and indicated that the size of the sign was limited by RDN Bylaw.

He then explained that the 2 temporary use permit applications were separate.

Tony Ransom stated that he viewed this application is a different light from the previous application. He then asked if this would set a precedent for other applications if this one were approved.

Director Holme responded that each application is considered on an individual basis and would have to go through the same process. He also indicated that the Board could put a limit on the number of sales offices in an area if that is what the community wanted.

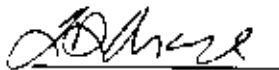
Ed Brook stated that he thinks it is essential that all builders purchasing lots be allowed to build a sales offices in order to market their houses as long as they comply with landscaping regulations.

Sue Hall asked what was to stop other real estate offices or companies from wanting to put up similar uses.

Lindsay Chase responded that the Official Community Plan for Nanoose Bay contained policies that allowed for temporary use permits for the purpose of show home and real estate offices; however, that applications were each considered on an individual basis.

George Holme asked if there were any additional questions, and being none, declared the public information meeting closed.

The meeting concluded at approximately 7:35 pm.


Lindsay Chase
Recording Secretary



REGIONAL DISTRICT OF NANAIMO		
SEP - 5 2001		
CHAIR	GMCrs	
CAO	GMDS	
GMCms	GMES	

MEMORANDUM

TO: Kelly Daniels
Chief Administrative Officer

DATE: September 5, 2001

FROM: Robert Lapham
General Manager, Development Services

FILE: 6635 07 0104

SUBJECT: Soil Conservation Permit Application 0104 - Alan Stewart
Lot 3, Plan 1981, District Lot 8, Cameron Land District
Electoral Area 'F' - 3230 Palmer Road

PURPOSE

To reconsider the August 14, 2001 resolution that denied the Soil Conservation Permit Application No. 0104 for the above noted property within the Agricultural Land Reserve, as referred by the Land Reserve Commission.

BACKGROUND

A request has been received for reconsideration of an application for a soil removal permit for the above noted property situated within the Agricultural Land Reserve. The subject of the request is an application to consider the issuance of a Soil Conservation Permit for the extraction and removal of up to 4000 m³ of material for potential off-site use or sale. The application, submitted by Sarah and Jim Champoux on behalf of Alan Stewart, was considered at the regular meeting of the Board held on August 14, 2001. However, as part of the preparation of the staff report, letters from the applicant referred to the Land Reserve Commission were not included with the agenda package, nor was the applicant given clear notice that their application would be considered at the August 14, 2001 meeting such that they could request to appear as a delegation (*see Attachment No. 2*). Therefore, staff recommends that the Board resolution of August 14, 2001 denying the application and the application itself be reconsidered.

The applicant's solicitor has also taken issue with information addressed in the staff report and has suggested that site issues concerning previous work in and around a wetland, on the property are unrelated to the current application for a soil removal permit. As a result, the applicant's solicitor has raised concerns that the information presented by staff may have precipitated a denial of the application by bringing forward issues that are unrelated to the application.

Generally, as part of the background of a report, staff will report on land use issues raised through agency comments or from submissions by the public, or identified as part of site inspections or research on the application. In the previous report on this application, staff reported that there were a number of activities occurring on the property that appeared to be in conflict with the objectives of the Electoral Area F Official Community Plan, reported on concerns raised in an 81 name petition to the Ministry of Energy and Mines, and reported on calls made to the Regional District. Staff agree, however, that the facts reported could be further clarified to allow fair consideration of all of the issues associated with this application, including the submissions and delegation from the applicant.

Subject Property

The 7.7-hectare (19 acre) subject parcel is located adjacent to Palmer Road in the Hilliers area of Electoral Area F (*see Attachment 1*). Lands to the north, south, east and west are located in the Agricultural Land Reserve (ALR). The applicant's stated intention is to remove fill from the subject property and redirect it to the southern portion of the property for the purpose of constructing a road to access this portion of the subject property. The area of extraction is to be developed as an equestrian riding facility (*see Schedule 1*).

The *Regional District of Nanaimo Growth Management Plan Bylaw No. 985, 1997* designates the subject property as "Resource Lands and Open Spaces" land.

The *Electoral Area 'F' Official Community Plan, Bylaw No. 1152, 1999* designates the subject property as "Resource Within ALR" land (*see Attachment 1*).

There is currently no zoning within Electoral Area F. However, the proposed zoning bylaw for the subject property is Agriculture 1 (A1), which is the zone proposed for all lands located within the ALR in Area F.

In order for operations to proceed on the subject property, approval was required from numerous government agencies, as noted below.

Land Reserve Commission - An application for a Soil Conservation Permit was submitted to the Land Reserve Commission May 10, 2001. The Land Reserve Commission recommended approval subject to conditions as outlined in *Schedule 2*. Under the *Soil Conservation Act*, these recommendations are forwarded to the Regional District of Nanaimo, and it is the responsibility of the Regional Board to issue and/or refuse issuance of the permit.

Ministry of Energy and Mines- Upon notification of the Land Reserve Commission's decision to recommend approval of an application under the *Soil Conservation Act*, the Ministry of Energy and Mines subsequently waived the permitting requirements and mine site designation and allowed operations to proceed, including the removal of material from the subject property, so long as the Ministry's conditions are met and the requirements of other regulatory agencies are in place prior to commencing operations (*see Schedule 3*).

Ministry of Water, Land and Air Protection- This Ministry has issued a Water Permit, giving the applicant permission to carry out operations in or about the wetland on the property (*see Schedule 4*).

Ministry of Transportation- The applicant applied to the Ministry for an access permit to construct a driveway off of an unconstructed road located along the southern boundary of the subject property. In response, permission to construct works within right of way was granted, subject to conditions (*see Schedule 5*).

While it is clear from the supporting documentation as submitted by the applicant, (approvals from the Water Manager of the Ministry of Water, Land and Air Protection, and the Ministry of Transportation), works did occur in and around the wetland on the property and previous activity on the site involved the apparent removal of peat from the wetland and the deposit of fill to construct a road. These activities were considered on-site works by the Land Reserve Commission and outside the scope of their conditional approval. The Land Reserve Commission did, however, designate a specific area for potential off-site extraction use and restrict the proposed extraction to no more than 4000 m³ subject to a number of other conditions. In addition, other agency approvals sought by the applicant do provide for

PAGE
45

the extraction of up to 4000 m³ of pit run material for off-site sale or use subject to no on-site processing and the issuance of a Soil Conservation Permit from the Regional District. It is noted that despite the approvals obtained from other agencies, including the Land Reserve Commission, the Board does have the discretion to approve or deny the application and set conditions or requirements it deems appropriate.

ALTERNATIVES

1. To issue a soil conservation permit subject to conditions.
2. To deny the application for a soil conservation permit.

GROWTH MANAGEMENT PLAN IMPLICATIONS

The Regional District of Nanaimo Growth Management Plan Bylaw No. 985, 1997 designates the subject property as "Resource Lands and Open Space." It is suggested that resource activities in these areas should be encouraged to operate in ways that do not harm the functioning of natural ecosystems. It is recognized that any operations that do occur on properties within this designation must be in compliance with local, regional and senior government regulations. Other measures suggested in Goal 4 of the Plan to protect the supply and quality of surface and groundwater in each jurisdiction, including measures to control agricultural practices affecting water quality and quantity, have not been fully implemented by the RDN. These measures may, however, be considered as part of the application approval process.

OFFICIAL COMMUNITY PLAN IMPLICATIONS

The Electoral Area 'F' Official Community Plan, Bylaw No. 1152, 1999 designates the subject property as "Resource Lands Within the ALR".

OCP policy states that the objectives for this designation are to: (1) support the long-term viability of the natural resource land base and protect it from activities and land uses that may diminish its resource value and potential; and (2) ensure that resource operations comply with recognized standards and codes of practice and that unreasonable impacts on the natural environment are avoided.

Section 4 of the Official Community Plan speaks to environmentally sensitive areas with objectives to protect the natural environment, encourage and support community stewardship of environmentally sensitive areas, promote soil conservation, and manage development to minimize the potential for personal injury or loss of property. With respect to the subject property, policies specifically state support for the provision of setbacks, screening, vegetative buffers and berms to separate developed lands from natural features, and discourage the filling and draining of wetlands.

Although the subject property is not within a Watercourse Protection Development Permit Area, the OCP does speak to the preservation and protection of water quality and quantity for surface and groundwater systems.

ENVIRONMENTAL IMPLICATIONS

The Environmentally Sensitive Areas Atlas identifies portions of the subject property as wetland (*see Schedule 6*), and indicates the presence of unknown fish habitat and a photo-interpreted stream on the property. While the application for the Soil Conservation Permit is not required for the on-site

improvements related to the excavation and filling activities occurring on the property, Regional District conditions for the permit must recognize the other agencies' conditions of approval in addition to any RDN conditions. Therefore, while the Water Manager previously approved changes in and about a stream (these works have been completed by the applicant), other environmental implications associated with the extraction activity could be considered as part of the issuance of the Soil Conservation Permit. As there is no other work proposed in the environmentally sensitive area, this may not be an issue. However, the applicant's solicitor has suggested that if a Soil Conservation Permit cannot be obtained, the applicant will have to dispose of the material on-site with a possible negative impact on existing pasture, treed areas or wetlands on the property.

PUBLIC CONSULTATION IMPLICATIONS

Inquiries have been received on this application indicating concerns with surface water and the impact on individual wells for both quality and quantity, septic issues, increased traffic and associated noise on local roads, and the long term impact of removing material from in and around the swamp located on the subject property.

Area residents submitted a petition of 81 names to the Ministry of Energy and Mines requesting a public meeting, further site inspection, and evidence that the proposed works will not impact the surrounding area prior to the issuance of any permit.

The applicant has provided approvals from the various government agencies having jurisdiction over the on-site alteration of the land, for the works in and about the watercourse and to construct a driveway as well as an additional road within the right-of-way. Concerns with respect to further impacts on the watercourse or ground water will have to be directed to the Ministry of Energy and Mines or Ministry of Water, Land and Air Protection. Concerns with respect to traffic impact or noise could be addressed by conditions of a Soil Conservation Permit or specifying a specific use or limitation for the material being extracted.

Staff understands that the primary purpose for the extraction use is to provide for the riding arena, and the applicant's intention is to remove up to 4000 m³ of material from the site to facilitate these improvements. It has also been suggested that a significant amount of this material could be used for the off-site road improvements within the adjacent right-of-way. Therefore, staff recommends that a permit provide for this intended use, but prohibit additional extraction from the property for the purpose of off-site sales. To ensure this prohibition on off-site sales, staff propose that a \$1000 performance bond be required of the applicant. This bond, as a condition of the permit, would ensure that materials are used only for the intention stated by the applicant and will ensure that residents in the area are not affected by increased traffic or noise associated with off-site sales.

SUMMARY/CONCLUSIONS

An application has been received for a soil removal permit for the removal of approximately 4000 m³ of sand and gravel from the subject property. The applicant's stated intention is to develop an equestrian riding facility on the property, using some of the excess material for roadway construction along the southern boundary of the property.

Conditional approvals have been issued by the LRC, the Ministry of Energy and Mines, and the Ministry of Water, Land and Air Protection. Prior to works being initiated, the applicant requires a soil conservation permit be issued by the RDN. Staff recommends that, given the stated intentions of the applicant, a permit be approved for the removal of up to 4000 m³ of material (only 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. Excess material would have to remain on site and be used in accordance with other agencies' approval. Further, staff proposes that a \$1000 performance bond be required of the applicant as a condition of the permit to ensure that materials are used only for the intention stated by the applicant and to ensure that the impacts of the extraction on area residents are minimized.

RECOMMENDATIONS

1. 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.
2. That a \$1000 performance bond be required of the applicant to ensure that the extracted materials are not sold off-site.

Report Writer

CAO Concurrence

COMMENTS:

devsvs/reports/2001/6635 07 0104 se brd stewart champoux.doc

SCHEDULE 1



APPLICATION UNDER SECTION 2(1) OF THE
 SOIL CONSERVATION ACT

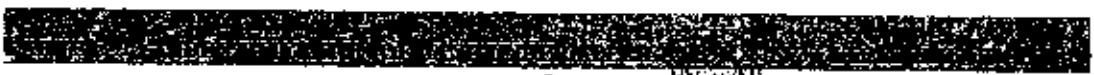
NOTE: The information on this form is collected to process your application under the Soil Conservation Act. All applications are available for review by the public. If you have any questions about the collection and use of this information, please contact the Land Reserve Commission office.



Registered Owner(s) Stewart Arken Champoux	Agent / Operator Stewart & Jim Champoux
Address 3230 Palmer Rd Qualicum Beach	Address 3230 Palmer Rd Qualicum Beach
Tel. (home) (250) 752-8833 (work) 250-8833	Tel. (home) (250) 752-8833 (work) 752-8833 Cell 715-8368



TO REMOVE SOIL TO PLACE FILL TO REMOVE SOIL AND PLACE FILL



Municipality or Regional District Nanaimo REGISTERED LAND RESERVE COMMISSION MAR 15 2001

Legal Description(s)	Size of Each Parcel (Hectares)
Lot 3, Plan 1981, DL 8	
Cameron Land District	19.1 ACRES
Total Hectares	



List all existing uses on the subject property

Hobby Farm
Equestrian Facility
 Describe all buildings: 1 Residence
1 shed
1 Barn

Describe the main physical characteristics: flat, hilly, rocky, clay or sandy soil, watercourses, roads, etc.

very sandy, fairly flat, sloping away to wetland

SCHEDULE 1 (cont'd)

North
 East
 South
 West

→ All private Residence and small hobby Farms

to bring topsoil onto property to be used on fields for growing pasture.

To haul away excessive excavation material for riding ring site

see attached letter.

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 LAND RESERVE
 COMMISSION
 MAR 25 2002

TYPE	DEPTH	VOLUME
Soil to be removed (gravel, peat, etc.)	(metres)	(cubic metres)
Gravel		Approx 4000 ³
Fill to be deposited (sand, excavation material, vegetative matter, etc.)	(metres)	(cubic metres)

- 1) What is the total surface area involved in the proposal? (Note: This includes the actual fill/removal site, processing area, topsoil storage areas, aggregate storage areas, etc.)
- 2) Are you proposing to undertake any soil processing on site? yes - subject to Approval Fedt Ministry of Environment.
 If so, what kind of processing and what machinery would be involved? Remove peat from wetland to make pond & use screening plant to Process.
- 3) Are there any agricultural activities such as livestock operations, greenhouses or horticulture activities that may be negatively affected by the fill, removal and/or processing activity?
NO.
- 4) What is the proposed term of the project? 2-3 months - Dry Season
June - Sept.

SCHEDULE 1 (cont'd)



Upon approval of this application, I hereby undertake to fulfill the following terms and conditions which shall be deemed to be terms and conditions of the permit, if one is issued:

- 1) to remove soil or place fill in such quantities and in such manner as is specified in the permit, and in accordance with the Act, regulation and the permit;
- 2) to restore the land to a condition fit and suitable for agriculture to a standard approved by the local authority and the Commission, or to restore the land to such condition, and at such time and in such manner, as the local authority and the Commission may require;
- 3) to pay for any damage to persons or property that, in the opinion of the local authority and the Commission, was caused by the applicant and/or the operator.

I declare that the information contained in the application is, to the best of my knowledge, true and correct.

Champoux

Jan 23/01

Signature of Owner(s)

Date

The following documents MUST accompany the application:

- Application fee
- Certificate of Title or Title Search Print
- Map or sketch showing details requested
- Agent/Operator authorization (if applicable)
- East/West and North/South cross-sectional profiles of fill and/or removal area
- Photographs (referenced to a map or sketch)

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LAND RESERVE
COMMISSION
SEP 15 2001

NOTE: An application under the *Soil Conservation Act* requires the approval of the Land Reserve Commission AND a permit from the local authority prior to undertaking the activity. Approval of the Commission does not constitute a permit.

The approval of local, provincial and federal authorities such as the Ministry of Energy, Mines and Petroleum Resources, Ministry of Environment, Lands and Parks, Ministry of Health, Department of Fisheries and Oceans and the municipality or regional district may also be required.

SCHEDULE 2

July 19, 2001

Reply to the attention of Gordon Bednard

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

Attention: Deborah Jensen

Dear Ms. Jensen:

Re: Soil Conservation Act Application #S-33837
Applicant: Stewart / Champoux
Legal Description: Lot 3, District Lot 8, Cameron District, Plan 1981

This is to advise that pursuant to the *Soil Conservation Act* (the "Act") the Land Reserve Commission (the "Commission"), by Resolution #385/2001 allowed the application subject to the conditions outlined herein.

This letter represents the Commission's written approval for the project as required by Section 2(1)(a) of the Act. ***THIS IS NOT A PERMIT.*** Pursuant to Section 5 of the Act ("the Nanaimo Regional District") may now issue a soil removal permit (the "Permit") if it wishes to do so. Please note that the Commission's approval in no way compels the Regional District to issue a Permit. If a Permit is issued it must contain the Commission's conditions of approval, and the Regional District may impose additional terms and conditions it considers necessary. If a Permit is issued, please forward a copy to this office.

Furthermore, this decision in no way relieves the owner or occupier of the responsibility of adhering to any other enactment, legislation or decision of any agency having jurisdiction.

CONDITIONS OF APPROVAL

- 1) Only up to 4000 cubic metres of sand and gravel are to be extracted from the property. It is the understanding of the Commission that some of this material will be used for road construction and fill on the southern portion of the property with only the surplus material being removed from the land.
- 2) As the area of extraction will be developed as a riding ring, the Commission will not at this time impose rehabilitation conditions. However, in the event that the riding ring is not constructed in a timely manner following extraction, the Commission may impose such measures it sees fit in order to have the land rehabilitated to an agricultural standard.
- 3) All conditions, including bonding, imposed by the Regional District permit and/or the Ministry of Mines permit must be strictly adhered to.

SCHEDULE 2 (cont'd)

RDN – July 19/01
Page 2

- 4) Please note that this approval does not include outright permission for the placement or operation of a crushing plant or the processing of material on the lands. If crushing or processing is needed, the applicant must provide written details to the Commission prior to the start of operation.
- 5) Extraction is permitted only within the area as shown on the accompanying plan. It was noted by the Commission that should extraction proceed to the limits of the area outlined in the proposal, to a depth of 3 metres as proposed, the amount extracted would be approximately 10,000 cubic metres. The Commission assumes, therefore, that the outlined area is an approximate guide for extraction and that the actual area to be extracted to a depth of 3 m would be a ± 1400 sq m area somewhere within that outline. With proper sloping of the sides as proposed, this would result in an extraction of 4000 cubic metres.

The lands are still subject to the provisions of the Act, the *Agricultural Land Reserve Act*, and applicable regulations except as provided by this decision.

Please quote the above application number in all future correspondence.

Yours truly,

LAND RESERVE COMMISSION

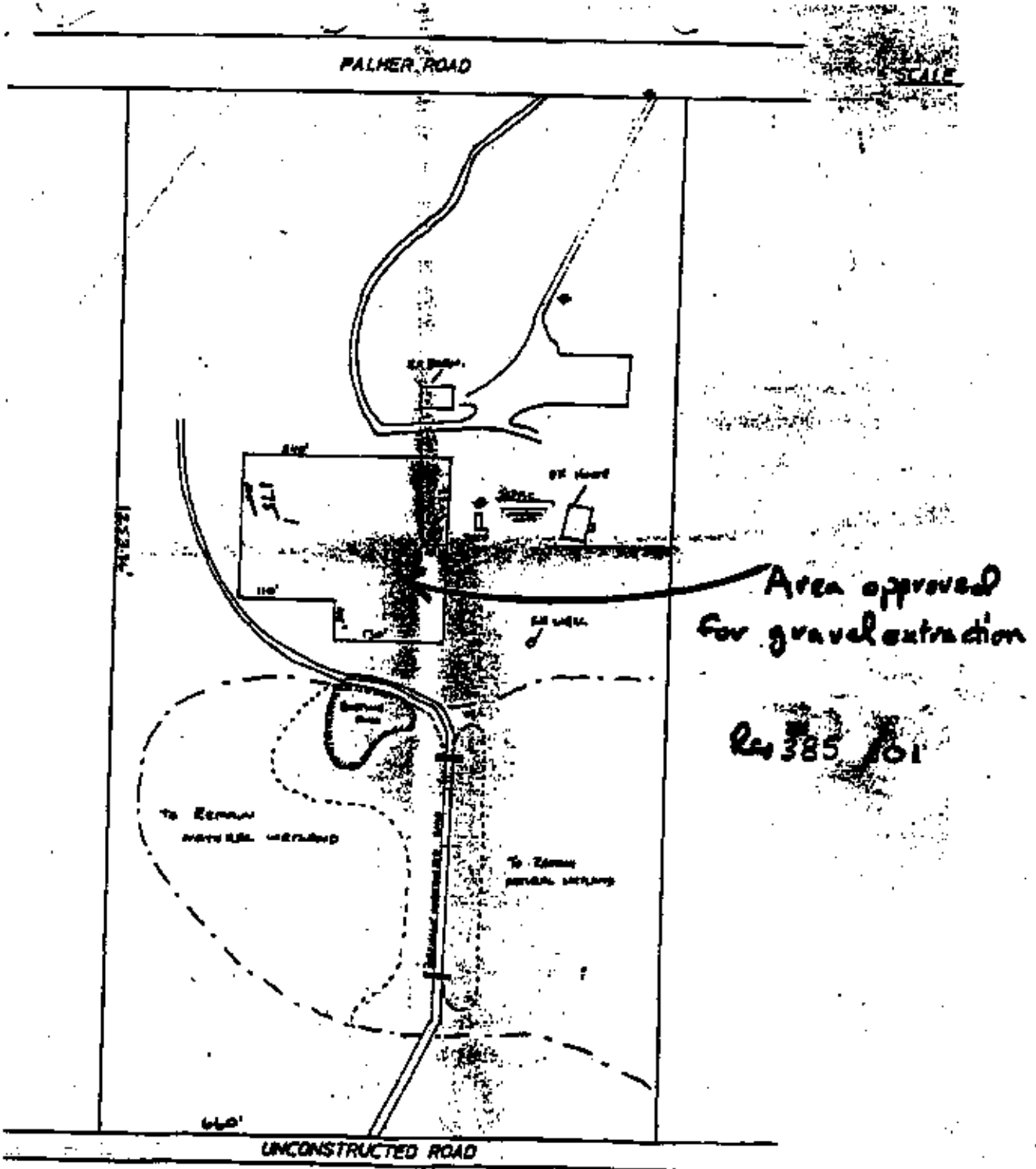
per:

A. Chambers, Chair

cc: Sarah and Jim Champoux, 3230 Palmer Road, Qualicum Beach, BC V9K 1W4
Ministry of Energy and Mines – Nanaimo Attn: Bruce Reid
B.C. Assessment - Nanaimo

GB/v/Encl
I:33837dL.doc

SCHEDULE 2 (cont'd)



SCHEDULE 3



July 24, 2001

14675-30\VI-SG-CHAM

Jim and Sarah Champoux
3230 Palmer Road
Qualicum Beach, British Columbia
V9K 1W4

Dear Mr and Mrs Champoux:

RE: Proposed Gravel Extraction - Lot 3, DL 8, Cameron District, Plan 1981

Your Notice of Work and Reclamation dated June 1, 2001, pertaining to the above noted gravel extraction for site development has now been reviewed. As the proposed work has the support of the Land Reserve Commission and is for a small volume over a short time period, we are prepared to waive the permitting requirements and minesite designation on the basis that:

- a) The excavation work does not escalate beyond that necessary for the development of the proposed riding ring;
- b) shipments do not exceed a total of 4400 cubic yards;
- c) material is shipped as pit run with no on site processing;
- d) final slopes are graded to an angle no steeper than 2 horizontal:1 vertical, and stabilized with an appropriate ground cover;
- e) all site work is completed within 60 days of commencement;
- f) the operator notifies this office prior to the commencement of work; and
- g) no further gravel pit development or shipments occur without acquisition of a *Mines Act* permit.

.../2

SCHEDULE 3 (cont'd)

Letter to Mr. And Mrs. Champoux
July 24, 2001
Page 2

Please proceed accordingly. It is to be noted, however, that this waiver does not exempt you from the requirements of other regulatory agencies and that you must ensure that any such approvals are in place prior to commencing operations.

I can be reached through our Nanaimo offices at (250)-751-7374 if you have any questions.

Sincerely,



Bruce Reid, P. Geo.,
Inspector of Mines

pc: Gordon Bednard, Land Reserve Commission

SCHEDULE 4



Water Act

APPROVAL
CHANGES IN AND ABOUT A STREAM

Section 9 (1), Clauses (a), (b) & (c).

This Approval grants authority under Section 9 of the Water Act only and does not constitute permission or consent under any other Act or authority. This approval does not relieve the approval holder of the requirement to comply with any other applicable federal, provincial and municipal enactment. Permissions for access through private or public lands must be obtained. No right of expropriation exists under an Approval. Every person who makes a change in and about a stream, shall exercise reasonable care to avoid damaging land, works, trees, or other property, and shall make full compensation to the owners for damage or loss resulting from construction, maintenance, use, operation, or failure of the works. A change in and about a stream must be designed, constructed, and maintained in such a manner that the change does not pose a significant danger to life, property or the environment.

James L. Champoux and Sarah Sidenius

is hereby authorized to make the following changes in and about a stream:

1. remove existing gravel and sand pile
2. shape and place sand on bank
3. shape and re-vegetate organic soils

on or about:

Palmer Swamp on Lot 3, DL 8, Cameron Land District, Plan 1961

APPROVAL CONDITIONS AND SPECIFICATIONS

1. The work authorized under this Approval shall be completed on or before September 15, 2001.
2. Instream work shall be undertaken only during the period June 15th and September 15th.
3. All works are to be constructed in accordance with attached plan.
4. Machinery shall be in good mechanical condition such that there is no leakage of substances, deleterious to fish, into the stream.
5. Care shall be exercised during all phases of the work to minimize siltation and to prevent debris from entering the stream; and, where possible, all work shall be carried out from the swamp edge.
6. Vegetation along the banks of the stream shall be disturbed as little as possible and all disturbed banks of the stream shall be restored to their original condition.
7. All excavated material shall be deposited in a stable area above the high water mark of the stream.
8. The work is to be suspended if discharge of sediments cannot be controlled.

Nell G. Banera

Nell G. Banera, P.Eng.
Regional Water Manager
Vancouver Island Region

File No.: A1-1057
Water District: Nanaimo-

Issued: February 22, 2001

Approval No.: 1057
Precinct: Nanaimo

PAGE
57

SCHEDULE 4 (cont'd)



390 7511

March 30, 2001

File: A1-1057

James L. Champoux and Sarah Sidenius
3230 Palmer Rd
Qualicum Beach BC V9K 1W4

Dear James Champoux and Sarah Sidenius:

Re: Approval under Section 9 of the Water Act for Changes in and about
Palmer Swamp For Removal of Gravel and Sand Spoil Pile, Reshaping
Bank and Organic Piles on Lot 3, D.L.S. Cameron Land District, Plan 1961

Further to your visit to this office on March 28, 2001, and the request to remove the
excavated organic soil and enlarge the dugout in Palmer Swamp, as indicated on the
attached sketch, please note that this request for change of works has been granted.

All conditions in the Approval A1-1057 will still apply.

Yours truly,

Handwritten signature of Neil G. Senora in black ink.

Neil G. Senora, P.Eng.
Regional Water Manager
Vancouver Island Region

Attachment

THE GOVERNMENT OF BRITISH COLUMBIA IS AN "EMPLOYMENT EQUITY EMPLOYER"

Ministry of
Environment
Lands and Parks

Environment and Lands
Vancouver Island Region

Mailing Address:
2000 Labrecq Road
Nanaimo BC V9T 6L9

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

PAGE
58

SCHEDULE 5



BRITISH
COLUMBIA

Ministry of
Transportation
and Highways

FILE COPY

Form/UF File Number
District

CI 23374

CENTRAL ISLAND

PERMISSION TO CONSTRUCT WORKS WITHIN CROWN LAND

The works comprising of to construct approximately 200 metres of 4 metre wide access to service property legally described as Lot 3, Plan 1981, District Lot 8, Cameron District. Steep Road #3897

are hereby approved in so far as they relate to the use of Crown lands, interference with public works, or other matter under the jurisdiction of the Minister of Transportation and Highways, and permission to construct, use, and maintain the said work is hereby granted to Jim Champoux, 3230 Palmer Road, Qualicum Beach BC V9K 1W4

The said approval and permission to construct, use, and maintain works is, however, at all times subject to the following conditions:

1. That the construction and maintenance of the said works is carried out to the satisfaction of the Regional Director, Highways.
2. That, before opening up any highway or interfering with any public work, intimation in writing of the intention to do so must be given to the District Official at least seven clear days before the work is begun.
3. That any person appointed to the Regional Director, Highways, for the purpose shall have free access to all parts of the works for the purpose of inspecting the same.
4. That the construction of the said works shall be commenced on or before the May 5th, 2001 and shall be prosecuted with due diligence and to the satisfaction of the Regional Director, Highways, and shall be completed on or before the July 5th, 2001

~~5. (a) The highway must at all times be kept open to traffic. The roadway must be completely restored for traffic as soon as possible. At all times the permittee must safeguard the traveling public.~~

~~(b) That, unless with the consent of the Regional Director, Highways, no more than forty five (45) metres of pipe work or other excavation in any public highway is to be kept open at one time.~~

~~(c) All trenches and excavations shall be shored, if necessary, according to the Workers' Compensation requirements. Care shall be taken to protect adjacent property.~~

~~(d) That all excavations shall be carefully back-filled with suitable material, which is to be tamped into place, and that the permittee shall restore the surface of the road and shoulders and ditches at his own expense. All surplus material is to be removed from the Provincial Crown lands, or deposited where and as required by the District Official of the Ministry of Transportation and Highways. The permittee is financially responsible for any maintenance works required on said ditch for a period of one year. The Ministry will carry out the necessary remedial work and invoice the permittee monthly.~~

~~(e) The pipeline crossing installation is to be placed by drilling and (or) jacking in such a manner as to afford minimum grade settlements. No water-jetting will be permitted. That where, in the opinion of the District Official, an excavation or opening for a pipeline crossing installation could be made which would not be detrimental to the highway or its users, permission will be granted for said works. On throughways, freeways, and main highways no open cuts will be allowed.~~

~~(f) That all pipelines in excess of a nominal diameter of 5 cm, whether gas, oil, water, pressure sewers, sanitary, etc., shall be installed where indicated by the District Official, encased in a steel casing pipe or conduit pipe of sufficient strength to withstand all stresses and strains resulting from the location, such casing to extend the full width of the highway right of way if deemed necessary to the District Official. The end of the casing pipe shall be suitably sealed and, if required, properly vented above the ground with vent pipes not less than 5 cm in diameter, and extending not less than 1.0 metres above ground surface. Vent pipes shall be connected 30 cm from the ends of the casing pipe, and the top of each vent shall be fitted with a turn-down elbow, properly screened and equipped with identification markers.~~

~~All pipelines of non-rigid material, i.e., plastic or copper, of any diameter shall be cased, or embedded in sand. The inside diameter of the casing pipe shall be at least 25 percent larger than the outside diameter of the pipeline. The casing pipe shall be installed with an even bearing throughout its length, and in such a manner as to prevent leakage, except through the joints.~~

~~The top of the casing pipe, or the pipeline where casing is not required, shall be located as directed by the District Official, and shall in no case be less than 1.2 metres below the surface of the highway and not less than 75 cm below the highway ditches. Pipelines must not obstruct drainage structures or ditches or interfere with traffic on the highway or with highway maintenance.~~

6. That where the work for which permission is hereby granted comes in contact with any bridge, culvert, ditch, or other existing work, such existing work must be properly maintained and supported in such manner as not to interfere with its

SCHEDULE 5 (cont'd)



BRITISH COLUMBIA

Ministry of
 Transportation
 and Highways

Permit/File Number
 District

CI 23374
 CENTRAL ISLAND

26. District Highways Manager to be notified 24 hours prior to commencement of work, at 390-6100.
27. All existing drainage courses and culverts to be respected. No relocation or redirection of natural drainage course will be permitted without the prior written consent of the Ministry of Environment – Water Management Branch.
28. Our Ministry will not be responsible for locating any property lines.
29. Should survey pins or monuments be removed or damaged, they will be replaced at the permittee's expense by a BC Land Surveyor.
30. The contractor is to be supplied with a copy of the permit.
31. Where detours are available, they must be adequately designated with proper signs.
32. Applicant to provide adequate signs, barriers, flares, etc. to ensure the safety of the public and traffic at all times.
33. ~~All merchantable timber to be sold, decked and disposed of by whomever means determined by Ministry of Forests. Applicant to contact Forestry prior to commencement of works.~~
34. All stumps and debris are to be removed, to the satisfaction of the District Highways Manager.
35. ~~All works to be completed to the satisfaction of the District Highways Manager prior to approval for any pole installation.~~
36. Applicant or contractor to provide proof of one million dollar liability insurance.
37. ~~This clearing is for "hydro-utility use only" and the flagged right of way is to be cleared.~~
38. This permit does not give the applicant authorization to cut or dispose of timber. If the cutting of timber is required, the applicant must fill in the attached License to Cut application and send it to the Ministry of Forests office located at South Island Forest District, 4885 Cherry Creek Road, Port Alberni, BC V9Y 8L9 or send it via fax (731-3010). (Tele: 731-3000) Attn: Ed Klyweat.
39. No gate will be allowed on road right-of-way.
40. Ministry of Environment – Fish & Wildlife Branch approval is required prior to commencement of any works in or around the wetted perimeter of the swamp if any portion encroaches on road right-of-way.

Ministry of Transportation and Highways	Ministry Employee Signature	
6475 METRAL DRIVE	(Print Name)	Nick Vandermalen
NANAIMO BC V9T 2L9	Ministry Employee Title	District Development Technician
Date (mm/dd/yyyy)		

SCHEDULE 6



ATTACHMENT NO. 2

January 23, 2001

Land Reserve Commission
Room 133 4940 Canada Way
Burnaby, B.C.
V5G 4K6

RECEIVED
LAND RESERVE
COMMISSION
MAR 15 2001

Attention Gordon Bednard;

Re: 3230 Palmer Rd. Qualicum Beach - Champoux

Thank you for all your help in the past few months. This has certainly been quite the process for us to go through!. We are hoping that perhaps we will be able to address many unanswered concerns in this last and final application.

As suggested by you, we have filled out the application under the soil conservation act to remove and/or place fill on our property. We have tried to bring up every question and concern that has been brought forth to us in as simple a manner as possible.

We strongly ask that if there are any complaints and/or queries from our neighbours, that we be immediately informed and allowed to respond. We do not want misinformation from uninformed neighbours circling again. As mentioned to you, we finally did meet with a group of people in October (we had to invite ourselves!!) who were concerned about what we were doing. We tried to explain what we were hoping to achieve. We possibly eased some people's minds, however others refused to understand or listen. Therefore, we have tried to address the concerns that were brought to our attention:

COMMONLY MISCONSTRUED CONCEPTIONS REGARDING OUR PROPERTY

1. In our original application to the Land Commission we requested to remove 2500m3 of material from the property but the excavation site was much larger - Therefore we were going to try to "sneak out" much more material than was proposed.

This is false.

For one we were basing our numbers on using as much of the excavation material in various low lying areas around the property. We were also assuming that the Ministry of Environment would allow us to fill small portions of the wetland. Only the difference and what could not be used on site would need to be trucked off the property.

September 5, 2001

Page 21

RECEIVED
LAND RESOURCES
MAY 15 2001

Discussions and meetings on site with Ministry of Environment has led us to now believe that they are not favourable in regards to filling areas of the wetland. We now have to take into account an additional amount of material to be trucked away. This accounts for the difference in amounts for soil removal from previous applications made.

Another area of the property that we were hoping to use our excessive material was on a right of way at the back of our property (we had applied through the Department of Transportation for a right of way off of Howard Rd. to access the back portion of our property which is landlocked by our wetland). There is approximately 2-3 acres of land in this area that we would actually like to use for beef cows and chickens. When we initially applied for this right of way the Dept. of Transportation had requested that the road be built to a certain standard. Material from our property would be ideal for this. The materials for this road would actually have to be trucked off site and around the corner to the right of way access point off of Howard. We have recently learned that we must actually get approval under the soil conservation act to remove the soil from our land, truck it 500 feet, and then bring it back onto the property. Therefore, we again have had to allow for this additional material in our quantity estimates (these additional yards of material were not considered in the original application because we did not realize that permission was required to do this).

2. The only reason we need to have our excavation site so low is so we can make money off the material sales. The proposed riding ring is more than suitable at the existing elevations.

This is absolutely false.

For starters this is hardly a money making operation. It is going to cost us money to do what we wish to do. We have found one company that will give us a reduced trucking rate to take the excessive material away for **FREE**, however we will still be faced with money out of our pocket in the end.

The property is entirely sand based. This sand lays in layers and differs in quality and type from foot to foot. For people who understand about riding rings - they know that the key to a good riding ring is that there absolutely must be a base. This base must consist of compact sand/gravel that will not become "deep and loose" upon use. A layer of 2-3 inches of loose screened sand is then placed on top (which we already have screened on site). The problem we have is that this compact base naturally exists approximately 10 feet down from the current elevation. Because of this we designed our ring to be at the elevation we can get a base with plans to landscape the sloping areas. We have tried for the past 2 years to use the existing elevation to no avail. Compaction is impossible and it is unusable for the horses.

PAGE
64

RECEIVED
LAND PRESERVE
COMMISSION
MAR 15 2001

3. We are planning to put hogfuel in our ring and there is going to be run off into the pond.

Again this is an absolutely untrue statement.

Hogfuel is totally unsuitable for a riding ring for jumpers. While other disciplines may use it in the equestrian field, we are against it 100% because of the slickness of the material. The hogfuel that was trucked on site was used at the entrances to our paddock gates to help control mud in wet weather. These paddocks are located along the road frontage approximately 700 feet from the pond.

There was also concern about manure leaching into the pond which would be located approximately 75' away from the pond. Again, there could be no problem as the horses are not turned out in the ring area. Only one horse would ever be in the ring at a time for perhaps an hour each day. Again the ring would be made out of existing native material that has been on site for years.

4. We are running an illegal topsoil company.

This is false.

We had a screening plant on site to screen materials that were taken from the wetland area when the pond was expanded. This material was used on site. We have had to increase the amount of soil that we wish to bring on the property as the Ministry of Environment will only give us approval to enlarge our pond a fraction of what was originally requested. Again, since our property is 100% sand based we require to truck in the additional yards of topsoil so that we can grow our pastures.

5. We are going to end up with a huge crater in the middle of our property.

This is false.

Our excavation site for the riding ring has been designed to work with portions of existing elevations. We are actually only trying to expand out the lower lying area. We envision a beautiful area that is fully landscaped with grass, trees, shrubs and picnic tables for viewing the riding ring. Our proposal is going to only beautify the property.

We hope that we have addressed the concerns that have been brought to our attention. We are not trying to pull some "scam" or ruin our property. We simply envision a beautiful equestrian facility that we can be proud of. We have tried to appease our neighbours as best we can however some people are just too adverse to change to see the benefits of it. We feel that we have shown good faith in working with the agencies involved and are very willing to further working with them are required. Hopefully our past conversations and conduct will attest to this.

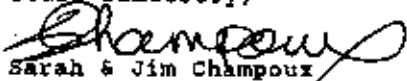
PAGE
65

Our background is such that we are not new to this sort of development. We have had over 20 years experience in the construction and excavating industry, including very sensitive environmental jobs (a resume is attached).

We cannot stress the fact that the rumours and misinformation circulating are completely bogus and that the truth can only be found with us. We welcome questions and with notification, visits to our property (we have dogs!).

If you should have any questions please do not hesitate to contact us at 250 752 8822 or 250 715 8368.

Yours Sincerely;


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

April 05, 2001

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

PLANNING DEPT.
-04-17 2001
RECEIVED

RE: File #6635-07-0104
3230 Palmer Rd. - Champoux

Attention: ~~Debra Dunlop~~

This letter is to inform you of further information regarding our application to remove material from our property.

At an on site meeting with the Dept. of Transportation on April 05, 2001 we were given verbal permission to build a road to the back portion of our property that is landlocked (appendix A). Our plan is to clear this area and develop it into pasture for some beef cows and chickens. Some of the materials that we have requested to export can be used for the construction of this road.

To date we have been granted approvals from all the necessary agencies to develop our property as desired. Our dream is within reach and our application made to the RDM is our final application. We would like to reiterate that we have not made this application for any financial gains but for property enhancement and use.

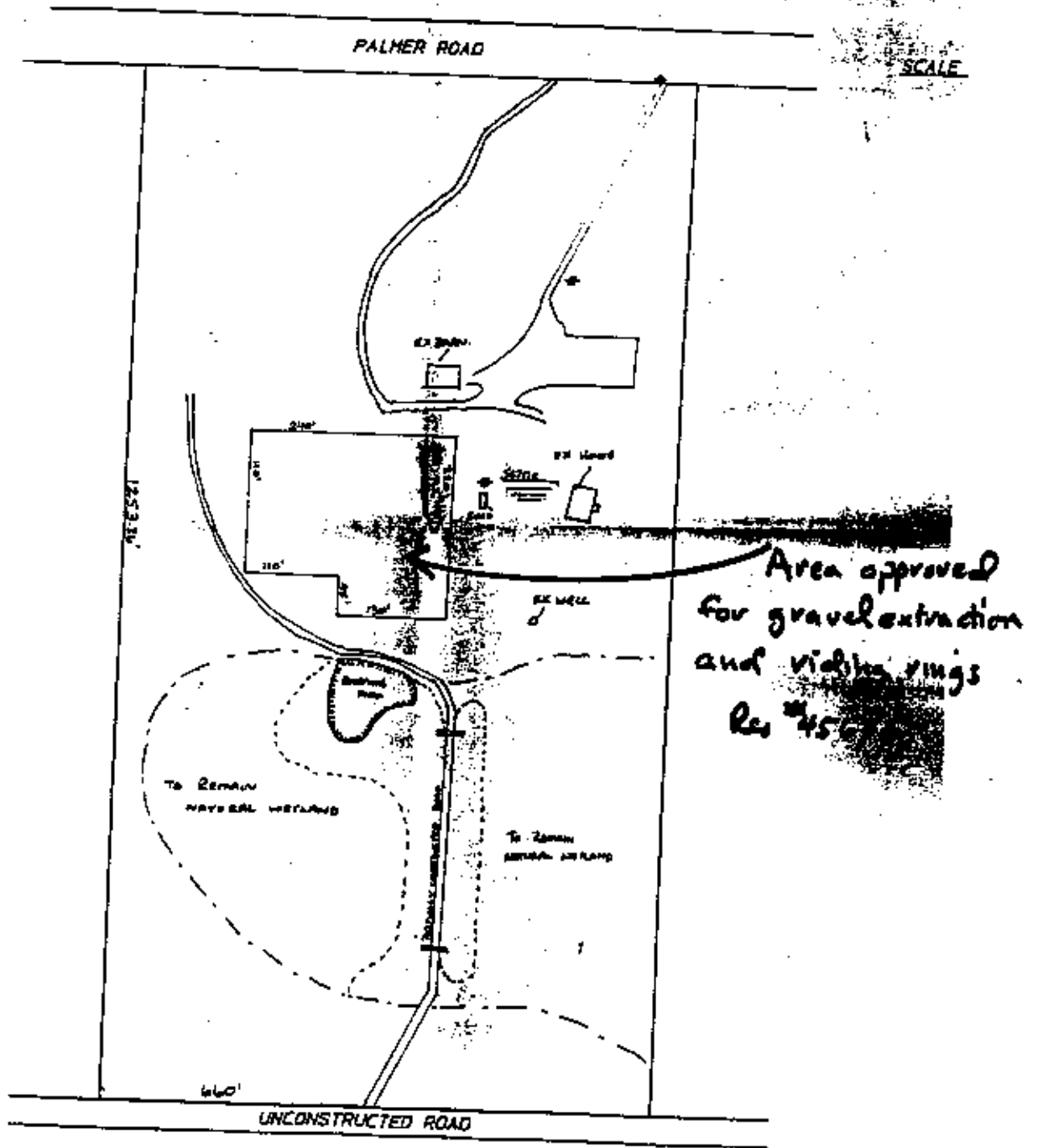
Enclosed you will find a few pictures. You can see in the pictures how the sand is layered. As explained in the original application the quality of the sand changes at each level - the bottom elevation is where the optimum footing for riding is. You can also see that this sand (which is what the entire property is comprised of) is totally useless to grow anything on; topsoil needs to be imported.

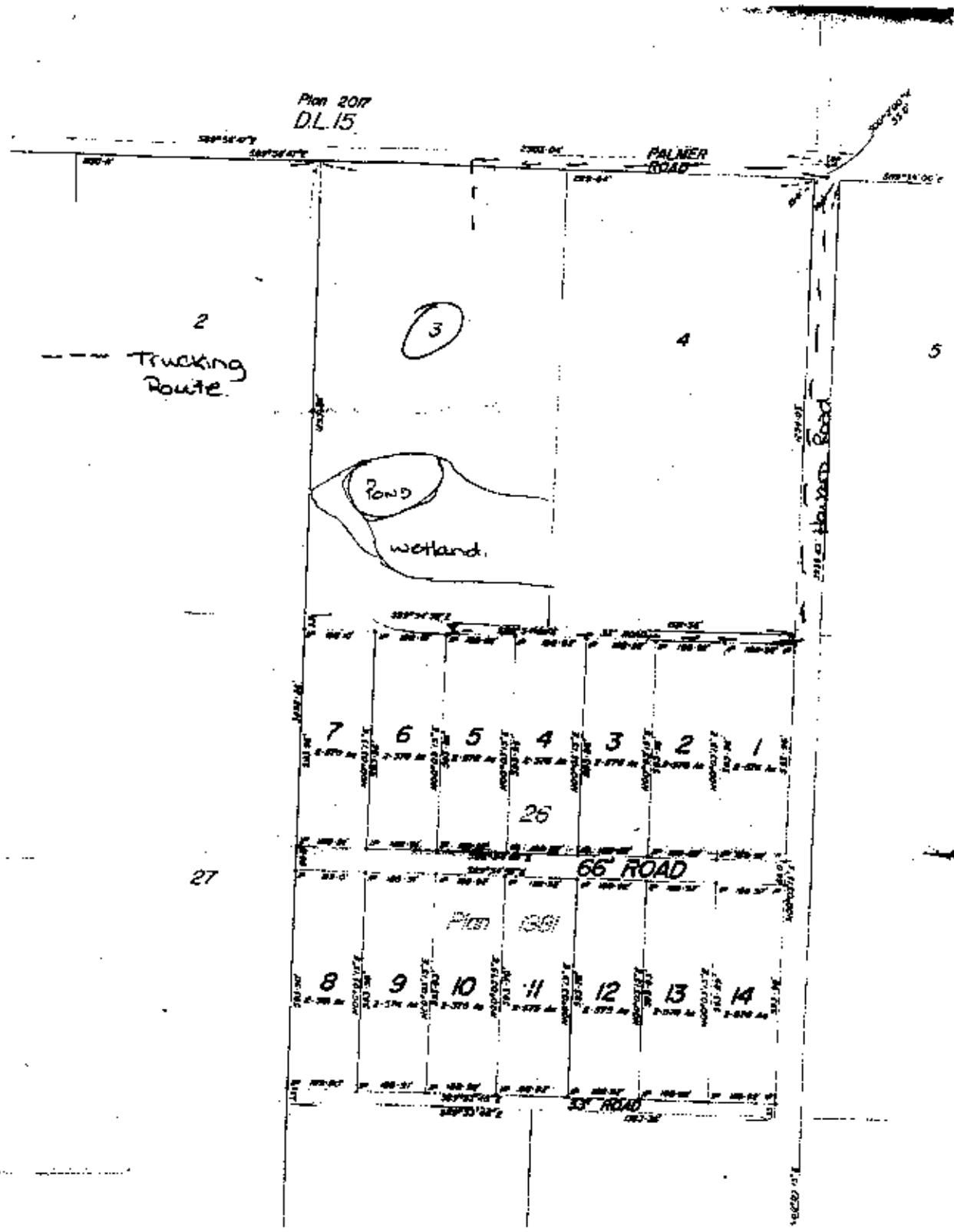
If you should have any further questions please do not hesitate to contact us at (250) 752 8822.

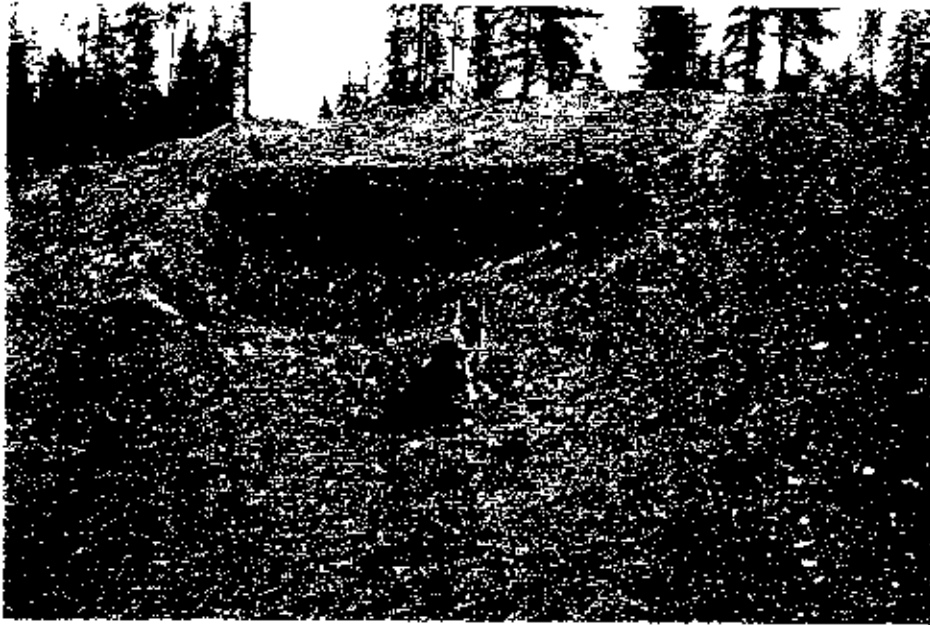
Yours Sincerely;



Sarah & Jim Champoux
3230 Palmer Rd.
Qualicum Beach, B.C.
V9R 1N4

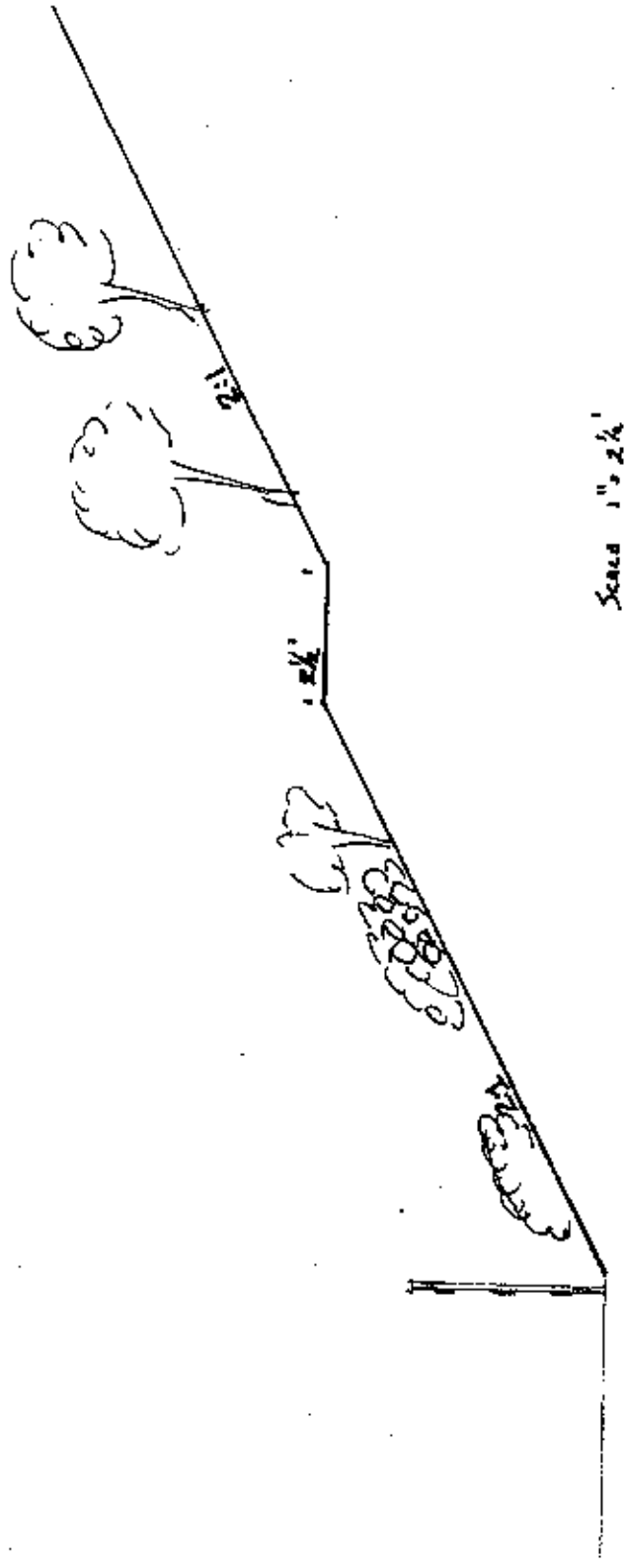




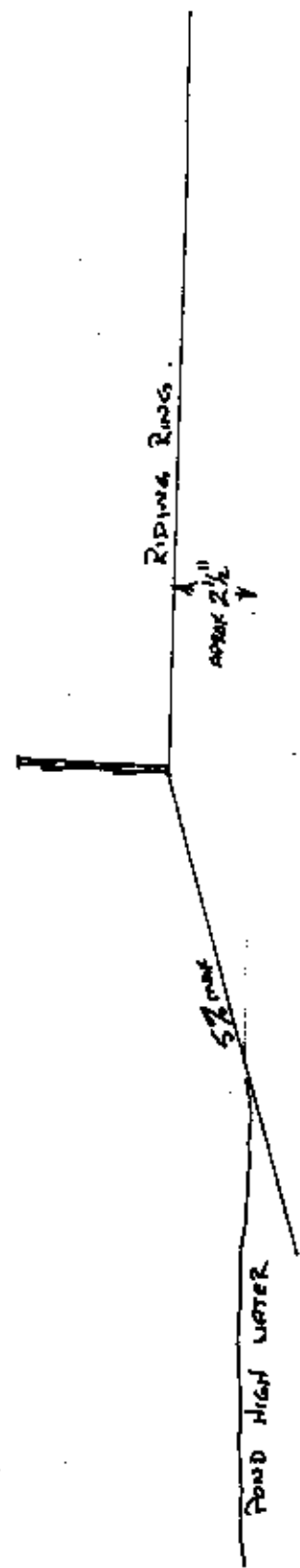




- NOTE:
- NORTH $\frac{1}{2}$ EAST SLOPES WILL AVERAGE 10 FT IN DEPTH WITH A 2:1 VEGETATED SLOPE
 - RIDING AREA WILL BE FENCED WITH 3 FT FENCING



- Riding Rings will be an average of 2 1/2 ft. above high water
- Grades from the edge of the riding ring to the south will be a maximum of 5%



-----5-----

July 31, 2001

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

RE: File #6635-07-0104
3230 Palmer Rd. - Champoux

Attention Dabra Jensen;

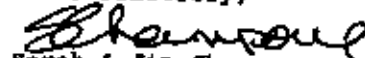
Please find attached a copy of all the approvals that have been granted to date: Ministry of Mines; Ministry of Environment; Ministry of Transportation; and the ALC.

To reiterate, the majority of the material to be extracted will be used for the road on the right of way granted to us. This will enable us to access the bottom portion of our property.

As you are well aware the pond has already been enlarged and development on this area has been 90% completed. Preliminary work will commence on the right of way road some time next week. I'm sure that our neighbours will be informing you!!

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

Yours Sincerely;


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



REGIONAL DISTRICT OF NANAIMO			
SEP - 5 2001			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
			<i>Bid</i>

MEMORANDUM

TO: John Finnie
General Manager of Environmental Services

DATE: September 5, 2001

FROM: Dennis Trudeau,
Manager of Liquid waste

FILE: 5500-20-SC-02-CRPS

SUBJECT: Liquid Waste Management
Regional District of Nanaimo Chase River Pumping Station Upgrade

PURPOSE

To consider the tenders for the 2001 Regional District of Nanaimo Chase River Pumping Station Upgrade.

BACKGROUND

On September 5, 2001 the RDN received 2 tenders for the Year 2001 Chase River Pumping Station Upgrade. The work involves the upgrading of an undersized Genset, and the construction of a septage receiving facility. The following bidders submitted tenders (excluding GST):

Lake Construction	\$298,907.00
D. Robinson	\$254,293.00

Our consultant has evaluated the tenders and the proper documentation has been verified. The low bidder for the project is D. Robinson at a cost of \$254,293.00 (excluding GST).

Our year 2001 line item budget for this project is \$500,000.00 of which \$54,000.00 is for engineering services. Based on a tender of \$254,293.00 there are sufficient funds to complete the project.

Staff has considered the tenders and recommend that we proceed with the project. The installation of the Genset and septage receiving station are necessary for the operation of the Chase River Pump Station.

Staff have brought the results of this tender directly to the Board in order that the tender can be awarded and the project started as soon as possible.

ALTERNATIVES

1. Not award the contract.
2. Award the contract to D. Robinson Ltd., for the tendered price of \$254,293.00.

FINANCIAL IMPLICATIONS

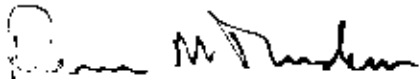
The 2001 RDN budget allowed a construction budget of \$446,000.00 (excluding GST) for this project. The lowest tendered price is \$254,293.00 (excluding GST). There is adequate money in the budget for completing this project.

SUMMARY/CONCLUSIONS

The Chase River Pumping Station Upgrade contract closed on September 5, 2001. There were 2 tenders submitted. The low tender was submitted by D. Robinson Ltd. for the amount of \$254,293.00 (excluding GST). Our consultant recommends the award of the project to D. Robinson Ltd. Staff support this recommendation. There is adequate money in the 2001 budget for this project.

RECOMMENDATION

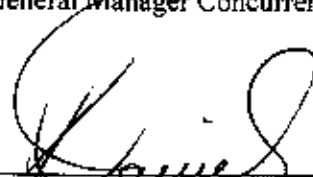
That the Regional District of Nanaimo award 2001 Chase River Pumping Station Upgrade for the tendered amount of \$254,293.00 to D. Robinson Contracting.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO			
SEP - 4 2001			
CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMES	
		<i>Beard</i>	<input checked="" type="checkbox"/>

MEMORANDUM

TO: Neil Connelly
General Manager of Community Services

DATE: September 4, 2001

FROM: Mike Donnelly
Manager of Transportation Services

FILE: 8500-04-07

SUBJECT: City Centre Transit Exchange Licence Agreement

PURPOSE

To bring forward the City Centre Transit Exchange Licence Agreement. This agreement provides for use of the Gordon Street Site for the operation of the Nanaimo Regional Transit Exchange.

BACKGROUND

In 1996 the Nanaimo Regional Transit Exchange was moved from the Gordon Street area to Harbour Park Mall due to the construction of the Port Theatre. A five year lease agreement was entered into with Harbour Park Mall that allowed for the use of a portion of their property for a bus exchange. This agreement expires in September of 2001.

The Regional District of Nanaimo and the City of Nanaimo have reviewed a number of alternate locations for an exchange in the downtown area over the last two years. Due to the lack of available, appropriately sized properties in the downtown area for a full exchange, and recognizing the need to maintain an exchange in the downtown area, an alternate servicing model was developed, as outlined in a report to the Board in June.

This model reduces the need for all buses to be in an exchange at one time. However there is a need for space for at least four buses; this has been accomplished with the placement of two stops along Gordon Street and two on Museum Way. As the stops are on City of Nanaimo property (Gordon Street parking lot) a use agreement was required. Staff have worked closely with the City in developing an agreement that addresses the needs of both parties.

The agreement is attached for the Board's review. Essentially the agreement provides for the use of the area with the understanding that if the property is required for other uses, sufficient notification will be given to the RDN. As well, there is provision for an annual payment to the City of Nanaimo of \$8,000 for lost parking space revenues. The agreement is for five years. City Council is scheduled to consider the agreement at their meeting scheduled for September 10th.

ALTERNATIVES

1. Approve 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.

2. Provide for modifications to 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.

FINANCIAL IMPLICATIONS

The annual cost for the use of this site will be \$8,000. The annual cost for the lease at Harbour Park was \$34,000.

CITIZEN IMPLICATIONS

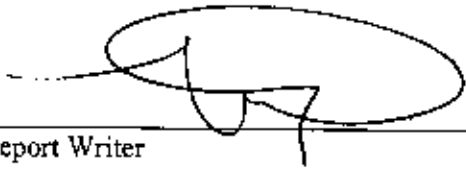
The new exchange location ensures that the highest level of service possible is offered in the downtown area. As over 20% of all trips are destined for the downtown area it is important to maintain a high service level for existing and potential users.

SUMMARY

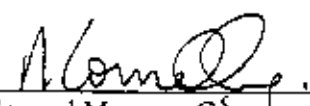
The five year lease for the Transit Exchange at Harbour Park has expired. A new transit exchange has been constructed at the Gordon Street site. This new exchange is located on City of Nanaimo property and as such a use agreement has been drawn up for the Board's approval.

RECOMMENDATION

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.



Report Writer

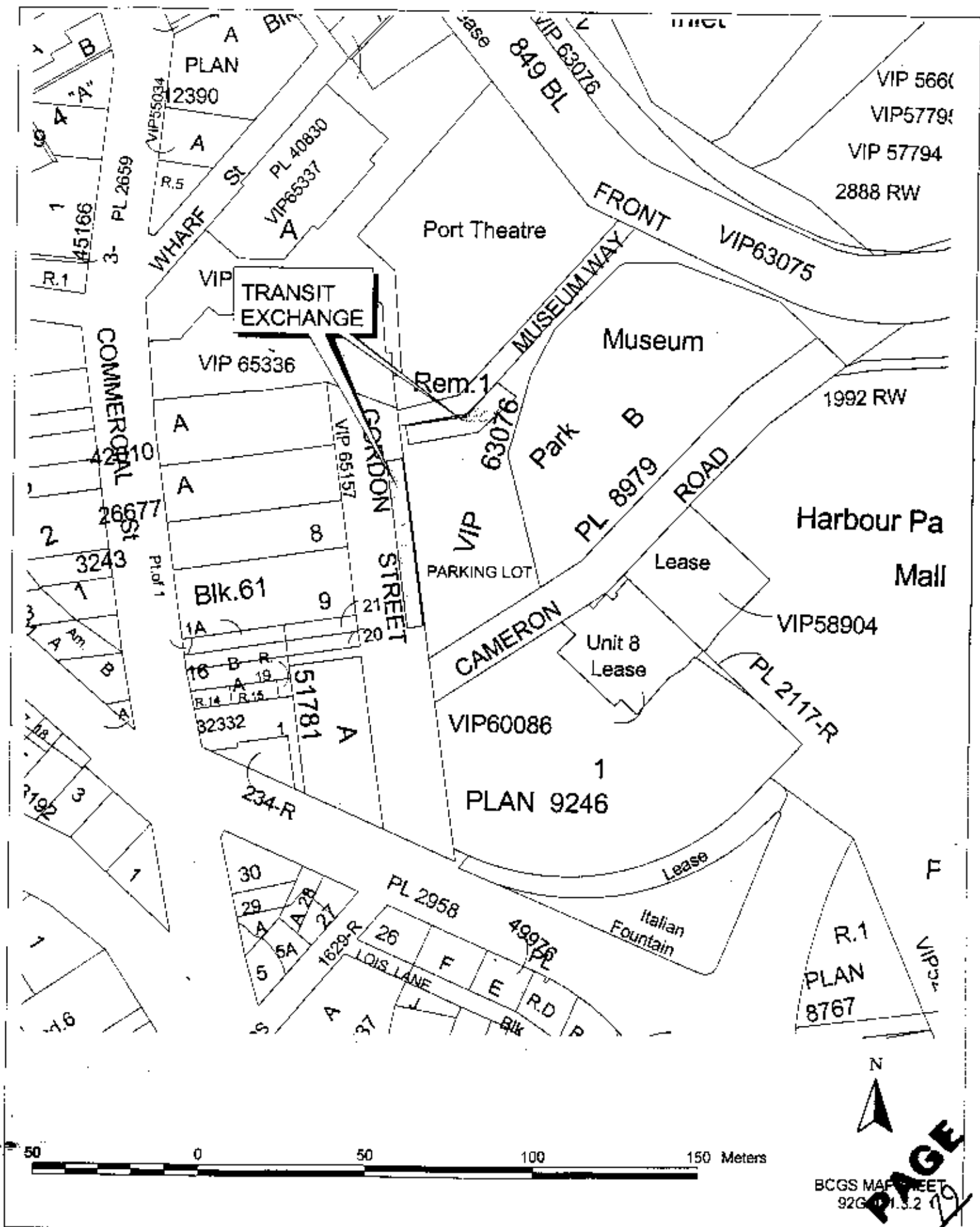


General Manager Concurrence



C.A.O. Concurrence

COMMENTS:



VIP 5660
 VIP 5779
 VIP 57794
 2888 RW

TRANSIT EXCHANGE

Rem. 1

Harbour Pa
 Mall

PLAN 9246

R.1
 PLAN
 8767

50 0 50 100 150 Meters



PAGE

LICENCE AGREEMENT

This Agreement is made as of _____, 2001.

BETWEEN:

CITY OF NANAIMO
455 Wallace Street
Nanaimo, B.C.
V9R 5J6

(the "City")

OF THE FIRST PART

AND:

REGIONAL DISTRICT OF NANAIMO
6300 Hammond Bay Road
Nanaimo, B.C.
V9T 5N2

(the "Regional District")

OF THE SECOND PART

WHEREAS:

- A. The Regional District operates the bus transit system in the Regional District of Nanaimo;
- B. The Regional District wishes to locate and operate a transit exchange on lands owned in fee-simple by the City and described in Schedule "A" which is attached to and forms part of this Agreement (the "**Gordon Street Site**");
- C. The City has agreed to grant this Licence to Use the Gordon Street Site for the purpose of locating and operating the transit exchange subject to the terms and conditions contained herein.

NOW THIS AGREEMENT WITNESSES that in consideration of the fee paid by the Regional District to the City and in consideration of the premises, covenants and agreements hereinafter contained, the sufficiency and receipt of which is hereby acknowledged, the parties covenant and agree each with the other as follows:

1.0 TERM

- 1.1 The term of the Licence granted under this Agreement shall be from the ____ day of _____, 2001 to the ____ day of _____, 2006, unless earlier terminated as provided for under this Agreement.

2.0 RIGHT TO OCCUPY

- 2.1 The City, subject to the performance and observance by the Regional District of the terms, conditions, covenants and agreements contained in this Agreement and to the earlier termination as provided in this Agreement, grants to the Regional District a right by way of licence for the Regional District, its agents, employees and invitees including all members of the public to use the Gordon Street Site for access, egress, parking of buses and pick-up and drop-off of passengers and all other activities ancillary or incidental to the operation of a transit exchange on the Gordon Street Site.

3.0 RESERVATION OF RIGHTS

- 3.1 The City hereby reserves to itself from the grant and the covenants made by it to the Regional District under section 3 above, the right for the City, its agents, employees, contractors and subcontractors to have full and complete access to the Gordon Street Site to carry out any operations associated with the City's use of the Gordon Street Site.

4.0 LICENCE FEE

- 4.1 In consideration of the right to use, the Regional District shall pay to the City the sum of **EIGHT THOUSAND (\$8,000.00) DOLLARS** in each year of the Term, payable in advance on the first day of each year of the Term.

5.0 STAGED IMPLEMENTATION

- 5.1 Until the City has determined that the Gordon Street Site will not be required for the development of a Conference Centre, the transit exchange construction will include only the minimum works by the Regional District that the Regional District considers will provide for the safe and efficient operation of the Gordon Street Site as a transit exchange.
- 5.2 Should the Conference Centre be located other than at the Gordon Street Site, the Regional District will complete further works that it considers will enhance the Gordon Street Site and provide further amenities for transit users which may include additional lighting, landscaping and street furniture.
- 5.3 If the City makes no Conference Centre site decision within one year of the date of the execution of this Agreement, the Regional District may proceed to undertake the additional improvements to the Gordon Street Site.
- 5.4 Any development of the Gordon Street Site by the City shall include discussions with the Regional District with respect to the possible continuance of the transit exchange as part of that development, however, the City shall be under no

obligation to accommodate the transit exchange in future development of the Gordon Street Site.

6.0 CONSTRUCTION

- 6.1 The Regional District shall not construct or place any buildings or structures or make any improvements on the Gordon Street Site unless prior to any construction, it has:
- (a) obtained the City's approval in writing to the site plans, working drawings, plans, specifications and elevations;
 - (b) obtained building permits from the City authorizing the construction of the buildings and structures set out in the permits and plans and specifications attached to it;
 - (c) obtained all required inspections.
- 6.2 Within thirty (30) days of completion of construction, the Regional District shall deliver final as-built drawings to the City.
- 6.3 All work with regard to the transit exchange shall be carried out at the cost of the Regional District.
- 6.4 The Regional District is responsible for the removal of all buildings, structures or improvements built by the Regional District on the Gordon Street Site and to restore the Gordon Street Site as reasonably as may be possible to its condition prior to the execution of this Agreement.
- 6.5 The Regional District shall, at its cost, maintain any buildings, structures or improvements constructed or placed on the Gordon Street Site during the Term to a standard that is consistent with the Gordon Street site's use as a public amenity.

7.0 INDEMNIFICATION

- 7.1 The Regional District releases and will indemnify and save harmless the City, its elected and appointed officers, employees, agents and contractors from any and all claims, causes of action, suits, damages, costs and expenses and fees for liability, whatsoever (including legal fees), which the Regional District, its elected or appointed officers, employees, agents and invitees or any of them, or anyone else may suffer, sustain, allege or incur as a result of or arising out of the use of the Gordon Street Site by the Regional District or by any member of the public using any building, structure or improvement, built or placed by the Regional District on the Gordon Street Site or the carrying on upon the Gordon Street Site of any activity in relation to the Regional District's use of the Gordon Street Site,

re-enter the Gordon Street Site and the rights of the Regional District with respect to the Gordon Street Site shall lapse and be absolutely forfeited.

- 10.2 Either party may terminate this Agreement upon one (1) year's notice, in writing, to the other party.
- 10.3 If the City decides to locate the Conference Centre other than at the Gordon Street Site, the notice period for termination of this Agreement on the part of the City will be extended to two year's notice, in writing, to the Regional District.

11.0 LONG TERM PLANNING

- 11.1 If notice is given to the Regional District that the transit exchange is to be removed from the Gordon Street Site, the City shall assist with the planning and development of an alternative transit exchange site within the City's downtown core. This work would take into account community and transportation issues that are important to both the City and Regional Transit and would be led and initiated by the Regional District.

12.0 FORFEITURE

- 12.1 The City, by waiving or neglecting to enforce the right to forfeiture of this Agreement or the right of re-entry upon breach of this Agreement does not waive the City's rights upon any subsequent breach of the same or any other provision of this Agreement.

13.0 FIXTURES

- 13.1 Unless the Regional District, of its own volition or upon notice from the City, removes them, all buildings, structures or improvements constructed on the Gordon Street Site by the Regional District shall at the termination of the Agreement become the sole property of the City at no cost to the City.

14.0 GENERAL PROVISIONS

- 14.1 This Agreement shall not be interpreted as granting any interest in the Gordon Street Site to the Regional District.
- 14.2 The waiver by a party of any failure on the part of the other party to perform in accordance with any of the terms or conditions of this Agreement is not to be construed as a waiver of any future or continuing failure, whether similar or dissimilar.
- 14.3 This Agreement will enure to the benefit of and be binding upon the parties hereto and their respective heirs, administrators, executors, successors, administrators and permitted assignees.

- 14.4 Any amendments to this Agreement must be in writing and be executed in the same manner as was this Agreement.
- 14.5 Wherever the singular, masculine and neuter are used throughout this Agreement, the same is to be construed as meaning the plural or the feminine or the body corporate or politic as the context so requires.
- 14.6 The headings in this Agreement are inserted for convenience and reference only and in no way define, limit or enlarge the scope or meaning of this Agreement or any provision of it.
- 14.7 This Agreement is to be construed in accordance with and governed by the laws applicable in the Province of British Columbia.

IN WITNESS WHEREOF the parties hereto have set their hands and seals as of the day and year first above written.

The Corporate Seal of **CITY OF NANAIMO** was placed on this Agreement in the presence of its authorized signatories:

 Mayor

 Chief Administrative Officer

)
)
)
) seal
)
)
)

The Corporate Seal of **REGIONAL DISTRICT OF NANAIMO** was placed on this Agreement in the presence of its authorized signatories:

 Chief Administrative Officer

 General Manager, Corporate Services

)
)
) seal
)
)
)
)

TO: Neil Connelly
General Manager, Community Services

DATE: August 27, 2001

FROM: Christina Thomas
Senior Planner

FILE: 6780 30

SUBJECT: GROWTH MANAGEMENT PLAN REVIEW – PROJECT UPDATE

PURPOSE

To provide an update regarding the scheduled activities of the Growth Management Plan Review project.

BACKGROUND

The Regional Board approved Terms of Reference for the Growth Management Plan Review on January 9, 2001.

The Growth Management Plan Review Terms of Reference provide for a four-phase technical research and consultation process, as outlined in the following table:

Phase	Time Frame	Technical Research Focus	Consultation Focus
1	Jan. 2001 – Sept. 2001	<ul style="list-style-type: none"> Collection and analysis of information about topics with implications for Growth Management in the region 	<ul style="list-style-type: none"> Provision of information about the Growth Management Plan and the Review for initial comments Special consultations during specific research projects
2	Sept. 2001 – Jan. 2002	<ul style="list-style-type: none"> Sharing information and ideas about what the information obtained in Phase 1 means in the context of the Growth Management Plan 	<ul style="list-style-type: none"> Provision of information about the Phase 1 information (i.e. key strategic questions that need to be discussed)
3	Jan. 2002 – March 2002	<ul style="list-style-type: none"> Developing options regarding possible changes to the Growth Management Plan, based on Phase 1 & 2 feedback 	<ul style="list-style-type: none"> Obtaining ideas about changes that could be made to the Growth Management Plan to respond to the technical information
4	March 2002 – Sept. 2002	<ul style="list-style-type: none"> Writing a bylaw to give formal status to a revised Growth Management Plan bylaw 	<ul style="list-style-type: none"> Bylaw readings, public hearing, obtaining approval from the 3 member municipalities and the 3 adjacent regional districts.

Phase 1 of the Growth Management Plan Review Project is *on track* and *nearing completion*. The following table outlines Phase 1 project work undertaken to date and work that is scheduled to be completed early this fall:

Technical Tasks	Consultation Tasks
<ul style="list-style-type: none"> ▪ Completed an updated report on Demographic and Socioeconomic Trends in the Regional District of Nanaimo (May) ▪ Researched and analyzed regional land inventory (Sept.) ▪ An Analysis of Economic Development Opportunities for the Regional District of Nanaimo (Sept.) ▪ An Analysis of the Compatibility Between the Growth Management Plan Land Use and Servicing Strategies (Sept.) ▪ Environmental Protection Analysis (Oct.) ▪ Initiated the development of a discussion paper that summarizes the key strategic questions regarding growth management that need to be discussed with the public in Phase 2 consultation activities 	<ul style="list-style-type: none"> ▪ Published advertisements in local newspapers to announce the project (Feb.) ▪ Established a project mailing list (Feb.) ▪ Established the "Process to Suggest Changes to the Growth Management Plan" for the public (March) ▪ Published and disseminated 1st special edition of the Regional Perspectives Special Report on the Growth Management Plan Review (March) ▪ Established method for Intergovernmental Advisory Committee (IAC) members to suggest changes to the Growth Management Plan on behalf of their agencies (April) ▪ Conducted regular IAC meetings to review and discuss draft reports (Jan. 25, Feb. 22, March 29, May 31, Aug. 21) ▪ Workshop on Economic Development in the context of Growth Management (June 21) ▪ Meeting of Local Area Planners (Sept. 12) ▪ Urban and Rural Villages Workshop (Sept. 22) ▪ Environmental Protection Assessment Workshops (Sept. 24 and 27)

Phase 2 of the Growth Management Plan Review project will be initiated early this fall. The fundamental components of this phase is the development of a discussion paper that summarizes the key strategic questions that need to be discussed with the public in Phase 2 consultation activities and the public discussion of the issues highlighted in the paper. A meeting is scheduled with the Board for October 2, 2001 to review and receive input regarding a draft of the discussion paper, prior to its completion and publication. The following table outlines work that will be undertaken in Phase 2:

Technical Tasks	Consultation Tasks
<ul style="list-style-type: none"> ▪ Complete and publish a discussion paper (mid Oct.) 	<ul style="list-style-type: none"> ▪ Publish and disseminate 2nd special edition of the Regional Perspectives Special Report on the Growth Management Plan Review that provides information about key strategic questions identified in discussion paper and public meetings to discuss the questions (mid Oct.) ▪ Public meetings scheduled for Oct. 25, Oct. 26, Nov. 1 and Nov. 3 ▪ Collection of Growth Management Plan Suggested Change Forms by Nov. 5 ▪ Regular IAC meetings for members to suggest changes to the Growth Management Plan and to review changes suggested by the public (by mid Nov.)

Phase 2 of the project will conclude with the Regional Board's review of public input regarding the Growth Management Plan and the identification of potential options to respond to the public input, in December. The options for responding to the public input will be the focus of Phase 3 of the project, to take place between January and March, 2002.

Also of note, since the Board approved the Terms of Reference for the project, the Ministry of Municipal Affairs (now Community, Aboriginal and Women's Services) approved a grant of \$80,000 for the project (as requested by the Regional District), and an additional grant of \$30,000 was also received from the British Columbia Real Estate Foundation to support the project.

ALTERNATIVES

1. To receive this report.
2. To receive this report and provide additional direction.

FINANCIAL IMPLICATIONS

Receipt of this report has no financial implications. The Community Services Budget provides for the budgetary requirements of the project in 2001.

CONSULTATION IMPLICATIONS

Consultation is an integral part of the Growth Management Plan Review Project and is being undertaken in accordance with the project Terms of Reference and the Coordinated Public Consultation/Communications Framework endorsed by the Regional Board. A number of different opportunities are being provided for the public to obtain information and provide comments on regional growth management issues and approaches.

SUMMARY

The Growth Management Plan is being reviewed for possible amendments, pursuant to the Terms of Reference the Board approved for the project in January 2001. Phase 2 of the project involves the development of a discussion paper (in consultation with the Regional Board) that identifies the key strategic questions that need to be addressed, publication of a newsletter about the strategic questions identified in the discussion paper, public meetings to discuss the strategic questions, public submissions regarding suggested changes, and the Board's review of public input and the identification of potential options to respond to the public input.

RECOMMENDATION

That the Growth Management Plan Review - Project Update report be received for information.

Christina Monos

Report Writer

B. Jenkins

General Manager Concurrence

for Daniel

CAO Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO	
SEP - 5 2001	
CHAIR	GMCrs
CAO	GMDS
GMCmS	GMES

MEMORANDUM

TO: K. Daniels
Chief Administrative Officer

DATE: September 4, 2001

FROM: N. Connelly
General Manager of Community Services

FILE: 1660-20-PORT

SUBJECT: Port Theatre Society Request for Funding

PURPOSE

To follow up on the July 2001 Board meeting resolution regarding the request from the Port Theatre Society for ongoing funding from Electoral Areas A, B, C, D and E.

BACKGROUND

The Board, at its regular July 10, 2001 meeting passed the following resolution:

"that only those Electoral Areas that wish to continue contributions to the Port Theatre have bylaws amended to establish a fixed annual contribution to the Port Theatre, either at the current contribution level or at an amended level and that Electoral Area Directors be given the choice of whether they would like this issue to go to referendum in November of 2002."

The resolution was developed from the Board's consideration of a request from the Port Theatre Society for funding in 2002 and beyond, given that the five year agreement approved by referendum in 1996 in areas A, B, C, D and E will terminate at the end of 2001.

In following up with the Electoral Area Directors involved, staff understand that all five of the Directors wish to extend funding for one more year to the end of 2002. The Directors for areas A, D and E have specified that any future funding beyond 2002 be determined through a referendum to obtain electorate consent in conjunction with the November 2002 local government elections. In areas B and C the Directors will assess their position regarding a November 2002 referendum and advise the Board in advance of the date for the referendum.

ALTERNATIVES

1. That the Electoral Area Cultural Centre Contribution Local Service Bylaws for areas A, B, C, D and E be amended to establish a fixed annual contribution at the current level to the Port Theatre for one year only (2002). Further that, at this time, arrangements be made to provide for a referendum in November 2002 on the consideration of funding beyond 2002 for areas A, D and E.

2. That alternative direction be provided on the Electoral Areas A, B, C, D and E approaches to future contributions to the Port Theatre.

FINANCIAL IMPLICATIONS

Alternative 1 provides for a fixed annual contribution level that matches the current level from each of the Electoral Areas. Based on 1996 assessment figures, a requisition of \$2.90 per \$100,000 of assessment value was calculated as contributing \$69,103 annually to the Theatre.

1996 Assessment	A	B	C	D	E	TOTAL
Rate per \$100,000	\$2.90	\$2.90	\$2.90	\$2.90	\$2.90	
Amount/Elect. Area	\$12,642	\$14,216	\$11,589	\$11,553	\$19,103	\$69,103

VOTING IMPLICATIONS

Each Electoral Area has its own separate bylaw, which provides an annual contribution to the Port Theatre. These bylaws were approved through individual referendums which obtained voter assent in November 1996. The *Local Government Act* permits the Regional District to amend these bylaws without the requirement for a second referendum. In order to amend the bylaws, each bylaw must be approved by a majority of all Board Directors. In addition, each bylaw requires the written consent of the participant Electoral Area Director. If the Board supports an amendment to establishing bylaw but an area director does not consent to that amendment, the Board may overrule the area director and consent on behalf of the Electoral Area with a 2/3 vote of all Board members (11 Directors).

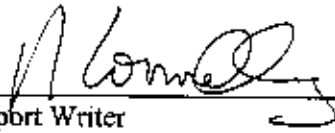
CONCLUSIONS

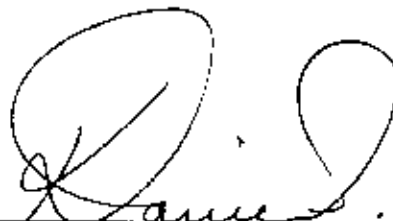
The Regional Board at its July meeting provided for the Directors from Electoral Areas A, B, C, D and E to outline an individual position with respect to responding to the Port Theatre Society's request for future funding. Bylaw amendments to allow for an additional year of funding from all five areas have been prepared for the Board's consideration.

RECOMMENDATIONS

1. 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).
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.

7. That arrangements be made to provide for a referendum in November 2002 on the consideration of funding beyond 2002 for the Port Theatre.


Report Writer


CAO Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1037.01

**A BYLAW TO AMEND THE CULTURAL
CENTRE CONTRIBUTION LOCAL SERVICE
ESTABLISHMENT BYLAW FOR ELECTORAL
AREA A**

WHEREAS the Board has enacted "Electoral Area 'A' Cultural Centre Contribution Local Service Bylaw No. 1037, 1996";

AND WHEREAS the Board wishes to amend the expenditure limit therein and has obtained the consent of the Director for Electoral Area 'A', pursuant to Section 801.5 of the *Local Government Act*.

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

1. Schedule 'A' of Bylaw No. 1037 is hereby repealed and Schedule 'A' attached hereto and forming part of this bylaw, is substituted therefore.
2. The bylaw may be cited for all purposes as the "Electoral Area 'A' Cultural Centre Contribution Local Service Amendment Bylaw No. 1037.01, 2001".

Introduced and read three times this 11th day of September, 2001.

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

Adopted this ____ day of _____, 2001.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Schedule 'A' to accompany "Electoral Area
'A' Cultural Centre Contribution Local
Service Bylaw No. 1037, 1996"

Chairperson

General Manager, Corporate Services

- I. The maximum amount that may be requisitioned for the local service under Section 804 (1)(a) of the *Local Government Act* shall be as follows:

Electoral Area 'A'

2002

\$12,642

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1038.01

**A BYLAW TO AMEND THE CULTURAL
CENTRE CONTRIBUTION LOCAL SERVICE
ESTABLISHMENT BYLAW FOR ELECTORAL
AREA B**

WHEREAS the Board has enacted "Electoral Area 'B' Cultural Centre Contribution Local Service Bylaw No. 1038, 1996";

AND WHEREAS the Board wishes to amend the expenditure limit therein and has obtained the consent of the Director for Electoral Area 'B', pursuant to Section 801.5 of the *Local Government Act*.

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

1. Schedule 'A' of Bylaw No. 1038 is hereby repealed and Schedule 'A' attached hereto and forming part of this bylaw, is substituted therefore.
2. The bylaw may be cited for all purposes as the "Electoral Area 'B' Cultural Centre Contribution Local Service Amendment Bylaw No. 1038.01, 2001".

Introduced and read three times this 11th day of September, 2001.

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

Adopted this ____ day of _____, 2001.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

PAGE
24

Schedule 'A' to accompany "Electoral Area
'A' Cultural Centre Contribution Local
Service Bylaw No. 1038, 1996"

Chairperson

General Manager, Corporate Services

1. The maximum amount that may be requisitioned for the local service under Section 804 (1)(a) of the *Local Government Act* shall be as follows:

Electoral Area 'A'

2002

\$14,216

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1039.01

**A BYLAW TO AMEND THE CULTURAL
CENTRE CONTRIBUTION LOCAL SERVICE
ESTABLISHMENT BYLAW FOR ELECTORAL
AREA C**

WHEREAS the Board has enacted "Electoral Area 'C' Cultural Centre Contribution Local Service Bylaw No. 1039, 1996";

AND WHEREAS the Board wishes to amend the expenditure limit therein and has obtained the consent of the Director for Electoral Area 'C', pursuant to Section 801.5 of the *Local Government Act*.

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

1. Schedule 'A' of Bylaw No. 1039 is hereby repealed and Schedule 'A' attached hereto and forming part of this bylaw, is substituted therefore.
2. The bylaw may be cited for all purposes as the "Electoral Area 'C' Cultural Centre Contribution Local Service Amendment Bylaw No. 1039.01, 2001".

Introduced and read three times this 11th day of September, 2001.

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

Adopted this _____ day of _____, 2001.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

PAGE
96

Schedule 'A' to accompany "Electoral Area
'A' Cultural Centre Contribution Local
Service Bylaw No. 1039, 1996"

Chairperson

General Manager, Corporate Services

1. The maximum amount that may be requisitioned for the local service under Section 804 (1)(a) of the *Local Government Act* shall be as follows:

Electoral Area 'A'

2002

\$11,589

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1040.01

**A BYLAW TO AMEND THE CULTURAL
CENTRE CONTRIBUTION LOCAL SERVICE
ESTABLISHMENT BYLAW FOR ELECTORAL
AREA D**

WHEREAS the Board has enacted "Electoral Area 'D' Cultural Centre Contribution Local Service Bylaw No. 1040, 1996";

AND WHEREAS the Board wishes to amend the expenditure limit therein and has obtained the consent of the Director for Electoral Area 'D', pursuant to Section 801.5 of the *Local Government Act*.

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

1. Schedule 'A' of Bylaw No. 1040 is hereby repealed and Schedule 'A' attached hereto and forming part of this bylaw, is substituted therefore.
2. The bylaw may be cited for all purposes as the "Electoral Area 'D' Cultural Centre Contribution Local Service Amendment Bylaw No. 1040.01, 2001".

Introduced and read three times this 11th day of September, 2001.

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

Adopted this ____ day of _____, 2001.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Schedule 'A' to accompany "Electoral Area
'A' Cultural Centre Contribution Local
Service Bylaw No. 1040, 1996"

Chairperson

General Manager, Corporate Services

1. The maximum amount that may be requisitioned for the local service under Section 804 (1)(a) of the *Local Government Act* shall be as follows:

Electoral Area 'A'

2002

\$11,553

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1041.01

**A BYLAW TO AMEND THE CULTURAL
CENTRE CONTRIBUTION LOCAL SERVICE
ESTABLISHMENT BYLAW FOR ELECTORAL
AREA E**

WHEREAS the Board has enacted "Electoral Area 'E' Cultural Centre Contribution Local Service Bylaw No. 1041, 1996";

AND WHEREAS the Board wishes to amend the expenditure limit therein and has obtained the consent of the Director for Electoral Area 'E', pursuant to Section 801.5 of the *Local Government Act*.

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

1. Schedule 'A' of Bylaw No. 1041 is hereby repealed and Schedule 'A' attached hereto and forming part of this bylaw, is substituted therefore.
2. The bylaw may be cited for all purposes as the "Electoral Area 'E' Cultural Centre Contribution Local Service Amendment Bylaw No. 1041.01, 2001".

Introduced and read three times this 11th day of September, 2001.

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

Adopted this ____ day of _____, 2001.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Schedule 'A' to accompany "Electoral Area
'A' Cultural Centre Contribution Local
Service Bylaw No. 1041, 1996"

Chairperson

General Manager, Corporate Services

1. The maximum amount that may be requisitioned for the local service under Section 804 (1)(a) of the *Local Government Act* shall be as follows:

Electoral Area 'A'

2002

\$19,103



REGIONAL DISTRICT OF NANAIMO			
SEP - 5 2001			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	
		<i>Bid</i>	<input checked="" type="checkbox"/>

MEMORANDUM

TO: K. Daniels
Chief Administrative Officer

DATE: September 5, 2001

FROM: N. Connelly
General Manager of Community Services

FILE: 6240-20-CUCA

SUBJECT: Community Park Referendum on Gabriola Island

PURPOSE

To provide for a community park referendum in electoral area B to assist with the acquisition of parkland, in tandem with the regional parks function, from the Coastal Community Credit Union.

BACKGROUND

In May 2001 the Regional Board approved the development of an "Option to Purchase" agreement with the Coastal Community Credit Union to provide for the potential acquisition of their Gabriola Island campground and land holding for regional park purposes. The 153 acre property is located on the west side of the island and is bisected by Taylor Bay Road and McConvey Road. The main feature is a 39 acre wilderness type campground with basic facilities located on the waterfront which the Credit Union has operated since the mid 1980's. An additional forested area of 26 acres in the Agricultural Land Reserve is located adjacent to McConvey Road with the balance of the parcel (87 acres) located on the upland side of Taylor Bay Road. A map is attached.

The agreement with the Credit Union provides for the Regional District to take the lead in working to finalize a transaction within a one year period. It also outlines that the Regional District would work to complete a transaction at a price of up to \$1 million for the entire property. Payment components that would comprise any final agreement to purchase could include scheduled and deferred payments and tax credits provided through the District's acceptance of donated property.

Given the financial scope of the potential acquisition, the interest on the island and the size of the parcel, various strategies have been explored, including an approach that would provide for a community parks referendum that would allow for the borrowing of up to \$500,000 to assist in completing a transaction with the Credit Union. A joint effort between electoral area B community parks and the regional parks functions also complements the regional park interest in the campground and the waterfront portion of the site and the local community's interest to see the entire property, including the upland portion, retained for park purposes. On June 27, 2001 staff and the area Director held a public meeting on Gabriola to provide information on the proposed acquisition and to discuss the community parks referendum approach as part of the overall initiative. An informal local committee was subsequently established to assist with the proposal and a petition to gauge local support was also circulated.

To advance community parks participation in the acquisition a number of steps are required. They include the borrowing of funds under the community parks function with Bylaw No. 1258, 2001. A second Bylaw, No. 799.06 to amend the annual requisition upper limit in the electoral area B community parks function to \$110,000 to permit a repayment of the borrowed funds from the community parks tax requisition is also required. An area B referendum has been scheduled for Saturday November 24, 2001 to seek voter assent for the borrowing. Final adoption by the two Bylaws may be made by the Board upon receiving voter consent after the referendum.

Staff have developed a referendum communications strategy to provide information to residents of area B on the initiative. It includes a series of news releases, a fact sheet for widespread public distribution and the provision of updated information on the RDN website.

ALTERNATIVES

1. a) That an electoral area B community parks referendum to obtain voter assent for the borrowing of \$500,000 to assist with the acquisition of parkland on Gabriola Island be approved.
 - b) Introduce and give three readings to Loan Authorization Bylaw No. 1258, 2001 to authorize the borrowing and expenditure of \$500,000, upon voter assent.
 - c) Introduce and give three readings to Amendment Bylaw No. 799.06 to increase the maximum allowable annual requisition for community parks in area B to \$110,000.
 - d) Approve an Electoral Area B Referendum for November 24, 2001 to request voter assent for Bylaw No. 1258, 2001.
 - e) Approve the appointment of C. Mason as Chief Elections Officer and M. Pearse as Deputy Elections Officer for the referendum.
2. Not pursue community parks participation in the property acquisition.

FINANCIAL IMPLICATIONS

The option to purchase agreement with the Credit Union provides for a \$1 million payment to complete the transaction. Funds will need to come from two sources.

The community parks referendum on the borrowing bylaw will provide up to \$500,000. If given approval by voter assent, the bylaw will increase area B residents' taxes for community parks by \$10.40 per \$100,000 of residential assessment value per year for 20 years. The 2001 requisition for community parks is \$8.70 per \$100,000 of assessment value. It is also estimated that the area B referendum will cost \$10,000. This amount was not budgeted for in the 2001 area B community parks budget and will also need to be covered by the function.

The regional parks functions will also be required to cover the costs of a transaction with the Credit Union. As outlined in the June report to the Board, this function currently has approximately \$400,000 in an unallocated acquisition/capital reserve. An initial \$200,000 payment by the Regional District followed by a \$300,000 payment spread over a five year period would limit the overall impact to the regional parks budget to \$500,000 and allow for it to not unduly impact other park acquisition initiatives in future years. Other financial approaches may also be considered by the Board at the time a final transaction agreement is developed with the Credit Union.

CITIZEN IMPLICATIONS

The property and campground are widely recognized on the island and in the region due to its affiliation with the Credit Union and various groups have expressed an interest in ensuring that the Credit Union does not dispose of the property to private development or forestry interests. The referendum will allow for direct participation by electoral area B residents on the initiative to acquire the parcel as part of the Regional District's community and regional park system.

SUMMARY

A \$500,000 community parks referendum in Electoral Area B has been proposed as a way to assist with the Regional District's acquisition of a 153 acre parcel on Gabriola Island from the Coastal Community Credit Union. Bylaws to allow for the borrowing of funds and an increase to the requisition of funds in the Electoral Area B community parks function to pay back the borrowed funds are required. Final Board approval would be based upon voter assent to be requested by way of a referendum scheduled for November 24, 2001. The proposed community park funding and matching funding from the regional parks function would allow for a final transaction to be completed with the Credit Union within the year and for the property to be acquired as part of the Regional District's park system.


RECOMMENDATIONS

1. That an electoral area B community parks referendum to obtain voter assent be held on November 24, 2001 for the borrowing of \$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 \$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?"

2. 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;
3. That "Electoral Area B Community Parks Local Service Amendment Bylaw No. 799.06, 2001" be introduced and given three readings;
4. That C. Mason be appointed as Chief Elections Officer and M. Pearse as Deputy Elections Officer for the Referendum.


Report Writer


CAO Concurrence

COMMENTS:

