

REGIONAL DISTRICT OF NANAIMO
BOARD MEETING
TUESDAY, FEBRUARY 10, 2004
(immediately following the Hospital District meeting)

(RDN Board Chambers)

A G E N D A

PAGES

- 1. CALL TO ORDER**
- 2. DELEGATIONS**
 - 12 Geraldine Babiy, re Electoral Area 'F' Zoning & Subdivision Bylaw No. 1285.
- 3. BOARD MINUTES**
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- 4. BUSINESS ARISING FROM THE MINUTES**
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 - 24 Kathleen Bennett, re DVP No. 90324 – Eddy – 5058 Longview Drive – Area H.
- 6. UNFINISHED BUSINESS**
 - BYLAWS**
 - For Adoption.**
 - Bylaw No. 1363 – Englishman River Community Storm Water Management Service Area Establishment Bylaw. (All Directors – One Vote)
- 7. STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS**
 - 7.1 ELECTORAL AREA PLANNING STANDING COMMITTEE**
 - 25-29 Minutes of the Electoral Area Planning Committee meeting held January 27, 2004. (for information)

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. ZA0313 – Slocombe – Parker Way & Ted's Road – Area E. (Electoral Area Directors except EA 'B' – One Vote)

- 1. That the minutes of the Public Information Meeting held on January 14, 2004 be received.*

2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.298, 2004" be given 1st and 2nd reading.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.298, 2004" proceed to public hearing.
4. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.298, 2004" be delegated to Director Bibby or her alternate.

DEVELOPMENT PERMIT APPLICATIONS

DP Application No. 60358 – Smith & Tomei/Timberlake Jones – Clayton Crescent – Area E. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to Application No. 60358.

That Development Permit No. 60358, submitted by Timberlake Jones Engineering on behalf of T. Smith & N. Tomei, for the protection of an eagle nest tree designated within the Sensitive Ecosystem Development Permit Area, in conjunction with the proposed subdivision of the parcel legally described as Lot 3, District Lot 52, Nanoose District, Plan VIP67511, be approved, subject to the requirements outlined in Schedule Nos. 1, 2 and 3.

DP Application No. 60359 – Horne Lake Strata Corp. – Finholm – Strata Lot 313 Horne Lake – 2498 Shady Lane – Area H. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to Application No. 60359.

That Development Permit Application No. 60359, submitted by the agent, Keith Finholm, on behalf of Horne Lake Land Corporation, for the property legally described as Strata Lot 313, District Lot 251, Alberni District, Strata Plan VIS5160, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V, requesting to relax the minimum setback requirements for all watercourses except Horne Lake from 15.0 metres from the top of bank to 5.0 metres in order to accommodate the siting of a recreational residence with deck and porch, and an accessory building, be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the Local Government Act.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

DVP No. 90324 – Eddy – 5058 Longview Drive – Area H. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to Application No. 90324.

That Development Variance Permit Application No. 90324, submitted by Diane Eddy and Nelson Eddy, to legalize the existing accessory buildings and structures within a Residential 2 (RS2) zone by varying the minimum permitted setbacks for lot lines and for a watercourse, as shown in Schedule No. 3 of this staff report, for the property legally described as Lot 43, District Lot 28, Newcastle District, Plan 22249, be approved subject to the conditions outlined in Schedule No. 1 and subject to the notification procedures pursuant to the Local Government Act.

DVP No. 90325 – Green – Martindale Road – Area G. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to Application No. 90325.

That Development Variance Permit No. 90325, submitted by Dale Green and Peggy Green, to facilitate the development of a single dwelling unit within a Rural 1 (RU1) zone by varying the minimum permitted setback to the south lot line from 8.0 metres to 4.0 metres, for the property legally described as Lot 9, District Lot 128, Nanoose District, Plan 20938, be approved as amended, subject to notification procedures pursuant to the Local Government Act and subject to the conditions outlined in Schedule No. 1, as amended.

DVP No. 90326 & Request for Minimum 10% Frontage Requirement – RK Brown & Associates on behalf of Wayne Roine – Farrar, Yellow Point & McQuarrie Roads – Area A. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to Application No. 90326.

That the request, submitted by RK Brown, on behalf of Wayne Roine to relax the minimum 10% frontage requirement for the Proposed Lot 1, as shown on the revised plan of subdivision of The East 20 Chains of Section 5, Range 5, Cedar District, Except Parcel C (DD2340N) and Except That Part in Plan 8609 and to allow the creation of a non-contiguous parcel in conjunction with the proposed 3-lot subdivision, be approved subject to the notification requirements pursuant to the Local Government Act.

DVP No. 90401 – Sertic Simmons (Jorgensen) – 3525 Shetland Place – Area E. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to Application No. 90401.

That Development Variance Permit Application No. 90401, submitted by the agent, Peter Jorgensen, on behalf of Marijan Sertic and Renate Dawn Simmons, for the property legally described as Strata Lot 48, District Lot 78, Nanoose District, Strata Plan V1S3393 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1 to:

- a) *Relax the minimum setback requirements for the front lot line from 8.0 metres to 2.85;*
- b) *Relax the minimum setback requirements for the west interior side lot line from 2.0 metres to 0.0 metres;*

in order to accommodate the siting of a riprap retaining wall be approved subject to the conditions outlined in Schedules No. 1 and 2 and subject to the notification requirements pursuant to the Local Government Act.

OTHER

Aquaculture – Official Community Plan & Zoning Amendment Issues & Public Consultation Strategy. (Electoral Area Directors except EA 'B' – One Vote)

That the staff report on Aquaculture containing the minutes of the Public Consultation Strategy be received.

That staff arrange a public information meeting to present the draft zoning bylaws and OCP policy amendments to the public, government agencies and the shellfish industry.

That staff prepare official referrals for the proposed amendments and forward them to the agencies listed in the Public Consultation Framework.

That staff contact those landowners on the list supplied by MAFF that have an existing aquaculture facility on non-ALR land for comments on the proposed site specific zoning amendment for these properties.

That the existing definition of aquaculture pursuant to RDN Subdivision and Land Use Bylaw No. 500, 1987 be expanded to specific types of aquaculture so that no confusion exists between various types of aquaculture that will or will not be permitted in the RDN land use regulations.

That the siting criteria or guidelines in OCP policies for considering zoning amendments to facilitate more intensive aquaculture development including seafood processing and zoning amendment applications for new sites outside identified areas proposed in the staff report be reviewed with appropriate federal and provincial ministries to ensure consistency and concurrence and to ensure no duplication of the requirements.

That the proposal in the report to reduce noise and visual impacts for upland owners and provide a safer environment for employees by encouraging shellfish growers to conduct their operations in a building rather than on vessels or outside on decks on the lease area be strengthened by not only expanding the building envelope in the RDN land use bylaw but entering into discussion with the Shellfish Growers Association and the provincial ministry to have them endorse this best practice policy.

That the RDN enter into a review of the existing Memorandum of Understanding with LWBC to ensure they provide a referral on any proposed aquaculture leases in the RDN, to include any public notification requirements in appropriate local newspapers.

That the RDN enter into a Memorandum of Understanding with the Ministry of Agriculture on various types of aquaculture best practices.

That Schedule No. 2 policy proposal "New Aquaculture Development" be held in abeyance until after discussion with appropriate federal and provincial ministries to ensure consistency and concurrence and to ensure no duplication of the stated information requirements.

That Schedule No. 2 be amended to read "Electoral Area 'H' Bylaw No. 1335, 2003" – Section 5.2 – "Resource Lands" and Section 5.3, "Rural Lands", at the bottom of the Schedule.

That the General Manager of Development Services begin individual discussions with RDN Directors on possible OCP map zoning amendments prior to beginning public information meetings.

Intergovernmental Advisory Committee. (Electoral Area Directors except EA 'B' – One Vote)

That the report "Intergovernmental Advisory Committee" be received.

Nanoose Bay Official Community Plan – Terms of Reference – Area E. (Electoral Area Directors except EA 'B' – One Vote)

1. *That the staff report on the Nanoose Bay Official Community Plan Terms of Reference be received.*
2. *That the Nanoose Bay Official Community Plan Terms of Reference (Attachment No. 1) be endorsed by the Board.*

NEW BUSINESS

Board of Variance. (All Directors except EA 'B' – One Vote)

That staff be directed to prepare a report on the Board of Variance's authority and make recommendations on possible revisions to the public information guide, fees and relationship to the RDN development variance permit process; and further that this report be presented to the Board following the Province's Board of Variance seminar.

That staff review and report back to Committee on policies with respect to retrospective variance applications.

7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE

30-36 Minutes of the Committee of the Whole Committee meeting held January 27, 2004. (for information)

COMMUNICATIONS/CORRESPONDENCE

Tom Krall, Chair, Vancouver Island Regional Library Board, re Library Book Rate Petition. (All Directors – One Vote)

That the correspondence from the Vancouver Island Regional Library Board requesting support in urging the Minister of Canadian Heritage and the President/CEO of Canada Post to maintain the current Canada Post library rate be received for information.

Maureen Surkan, re Walkers Animal Rescue Centre – 1810 Nevan Brae Road – Area A. (All Directors – One Vote)

That the correspondence from Ms. Surkan with respect to her support of the Walker Animal Rescue Centre and the need for the service it provides be received.

COMMUNITY SERVICES

Establishment of a New Service to Manage Hogweed as a Noxious Weed. (All Directors – One Vote)

1. *That the report, "Establishment of a Service to Manage Hogweed as a Noxious Weed" be received.*

2. *That the Regional District of Nanaimo not establish a new service to manage hogweed.*

RECREATION & PARKS

Lighthouse Community Centre Society Request for Funding – Area H. (All Directors – Weighted Vote)

That the Regional District enter into an Agreement with the Lighthouse Community Centre Society to provide funding assistance over four years for capital improvements, with \$15,000 to be allocated in 2004 and subsequent years assistance to be confirmed through consultation with the Society and annual Regional District budget approvals.

Nanaimo Area Land Trust Funding Request. (All Directors – One Vote)

That the report on the Nanaimo Area Land Trust request for \$16,000 in core funding in 2004 from the Regional District, be received.

That the NALT request for \$16,000 in core funding be referred to the Budget Committee meeting.

REGIONAL GROWTH MANAGEMENT

Regional Context Statements – Content & Review Process. (All Directors except EA 'B' – One Vote)

1. *That the report "Regional Context Statements: Content & Review Process" be received.*
2. *That the proposed framework for developing the content of regional context statements for inclusion in municipal and electoral area official community plans, to satisfy the requirements of the Local Government Act and "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1309", be supported as presented in Attachment 1.*
3. *That the proposed process for developing and considering regional context statements for inclusion in municipal and electoral area official community plans and for confirming continued acceptance of regional context statements, to satisfy the requirements of the Local Government Act and "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1309", be supported as presented in Attachments 2 to 4.*

CORPORATE SERVICES

ADMINISTRATION

Establishing Bylaw Amendments – District of Lantzville Incorporation:

Recycling and Compulsory Collection Local Service Amendment Bylaw No. 793.02. (All Directors – One Vote)

That "Recycling and Compulsory Collection Local Service Amendment Bylaw No. 793.02, 2004" be introduced for first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

RDN District 68 E-911 Extended Service Area Amendment Bylaw No. 887.02.
(All Directors - One Vote)

That "Regional District of Nanaimo District 68 E-911 Extended Service Area Amendment Bylaw No. 887.02, 2004" be introduced for first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

RDN Pump & Haul Local Service Area Amendment Bylaw No. 975.31. (All Directors - One Vote)

That "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.31, 2004" be introduced for first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

Solid Waste Management Local Service Amendment Bylaw No. 792.01. (All Directors - One Vote)

That "Solid Waste Management Local Service Amendment Bylaw No. 792.01, 2004" be introduced for first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

Southern Community Recreation Local Service Area Amendment Bylaw No. 1059.03. (All Directors - One Vote)

That "Southern Community Recreation Local Service Area Amendment Bylaw No. 1059.03, 2004" be introduced for first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

Southern Community Transit Service Area Amendment Bylaw No. 1230.02.
(All Directors - One Vote)

That "Southern Community Transit Service Area Amendment Bylaw No. 1230.02, 2004" be introduced for first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

Certified Population Figures - District of Lantzville. (All Directors - One Vote)

That the report regarding the certified population figures for Lantzville be received for information.

FINANCE

San Pareil Water Service Security Issuing Bylaw No. 1367.

(All Directors - Weighted Vote)

1. *That "Regional District of Nanaimo (San Pareil Water Service) Security Issuing Bylaw No. 1367, 2004" be introduced for first three readings.*

(All Directors – 2/3)

2. That "Regional District of Nanaimo (San Pareil Water Service) Security Issuing Bylaw No. 1367, 2004" having received three readings be adopted and forwarded to the Ministry of Community, Aboriginal and Women's Services for a Certificate of Approval.

2004 Parcel Tax Rolls. (All Directors – 2/3)

1. That "Regional District of Nanaimo Assessment Roll Preparation Bylaw No. 1366, 2004" be introduced for first three readings.
2. That "Regional District of Nanaimo Assessment Roll Preparation Bylaw No. 1366, 2004" having received three readings, be adopted.

2004 Revenue Anticipation Borrowing Bylaw No. 1368.

(All Directors – Weighted Vote)

1. That "Regional District of Nanaimo 2004 Revenue Anticipation Borrowing Bylaw No. 1368, 2004" be introduced for first three readings.

(All Directors – 2/3)

2. That "Regional District of Nanaimo 2004 Revenue Anticipation Borrowing Bylaw No. 1368, 2004" having received three readings, be adopted.

Ethical Purchasing Principles. (All Directors – One Vote)

That Regional District staff include in future tenders for employee clothing, a term requiring the supplier to certify that they have not knowingly provided products which have been manufactured in factories where children are used as slave labour or under other exploitative circumstances.

Oceanside Place - Multiplex Financing. (All Directors – One Vote)

That the report on multiplex financing be received for information.

ENVIRONMENTAL SERVICES

LIQUID WASTE

Pump and Haul Local Service Area Amendment Bylaw No. 975.33 – 180 Burne Road – Area H. (All Directors – One Vote)

1. That the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to include 180 Burne Road, Bowser (Deep Bay Harbour Authority).
2. That "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.33, 2004" be read three times and forwarded to the Inspector of Municipalities for approval.

Greater Nanaimo Pollution Control Centre Biosolids Composting Quote Results. (All Directors – One Vote)

That this item be deferred to allow for District of Lantzville and Regional District staff to meet on this issue and to allow time for review by District of Lantzville Council and further that, following these meetings, a report be forwarded to the Board for consideration.

SOLID WASTE

Policy for Solid Waste Disposal Fee Waiver Requests. (All Directors – Weighted Vote)

That staff be directed to prepare a policy that retains the illegal dumping clean up protocol and provides options for existing no-charge accounts.

That staff be directed to send a letter to the Salvation Army advising them that their request for tipping fee relief for construction and demolition debris from their new facility cannot be supported.

UTILITIES

Unconfined Aquifer Protection Resolution. (All Directors – One Vote)

That the Board advance the following resolution to AVICC and UBCM:

WHEREAS the Regional District of Nanaimo has previously advanced a resolution to AVICC/UBCM expressing support for new provincial groundwater protection legislation and identifying a need for the province to provide the resources and initiative to implement its legislative responsibility and authority for the province's groundwater resource;

AND WHEREAS it is recognized that although groundwater protection legislation should address all groundwater resources in the province, some areas of the province are underlain by unconfined aquifers that may be more vulnerable to contamination from certain surface activities and if these aquifers become contaminated, they may require a long time or substantial costs to resolve the impact;

THEREFORE BE IT RESOLVED THAT the Province, in enacting groundwater protection legislation, insure that the regulatory and operational requirements that apply to the commercial, industrial and development sectors are sufficiently prescriptive and will be effectively administered and enforced to protect the Province's unconfined aquifers from contamination.

French Creek Sewer LSA Bylaw No. 813.28 and Northern Community Sewer LSA Bylaw No. 889.24 – 792 Reid Road – Area G. (All Directors – One Vote)

- 1. That "French Creek Sewer Local Service Area Amendment Bylaw No. 813.28, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*
- 2. That "Northern Community Sewer Local Service Area Amendment Bylaw No. 889.24, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*

COMMISSION, ADVISORY & SELECT COMMITTEE

Electoral Area 'B' Parks & Open Space Advisory Committee. (All Directors – One Vote)

That the minutes of the Electoral Area 'B' Parks & Open Space Advisory Committee meeting held November 3, 2003 be received for information.

Regional Waste Advisory Committee. (All Directors – One Vote)

That the minutes of the Regional Waste Advisory Committee meeting held December 4, 2003 be received for information.

District 69 Recreation Commission.

(All Directors – One Vote)

That the minutes of the District 69 Recreation Commission meeting held January 13, 2004 be received for information.

(Parksville, Qualicum Beach, Electoral Areas 'F', 'G', 'H' – Weighted Vote)

That the Ravensong Aquatic Steam Room/Dry Sauna project be approved for tender.

Intergovernmental Advisory Committee. (All Directors – One Vote)

That the minutes of the Intergovernmental Advisory Committee meeting held January 14, 2004 be received for information.

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Library Book Rate Petition. (Electoral Area Directors - Weighted Vote)

That the Regional District of Nanaimo advise the Minister of Canadian Heritage of the Regional District's support for the maintenance of the Canada Post library rate and the inclusion of informational, recreational and educational audiovisual materials in the library rate.

7.3 EXECUTIVE STANDING COMMITTEE

7.4 COMMISSIONS

7.5 SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

Appointment to Nanaimo Airport Commission. (All Directors – One Vote)

That Brian Smith be appointed to the Nanaimo Airport Commission for a term ending April, 2005.

Electoral Area 'A' Parks & Greenspace Advisory Committee. (All Directors – One Vote)

That Margaret Johnson be appointed to the Electoral Area 'A' Parks & Greenspace Advisory Committee for a term ending December 31, 2005.

8. ADMINISTRATOR'S REPORT

- 37-39 Regional Growth Management Services Public Workshops: Sustainability & Drinking Water Protection. (All Directors – One Vote)
- 40-47 Liquid Waste Management Southern Community Local Service Area Function Review. (All Directors - One Vote)
- 48-50 Solid Waste Management Costs. (All Directors – One Vote)
- 51-53 Repeal Structure Removal Bylaw No. 1362 - Unsafe Building – 4025 West Island Highway - Area G. (All Directors – One Vote)
- 54-58 Bylaw Contravention - Unsightly Premises – Littlewood – 2406 Nanoose Beach Road – Area E. (All Directors – One Vote)
- 59-62 Bylaw Contravention - Unsightly Premises – Beavan/Lackie - 3030 Barnes Road – Area A. (All Directors – One Vote)
- 63-93 Electoral Area 'F' Zoning & Subdivision Bylaw No. 1285 – 'Finetuning Project'. (Electoral Area Directors except EA 'B' – One Vote)
- 94-95 Permissive Tax Exemption Request. (All Directors – Weighted Vote)

9. ADDENDUM

10. BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

11. NEW BUSINESS

12. BOARD INFORMATION (Separate enclosure on blue paper)

13. ADJOURNMENT

14. IN CAMERA

That pursuant to section 242.2(1)(a), (c) and (h) of the Local Government Act the Board proceed to an In Camera meeting to consider personnel issues, employee negotiations and legal matters.

I, **Geraldine Babiy**, of **2880 Alberni Hwy. Qualicum Beach** would like to make a submission to the Board of Directors at the meeting to be held on **Tuesday, February 10, 2004** in the matter of the rezoning of **Lot A District 143 Nanoose** (situated in **Cameron District**) **VIP75255 (2701 Alberni Hwy)**

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE REGULAR MEETING OF THE BOARD
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, JANUARY 13, 2004, AT 7:00 PM IN THE
RDN BOARD CHAMBERS**

Present:

Director J. Stanhope	Chairperson
Director H. Kreiberg	Electoral Area A
Director G. Lund	Electoral Area B
Director F. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
Director P. Bibby	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H
Director R. Longmuir	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Director C. Haime	District of Lantzville
Director G. Korpan	City of Nanaimo
Director R. Cantelon	City of Nanaimo
Director T. Krall	City of Nanaimo
Director L. Sherry	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

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

DELEGATIONS

MOVED Director D. Haime, SECONDED Director Holdom, that Mr. Atkinson be permitted to address the Board as a late delegation.

CARRIED

Steve Atkinson, re Jameson Road Quarry – Area D.

Mr. Atkinson updated Board members with respect to the legal action on the Jameson Road quarry and urged the Board to proceed with enforcing the zoning bylaw.

BOARD MINUTES

MOVED Director Krall, SECONDED Director McNabb, that the minutes of the Board meeting held on December 9, 2003 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

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

MOVED Director Bibby, SECONDED Director Longmuir, that the correspondence from the City of Parksville with respect to the appointment of their representative to the District 69 Recreation Commission be received.

CARRIED

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

MOVED Director Bibby, SECONDED Director Longmuir, that the correspondence from the City of Parksville with respect to City of Parksville's appointment to the Arrowsmith Water Service Management Committee be received.

CARRIED

Twyla Johnson, Town of Qualicum Beach, re District 69 Recreation Commission Appointment.

MOVED Director Bibby, SECONDED Director Longmuir, that the correspondence from the Town of Qualicum Beach with respect to the appointment of their representative to the District 69 Recreation Commission be received.

CARRIED

UNFINISHED BUSINESS

From the Board meeting held October 14, 2003.

Covenant Amendment Proposal – Culverden Holdings (Arbutus Meadows) – 1515 Island Highway East – Area E.

MOVED Director Bibby, SECONDED Director Hamilton, that the staff report providing an update on the proposed Covenant amendment to facilitate expanded public assembly events on the subject property be received.

CARRIED

MOVED Director Bibby, SECONDED Director Hamilton, that the Board grant final approval for the proposed Covenant amendment to facilitate expanded public assembly events on the subject property subject to the Conditions of Approval outlined in Schedule No. 1 and the amended Covenant.

CARRIED

Public Hearings.

Report of the Public Hearing held January 5, 2004 with respect to Electoral Area 'H' Official Community Plan Bylaw No. 1335.

MOVED Director Bartram, SECONDED Director Biggemann, that the report of the Public Hearing containing the Summary and Submissions of the Public Hearing held Monday, January 5, 2004, together with all written submissions to the Public Hearing on the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" be received.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" be granted 3rd reading with minor amendments as recommended in Schedule No. 1 of the staff report and with the following amendments:

1. Under the heading of "Legal Opinion" point no. 7, add the words "Policy 2" after the words "Section 2.5".
2. Under the heading of "Legal Opinion" delete points no. 10 and 11.
3. Under the heading of "Legal Opinion" point no. 12, add the words "In addition, Appendix A titled Development Permit areas, is considered part of the Electoral H OCP and are 'regulatory' bylaws pursuant to the *Local Government Act*" to Section 1.5 at the end of the paragraph.
4. Under the heading of "Legal Opinion" point 13, delete the reference to Guidelines 15, 16 and 17 and insert in their place, Guideline No. 1.

CARRIED

MOVED Director Bartram, SECONDED Director Hamilton, that the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" be forwarded to the Ministry of Community, Aboriginal and Women's Services for consideration of approval.

CARRIED

Report of the Public Hearing held January 7, 2004 with respect to Electoral Area 'F' Zoning Bylaw No. 1285.01.

MOVED Director Biggemann, SECONDED Director Hamilton, that the report of the Public Hearing containing the Summary of the Minutes of the Public Hearing held Wednesday, January 7, 2004 at 7:00 pm, together with all written submissions to the Public Hearing on the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003" be received.

CARRIED

MOVED Director Biggemann, SECONDED Director Bibby, that "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003" be referred to the next regular Board meeting for the consideration of amendments and to be reintroduced at 1st and 2nd reading as amended and be referred to a public hearing.

CARRIED

BYLAWS

For Adoption.

Bylaw No. 975.30.

MOVED Director Hamilton, SECONDED Director Sherry, that "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.30, 2003" be adopted.

CARRIED

ADMINISTRATOR'S REPORT

Pump & Haul Local Service Area Amendment Bylaw No. 975.32 – T. Bates – 3794 Mallard Place – Area E.

MOVED Director Sherry, SECONDED Director Cantelon, that the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to include 3794 Mallard Place (Bates).

CARRIED

MOVED Director Sherry, SECONDED Director Krall, that "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.32, 2004" be read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS

ELECTORAL AREA PLANNING STANDING COMMITTEE

MOVED Director Hamilton, SECONDED Director Bibby, that the minutes of the Electoral Area Planning Committee meeting held December 9, 2003 be received for information.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

DP Application No. 60354 – French Creek Estates Ltd. – Columbla Drive –Area G.

MOVED Director Hamilton, SECONDED Director Bibby, that Development Permit Application No. 60354, submitted by W.R. Colclough, Agent, on behalf of French Creek Estates, to relax the minimum setback requirement for three corner lots within a Residential 5 (RS5) zone as set out in Schedule No. 3 of this staff report, for the property legally described as Lots 1 and 2, District Lot 28, Nanoose District, Plan VIP62528, be denied.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

DVP Application No. 90320 & Request for Relaxation of the Minimum 10% Perimeter Frontage Requirement – W.R. Colclough & Associates Ltd. on Behalf of Land & Water BC – Trans Canada Highway & Klpp Road – Area A.

MOVED Director Kreiberg, SECONDED Director Hamilton, that this application be deferred for 30 days.

CARRIED

SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

Electoral Area 'A' Parks & Greenspace Advisory Committee.

MOVED Director Hamilton, SECONDED Director Cantelon, that Lynnette Aldcroft, Joe Materi and Barbara Metcalf be appointed to the Electoral Area 'A' Parks & Greenspace Advisory Committee for a term ending December 31, 2005.

CARRIED

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

MOVED Director Hamilton, SECONDED Director Cantelon, that Mable Klee and Inger Weber be appointed to the Electoral Area 'G' Parks & Open Space Advisory Committee for a term ending December 31, 2005.

CARRIED

Nanoose Bay Parks & Open Space Advisory Committee.

MOVED Director Hamilton, SECONDED Director Cantelon, that Elisabeth Bakker, Debbie Kuhn and Arthur Lightburn be appointed to the Nanoose Bay Parks & Open Space Advisory Committee for a term ending December 31, 2005.

CARRIED

Grants-in-Aid Committee.

MOVED Director Hamilton, SECONDED Director Cantelon, that Deborah Bromley-Anvelt and Frank Van Eynde be appointed to the Grants-in-Aid Committee for a term ending December 31, 2004.

CARRIED

District 69 Recreation Commission.

MOVED Director Bartram, SECONDED Director Cartelon, that the minutes of the District 69 Recreation Commission meeting held December 11, 2003 be received for information.

CARRIED

2004 Board Appointments.

The Chairperson confirmed the following appointments to the Scheduled Standing Committees for the year 2004:

Arrowsmith Water Project Management Committee – J. Stanhope, P. Bibby, Alternate.

Deep Bay Harbour Authority – D. Bartram.

District 69 Recreation Commission – D. Bartram, L. Biggemann, Alternate.

Island Corridor Foundation – J. Stanhope.

Mt. Arrowsmith Biosphere Foundation – P. Bibby.

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

Municipal Insurance Association (MIA) – L. McNabb.

North Island 911 Corporation – J. Stanhope, T. Westbrook, Alternate.

RDN Emergency Planning Committee – L. Biggemann, H. Kreiberg, Alternate.

Regional Library Board – P. Bibby, H. Kreiberg, Alternate.

Treaty Advisory Committee – E. Hamilton, H. Kreiberg, Alternate.

Vancouver Island Generation Project Committee – G. Lund, H. Kreiberg, Alternate.

VI Health Authority Project Building Committee – L. Sherry, J. Stanhope, Alternate.

VI Health Authority Joint Capital Planning Committee – T. Krall, E. Hamilton, Alternate.

MOVED Director Korpan, SECONDED Director Bartram, that the Board Appointments to the 2004 Regional District of Nanaimo Standing, Select and Advisory Committees be received for information.

CARRIED

ADMINISTRATOR'S REPORT

Appointment of Animal Control Officer.

MOVED Director Cantelon, SECONDED Director Westbrook, that the Board appoint, by resolution, Terry Norma Prosser, Parksville/Qualicum Beach & District SPCA as a Bylaw Enforcement Officer for the specific purpose of enforcing Regional District of Nanaimo Animal Control and Licensing Bylaws.

CARRIED

Landfill Track Loader – Tender Award.

MOVED Director Sherry, SECONDED Director McNabb, that the contract for the lease of a landfill track loader be awarded to Finning (Canada) Ltd.

CARRIED

Electoral Area 'F' Zoning & Subdivision Bylaw No. 1285 – Finetuning Project – ALR Properties.

MOVED Director Biggemann, SECONDED Director Bibby, that the staff report on the revised Electoral Area 'F' Zoning Bylaw Finetuning Project be received.

CARRIED

MOVED Director Biggemann, SECONDED Director Hamilton, that the revised Schedule (*Attachment No. 2*) be endorsed by the Board.

CARRIED

Financing Bylaw & Resolution for District 69 Arena Service – Interim Financing (District 69 Arena Service) Bylaw No. 1369 and (District 69 Arena Service) Security Issuing Bylaw No. 1365.

MOVED Director Cantelon, SECONDED Director Bartram, that "Regional District of Nanaimo Interim Financing (District 69 Arena Service) Bylaw No. 1369, 2004" be introduced for first three readings.

CARRIED

MOVED Director Cantelon, SECONDED Director Longmuir, that "Regional District of Nanaimo Interim Financing (District 69 Arena Service) Bylaw No. 1369, 2004" having received three readings, be adopted.

CARRIED

MOVED Director Cantelon, SECONDED Director Longmuir, that "Regional District of Nanaimo (District 69 Arena Service) Security Issuing Bylaw No. 1365, 2004" be introduced for first three readings.

CARRIED

MOVED Director Cantelon, SECONDED Director Bartram, that "Regional District of Nanaimo (District 69 Arena Service) Security Issuing Bylaw No. 1365, 2004" having received three readings be adopted and forwarded to the Ministry of Community, Aboriginal and Women's Services for a Certificate of Approval.

CARRIED

MOVED Director Cantelon, SECONDED Director Westbrook, that the resolution in the form attached to the staff report, authorizing the Manager, Financial Services to arrange a revolving loan facility with the Municipal Finance Authority be approved.

CARRIED

MOVED Director Westbrook, SECONDED Director McNabb, that staff be authorized to enter into short term financing arrangements with the Town of Qualicum Beach at its option, under the same terms and conditions as those outlined in this report.

CARRIED

NEW BUSINESS

Policing Costs.

MOVED Director Bartram, SECONDED Director Bibby, that the following resolution be submitted to AVICC and UBCM:

WHEREAS the Province of BC has determined that electoral areas and municipalities under a population of 5,000 will contribute towards the cost of rural police financing beginning in 2007 as stated by the Solicitor General at the 2003 UBCM Convention;

AND WHEREAS the UBCM has committed to working with the Ministry and the RCMP to establish a committee and develop a best practice guide to ensure input from small communities and rural areas in the delivery of local police services;

THEREFORE BE IT RESOLVED that any tax to be levied be negotiated by UBCM with the Province of BC based on the following principles:

- a) That any formula implemented to recover policing costs be based on the principle of fairness and equity, in which all regional districts are treated equally and contribute to policing by paying their share based upon the service provided and not through an 'ability to pay' formula;
- b) That any tax to be implemented by the province to cover policing costs be identified as a provincial policing cost tax and not a regional district tax for the purpose of collection;
- c) That community policing remain the responsibility of the province but that a formal mechanism be developed for local government, municipalities and electoral areas, to act in an advisory capacity of policing issues affecting local communities; and
- d) That approximately 30% of the Provincial Rural Tax levied on the Rural Property Tax Notice be acknowledged as part of any electoral area tax contribution for community policing in each regional district.

CARRIED

Unconfined Aquifer Protection.

MOVED Director Bartram, SECONDED Director Bibby, that the following resolution be submitted to AVICC and UBCM:

WHEREAS aquifers are a major source of water for all life in British Columbia and that unconfined aquifers are particularly vulnerable to contamination that could destroy this valuable source of water for thousands of years;

THEREFORE BE IT RESOLVED that the Province of British Columbia enact legislation to protect known unconfined aquifers from damaging herbicides, pesticides, farm techniques, forestry techniques and storm water/drainage management practices.

MOVED Director D. Haime, SECONDED Director Sherry, that this item be deferred and that staff prepare a report to be considered at the January 27, 2004 Committee of the Whole meeting.

CARRIED

Police Financing.

MOVED Director Bibby, SECONDED Director Bartram, that staff prepare an update report on the options available to the RDN for participating in and influencing provincial discussions regarding police financing.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 7:40 PM

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE BOARD SEMINAR
HELD ON TUESDAY, JANUARY 13, 2004, AT 7:50 PM
IN THE RDN BOARD CHAMBERS

Present:

Director J. Stanhope	Chairperson
Director H. Kreiberg	Electoral Area A
Director G. Lund	Electoral Area B
Director E. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
Director P. Bibby	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H
Director R. Longmuir	City of Parksville
Director T. Westbrook	Town of Qualicum Beach
Director C. Haime	District of Lantzville
Director G. Korpan	City of Nanaimo
Director R. Cantelon	City of Nanaimo
Director T. Krall	City of Nanaimo
Director L. Sherry	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

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

PRESENTATIONS

2004 Proposed Annual Budgets.

Development Services.

The General Manager of Development Services provided an overview of the 2004 Development Services Budgets.

Environmental Services.

The General Manager of Environmental Services provided an overview of the 2004 Environmental Services budgets.

Corporate Services.

The General Manager of Corporate Services provided an overview of the 2004 Corporate Services budgets.

Upcoming Budget Meetings.

The Chief Administrative Officer reminded the Board of upcoming budget meetings.

ADJOURNMENT

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

CARRIED

TIME: 9:20 PM

Chairperson

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE SPECIAL BOARD MEETING
HELD ON TUESDAY, JANUARY 27, 2004, AT 8:13 PM
RDN BOARD CHAMBERS**

Present:

Director J. Stanhope	Chairperson
Director H. Kreiberg	Electoral Area A
Director G. Lund	Electoral Area B
Director E. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
Director P. Bibby	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H
Director R. Longmuir	City of Parksville
Director T. Westbrook	Town of Qualicum Beach
Director C. Haime	District of Lantzville
Director L. Sherry	City of Nanaimo
Director L. McNabb	City of Nanaimo
Alternate	
Director D. Tyndall	City of Nanaimo
Director T. Krall	City of Nanaimo
Director G. Korpan	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

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

ADMINISTRATOR'S REPORT

Coombs-Hilliers Fire Protection Loan Authorization Bylaw No. 1370 & Coombs-Hilliers Fire Protection Local Service Area Requisition Amendment Bylaw No. 1022.03.

MOVED Director Biggemann, SECONDED Director Krall, that voter assent by alternative approval process be used for the purpose of authorizing borrowing and amending the requisition limit for the Coombs-Hilliers Fire Protection Local Service Area.

CARRIED

MOVED Director Biggemann, SECONDED Director Krall, that the number of electors for the purposes of the alternative approval process be established at 1,700 and that the elector response form attached be approved.

CARRIED

MOVED Director Biggemann, SECONDED Director Krall, that "Regional District of Nanaimo (Coombs-Hilliers Fire Protection) Loan Authorization Bylaw No. 1370, 2004" be introduced for first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

CARRIED

MOVED Director Biggemann, SECONDED Director Krall, that "Coombs-Hilliers Fire Protection Local Service Area Requisition Amendment Bylaw No. 1022.03, 2004" be introduced for first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 8:20 PM

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

February 3, 2004

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

Fax: 250 390-7511

Subject: Development Variance Permit Application No. 90324 - 5058 Longview Drive,
Lot #43, District Lot 28, Plan 22249, Newcastle District

In reply to the variance application for the above noted property, we feel that the variances applied for are too excessive, and a dangerous precedent will be set if the variances are approved.

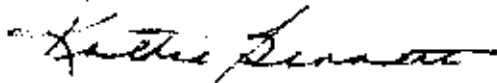
We feel this application should not be approved as submitted.

We would also request that we receive confirmation of receipt of this letter.

Yours truly,



Glen O. Bennett



Kathleen J. Bennett
RR#1, Site 152, C44,
5051 Longview Drive,
Bowser, B.C.
V0R 1G0

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, JANUARY 27, 2004, AT 6:00 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director E. Hamilton	Chairperson
Director H. Kreiberg	Electoral Area A
Director D. Haime	Electoral Area D
Director P. Bibby	Electoral Area E
Director L. Biggemann	Electoral Area F
Director Joe Stanhope	Electoral Area G
Director D. Bartram	Electoral Area H

Also in Attendance:

B. Lapham	General Manager, Development Services
P. Shaw	Manager of Community Planning
N. Torn	Recording Secretary

MINUTES

MOVED Director Bibby, SECONDED Director Biggemann, that the minutes of the Electoral Area Planning Committee meeting held December 9, 2003 be adopted.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. ZA0313 – Stocombe – Parker Way & Ted's Road – Area E.

MOVED Director Bibby, SECONDED Director Bartram,:

1. That the minutes of the Public Information Meeting held on January 14, 2004 be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.298, 2004" be given 1st and 2nd reading.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.298, 2004" proceed to public hearing.
4. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.298, 2004" be delegated to Director Bibby or her alternate.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Director Bibby left the meeting citing a possible conflict of interest.

DP Application No. 60358 – Smith & Tomei/Timberlake Jones – Clayton Crescent – Area E.

MOVED Director Stanhope, SECONDED Director Kreiberg, that Development Permit No. 60358, submitted by Timberlake Jones Engineering on behalf of T. Smith & N. Tomei, for the protection of an eagle nest tree designated within the Sensitive Ecosystem Development Permit Area, in conjunction with the proposed subdivision of the parcel legally described as Lot 3, District Lot 52, Nanoose District, Plan VIP67511, be approved, subject to the requirements outlined in Schedule Nos. 1, 2 and 3.

CARRIED

Director Bibby returned to the meeting.

DP Application No. 60359 – Horne Lake Strata Corp. – Finholm – Strata Lot 313 Horne Lake – 2498 Shady Lane – Area H.

MOVED Director Bartram, SECONDED Director Stanhope, that Development Permit Application No. 60359, submitted by the agent, Keith Finholm, on behalf of Horne Lake Land Corporation, for the property legally described as Strata Lot 313, District Lot 251, Alberni District, Strata Plan VIS5160, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V, requesting to relax the minimum setback requirements for all watercourses except Horne Lake from 15.0 metres from the top of bank to 5.0 metres in order to accommodate the siting of a recreational residence with deck and porch, and an accessory building, be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

DVP No. 0304 – Revislon – Melvyn – Seaview Drive – Area H.

The Chairperson noted that this application has been withdrawn.

DVP No. 90324 – Eddy – 5058 Longview Drive – Area H.

MOVED Director Bartram, SECONDED Director Stanhope, that Development Variance Permit Application No. 90324, submitted by Diane Eddy and Nelson Eddy, to legalize the existing accessory buildings and structures within a Residential 2 (RS2) zone by varying the minimum permitted setbacks for lot lines and for a watercourse, as shown in Schedule No. 3 of this staff report, for the property legally described as Lot 43, District Lot 28, Newcastle District, Plan 22249, be approved subject to the conditions outlined in Schedule No. 1 and subject to the notification procedures pursuant to the *Local Government Act*.

CARRIED

DVP No. 90325 – Green – Martindale Road – Area G.

The General Manager of Development Services noted that Schedule 1 to DVP Application No. 90325 be amended as follows:

- (a) Item number 5 be removed.
- (b) The words "within 30 metres" be deleted and replaced with "within 20 metres" in Item No. 6.

MOVED Director Stanhope, SECONDED Director Bibby, that Development Variance Permit No. 90325, submitted by Dale Green and Peggy Green, to facilitate the development of a single dwelling unit within a Rural 1 (RU1) zone by varying the minimum permitted setback to the south lot line from 8.0 metres to 4.0 metres, for the property legally described as Lot 9, District Lot 128, Nanoose District, Plan 20938, be approved as amended, subject to notification procedures pursuant to the *Local Government Act* and subject to the conditions outlined in Schedule No. 1.

CARRIED

DVP No. 90326 & Request for Minimum 10% Frontage Requirement – RK Brown & Associates on behalf of Wayne Roine – Farrar, Yellow Point & McQuarrie Roads – Area A.

MOVED Director Kreiberg, SECONDED Director Biggemann, that the request, submitted by RK Brown, on behalf of Wayne Roine to relax the minimum 10% frontage requirement for the Proposed Lot 1, as shown on the revised plan of subdivision of The East 20 Chains of Section 5, Range 5, Cedar District, Except Parcel C (DD2340N) and Except That Part in Plan 8609 and to allow the creation of a non-contiguous parcel in conjunction with the proposed 3-lot subdivision, be approved subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

DVP No. 90401 – Sertic Simmons (Jorgensen) – 3525 Shetland Place – Area E.

MOVED Director Bibby, SECONDED Director Stanhope, that Development Variance Permit Application No. 90401, submitted by the agent, Peter Jorgensen, on behalf of Marijan Sertic and Renate Dawn Simmons, for the property legally described as Strata Lot 48, District Lot 78, Nanoose District, Strata Plan VIS3393 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1 to:

- a) Relax the minimum setback requirements for the front lot line from 8.0 metres to 2.85;
- b) Relax the minimum setback requirements for the west interior side lot line from 2.0 metres to 0.0 metres;

in order to accommodate the siting of a riprap retaining wall be approved subject to the conditions outlined in Schedules No. 1 and 2 and subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

OTHER

Aquaculture – Official Community Plan & Zoning Amendment Issues & Public Consultation Strategy.

MOVED Director Stanhope, SECONDED Director Kreiberg,:

1. That the staff report on Aquaculture containing the minutes of the Public Consultation Strategy be received.
2. That staff arrange a public information meeting to present the draft zoning bylaws and OCP policy amendments to the public, government agencies and the shellfish industry.
3. That staff prepare official referrals for the proposed amendments and forward them to the agencies listed in the Public Consultation Framework.

4. That staff contact those landowners on the list supplied by MAFF that have an existing aquaculture facility on non-ALR land for comments on the proposed site specific zoning amendment for these properties.

CARRIED

MOVED Director Bartram, SECONDED Director Bibby, that the existing definition of aquaculture pursuant to RDN Subdivision and Land Use Bylaw No. 500, 1987 be expanded to specific types of aquaculture so that no confusion exists between various types of aquaculture that will or will not be permitted in the RDN land use regulations.

CARRIED

MOVED Director Bartram, SECONDED Director Bibby, that the siting criteria or guidelines in OCP policies for considering zoning amendments to facilitate more intensive aquaculture development including seafood processing and zoning amendment applications for new sites outside identified areas proposed in the staff report be reviewed with appropriate federal and provincial ministries to ensure consistency and concurrence and to ensure no duplication of the requirements.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that the proposal in the report to reduce noise and visual impacts for upland owners and provide a safer environment for employees by encouraging shellfish growers to conduct their operations in a building rather than on vessels or outside on decks on the lease area be strengthened by not only expanding the building envelope in the RDN land use bylaw but entering into discussion with the Shellfish Growers Association and the provincial ministry to have them endorse this best practice policy.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that the RDN enter into a review of the existing Memorandum of Understanding with LWBC to ensure they provide a referral on any proposed aquaculture leases in the RDN, to include any public notification requirements in appropriate local newspapers.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that the RDN enter into a Memorandum of Understanding with the Ministry of Agriculture on various types of aquaculture best practices.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that Schedule No. 2 policy proposal "New Aquaculture Development" be held in abeyance until after discussion with appropriate federal and provincial ministries to ensure consistency and concurrence and to ensure no duplication of the stated information requirements.

CARRIED

MOVED Director Bartram, SECONDED Director Stanhope, that Schedule No. 2 be amended to read "Electoral Area 'H' Bylaw No. 1335, 2003" – Section 5.2 – "Resource Lands" and Section 5.3, "Rural Lands", at the bottom of the Schedule.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that the General Manager of Development Services begin individual discussions with RDN Directors on possible OCP map zoning amendments prior to beginning public information meetings.

CARRIED

Intergovernmental Advisory Committee.

The General Manager of Development Services presented a visual and verbal report on the Intergovernmental Advisory Committee.

MOVED Director Bibby, SECONDED Director Stanhope, that the report "Intergovernmental Advisory Committee" be received.

CARRIED

Nanoose Bay Official Community Plan – Terms of Reference – Area E.

MOVED Director Bibby, SECONDED Director Stanhope,:

1. That the staff report on the Nanoose Bay Official Community Plan Terms of Reference be received.
2. That the Nanoose Bay Official Community Plan Terms of Reference (*Attachment No. 1*) be endorsed by the Board.

CARRIED

NEW BUSINESS

Board of Variance.

MOVED Director Stanhope, SECONDED Director Bartram, that staff be directed to prepare a report on the Board of Variance's authority and make recommendations on possible revisions to the public information guide, fees and relationship to the RDN development variance permit process; and further that this report be presented to the Board following the Province's Board of Variance seminar.

CARRIED

MOVED Director Bibby, SECONDED Director Bartram, that staff review and report back to Committee on policies with respect to retrospective variance applications.

CARRIED

ADJOURNMENT

MOVED Director Kreiberg, SECONDED Director Bibby, that this meeting terminate.

CARRIED

TIME: 6:56 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON TUESDAY, JANUARY 27, 2004, AT 7:00 PM IN THE RDN BOARD CHAMBERS

Present:

Director J. Stanhope	Chairperson
Director H. Kreiberg	Electoral Area A
Director G. Lund	Electoral Area B
Director E. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
Director P. Bibby	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H
Director R. Longmuir	City of Parksville
Director T. Westbrook	Town of Qualicum Beach
Director C. Haime	District of Lantzville
Director L. Sherry	City of Nanaimo
Alternate	
Director D. Tyndall	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director G. Korpan	City of Nanaimo
Director T. Krall	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

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

DELEGATIONS

Gail Adrienne, Nanaimo Area Land Trust, re Request for Core Funding.

Ms. Adrienne provided information respecting the role of the Nanaimo and Area Land Trust in the Regional District and their need for core funding. A written hand out was distributed to all Committee members for their information.

MINUTES

MOVED Director Sherry, SECONDED Director McNabb, that the minutes of the regular Committee of the Whole meeting held November 25, 2003 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Tom Krall, Chair, Vancouver Island Regional Library Board, re Library Book Rate Petition.

MOVED Director Krall, SECONDED Director Tyndall, that the correspondence from the Vancouver Island Regional Library Board requesting support in urging the Minister of Canadian Heritage and the President/CEO of Canada Post to maintain the current Canada Post library rate be received for information.

CARRIED

Maureen Surkan, re Walkers Animal Rescue Centre – 1810 Nevan Brae Road – Area A.

MOVED Director McNabb, SECONDED Director Holdom, that the correspondence from Ms. Surkan with respect to her support of the Walker Animal Rescue Centre and the need for the service it provides be received.

CARRIED

COMMUNITY SERVICES

Establishment of a New Service to Manage Hogweed as a Noxious Weed.

MOVED Director Hamilton, SECONDED Director Bibby,:

1. That the report, "Establishment of a Service to Manage Hogweed as a Noxious Weed" be received.
2. That the Regional District of Nanaimo not establish a new service to manage hogweed.

CARRIED

RECREATION & PARKS

Lighthouse Community Centre Society Request for Funding – Area H.

MOVED Director Bartram, SECONDED Director Bibby, that the Regional District enter into an Agreement with the Lighthouse Community Centre Society to provide funding assistance over four years for capital improvements, with \$15,000 to be allocated in 2004 and subsequent years assistance to be confirmed through consultation with the Society and annual Regional District budget approvals.

CARRIED

Nanaimo Area Land Trust Funding Request.

MOVED Director Westbrook, SECONDED Director D. Haime, that the report on the Nanaimo Area Land Trust request for \$16,000 in core funding in 2004 from the Regional District, be received.

CARRIED

MOVED Director Westbrook, SECONDED Director D. Haime, that the NALT request for \$16,000 in core funding be referred to the Budget Committee meeting.

CARRIED

REGIONAL GROWTH MANAGEMENT

Regional Context Statements – Content & Review Process.

MOVED Director Holdom, SECONDED Director Krall,:

1. That the report "Regional Context Statements: Content & Review Process" be received.
2. That the proposed framework for developing the content of regional context statements for inclusion in municipal and electoral area official community plans, to satisfy the requirements of

the *Local Government Act* and "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1309", be supported as presented in Attachment 1.

3. That the proposed process for developing and considering regional context statements for inclusion in municipal and electoral area official community plans and for confirming continued acceptance of regional context statements, to satisfy the requirements of the *Local Government Act* and "Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1309", be supported as presented in Attachments 2 to 4.

CORPORATE SERVICES

CARRIED

ADMINISTRATION

Establishing Bylaw Amendments – District of Lantzville Incorporation:

Recycling and Compulsory Collection Local Service Amendment Bylaw No. 793.02.

MOVED Director C. Haime, SECONDED Director Westbrook, that "Recycling and Compulsory Collection Local Service Amendment Bylaw No. 793.02, 2004" be introduced for first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

CARRIED

RDN District 68 E-911 Extended Service Area Amendment Bylaw No. 887.02.

MOVED Director C. Haime, SECONDED Director Westbrook, that "Regional District of Nanaimo District 68 E-911 Extended Service Area Amendment Bylaw No. 887.02, 2004" be introduced for first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

CARRIED

RDN Pump & Haul Local Service Area Amendment Bylaw No. 975.31.

MOVED Director C. Haime, SECONDED Director Westbrook, that "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.31, 2004" be introduced for first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

CARRIED

Solid Waste Management Local Service Amendment Bylaw No. 792.01.

MOVED Director C. Haime, SECONDED Director Westbrook, that "Solid Waste Management Local Service Amendment Bylaw No. 792.01, 2004" be introduced for first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

CARRIED

Southern Community Recreation Local Service Area Amendment Bylaw No. 1059.03.

MOVED Director C. Haime, SECONDED Director Westbrook, that "Southern Community Recreation Local Service Area Amendment Bylaw No. 1059.03, 2004" be introduced for first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

CARRIED

Southern Community Transit Service Area Amendment Bylaw No. 1230.02.

MOVED Director C. Haime, SECONDED Director Westbrook, that "Southern Community Transit Service Area Amendment Bylaw No. 1230.02, 2004" be introduced for first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

CARRIED

Southern Community Sewer Local Service Area Amendment Bylaw No. 888.03.

MOVED Director Sherry, SECONDED Director McNabb, that "Southern Community Sewer Local Service Area Amendment Bylaw No. 888.03, 2004" be referred back to staff to allow for a joint review by the RDN, the District of Lantzville and the City of Nanaimo and report back to the Committee of the Whole.

CARRIED

Certified Population Figures – District of Lantzville.

MOVED Director Krall, SECONDED Director C. Haime, that the report regarding the certified population figures for Lantzville be received for information.

CARRIED

FINANCE

San Pareil Water Service Security Issuing Bylaw No. 1367.

MOVED Director McNabb, SECONDED Director Sherry,:

1. That "Regional District of Nanaimo (San Pareil Water Service) Security Issuing Bylaw No. 1367, 2004" be introduced for first three readings.
2. That "Regional District of Nanaimo (San Pareil Water Service) Security Issuing Bylaw No. 1367, 2004" having received three readings be adopted and forwarded to the Ministry of Community, Aboriginal and Women's Services for a Certificate of Approval.

CARRIED

2004 Parcel Tax Rolls.

MOVED Director Sherry, SECONDED Director McNabb,

1. That "Regional District of Nanaimo Assessment Roll Preparation Bylaw No. 1366, 2004" be introduced for first three readings.
2. That "Regional District of Nanaimo Assessment Roll Preparation Bylaw No. 1366, 2004" having received three readings, be adopted.

CARRIED

2004 Revenue Anticipation Borrowing Bylaw No. 1368.

MOVED Director Westbrook, SECONDED Director Hamilton,:

1. That "Regional District of Nanaimo 2004 Revenue Anticipation Borrowing Bylaw No. 1368, 2004" be introduced for first three readings.
2. That "Regional District of Nanaimo 2004 Revenue Anticipation Borrowing Bylaw No. 1368, 2004" having received three readings, be adopted.

CARRIED

Ethical Purchasing Principles.

MOVED Director Tyndall, SECONDED Director Holdom, that Regional District staff include in future tenders for employee clothing, a term requiring the supplier to certify that they have not knowingly provided products which have been manufactured in factories where children are used as slave labour or under other exploitative circumstances.

CARRIED

Multiplex Financing.

MOVED Director Westbrook, SECONDED Director Longmuir, that the report on multiplex financing be received for information.

CARRIED

HOSPITAL

Temporary Borrowing Resolution.

MOVED Director Krall, SECONDED Director Sherry, that a short term borrowing authority to a maximum of \$2,000,000 in the form of the resolution attached, be adopted.

MOVED Director Holdom, SECONDED Director Westbrook, that this item be postponed until such time as the staffing issue is resolved at Nanaimo Regional General Hospital.

DEFEATED

The question was called on the main motion.

The motion CARRIED.

ENVIRONMENTAL SERVICES

LIQUID WASTE

Pump and Haul Local Service Area Amendment Bylaw No. 975.33 – 180 Burne Road – Area H.

MOVED Director Barrtram, SECONDED Director McNabb,:

1. That the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to include 180 Burne Road, Bowser (Deep Bay Harbour Authority).
2. That "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.33, 2004" be read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

Greater Nanaimo Pollution Control Centre Biosolids Composting Quote Results.

MOVED Director Sherry, SECONDED Director Tyndall, that Malaspina University-College be awarded the contract for composting biosolids from the Greater Nanaimo Pollution Control Centre for \$50.40 per tonne.

MOVED Director C. Haime, SECONDED Director D. Haime, that this item be deferred to allow for District of Lantzville and Regional District staff to meet on this issue and to allow time for review by District of Lantzville Council and further that, following these meetings, a report be forwarded to the Board for consideration.

CARRIED

SOLID WASTE

Policy for Solid Waste Disposal Fee Waiver Requests.

It was requested that the recommendations be handled seriatim.

MOVED Director Krall, SECONDED Director Longmuir, that staff be directed to prepare a policy that retains the illegal dumping clean up protocol and provides options for existing no-charge accounts.

CARRIED

MOVED Director Sherry, SECONDED Director Hamilton, that staff be directed to send a letter to the Salvation Army advising them that their request for tipping fee relief for construction and demolition debris from their new facility cannot be supported.

CARRIED

UTILITIES

Unconfined Aquifer Protection Resolution.

MOVED Director Bartram, SECONDED Director C. Haime, that the Board advance the following resolution to AVICC and UBCM:

WHEREAS the Regional District of Nanaimo has previously advanced a resolution to AVICC/UBCM expressing support for new provincial groundwater protection legislation and identifying a need for the province to provide the resources and initiative to implement its legislative responsibility and authority for the province's groundwater resource;

AND WHEREAS it is recognized that although groundwater protection legislation should address all groundwater resources in the province, some areas of the province are underlain by unconfined aquifers that may be more vulnerable to contamination from certain surface activities and if these aquifers become contaminated, they may require a long time or substantial costs to resolve the impact;

THEREFORE BE IT RESOLVED THAT the Province, in enacting groundwater protection legislation, insure that the regulatory and operational requirements that apply to the commercial, industrial and development sectors are sufficiently prescriptive and will be effectively administered and enforced to protect the Province's unconfined aquifers from contamination.

CARRIED

French Creek Sewer LSA Bylaw No. 813.28 and Northern Community Sewer LSA Bylaw No. 889.24 – 792 Reid Road – Area G.

MOVED Director Sherry, SECONDED Director Longmuir,:

1. That "French Creek Sewer Local Service Area Amendment Bylaw No. 813.28, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.
2. That "Northern Community Sewer Local Service Area Amendment Bylaw No. 889.24, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

Electoral Area 'B' Parks & Open Space Advisory Committee.

MOVED Director Lund, SECONDED Director D. Haime, that the minutes of the Electoral Area 'B' Parks & Open Space Advisory Committee meeting held November 3, 2003 be received for information.

CARRIED

Regional Waste Advisory Committee.

MOVED Director D. Haime, SECONDED Director Longmuir, that the minutes of the Regional Waste Advisory Committee meeting held December 4, 2003 be received for information.

CARRIED

District 69 Recreation Commission.

MOVED Director Bartram, SECONDED Director Longmuir, that the minutes of the District 69 Recreation Commission meeting held January 13, 2004 be received for information.

CARRIED

MOVED Director Bartram, SECONDED Director Westbrook, that the Ravensong Aquatic Steam Room/Dry Sauna project be approved for tender.

CARRIED

Intergovernmental Advisory Committee.

MOVED Director Sherry, SECONDED Director Biggemann, that the minutes of the Intergovernmental Advisory Committee meeting held January 14, 2004 be received for information.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Library Book Rate Petition.

MOVED Director Krall, SECONDED Director Bibby, that the Regional District of Nanaimo advise the Minister of Canadian Heritage of the Regional District's support for the maintenance of the Canada Post library rate and the inclusion of informational, recreational and educational audiovisual materials in the library rate.

CARRIED

NEW BUSINESS

Nanaimo Regional General Hospital.

MOVED Director Holdom, SECONDED Director Westbrook, that the Board, as a financing authority contributing to the capital costs of the NRGH and acting on behalf of our region's residents strongly urge the parties, including the Provincial Minister, VIHA and the local physicians organization, to ensure that emergency services at NRGH are provided in a secure and dependable manner, and that all disputes threatening this goal be resolved as soon as possible.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 8:12 PM

CHAIRPERSON



JAN 30 2004

MEMORANDUM

CHAIR	GMCrS
CAO	GMDS
GMCmS	GMES

TO: Neil Connelly
General Manager, Community Services

DATE: January 29, 2004

FROM: Christina Thomas
Senior Planner, Community Services

FILE: 6780 50 RDWP
6780 30 SOS

SUBJECT: REGIONAL GROWTH MANAGEMENT SERVICES PUBLIC WORKSHOPS:
SUSTAINABILITY & DRINKING WATER PROTECTION

PURPOSE

The purpose of this report is to provide an update regarding two public workshops - the Sustainability Workshop and the Drinking Water Protection Workshop - that will be conducted as a part of the Regional Growth Management Program this Spring.

BACKGROUND

A Sustainability Workshop and a Drinking Water Protection Workshop are currently being planned by Regional Growth Management Services staff. An update is provided about these workshops.

Sustainability Workshop

The Sustainability Workshop will be held on Saturday, April 3, 2004 at the Coast Bastion Inn.

The Sustainability Workshop is being conducted as a part of the State of Sustainability Project approved by the Board in 2003. The purposes of the Project are: [1] to assess the region's progress towards sustainability; [2] to make residents aware of the region's progress towards sustainability; and [3] to provide more and better opportunities to involve residents in that assessment. The Project includes work with the Regional Growth Monitoring Advisory Committee (RGMAC) to: [1] conduct a public event to discuss what sustainability means in the context of the Nanaimo region; [2] confirm an indicator set; [3] report about the sustainability of the region; [4] conduct a public event to discuss the results of that report; and [5] develop and implement a Regional Sustainability Awards Program. The RGMAC includes Director Bill Holdom (Chair), Director David Bartram (Deputy Chair), and nine residents appointed by the Board¹.

The purposes of the Sustainability Workshop are:

- To raise public awareness about sustainability, the RDN role in advancing sustainability, the regional growth strategy as a tool to promote sustainability, and the assessment of progress towards sustainability;
- To obtain public feedback regarding the characteristics of a sustainable Regional District of Nanaimo for the purpose of identifying possible indicators or measures of sustainability for the region; and
- To obtain information that will be helpful in developing indicators or measures to be used to monitor progress towards a more sustainable region.

The Workshop will consist of a series of presentations, small group discussions and plenary discussions.

¹ Gordon Buckingham, Betty Collins, Ross Peterson, Brian Anderson, Douglas Anderson, Adele McKillop, Janet Farooq, Sylvia Neden, and Sharon Thomson.

Arrangements are being made for Mike Harcourt and Mark Holland to deliver keynote speeches at the Workshop. Mike Harcourt, former BC premier, is presently involved in a number of sustainability projects, including the Prime Minister's National Round Table on the Environment and Economy, the International Centre for Sustainable Cities, the UBC Sustainable Development Research Institute, and the cities^{PLUS} Project (an International Sustainable Community Design Competition). Mr. Holland, an urban planner and landscape architect, provides consulting advice regarding sustainability and is also presently serving as the first "sustainability manager" for the City of Vancouver. Mr. Harcourt and Mr. Holland will speak about sustainability and how to determine if a region is becoming more or less sustainable.

The public will be informed about the Workshop through newspaper advertisements, the RDN web site and press releases. Additionally, letters will be sent to approximately 200 selected organizations that have roles and responsibilities related to sustainability to inform them about the Workshop directly.

Pre-registration will be required as a maximum of 200 people will be able to be accommodated at the event. A registration process will be established and implemented to help ensure that residents from all of the areas that are funding participants in the Regional Growth Management Service² have an equal opportunity to attend the event. Registrations are not being accepted yet.

A Workshop Report will be written to document the proceedings of the event. It will be made available on the RDN web site and at the RDN offices so that every resident (even those who are unable to attend the event) can benefit from the workshop information.

Drinking Water Protection Workshop

The Drinking Water Protection Workshop will be held on Saturday, May 8, 2004 at the Coast Bastion Inn.

The Board approved Terms of Reference and a Consultation Plan for the Drinking Water Protection Initiative Workshop on October 14, 2003.

The purpose of the Workshop is:

- To raise public awareness about the issues associated with drinking water protection;
- To raise public awareness about the new *Drinking Water Protection Act*, particularly as it relates to water provider responsibilities;
- To discuss whether or not the Regional District of Nanaimo should provide assistance to ensure that that the requirements of the *Drinking Water Protection Act* are met and residents in the region are provided good quality drinking water.

The Workshop will consist of a series of presentations, small group discussions and plenary discussions.

It is anticipated that the Workshop will include presentations about the following topics:

- The importance of drinking water for human health (i.e. what good quality drinking water is, why good quality drinking water is required, how drinking water quality can be compromised, the range of potential negative human health impacts from consumption of poor quality drinking water);
- The new *Drinking Water Protection Act* (with particular attention to the new drinking water provider requirements) and other legislation applicable to drinking water provision;
- The different types of providers of drinking water in the region (i.e. municipal/regional district, improvement district, water utility, water user community, other systems, individual wells);

Speakers have not yet been secured for these topics. Staff is currently in the process of identifying appropriate speakers with the assistance of the Province.

² City of Nanaimo, City of Parksville, Town of Qualicum Beach, District of Lantzville, Electoral Areas A, C, D, E, F, G, and H.

A Discussion Paper will be published prior to the Workshop. It will provide background information about the topics to be discussed at the Workshop. It will also provide an opportunity for residents to provide feedback. This opportunity will be particularly attractive to people who are unable to attend the Workshop, or who wish to share more detailed perspectives than can be accommodated at the Workshop.

The public will be informed about the Workshop through newspaper advertisements, the RDN web site and press releases. Additionally, letters will be sent to approximately 100 selected organizations that have roles and responsibilities related to drinking water provision to inform them about the workshop directly.

Pre-registration will be required as a maximum of 200 people will be able to be accommodated at the event. A registration process will be established and implemented to help ensure that residents from all areas of the region have an equal opportunity to attend the event. Registrations are not being accepted yet.

A Workshop Report will be written to document the proceedings of the event. It will be made available on the RDN web site and at the RDN offices so that every resident (even those who are unable to attend the event) can benefit from the workshop information.

ALTERNATIVES

1. Receive the report for information.
2. Receive the report for information, and request additional information about specific identified topics.

FINANCIAL IMPLICATIONS

The 2004 Regional Growth Management Services budget provides for the anticipated hard costs for the Sustainability Workshop (\$15,000) and the Drinking Water Protection Workshop (\$14,000).

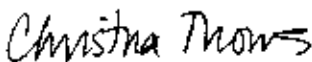
In October of 2003 the Ministry of Health Planning agreed to provide \$14,000 to the RDN for the hard costs associated with Drinking Water Protection Workshop.

SUMMARY

An update is provided regarding the Sustainability Workshop to be conducted on Saturday, April 3, 2004 and the Drinking Water Protection Workshop to be conducted on Saturday, May 8, 2004.

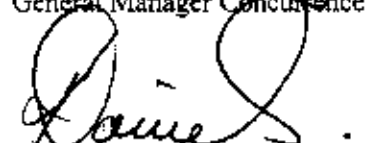
RECOMMENDATION

That the report, "Regional Growth Management Services Public Workshops: Sustainability and Drinking Water Protection," be received.



Report Writer


General Manager Concurrence


CAO Concurrence



REGIONAL
DISTRICT
OF NANAIMO

REGIONAL DISTRICT
OF NANAIMO

JAN 29 2004

CHAIR		GMCrS	
CAO		GMDS	
GMCms		GMES	

MEMORANDUM

TO: John Finnie, P. Eng.
General Manager of Environmental Services

DATE: January 13, 2004

FROM: Dennis Trudeau
Manager of Liquid Waste

FILE: 5340-01

SUBJECT: **Liquid Waste Management**
Southern Community Local Service Area Function Review

ISSUE/PURPOSE

To respond to the City of Nanaimo request to examine the Southern Community Sewer function to evaluate its governance structure and determine whether Nanaimo taxpayers would be better served by having the function transferred to the direct control of the Nanaimo City Council. While carrying out the review, staff have identified issues around costs and voting that this report will also address.

BACKGROUND

At the May 6, 2003 Ideas & Updates Meeting, the Board received correspondence from the City of Nanaimo identifying services that it wished reviewed through a service review. The correspondence included a request that the Southern Community Sewer function be re-examined to evaluate its governance structure to determine whether Nanaimo taxpayers would be better served by having the function transferred to the direct control of the Nanaimo City Council. The letter identified the City's concerns about the extension of sewers outside city boundaries and the uncontrolled development that may result. This report has been prepared to examine the history of the function and provide an overview of the issues to be considered.

History of the Southern Community Sewer Function

Appendix A to this report outlines a chronology of the various bylaws that have been established since 1972 following the creation of the Southern Community Sewer Function.

In March 1972 the Regional District of Nanaimo (RDN) was issued *Supplementary Letters Patent* to construct and operate major facilities for the conveyance, treatment, and disposal of sewerage. Prior to 1972 sewage treatment facilities did not exist for any municipalities in the RDN. After receiving authority via the Letters Patent, the RDN undertook construction of trunk lines, pumping stations and a treatment plant. This allowed the City of Nanaimo to direct their sewage to a newly constructed regional treatment facility. The original premise of the function as defined in the original cost apportionment bylaw was as follows:

... AND WHEREAS the Regional Board deems it expedient to provide separate cost apportionment methods for the capital cost of Regional interceptors, sewerage treatment and disposal, the capital cost of trunk sewer, the operating cost of Regional

interceptors, sewerage treatment and disposal, and the operating cost of trunk sewers, all in accordance with the benefits received by member municipalities;

AND WHEREAS in adopting the cost apportionment methods herein contained the Regional Board recognizes that Regional interceptors, treatment and disposal works are constructed to provide excess capacity for the future use of all portions of the Regional District for a period estimated to be fifty years;

AND WHEREAS the Regional Board further recognizes the principle that all portions of the Regional District have a responsibility toward environmental protection of the Regional District;

AND WHEREAS in determining the benefits received by all member municipalities the Regional Board has taken into consideration the aforesaid excess capacity and environmental protection considerations; ...

The member municipalities referenced in the original function included all municipalities and electoral areas of the RDN.

In August 1974 the Board adopted a cost apportionment bylaw which set out the method for apportioning capital and operating costs. The bylaw established that all member municipalities would pay an annual capital cost that did not exceed 25% of the total funds required after receipt of all funds from the benefiting area and senior government grants.

This cost apportionment formula was amended in January 1988 and changed to recover \$0.20 per \$1,000 of net taxable value from all member municipalities. Those participants directly benefiting from the service paid the total annual capital costs, less costs recovered, along with the annual operating costs. The continued tax requisition from all member municipalities was based on the following premise:

AND WHEREAS in adopting the cost apportionment methods herein contained the Regional Board recognizes that the regional interceptors, treatment and disposal facilities are constructed to provide excess capacity for the future use of all portions of the Regional District;

AND WHEREAS the Regional Board further recognizes the principle that all portions of the Regional District have a responsibility towards environmental protection in the Regional District;

AND WHEREAS in determining the benefits received by all member municipalities the Regional Board has taken into consideration the aforesaid capacity and environmental protection considerations;

Several amendments to the bylaw occurred between 1974 and 1988 to establish benefiting areas for Parksville and Qualicum Beach. As was the case with the GNPCC, the costs of construction of the French Creek Pollution Control Centre (FCPPC) were shared by the Regional District. While 80% of the debt was financed by those in the benefiting area the remaining 20% of debt was shared by all the members of the RDN.

This structure did not change until March 1993 when the Board decided to convert the Sewer Function into two local service areas: Southern Community Sewer (Bylaw No. 888) and Northern Community Sewer (Bylaw No. 889). At that time, Electoral Areas B and C were removed from the Southern

Community function and Electoral Areas E, F, G, H, the City of Parksville and the Town of Qualicum Beach formed the Northern Community Sewer Function.

Growth Management in the RDN

"Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1309" (RGS) establishes policy direction regarding the management of growth in the region. It establishes an approach whereby new growth and development is actively facilitated and promoted in designated urban areas (i.e. on land designated by the RGS as Urban Area inside the Urban Containment Boundary and on land designated by the RGS as Sub-Urban Area to a certain extent) and new growth is limited elsewhere (i.e. on land designated by the RGS as Resource Lands and Open Space and Rural Residential). It is expected that the RGS will ensure that uncontrolled growth will not occur in electoral areas as a result of the extension of sewers from our existing facilities.

Municipalities would have to give their individual assent to any amendments to the urban containment boundaries currently established by the RGS.

ALTERNATIVES

1. Repeal Bylaw No. 888 and related bylaws and negotiate terms and conditions under which the Nanaimo Pollution Control Centre would be transferred to the City of Nanaimo.
2. Review the governance and funding structures of this function and make changes to applicable RDN bylaws that will provide greater certainty regarding the expansion of service outside of the City of Nanaimo.
3. Retain Bylaw No. 888 in its present form.

FINANCIAL IMPLICATIONS

The bylaws discussed in this report have outlined how the capital assets have been financed by the RDN. A review of our records indicates that Electoral Areas A, B, C, and D have contributed approximately \$1.4 million towards capital for the Southern Community Sewage Function while the City of Nanaimo has contributed approximately \$82 million towards capital and operations over the last 30 years.

Alternative 1. If the Regional District agreed to transfer the treatment plant over to the City of Nanaimo and repeal the function, a detailed cost calculation would be required to estimate whether compensation is required for other members of the Regional District. This calculation would not only require an assessment of past financial contributions, but would also need to examine the impact of future costs to a participating area if that area needed to provide new treatment facilities rather than connecting to the existing treatment plant.

Alternative 2. This alternative could enable the Regional District to amend the establishing bylaw with respect to both the governance (voting structure) and the financial requirements involved in extending the GNPCC to new benefiting areas beyond the City of Nanaimo benefiting area. These costs have already been established in Bylaw No. 1012 for a defined portion of the District of Lantzville. It is expected that these costs would be reviewed in consultation with the City of Nanaimo.

Alternative 3. If Bylaw No. 888 is retained in its current form, a fees and charges bylaw could still be adopted which could set out additional capital and connection charges for a newly defined benefiting area wanting to connect to GNPCC.

LEGAL IMPLICATIONS

Southern Community Sewer Function Structure. The current participants in the Southern Community Sewer Function are the City of Nanaimo, District of Lantzville, Electoral Area A and Electoral Area D. They are identified under Local Service Area Establishing Bylaw No. 888, which sets out the participants, the benefiting areas, and the requisition and cost apportionment formula. Because Bylaw No. 888 is an establishing bylaw, it requires a majority vote of the entire Board to amend any provision, along with the consent of 2/3 of the participants. Municipal consent is obtained by Council resolution, Electoral Area consent is obtained by the written consent of each Electoral Area Director.

The Greater Nanaimo Pollution Control Centre (GNPCC) is the facility within this function. Currently, the only properties connected to the treatment plant are within the City of Nanaimo benefiting area. These properties pay towards the operation of the facility; additional revenues are collected through the charge of septage disposal fees.

Expansion of the Service Area. The process for amending the function to provide service outside of the City of Nanaimo boundaries to another participant requires the addition of a benefiting area. This would require an amendment to Bylaw No. 888 to add a schedule which defines the boundaries of the proposed benefiting area. As mentioned above, it would require a majority vote by the full Board (1 Director/1 vote), along with 2/3 consent of the participants to add a new benefiting area.

If the Board determines that additional capital and connection charges should be levied against properties within a newly defined benefiting area to be connected to the GNPCC, it could do so under the powers of s.363 of the *Local Government Act*. This section enables the Board to impose a fee or charge in relation to a benefit received in a service area. The voting on this bylaw would be a weighted vote of the participants of the function.

Repeal of the Southern Community Sewer Function. The City of Nanaimo has requested an examination of whether the interests of the Nanaimo taxpayers would be better served by transferring the Southern Community Sewer function to the direct control of Nanaimo City Council. As described, the function currently exists as a service area with four participants, although the City of Nanaimo is the only participant currently connected to the treatment plant.

In order to have the function transferred to the City of Nanaimo, Bylaw No. 888 would need to be repealed and the ownership of the GNPCC and related infrastructure would need to be transferred to the municipality. In accordance with s.802 of the *Local Government Act*, the function would have to be repealed by the approval of the full board (1 Director/1 vote), with the consent of at least 2/3 of the participants and the approval of the Inspector of Municipalities. The Minister may also order the bylaw repealing the establishing bylaw to be adopted on the same conditions that the original function was approved, or may order a referendum or counter petition of either some or all of the participants. The participants would need to negotiate the terms and conditions under which the transfer to the City could take place.

Sewer Function Review & Withdrawal. If the remaining participants do not mutually consent to the repeal of the Southern Community Sewer Function, the City of Nanaimo may initiate a formal service

review pursuant to s.813.04 of the *Local Government Act*. A preliminary meeting must be held within 120 days of receiving notice from the City. Within 60 days of the preliminary meeting, the parties must begin negotiations. A facilitator may be appointed by the Minister to work with the participants to attempt to negotiate and reach agreement on the relevant issues.

If this process is unsuccessful, the City of Nanaimo may then initiate service withdrawal pursuant to s.813.08, no earlier than 8 months following the first preliminary meeting held under s.813.06 of the Act. The Minister may direct the parties to engage in further negotiations within a specified timeframe with mediation. The matter will be referred to arbitration for resolution if it is not resolved within 60 days following the conclusion of mediation. The arbitrator is given full authority to consider any terms and conditions upon which the service withdrawal or repeal may occur. Within one year following the arbitrator's final resolution, the initiating participant must agree to terms and conditions on either the continuation, withdrawal, or repeal of the function. The Board and participants must adopt bylaws and take other actions required to implement the arbitrator's final resolution within 90 days after it becomes binding. If the board or a municipal participant does not adopt the required bylaws, the Lieutenant Governor in Council has the power to implement the terms and conditions of the final resolution without the participants' consent.

ENVIRONMENTAL IMPLICATIONS

The repeal of the Southern Community Sewer Function would require an amendment to the RDN Liquid Waste Management Plan. The RDN would have to remove the GNPCC from their LWMP. The City of Nanaimo would either have to complete their own LWMP or have the GNPCC registered under the Municipal Sewage Regulation (MSR) with the city as the discharger.

CONCLUSIONS

The City of Nanaimo has requested a review of the Southern Community Sewer Function to examine whether it makes more sense for this function to be transferred to the direct control of the City of Nanaimo. The function was originally established as a regional function to provide a regional benefit and protect the environment, while also providing sewage treatment for the southern community. Whether it is by direct connection to the RDN system or via septage dumping at the RDN septage facilities at the Chase River pumping station, the Southern Community Sewer Function has been an important component in providing sewage treatment for the region. While the facility does provide a service for the region as a whole the City of Nanaimo is by far the largest user with approximately 98% of the current use being made up by the city.

The municipality has raised a concern that if the Board interprets Bylaw No. 888 on the original premise of servicing the entire district, it could lead to uncontrolled development and sprawl throughout the region. Two scenarios have been examined that could lead to the expansion of sewer connections beyond the City of Nanaimo boundary and may raise the concerns of the City.

If the intent was to expand to an area outside of an Urban Containment Boundary then the Regional Growth Management Plan (RGMP) would have to be amended. In this situation the City of Nanaimo would have to agree to the amendment and therefore they have full control of the outcome.


If the intent was to expand into an area designated as an Urban Containment Boundary area in the RGMP the voting would be as follows:

All directors one vote each to amend Establishing Bylaw No. 888 to add on a new benefiting area; and two-thirds consent of the current participants (Nanaimo, Lantzville, Electoral Areas 'A' & 'D'). In addition a weighted vote would be required of participants (Nanaimo, Lantzville, Electoral Areas 'A' & 'D') to approve a fees and charges bylaw if the participants wish to levy any capital or connection charges to the new benefiting area. In this situation the City does not have complete control which does not fairly represent the current use of the facility.

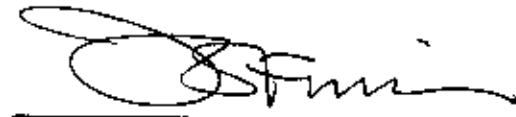
Alternative 2 would be a consideration to address this concern if the Board and the City wish to retain the function within the RDN but provide more certainty for the City. If the Board and the City did not wish to retain the function with the RDN then Alternative 1 could be considered.

RECOMMENDATION


That staff be directed to revisit governance and funding structures of the Southern Community Local Service Area Function and make changes to the applicable RDN bylaws that will provide greater certainty regarding the expansion of service outside of the City of Nanaimo.

 For D. Tardieu

Report Writer



General Manager Concurrence



C.A.O. Concurrence

COMMENTS:

1. 1. 1.
2. 2. 2.

APPENDIX A

History of the Southern Community Sewer Function

March 14, 1972 the Regional District of Nanaimo (RDN) was issued *Supplementary Letters Patent* to construct and operate major facilities for the conveyance, treatment, and disposal of sewerage.

After receiving authority via the Letters Patent, the RDN undertook construction of trunk lines, pumping stations and a treatment plant.

August 27, 1974 the Board of the Regional District of Nanaimo adopted the "*Regional District of Nanaimo Trunk Sewers and Sewerage Disposal Facilities Cost Apportionment Bylaw No. 154, 1974*". This bylaw established the method of apportioning capital and operating costs.

In the decision to apportion costs for the regional interceptors, treatment and disposal facilities it was recognized that the works were being provided with "excess capacity for the future use of all portions of the Regional District for a period estimated to be 50 years". The Bylaw also noted that the Regional Board recognized the principle that all portions of the Regional District have a responsibility towards environmental protection in the regional district. Based on these principles the capital costs were shared by the Regional District as a whole and the "Regional interceptor, treatment and disposal benefiting area". Operating cost of the regional interceptors, treatment and disposal would be borne by the "Regional interceptor, treatment and disposal benefiting area".

July 27, 1976 the Board of the Regional District of Nanaimo adopted "*Regional Interceptor, Treatment and Disposal Benefiting Area Bylaw No. 271, 1976*". This bylaw established the area deemed to benefit from the regional interceptor, treatment and disposal facilities. The only area defined in this bylaw was the Nanaimo benefiting area (City of Nanaimo).

November 8, 1977 the Board of the Regional District of Nanaimo adopted "*Regional Interceptor, Treatment and Disposal Benefiting Area Bylaw No. 342, 1977*". This bylaw added Parksville and Qualicum Beach as benefiting areas. The bylaw allowed for funding of the French Creek Pollution Control Center (FCPCC) and associated facilities which were built in 1978. As was the case with the GNPCC construction, the cost of the construction of the FCPCC was shared by all of the RDN.

January 12, 1988 the Board of the Regional District of Nanaimo adopted "*Regional District of Nanaimo Sewer and Sewerage Disposal Facilities Cost Apportionment Bylaw No. 735, 1988*" which established a revised method for apportioning capital and operating costs. This bylaw apportioned an amount equal to twenty percent of the annual capital cost to the entire Regional District with the remainder being recovered from the benefiting areas. The annual operating costs were apportioned among the benefiting areas.

March 30, 1993 the Board of the Regional District of Nanaimo adopted "*Regional District of Nanaimo Southern Community Local Service Conversion Bylaw No. 888, 1993*" and "*Regional District of Nanaimo Northern Community Local Service Conversion Bylaw No. 889, 1993*". These bylaws split the sewerage function into two areas and established them as Local Service Areas. The method for apportioning capital and operating costs remained the same.

November 14, 1995 the Board of the Regional District of Nanaimo adopted "*Regional District of Nanaimo Southern Community Local Service Area Amendment Bylaw No. 888.01, 1995*". This bylaw established and defined a benefiting area for Electoral Area 'D' within the Southern Community Sewer Local Service Area.

February 13, 1996 the Board of the Regional District of Nanaimo adopted the "*Lantzville Sewage Local Service Area Establishment Bylaw No 994, 1995*". The bylaw established a Local Service Area within Electoral Area 'D' of the RDN for the purpose of establishing, operating and maintaining a Local Service for the collection, conveyance, treatment and disposal of sewage for Lantzville. To date sewers have not been extended to Lantzville from the GNPC.

August 13, 1996 the Board of the Regional District of Nanaimo adopted "*The Duke Point Local Service Area Establishing Bylaw No. 1004, 1996*". The RDN became the owners of the Duke Point Treatment Plant on July 31, 1999.

October 13, 1998 the Board of the Regional District of Nanaimo adopted the "*Electoral Area A (MacMillan Road School Site) Sewer Local Service Area Establishment Bylaw No. 1136, 1998*". The bylaw established a Local Service Area within Electoral Area 'A' for the purpose of establishing, operating, and maintaining a Local Service for the collection, conveyance, treatment and disposal of sewage from the MacMillan Road School. The school is now connected to the Duke Point Pollution Control Facilities.

The preceding bylaws have outlined how the capital assets have been financed by the RDN. A review of our records indicates that Electoral Areas A, B, C, and D have contributed approximately \$1.4 million towards the Southern Community Sewage Function.

Liquid Waste Management Plan

June 8, 1993, the Board authorized the commencement of a Liquid Waste Management Planning process and approved the first Liquid Waste Advisory Committee. The LWMP is a document that encompasses and summarizes the input and work of 37 Project Team meetings, 36 Liquid Waste Advisory Committee meetings, numerous public presentations, and countless other newsletters, surveys, news releases, advertisements and facility tours. The LWMP includes: four main programs - source control, volume reduction, odour control and stormwater management; a process for assessing rural areas and village centres to determine wastewater treatment and disposal solutions; and the necessary capital projects for each of the District's major facilities to ensure adequate servicing at a level that will protect the environment and public health. Each stage of the development of the LWMP included significant public information and consultation, and each stage concluded with public support.

In December 1997 the Board passed a resolution adopting the LWMP and on December 24, 1997 submitted the stage III Report to the Ministry of Environment Lands and Parks for approval.

January 28, 1999 the Ministry of Environment, Lands and Parks (MELP) approved the RDN LWMP.



REGIONAL DISTRICT OF NANAIMO		
JAN 29 2004		
CHAIR		GMCrS
CAO		GMDS
GMCmS		GMES
DATE: <i>BJL</i>		

MEMORANDUM

TO: John Finnie, P. Eng.
General Manager of Environmental Services

FROM: Carey McIver
Manager of Solid Waste

SUBJECT: Solid Waste Management Costs

DATE: January 22, 2004

FILE: 5365-00

PURPOSE

To provide a report on the costs of solid waste disposal for School District 68, School District 69 and the regional district as a whole as requested by the Board in September 2003.

BACKGROUND

Solid waste management has been a regional function since 1990. The service consists of solid waste management planning, zero waste programs and two disposal facilities: the Regional Landfill on Cedar Road in south Nanaimo and the Church Road Transfer Station (CRTS) near Parksville. In 2003 these two facilities processed 72,000 tonnes of municipal solid waste and recyclables from roughly 161,000 transactions over the scales and invoiced approximately \$6 million in user fees.

Prior to 1990 there were two solid waste disposal functions: one for School District 68 and the other for School District 69. The School District 68 function consisted of the ownership, operation and maintenance of the old Cedar Road landfill in Nanaimo as well as a share of the costs required to develop a region-wide Solid Waste Management Plan (SWMP). The School District 69 function provided funding to the City of Parksville and the Town of Qualicum Beach for use of their small disposal facilities by electoral area residents. The function also funded its share of SWMP costs.

In 1990, as a result of the solid waste management planning process, the Board adopted Bylaw 792 to establish the function of solid waste management as a regional service. Under current provincial legislation, regional districts have the responsibility to develop solid waste management plans (SWMP) for their jurisdictions. The 1988 SWMP process evaluated a range of disposal options including separate landfills for each School District. However, based on economic, social and environmental impacts the plan recommended a waste transfer station for School District 69 and a resource recovery plant combined with a new engineered landfill in School District 68. The then Regional Solid Waste Advisory Committee and the Board supported this recommendation as the solid waste management strategy for the Regional District. This decision reflected a North-American wide shift from smaller, uncontrolled landfills, with largely unmonitored environmental and water quality effects and costs, to larger, generally regional systems with the economy of scale to support the higher operation and maintenance costs required for effective environmental protection.

The new landfill and transfer station were commissioned in 1991. However, the resource recovery plant did not proceed which significantly reduced the lifespan of the new landfill. Consequently, in 1994 the Board began re-investigating residual solid waste disposal options in response to this capacity shortage.

In 1997, to buy time to investigate possible new landfill sites as well as alternatives to landfill, the Board approved the export of one-third of RDN waste to the Cache Creek landfill on an interim basis. Since RDN already had a transfer station in School District 69 that was packing and shipping waste residuals to the regional landfill, it made economic and logistical sense to utilize this existing infrastructure and divert this portion of the regional waste stream to Cache Creek. Partial waste export, combined with accelerated 3Rs initiatives, was projected to extend the life of the landfill from four to nine years. This capacity extension has occurred. Waste export added an additional \$1 million annually to the budget and required an increase in tipping fees. The decision to proceed with partial export, however, has provided the Regional District the opportunity to continue to be receptive to new residuals management technologies and to increase our waste diversion programs.

Now that the Board has approved, as a short-term measure, optimizing capacity at the Regional Landfill by constructing a geogrid toe berm and has directed staff to again review new and emerging options for residual waste disposal, the need for partial waste export to extend landfill capacity should be reviewed.

Table 1 provides a breakdown of solid waste facility costs based on the 2003 annual budget. Cost breakdowns are difficult to prepare accurately since solid waste is a regional function and costs are not generally allocated between the two school districts. Consequently staff apportioned costs based on population and tonnage disposed, which equates to 70% for the Regional Landfill and 30% for the Church Road Transfer Station. If costs could clearly be attributed to a particular facility, such as capital costs or closure reserves at the landfill, they were split based on actual costs.

In 2003 the Regional District paid approximately \$1.3 million for waste export. For both District 68 & 69, the cost of the waste export contract has effectively been a contribution to buying more space and time at the regional landfill and deferring the cost of full export or a new waste disposal facility.

Table 1 - 2003 Revenues and Expenditures

	Landfill (S.D. 68)	CRTS (S.D. 69)	Total
Revenues			
Property Taxes	\$281,614	\$120,692	\$402,306
Tipping Fees	\$4,035,500	\$1,729,500	\$5,765,000
Other	\$1,049,570	\$246,030	\$1,295,600
Total Revenues	\$5,366,684	\$2,096,222	\$7,462,905
Expenditures			
Administration	\$276,854	\$118,652	\$395,506
Operation and Maintenance	\$2,641,166	\$958,897	\$3,600,063
Debt/Capital/Reserves	\$1,598,660	\$137,212	\$1,735,872
Total Expenditures	\$4,516,680	\$1,214,760	\$5,731,440
<i>Surplus/Deficit</i>	<i>\$850,004</i>	<i>\$881,462</i>	<i>\$1,731,465</i>
<i>Unit Cost</i>	<i>\$113</i>	<i>\$71</i>	<i>\$101</i>
<i>Tonnes</i>	<i>40,000</i>	<i>17,000</i>	<i>57,000</i>


CONCLUSIONS

In September the Board requested that staff provide a report on the costs of solid waste disposal for School District 68, School District 69 and the regional district as a whole. Solid waste management has been a regional function since 1990, reflecting a North-American wide shift from smaller, uncontrolled landfills, to larger, generally regional systems with the economy of scale to support the higher operation and maintenance costs required for effective environmental protection. In 1997, to buy space at the landfill and time to investigate waste disposal alternatives, the Board approved, on an interim basis, the export of one-third of RDN waste. The existing facilities at the Church Road Transfer Station are used for this purpose.

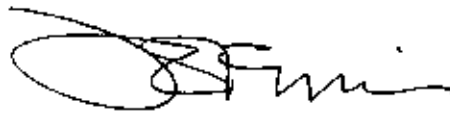
In the 2003 annual budget, the lower unit cost to operate the CRTS helps offset the costs associated with the Regional Landfill and partial waste export. The landfill is more expensive to operate than the transfer station due to expenditures associated with the landfill's environmental protection infrastructure for leachate, storm water and landfill gas. The additional capacity gained at the landfill due to partial export added about \$1M to the regional waste budget and required an increase in tipping fees. However, the cost of the waste export contract has effectively been a contribution to buying time at the landfill and deferring the costs of full waste export, and is providing opportunities for the region to reconsider new and emerging and cost effective disposal technologies suited to our needs and to continue to focus efforts on increasing waste diversion initiatives.

RECOMMENDATION

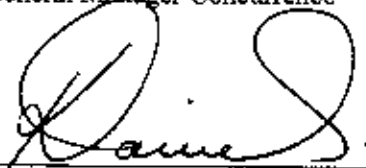
1. That the report on the costs of solid waste disposal be received for information.

 FOR C. McIVER

Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO			
FEB - 2 2004			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	

MEMORANDUM

TO: Stan Schopp
Manager, Building Inspection and Enforcement

DATE: January 30, 2004

FROM: Tom Armet
Bylaw Enforcement Officer

FILE: 03G058

SUBJECT: Unsafe Building - Section 698 Local Government Act
Electoral Area G - 4025 West Island Highway

PURPOSE

To obtain Board direction regarding repealing "Regional District of Nanaimo Structure Removal Bylaw No. 1362, 2003".

BACKGROUND

Property: 4025 West Island Highway, Qualicum Beach, BC

Legal: Lot 1, Plan VIP64106, District Lot 80, Newcastle District

Owner: 346520 B.C. Ltd., Inc. No. 346520
300 - 509 8th Avenue S.W.
Calgary, Alberta T2P 1G1

On October 14, 2003, the Board of the Regional District of Nanaimo considered the unsafe condition of the old Little Qualicum Beach school house and directed "Regional District of Nanaimo Structure Removal Bylaw No. 1362, 2003" be adopted. Staff was authorized to enter the property at the expiration of 30 days from the date of adoption of the bylaw to remove the unsafe structure. Prior to the expiration of the appeal period, the property owner, who had previously refused to deal with the condition of the building, demolished the unsafe structure. The property owner was also required to remove all debris from the property; however, a quantity of metal debris was left behind. After six weeks of inattention by the property owner, Regional District staff had the metal removed from the property by a contractor and the owner will be billed accordingly. The property is now in a safe and clean condition.

ALTERNATIVES

1. To repeal *Regional District of Nanaimo Structure Removal Bylaw No. 1362, 2003.*
2. To not repeal *Regional District of Nanaimo Structure Removal Bylaw No. 1362, 2003.*

FINANCIAL IMPLICATIONS

There are no financial implications with repealing the Bylaw.


SUMMARY/CONCLUSIONS

The old Little Qualicum schoolhouse sat vacant for several years and had deteriorated to the state that it was deemed to be unsafe. The owner ignored staff requests to make the building safe and the Board subsequently adopted a structure removal bylaw to force the owner to take responsibility for the problem.

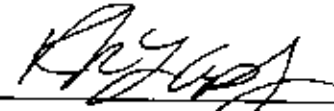
Ultimately, the owner demolished the building and removed all debris except a quantity of metal that was later removed by staff at the owner's expense. The property is now in a safe and clean condition.

RECOMMENDATION

That the Board repeal "Regional District of Nanaimo Structure Removal Bylaw No. 1362, 2003."




Report Writer



General Manager Concurrence



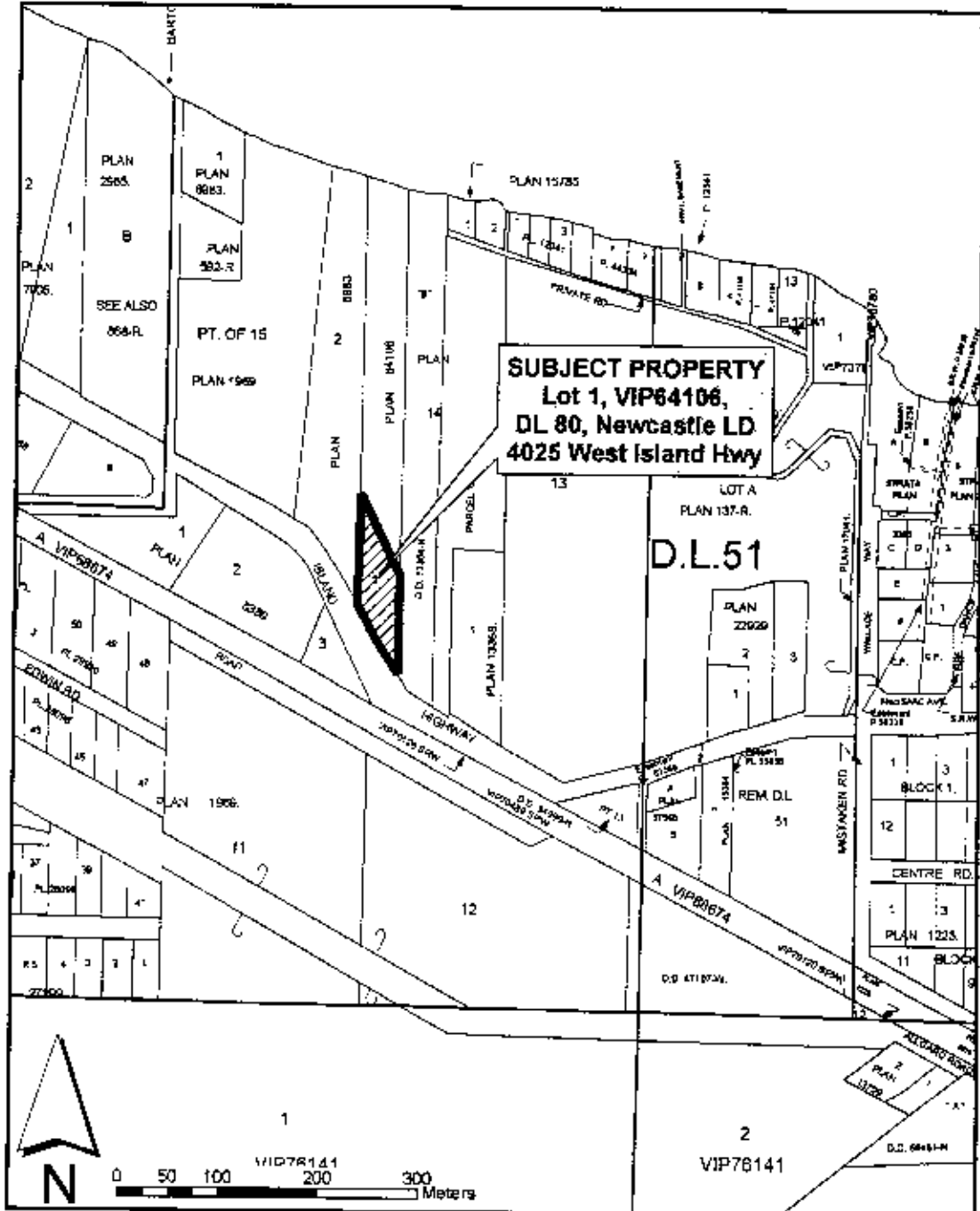
Manager Concurrence



CAO Concurrence

COMMENTS:

Subject Property Location



BOGS MAPSHEET NO. 92F.038.3.2



REGIONAL
DISTRICT
OF NANAIMO

REGIONAL DISTRICT OF NANAIMO			
FEB - 2 2004			
CHAIR		GMCrs	
CAO		GMDS	
		GMES	

MEMORANDUM

TO: Stan Schopp
Manager, Building Inspection and Enforcement

DATE: January 30, 2004

FROM: Tom Arnet
Bylaw Enforcement Officer

FILE: 3810 20 002E04

SUBJECT: Unightly Premises - Littlewood
Electoral Area E - 2406 Nanoose Beach Road, Nanoose Bay

PURPOSE

To obtain Board direction regarding an ongoing property maintenance contravention on the above property.

BACKGROUND

Property: 2406 Nanoose Beach Road, Nanoose Bay, BC
Legal: Parcel 1 of Lot A, Plan 1460, District Lot 79 Nanoose Land District
Owner: Scott Kilner Littlewood
2406 Nanoose Beach Road
Nanoose Bay, BC V9P 9E5
Zoning: Residential 1 (RS1)

The subject property is in a highly visible location, adjacent to the Island Highway in an area of mixed residential and commercial properties. Mr. Littlewood purchased the property from his mother in 1998, and had resided on it for several years prior to going on title.

On February 1, 1995, staff received a complaint regarding the presence of several derelict vehicles on the above noted property. Staff direction resulted in the vehicles being removed and the property brought into compliance.

A complaint regarding the unsightly condition of this property was received on March 24, 1999 and a site inspection confirmed the presence of derelict vehicles, household waste and miscellaneous discarded material. Staff direction and continuous monitoring resulted in sufficient clean up being done by the owner to comply with the bylaw requirements.

Additional complaints regarding the unsightly condition of the property were received on December 20, 2000 and January 2, 2001. A site inspection confirmed there was again, a substantial accumulation of discarded materials, household waste, appliances and a derelict vehicle. The owner was directed verbally and in writing to clean up the property and after considerable staff involvement, the owner cleaned up the property sufficiently to meet the bylaw requirements.

On November 1, 2002, as a result of further neighborhood complaints, staff inspected the property and directed the owner, in writing, to remove the accumulation of filth, discarded material, rubbish, derelict vehicles, boat and trailer from the property within 14 days. A follow-up inspection confirmed that some clean up had been done, and an extension of time was granted to complete the work. The owner

subsequently failed to adequately clean-up the property and a staff report was forwarded to the Board. On February 12, 2003, the Board adopted a clean-up resolution; however, the owner again failed to act on this direction within the specified time frame. It was apparent that Mr Littlewood had no intention of complying with the Board resolution and preparations were made for an involuntary clean-up. On March 25, 2003, contractors hired by the RDN removed in excess of 7000 pounds of debris from the property. Mr. Littlewood negotiated with staff for the retention of some personal items and material where he could demonstrate a forthcoming need for the items, particularly building materials for the completion of his accessory building. The property was left in a clean and tidy condition by the contractors and the entire process was recorded on video tape. The derelict vehicles were sold by the owner and removed from the property a short time later, thus satisfying the Board resolution.

As a result of a further complaint in December 2003, staff conducted inspections of the property. Mr. Littlewood had not introduced more debris onto his property, rather he spread around the materials he was permitted to keep. In the fall of 2003, Mr Littlewood removed a large quantity of disused personal items from his accessory building and stored them in his driveway under a canopy to facilitate reconstruction of a portion of the building. Reconstruction of the building has not been completed and the disused items remain stored and visible in the driveway. Mr Littlewood has avoided dealing with staff on this issue; however, his spouse advised staff that steps would be taken to ensure the property is once again cleaned-up. As of the date of this report, the condition of the property remains unchanged.

As previously mentioned, in March 2003 Mr Littlewood negotiated with staff for the retention of some of his personal property and building materials on the condition that the material did not become "discarded or disused material", that is, he could demonstrate that the materials and personal property would be used within a reasonable period of time. Bylaw 1073 defines "filth, discarded materials or rubbish" as:

"Includes any and all manner of garbage; discarded or disused materials; filth; noxious, offensive or unwholesome matters; unlicensed, unused or stripped automobiles; trucks, trailers, boats, vessels, machinery, mechanical or metal parts; bottles and glass"

Bylaw 1073 does not define a period of time in which material becomes "discarded or disused"; however, the Board may decide, based on the evidence presented, that materials on a property are "discarded or disused", therefore unightly by the meaning and intent of the bylaw. The property is now littered with building materials, old appliances, a bed frame, old toilet and miscellaneous materials, all of which appear to be discarded or disused. The RDN solicitor was consulted on this issue and is of the opinion that the current condition of the property would meet the test of being unightly as the material on site, having not been used within a reasonable period of time, could now be considered "discarded and disused". Mr Littlewood had assured staff that the remaining building materials would be used to complete the accessory building and his personal effects would be stored in the building out of view. In the past 10 months, Mr Littlewood has made no attempt to follow through on his assurances and staff are of the opinion that he will make no further effort in this regard.

ALTERNATIVES

1. The owner be directed to remove the identified discarded and disused material from the property.
2. The owner not be directed to remove the identified discarded and disused material from the property.

FINANCIAL IMPLICATIONS

If the Board directs the property owner(s) to remove the identified items from the property, any costs incurred by the Regional District of Nanaimo or its agent with respect to the removal may be recovered

from the property owner. The cost of the clean up in March 2003 in the amount of \$1713.90 was billed to Mr Littlewood but he has not paid the bill and it has been placed on his 2004 tax notice.

PUBLIC IMPLICATIONS

Previous complaints with respect to the unsightly condition of the subject property have been investigated by staff and resolved by voluntary compliance or involuntary clean up. The adjacent neighbours have made the majority of the complaints. The application of the Unsightly Premises Bylaw by enforcement staff must meet certain tests, including community standards and an interpretation of untidy personal property versus discarded and disused material. In this case, Mr Littlewood was permitted to retain certain items on presenting an argument on their intended use within a reasonable period of time. The property was left in a neat and tidy condition by the RDN contractor ten months ago but has since deteriorated to an untidy condition notwithstanding that Mr Littlewood has had a reasonable amount of time to utilize the building materials or make alternate arrangements for their storage.

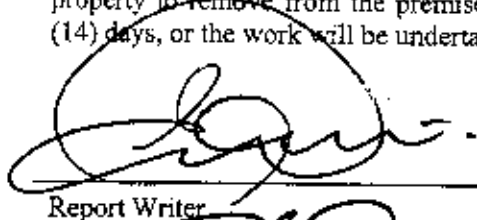
There are few houses on this street and with the exception of the Littlewood property and one other lot, the properties are generally neat and tidy, therefore, reflecting the overall community standards. It would seem reasonable that the Littlewood property should also reflect this standard.

SUMMARY/CONCLUSIONS


In March 2003 the RDN removed seven thousand (7,000) pounds of debris from this property by authority of a Board resolution. Mr Littlewood has not imported further material or effects onto the property but has chosen to scatter his discarded and disused personal property throughout the small lot in a manner that appears unsightly. Mr Littlewood has assumed a passive position on bylaw compliance with respect to his use of the property that has resulted in numerous complaints and intervention by Regional District staff. Voluntary compliance by Mr Littlewood does not appear to be an option therefore Board direction for the complete removal of all discarded and disused material is the only alternative remaining to ensure this property is brought into compliance with Regional District regulations.

RECOMMENDATION

That should the property maintenance concerns not be rectified by February 10, 2004 pursuant to the "Unsightly Premises Regulatory Bylaw No. 1073, 1996" the Board directs the owner of the above property to remove from the premises, those items as set out in the attached resolution within fourteen (14) days, or the work will be undertaken by the Regional District's agents at the owner's cost.



Report Writer


Manager Concurrence

COMMENTS:


General Manager Concurrence
CAO Concurrence

THE MATTER OF SECTION 725 OF THE LOCAL GOVERNMENT ACT
R.S.B.C. 1996 CHAPTER 323 AND AMENDMENTS

AND

IN THE MATTER OF Parcel 1 of Lot A, Plan 1460, District Lot 79, Nanoose Land District

TO: Scott Littlewood
2406 Nanoose Beach Rd.,
Nanoose Bay, B.C. V9P 9E5

NOTICE OF HEARING


TAKE NOTICE that the Board of the Regional District of Nanaimo pursuant to Section 725 of the Local Government Act and Unightly Premises Regulatory Bylaw No. 1073, 1996, will at the hour of 7:00 pm on the 10th day of February, A.D. 2004 in the Board Chambers of the Regional District of Nanaimo, 6300 Hammond Bay Road, Nanaimo, British Columbia, hear representation by the General Manager Corporate Services as to whether, with respect to the lands more particularly described above, the owner(s)/ occupier(s) shall be required to remove the accumulation thereon of all discarded and disused items.

AND FURTHER TAKE NOTICE that should the Board require the owner(s)/occupier(s) to remove the described accumulation, and the owner(s)/occupier(s) default, the Board may direct its employees and others to enter and effect the removal at the expense of the person defaulting. The charges for doing so, if unpaid on December 31st in the year in which the Regional District effects the removal, shall be added to and form part of the taxes payable in respect of the real property in question, as taxes in arrears.

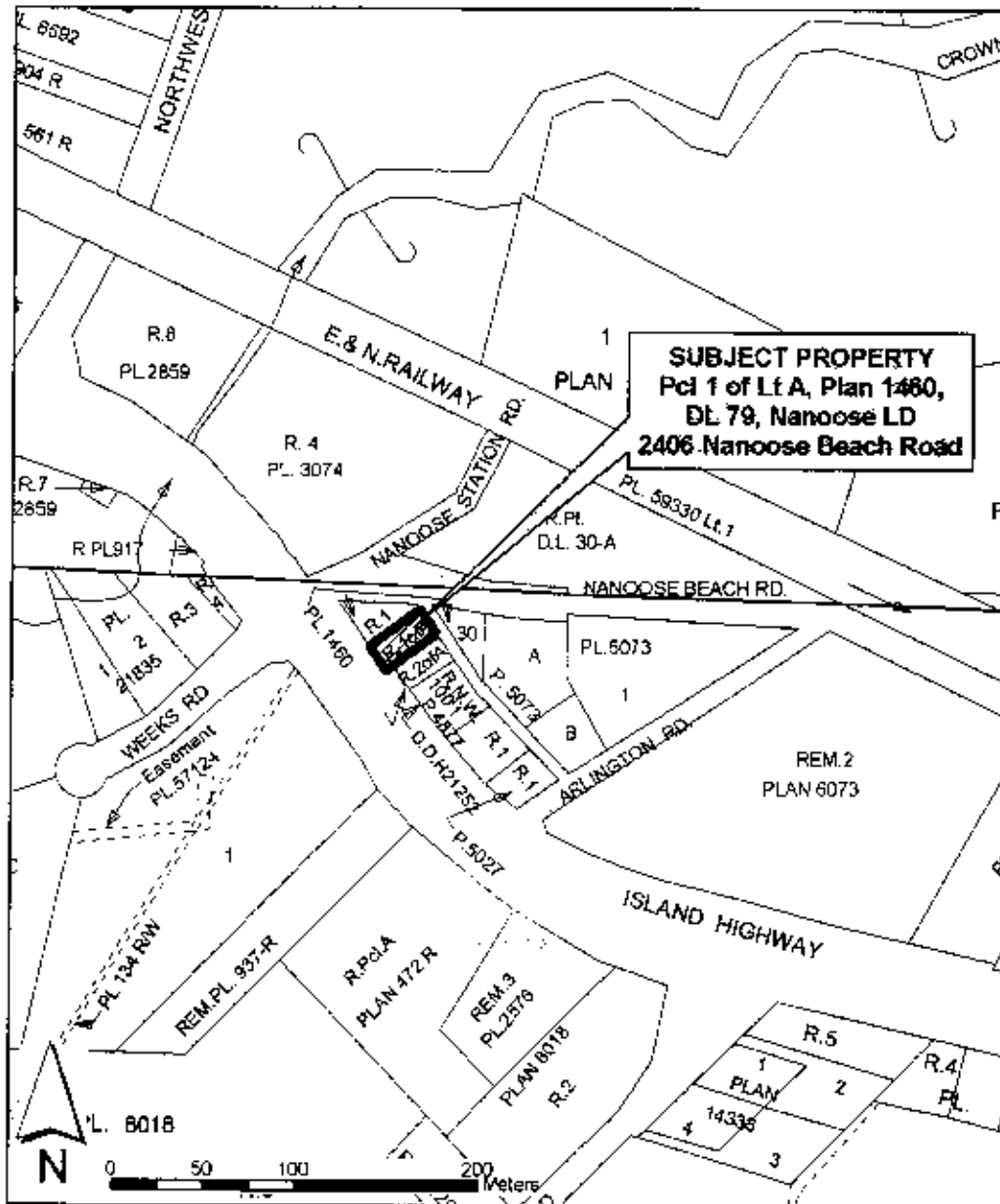
AND FURTHER TAKE NOTICE that should you wish to make representation to the Board regarding the lands and premises listed above, you should appear at that time, date and place to make your presentation.

THIS NOTICE is given by the General Manager Corporate Services of the Regional District of Nanaimo this 29th day of January, A.D. 2004.


General Manager Corporate Services

*Scott Littlewood
Coordinator
04-01-29*


**Subject Property Location
(attached for convenience only)**





REGIONAL DISTRICT OF NANAIMO			
FEB - 2 2004			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMS	
<i>Paul</i>			

MEMORANDUM

TO: Stan Schopp
Manager of Inspection and Enforcement

DATE: January 30, 2004

FROM: Maude Mackey
Bylaw Enforcement Officer

FILE: 03A238

SUBJECT: Contravention of Unightly Premises Regulatory Bylaw No. 1073, 1996
Electoral Area 'A' - 3030 Barnes Road

PURPOSE

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

BACKGROUND

Property: 3030 Barnes Road

Legal Description: Lot 12, Section 18, Cedar Land District, Plan 15220, Range 5

Property Owner: Richard T. Beaven
2211 Cedar Road
Nanaimo, B.C. V9X 1J6

Tenant: Penny Lackie

This property has a long history of complaints regarding property maintenance, which have been increasingly difficult to resolve informally. The Board last dealt with this issue on April 8, 2003 whereby a resolution was passed directing staff to proceed with a clean up of the property. Staff arranged to do so and were actually on site with a contractor when Mr. Beaven showed up on the property with his own clean up crew. The property was then cleaned up and posted for sale. It did not sell and subsequently, Mr. Beaven obtained further tenants as represented by Ms. Penny Lackie.

Ms. Lackie and her partner first came to staff's attention on September 30, 2003. Upon attendance, it was learned that they were in fact, just moving in. Reportedly, the partner's motorcycle repair business had been dissolved by their move and the motorcycles, unlicensed vehicles and parts evident on site, were to be cleaned up and liquidated. Staff re-attended the property again two weeks later to find yet more 'stock' from the dissolved business, on site. Staff have since been on site a number of times and repeatedly requested the various property occupiers and even Mr. Beaven, to clean up the property, to no avail. Since the January 27th, 2004 COW first considered this issue, further clean up has now been initiated. This effort is currently being monitored by staff.

ALTERNATIVES

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

FINANCIAL IMPLICATIONS

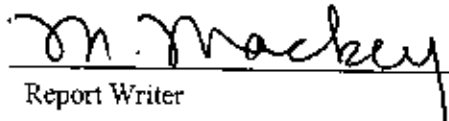
If the Board directs the property owner/tenant(s) to remove the identified items from the property, any costs incurred by the Regional District or its agent with respect to the removal, shall be recovered from the property owner.

SUMMARY/CONCLUSIONS

This property is subject to a 'Property Maintenance Bylaw' and the accumulation of automobile and motorcycle parts as well as the unlicensed motorcycles and vehicles stored on site, would be in contravention of this regulation. Similar concerns have been previously dealt with, however, the property owner/tenant(s) continue to periodically disregard Bylaw requirements resulting in yet further and ongoing complaints.

RECOMMENDATION

That should the property maintenance concerns not be rectified by February 10th, 2004 pursuant to the "Unsightly Premises Regulatory Bylaw No. 1073, 1996", the Board direct the owner/tenant(s) of the above property to remove from the premises, those items as set out in the attached resolution (see Attachment No. 1) within fourteen (14) days, or the work will be undertaken by the Regional District's agents at the owners cost.



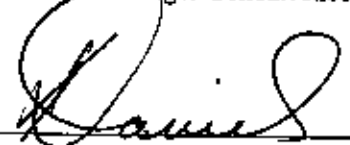
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

COMMENTS:

Attachment No. 1

REGIONAL DISTRICT OF NANAIMO

RESOLUTION

UNSIGHTLY PREMISES REGULATORY BYLAW NO. 1073, 1996

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

PROPERTY DESCRIPTION: Lot 12, Plan 15220, Section 18, Cedar Land District, Range 5

LOCATION: 3030 Barnes Road

OWNER: Richard T. Beaven
2211 Cedar Road
Nanaimo, B.C. V9X 1J6

UNSIGHTLY ACCUMULATION: Discarded automobile and motorcycle parts, unlicensed motorcycles and vehicles

REMEDIAL MEASURES: To remove the accumulation of discarded automobile and motorcycle parts and the unlicensed motorcycles and vehicles, leaving the property clean and tidy.

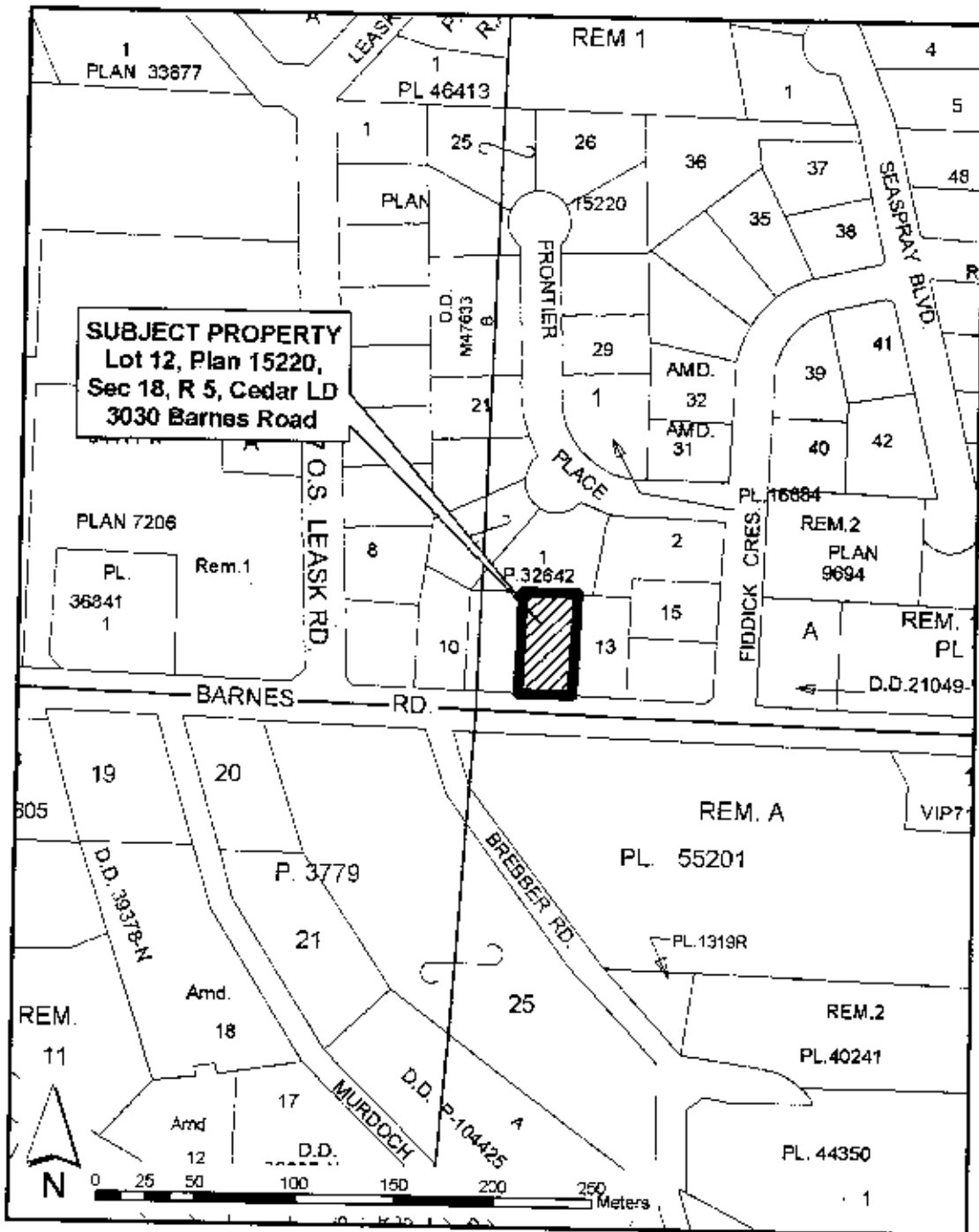
AND BE FURTHER RESOLVED that the Bylaw Enforcement Officer of the Regional District of Nanaimo BE AND IS HEREBY AUTHORIZED in default of such removal or remedial measures being undertaken by the owner(s) or occupier(s), within fourteen (14) days of receipt of notice to do so, to carry out or have such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

I hereby certify the foregoing to be a true and correct copy of the resolution passed by the Board at its regular meeting, held February 10th, 2004.

DATED at Nanaimo, BC
this _____ day of February, 2004.

General Manager Corporate Services

Subject Property Location



BOGS Map Sheet No 426 011.21



REGIONAL DISTRICT OF NANAIMO	
FEB - 2 2004	
CHAIR	GMCrs
CAO	GMDS
GRCms	GMES

MEMORANDUM

TO: Robert Lapham
General Manager, Development Services

DATE: January 30, 2004

FROM: Brigid Reynolds
Senior Planner

FILE: 3360 30 0307

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

PURPOSE

To reintroduce as amended the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003" for 1st and 2nd reading and refer the bylaw to a public hearing.

BACKGROUND

At the December 9, 2003 Inaugural Board Meeting, Bylaw No. 1285.01 was given 1st and 2nd reading and referred to a Public Hearing that was held on January 7, 2004 at the Bradley Centre. The Summary of the Minutes of the Public Hearing were presented to the Board at the January 13, 2004 Regular Board Meeting. As a result of submissions made at the Public Hearing the bylaw was referred back to staff to propose additional amendments.

ALTERNATIVES

1. To receive the staff report and reintroduce "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003 at 1st and 2nd reading and proceed to public hearing.
2. To receive the staff report and provide new direction to staff.

PUBLIC CONSULTATION IMPLICATIONS

Public consultation for this review of Bylaw No. 1285 began in the summer of 2003 with three newsletters mailed directly to all property owners in Electoral Area 'F'. A site office was open at the Pine Tree Centre for two weeks in September. As a result, over 130 requests for site-specific zoning have been received.

At the January 7, 2004 Public Hearing, there were approximately 110 persons in attendance and speakers raised a number of issues. As a result of the submissions staff reviewed the new information, discussed the issues with the Director for Electoral Area 'F' and met with landowners that requested meetings. In addition staff considered the previous comments from the Vancouver Island Health Authority (VIHA) with respect to the confirmation of health approval for proposed site-specific zoned properties.

In consideration of the new information and discussions with property owners to confirm that requests met the criteria for site-specific zoning, 12 additional amendments to Bylaw 1285.01 have been included in the proposed amendment bylaw as noted below.

LAND USE AND DEVELOPMENT IMPLICATIONS

When Bylaw No. 1285.01 was given 1st and 2nd reading at the December 9, 2003 Board Meeting, 55 site-specific zoning requests and 7 amendments to existing site specific zones were being recommended for approval. Since December 9, 2003 supporting documentation has been provided for four requests made in September 2003. Two new requests submitted as a result of the public hearing have also provided supporting documentation and have now been included in the proposed amendment bylaw. In addition, based on submissions made at the Public Hearing, three proposed changes have been removed from the process and three requests have been modified to address concerns (*see Attachment No. 2 for a list of new requests and changes*). It is noted that as part of the proposed modified site-specific zone for the property at 2701 Alberni Highway the property owner has agreed to sign a consent order to secure the removal of signage in excess of the 'sign face area' permitted in the new bylaw, within two years from the date of adoption of the bylaw and to comply with the amended bylaw. This will result possible continued use of one oversized sign for the period of the agreement.

VOTING

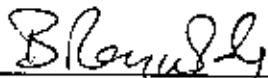
Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

The "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003" was given 1st and 2nd reading on December 9, 2003 and received a Public Hearing on January 7, 2003. As a result of verbal and written submissions made at the Public Hearing regarding some site-specific zoning requests, staff recommended that the Bylaw be reintroduced to consider the proposed amendments. Bylaw No. 1285.01 has been redrafted to include five additional site-specific zones, to remove three previously proposed changes from the process, and to modify four existing site-specific zoning requests. (*see Attachment No. 1.*)

RECOMMENDATIONS

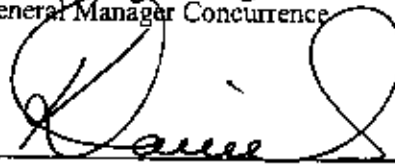
1. That the staff report recommending the reintroduction of "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003" be received.
2. That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003" be reintroduced and given 1st and 2nd reading as amended and be referred to a Public Hearing.
3. That the holding of the Public Hearing with respect to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003" be delegated to Director Lou Biggemann or Director Joe Stanhope as his alternate.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs/reports/2004/3360 30 0307 fe brd reintroduce 1285.01 1st and 2nd

ATTACHMENT NO. 1

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REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1285.01

**A Bylaw to Amend Regional District of Nanaimo
Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002**

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

A. **Schedule "A"** of "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002", is hereby amended as follows:

1. **SECTION 1 ADMINISTRATION**, is hereby amended as follows:

a) By adding the following subsection after subsection **1.1 Purpose**:

i) **Other Legislation:**

- i) Nothing contained in this Bylaw shall relieve any person from the responsibility to seek out and comply with other legislation applicable to their undertaking.
- ii) Where land is within an agricultural land reserve, pursuant to the *Agricultural Land Commission Act* and amendments thereto, and if any portion of this Bylaw is in any way contrary to, in conflict with, inconsistent with or repugnant to the *Act*, the *Act* shall prevail.

and renumbering the subsequent subsections.

b) By deleting subsection **1.4.3 Existing Non-Conforming Uses**

c) By amending subsection **1.8 Amendment** by adding the wording 'and amendments thereto' after the wording 'Bylaw No. 1165, 1999' and 'Bylaw No. 1261, 2002'.

d) By amending subsection **1.9 Application Fees** by adding 'and amendments thereto' after the wording 'Bylaw No. 1259, 2002'.

2. **SECTION 2 GENERAL REGULATIONS**, is hereby amended as follows:

a) By amending subsection **2.4 Prohibited Uses** as follows:

- i) subsection a) by adding the wording 'unpaved air strip' after the wording 'private airports and heliports';
- ii) subsection b) by adding the wording 'not produced on the property' after the wording 'disposal/processing';
- iii) subsection c) by adding the wording 'breeding pets or boarding facility' after the word 'kennel';
- iv) subsection h) by removing the wording 'and FR-1' after the wording 'A-1' and adding the word 'Agricultural' before the wording 'Land Reserve Commission';
- v) by adding the following subsections after subsection p):

- q) 'water bottling facilities';
 r) 'accommodation for agri-tourism';
 s) 'the production, storage, and application of Class A compost in compliance with the Organic Matter Recycling Regulation B.C. Reg. 18/2002.'
- b) By amending subsection **2.5 Runoff Control Standards** by deleting subsection **2.5.1 b)** and replacing it with the following subsection **2.5.1 b)** Lots on which a Home Based Business is an accessory use and is being carried out.
- c) By amending subsection **2.10 Setback Requirements from Watercourses and Streams** by:
- i) Deleting the wording 'and Streams' from the subsection title;
 - ii) Deleting the wording 'and streams' following the wording 'other watercourses' in subsection **2.10.3**
- d) By amending subsection **2.14 Signs** as follows:
- i) Subsection **2.14.1** by deleting the wording 'A sign is' and replacing with the wording 'Signs are'
 - ii) Deleting subsection **Table 2.1** and replacing with the following subsection **Table 2.1**

Table 2.1

	Zone	Regulations
a.	FR-1 R-1 to R-3 MHP-1 P-1 W-1	i.) 1 sign per lot advertising the use on that lot ii.) Maximum size of 1.5 m ² in sign face area iii.) Maximum height of any portion of a sign shall not exceed 2.5 metres
b.	A-1 CD-1 to CD-15 MU-1 RC-1 to RC-3	i.) 1 freestanding sign per lot advertising the use on that lot not exceeding 3 m ² in sign face area ii.) 1 fascia sign per business not exceeding 3 m ² in sign face area iii.) Maximum height of any portion of a sign shall not exceed 9 metres iv.) 1 sign per farm business advertising the farm business use on that lot.
c.	C-1 to C-4 I-1 to I-3 T-1 to T-2	i.) 1 freestanding sign not exceeding 15 m ² in sign face area ii.) 1 fascia sign per business not exceeding 3 m ² in sign face area iii.) Maximum height of any portion of a sign shall not exceed 9 metres

- e) By amending subsection **2.16 Home Based Business - Regulations** subsection **2.16.5 m)** by deleting the word 'and' after the wording 'marshalling of vehicles, equipment' and replacing with the word 'or'.
3. **SECTION 3 ESTABLISHMENT OF ZONES**, is hereby amended as follows:
- a) By amending subsection **3.4 Zone Boundaries** as follows:
 - i) subsection **3.4 a)** by deleting the wording 'the zoning map' after the wording 'as shown on' and replacing it with the wording 'Schedule "B"'

- ii) subsection 3.4 b) by deleting the wording 'the zoning map' after the wording 'not set out in' and after the wording 'by scaling from' and replace with the wording 'Schedule "B"'.
- iii) subsection 3.4 c) by adding the word 'and' between the wording 'minimum site area' and 'floor area'.

4. **SECTION 4 ZONES**, is hereby amended as follows:

- a) By reordering the zones into alphabetical order and renumbering the subsequent subsections;
- b) By amending subsection 4.1 A-1 (**Agriculture 1**) as follows:
 - i) subsection 4.1.2 **Permitted Accessory Uses** deleting the wording 'Notwithstanding the Permitted Principal Uses listed above, any use designated or permitted to be a farm use by the Land Reserve Commission or Ministry of Agriculture, Food and Fisheries is permitted within this zone' and replacing with the wording 'Notwithstanding the Permitted Principal Uses listed above any uses permitted pursuant to Part 2 of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation* or farm uses permitted by the Ministry of Agriculture, Food and Fisheries, unless specifically prohibited or regulated in this Bylaw, is permitted within this zone.'
 - ii) By adding subsection 4.1.4 **Regulations b)** 'Any parcel existing prior to the date of adoption of this Bylaw, which fails to meet the minimum parcel size requirements contained in this Bylaw, shall not by reason thereof be deemed to be non-conforming, and may be used for any permitted use in the zone in which it is located except that where the zone allows residential use only one dwelling unit shall be allowed on any such undersized parcel. Permitted uses shall be subject to all other conditions required of that zone.'
 - iii) subsection 4.1.5 **Additional A-1 Zones** deleting the wording 'The Regional District establishes zones A-1.1 to A-1.11. In addition to the uses permitted under the A-1 zone, land in the A-1.1 to A-1.11 zones may be used for the corresponding zoned uses referred to in section 4.23.' and replacing with the wording 'Principal and accessory uses as set out in Section 4.23 (A-1.1 to A-1.18 inclusive) are permitted in addition to those uses permitted in the A-1 zone.'
- c) By amending subsection 4.2 **FR-1 (Forestry/Resource 1)** as follows:
 - i) subsection 4.2.2 **Permitted Accessory Uses** deleting the wording 'Notwithstanding the Permitted Principal Uses listed above, any use designated or permitted to be a forestry use or a farm use by the Land Reserve Commission is permitted within this zone'.
 - ii) deleting subsection 4.2.4 **Regulations**.
- d) By amending subsection 4.3 **R-1 (Rural 1)** as follows:
 - i) subsection 4.3.3 **f) Regulations Table** adding the following subsection i) exterior lot line
 - ii) subsection 4.3.4 **Additional R-1 Zones** deleting the wording 'The Regional District establishes zones R-1.1 to R-1.15. In addition to the uses permitted under the R-1 zone, land in the R-1.1 to R-1.15 zones may be used for the corresponding zones uses referred to in section 4.23' and replacing with the wording 'Principal and accessory

uses as set out in Section 4.23 (R-1.1 to R-1.22 inclusive) are permitted in addition to those uses permitted in the R-1 zone'.

- e) By amending subsection **4.4 R-2 (Rural Residential 2)** as follows:
- i) subsection **4.4.4 Additional R-2 Zones** deleting the wording 'The Regional District establishes zones R-2.1 to R-2.30. In addition to the uses permitted under the R-2 zone, land in the R-2.1 to R-2.30 zones may be used for the corresponding zones uses referred to in section 4.23' and replacing with the wording 'Principal and accessory uses as set out in Section 4.23 (R-2.1 to R-2.53 inclusive) are permitted in addition to those uses permitted in the R-2 zone'.
- f) By amending subsection **4.5 R-3 (Village Residential 3)** as follows:
- i) subsection **4.5.5 Additional R-3 Zones** deleting the wording 'The Regional District establishes zones R-3.1 to R-3.5. In addition to the uses permitted under the R-3 zone, land in the R-3.1 to R-3.5 zones may be used for the corresponding zones uses referred to in section 4.23' and replacing with the wording 'Principal and accessory uses as set out in Section 4.23 (R-3.1 to R-3.8 inclusive) are permitted in addition to those uses permitted in the R-3 zone'.
- g) By amending subsection **4.6 MU-1 (Mixed Use Chatsworth Road I)** as follows:
- i) subsection **4.6.3 Regulations Table** adding the subsection g) Runoff Control Standards – As outlined in Section 2.5.
 - ii) subsection **4.6.4 Additional MU-1 Zones** deleting the wording 'The Regional District establishes zones MU-1.1. In addition to the uses permitted under the MU-1 zone, land in the MU-1.1 zone may be used for the corresponding zones uses referred to in section 4.23' and replacing with the wording 'Principal and accessory uses as set out in Section 4.23 (MU-1.1 to MU-1.2) are permitted in addition to those uses permitted in the MU-1 zone'
- h) By amending subsection **4.7 MHP-1 (Manufactured Home Park 1)** as follows:
- i) subsection **4.7.2 Permitted Accessory Uses** adding the following subsection b) Accessory Office.
 - ii) subsection **4.7.3 Regulations Table** adding the following subsection iii) Other Manufactured Homes – 6.0 metres – except as otherwise outlined in Section 2 – General Regulations
 - iii) subsection **4.7.5 Additional MHP-1 Zones** deleting the wording 'The Regional District establishes zones MHP-1.1 to MHP-1.11. In addition to the uses permitted under the MHP-1 zone, land in the MHP-1.1 to MHP-1.11 zones may be used for the corresponding zones uses referred to in section 4.23' and replacing with the wording 'Principal and accessory uses as set out in Section 4.23 (MHP-1.1 to MHP-1.14 inclusive) are permitted in addition to those uses permitted in the MHP-1 zone'.
- i) By amending subsection **4.8 C-1 (Commercial 1)** as follows:
- i) by adding subsection **4.8.5 Additional C-1 Zones** 'Principal and accessory uses as set out in Section 4.23 (C-1.1) are permitted in addition to those uses permitted in the C-1 zone'.

- j) By amending subsection 4.10 C-3 (**Commercial 3**) as follows:
- i) subsection 4.10.3 g) **Regulations Tables** correcting the numbering.
 - ii) subsection 4.10.5 **Additional C-3 Zones** deleting the wording 'The Regional District establishes zones C-3.1 to C-3.13. In addition to the uses permitted under the C-3 zone, land in the C-3.1 to C-3.13 zones may be used for the corresponding zones uses referred to in section 4.23' and replacing with the wording 'Principal and accessory uses as set out in Section 4.23 (C-3.1 to C-3.18 inclusive) are permitted in addition to those uses permitted in the C-3 zone'.
- k) By amending subsection 4.11 C-4 (**Commercial 4**) as follows:
- i) subsection 4.11.3 g) **Regulations Tables** correcting the numbering.
 - ii) subsection 4.11.5 **Additional C-4 Zones** deleting the wording 'The Regional District establishes zones C-4.1. In addition to the uses permitted under the C-4 zone, land in the C-4.1 zone may be used for the corresponding zones uses referred to in section 4.23' and replacing with the wording 'Principal and accessory uses as set out in Section 4.23 (C-4.1) are permitted in addition to those uses permitted in the C-4 zone'.
- l) By amending subsection 4.12 RC-1 (**Recreation 1**) as follows:
- i) subsection 4.12.4 f) **Regulations Table** correcting the numbering.
- m) By amending subsection 4.13 RC-2 (**Recreation 2**) as follows:
- i) subsection 4.13.4 f) **Regulations Table** correcting the numbering.
 - ii) subsection 4.13.6 **Additional RC-2 Zones** deleting the wording 'The Regional District establishes zones RC-2.1 to RC-2.2. In addition to the uses permitted under the RC-2 zone, land in the RC-2.1 to RC-2.2 zones may be used for the corresponding zones uses referred to in section 4.23' and replacing with the wording 'Principal and accessory uses as set out in Section 4.23 (RC-2.1 to RC-2.2 inclusive) are permitted in addition to those uses permitted in the RC-2 zone'.
- n) By amending subsection 4.14 RC-3 (**Recreation 3**) as follows:
- i) subsection 4.14.4 f) **Regulations Table** correcting the numbering.
 - ii) subsection 4.14.6 **Additional RC-3 Zones** deleting the wording 'The Regional District establishes zones RC-3.1. In addition to the uses permitted under the RC-3 zone, land in the RC-3.1 zone may be used for the corresponding zones uses referred to in section 4.23' and replacing with the wording 'Principal and accessory uses as set out in Section 4.23 (RC-3.1) are permitted in addition to those uses permitted in the RC-3 zone'.
- o) By amending subsection 4.15 I-1 (**Industrial 1**) as follows:
- i) subsection 4.15.1 **Permitted Principal Uses** adding the following subsection m) mini storage.
 - ii) subsection 4.15.3 d) and f) **Regulations Table** correcting the numbering.

- iii) subsection **4.15.5 Additional I-1 Zones** deleting the wording 'The Regional District establishes zones I-1.1 to I-1.2. In addition to the uses permitted under the I-1 zone, land in the I-1.1 to I-1.2 zone may be used for the corresponding zones uses referred to in section 4.23' and replacing with the wording 'Principal and accessory uses as set out in Section 4.23 (I-1.1 to I-1.2 inclusive) are permitted in addition to those uses permitted in the I-1 zone' and adding the new site specific zone references.
- p) By amending subsection **4.16 I-2 (Industrial 2)** as follows:
- i) subsection **4.16.1 Permitted Principal Uses** adding the following subsection o) mini storage.
 - ii) subsection **4.16.3 d) and f) Regulations Table** correcting the numbering.
 - iii) subsection **4.16.5 Additional I-2 Zones** deleting the wording 'The Regional District establishes zones I-2.1 to I-2.3. In addition to the uses permitted under the I-2 zone, land in the I-2.1 to I-2.3 zone may be used for the corresponding zones uses referred to in section 4.23' and replacing with the wording 'Principal and accessory uses as set out in Section 4.23 (I-2.1 to I-2.3 inclusive) are permitted in addition to those uses permitted in the I-2 zone' and adding the new site specific zone references.
- q) By amending subsection **4.17 I-3 (Industrial 3)** as follows:
- i) subsection **4.17.3 f) Regulations Table** correcting the numbering.
- r) By amending subsection **4.18 S-1 (Salvage and Wrecking 1)** as follows:
- i) subsection **4.18.3 f) Regulations Table** correcting the numbering.
 - ii) subsection **4.18.5 Additional S-1 Zones** deleting the wording 'The Regional District establishes zones S-1.1 to S-1.2. In addition to the uses permitted under the S-1 zone, land in the S-1.1 to S-1.2 zone may be used for the corresponding zones uses referred to in section 4.23' and replacing with the wording 'Principal and accessory uses as set out in Section 4.23 (S-1.1 to S-1.2) are permitted in addition to those uses permitted in the S-1 zone'.
- s) By amending subsection **4.19 T-1 (Institutional/Community Facility 1)** as follows:
- i) subsection **4.19.3 f) Regulations Table** correcting the numbering.
 - ii) subsection **4.19.5 Additional T-1 Zones** deleting the wording 'The Regional District establishes zones T-1.1 to T-1.2. In addition to the uses permitted under the T-1 zone, land in the T-1.1 to T-1.2 zone may be used for the corresponding zones uses referred to in section 4.23' and replacing with the wording 'Principal and accessory uses as set out in Section 4.23 (T-1.1 to T-1.2) are permitted in addition to those uses permitted in the T-1 zone'.
- t) By amending subsection **4.21 P-1 (Parks and Open Space 1)** as follows:
- i) subsection **4.21.3 g) Regulations Table** correcting the numbering.
- u) By amending subsection **4.23 Site Specific Zoning Regulations** as follows:
- i) By reorganizing the zones into alphabetical order.
 - ii) By deleting the following site specific zones:

Zone	Lot Description	Regulations
R-2.12	Lot 7, District Lot 140, Nanoose District, Plan 22868 (1403 Tyler Road)	Vehicle Wrecking Yard as a Home Based Business
R-1.10	That part of Lot 3, District Lot 149, Nanoose District, Plan 1917 Lying to the North of a Boundary Parallel to and Perpendicularly Distant 360 Feet from the Northerly Boundary of Said Lot (1219 Station Road)	Three Dwelling Units only

and by renumbering the subsequent subsections.

iii.) By adding the following table after A-1.10:

Zone	Lot Description	Regulations
A-1.12	Lot 2, Block A, District Lot 15, Cameron District, Plan 2017 (3230 Alberni Highway)	Design and metal fabrication shop to a maximum of 234 m ²
A-1.13	Lot 1, District Lot 139, Nanoose District, Plan 24924 (1290 Ruffles Road)	RV Storage to a maximum of 2428 m ²
A-1.14 /R 2.48	Lot 2, District Lot 139, Nanoose District, Plan 22824 (1244 Ruffles Road)	A-1 portion horse riding ring, horse boarding and breeding. R-2 portion farm use
A-1.15	Lot 17, District Lot 139, Nanoose District, Plan 1913 Except Part in Plan 20397 (1240 Leffler Road)	North Island Recovery Center and related buildings and one suite above the principle residence
A-1.16	Block J, District Lot 143, Nanoose and Cameron Districts, Plan 4791 Except Part in Plan 735 RW & VIP60881 (2685 Palmer Road)	Butterfly World
A-1.17 /C-3	Lot 1, District Lot 43, Nanoose District, Plan 7795 (850 Allsbrook Road)	Moving and storage
A-1.18	Lot 5, District Lot 139, Nanoose District, Plan 26295 (1273 Fraser Road)	One Dwelling Unit and One - one bedroom Dwelling Unit only
A-1.19	Lot 1, District Lot 8, Cameron District, Plan 28493 (1149 Pratt Road)	Two Dwelling Units only

iv.) By adding the following table after R-1.15

Zone	Lot Description	Regulations
R-1.16	Lot 13, Blocks 521 and 544, Nanoose District, Plan 35625 (1340 Dobson Road)	Farm Use

Zone	Lot Description	Regulations
R-1.17	Lot A, Block 544, Nanoose District, Plan VIP63634 (1076 Dobson Road)	Four Manufactured Homes only
R-1.19	Lot 21, Block 544, Nanoose District, Plan 39786 (1101 Dobson Road)	One Dwelling Unit and three – one bedroom Dwelling Units only
R-1.20	Strata Lot 136, Block 526, Cameron District, Strata Plan VIS4673 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lots as shown on Form 1 (1625 Meadowood Way)	Strata/Real estate Office
R-1.21	Lot B, Block 544, Nanoose District, Plan VIP74057 (1184 Stagdowne Road)	Two Manufactured Homes and One Dwelling Unit only
R-1.22	Lot 1, District Lot 23, Nanoose District, Plan VIP53338 (1040 Virginia Road)	Two Dwelling Units only

v.) By adding the following table after R-2.29

Zone	Lot Description	Regulations
R-2.30	Lot A, Block 544, Nanoose District, Plan VIP58972 (1221 Dobson Road)	Two Dwelling Units only
R-2.31	Lot 1, District Lots 9 and 10, Cameron District, Plan 46347 (3810 Kriscott Road)	One Dwelling Unit and one suite above workshop only
R-2.32	Lot A, District Lot 138, Nanoose District, Plan VIP53500 (1995 Sun King Road)	Two Dwelling Units only
R-2.33	Lot 1, District Lot 156, Nanoose District, Plan 14854 (1059 Price Road)	Two Dwelling Units only
R-2.34	Lot 4, District Lot 58, Nanoose District, Plan 50268 (1887 Errington Road)	Two Dwelling Units only
R-2.35	Lot 1, District Lot 139, Nanoose District, Plan 15854 (1335 Middlegate Road)	Two Dwelling Units only
R-2.36	Lot 2, Block 521, Nanoose District, Plan 43393 (1874 Errington Road)	Two Dwelling Units only
R-2.37	Strata Lot 2, Block 359, Newcastle District, Strata Plan VIS4392 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as shown on Form 1 (1081 Corcan Road)	Shake and Shingle Mill. Shop to a maximum of 112 m ² and Outdoor Storage to a maximum of 2,000 m ²
R-2.38	Lot A, District Lot 47, Nanoose District, Plan VIP69316 (1075 Regan Road)	Two Dwelling Units only
R-2.40	Lot 1, District Lot 9, Cameron District, Plan VIP57847 (3617 Tralee Road)	Two Manufactured Homes only

Zone	Lot Description	Regulations
R-2.41	Lot 3, District Lot 99, Nanoose District, Plan 23548 (1169 Fair Road)	Two Dwelling Units only
R-2.42	Lot 29, Block 359, Newcastle District, Plan 41094 (1650 Nahmint Road)	Kenel
R-2.43	Lot H, District Lot 138, Nanoose District, Plan 42052 (1985 Pierpont Road)	Six Manufactured Homes only
R-2.44 / A-1	That Part of Lot 3, District Lot 149, Nanoose District, Plan 1917 Lying to the North of a Boundary Parallel to and Perpendicularly distant 360 ft. from the Northerly Boundary of Said Lot (1211 and 1219 Station Road)	Three Dwelling Units only
R-2.45 / A-1	Parcel A (DD32265W) of Lot 3, District Lot 149, Nanoose District, Plan 1917 (1241 Station Road)	Three Dwelling Units only
R-2.46	Strata Lots 1 - 6, District Lot 140, Nanoose District, Strata Plan 4842 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lots as shown on Form 1 (1347 Tyler Road)	Warehousing/storage and manufacturing contained within the buildings only.
R-2.47	Lot 7, Block 521, Nanoose District, Plan 43393 (1964 Errington Road)	Kenel
R-2.48 / A-1.14	Lot 2, District Lot 139, Nanoose District, Plan 22824 (1244 Ruffles Road)	A-1 portion horse riding ring, boarding and breeding. R-2 portion farm use
R-2.49	Lot 2, District Lot 138, Nanoose District, Plan VIP56205 (774 Shawn Road)	Two Dwelling Units only
R-2.50	Lot 5, Block 521, Nanoose District, Plan 43393 (1910 Errington Road)	One Dwelling Unit and one suite above the workshop only
R-2.51	Lot B, District Lot 114, Nanoose District, Plan VIP53102 (1810 Gibbs Road)	Two Dwelling Units only
R-2.52	Lot A, District Lot 138, Nanoose District, Plan VIP60112 (2021 Sunking Road)	Two Dwelling Units only
R-2.53	Parcel A (DD 37744-N) of Lot 5, District Lot 149, Nanoose District, Plan 1917 (1119 and 1123 Station Road)	Two Dwelling Units and one - one bedroom Dwelling Unit only

vi) By adding the following table after R-3.5

Zone	Lot Description	Regulations
R-3.6	Lot 18, District Lot 7, Cameron District, Plan 22313 (3086 Rinvold Road)	Two Dwelling Units only
R-3.7	Lot 4, Salvation Army Lots, Nanoose District, Plan 35783 (1010 Bonnell Road)	Marshalling Yard to a maximum area of 3,000 m ² (Includes 228 m ² shop)
R-3.8 / C- 3.15	Lot 5, Salvation Army Lots, Nanoose District, Plan 1115 (1850 Alberni Highway)	Farm Use

vii) By adding the following table after MU-1.1

Zone	Lot Description	Regulations
MU-1.2	Lot 7, District Lot 10, Cameron District, Plan VIP634-88 (3702 Tralee Road)	One Dwelling Unit and one – one bedroom Dwelling Unit only

viii) By adding the following table after MHP-1.11

Zone	Lot Description	Regulations
MHP-1.12	Strata Lots 1 – 19, District Lot 98, Nanoose District, Strata Plan VIS5369 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lots as shown on Form V (2100 Errington Road)	A maximum of 19 bare land strata lots. A maximum of 1 Manufactured Home per strata lot.
MHP-1.13	Strata Lots 1 – 47, District Lot 98, Nanoose District, Strata Plan VIS5370 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lots as shown on Form V (2130 Errington Road)	A maximum of 47 bare land strata lots. A maximum of 1 Manufactured Home per strata lot.
MHP-1.14	Lot B, District Lot 148, Nanoose District, Plan VIP68930 (1720 Whibley Road)	Two Manufactured Homes only

ix) By adding the following table after subsection **Additional MHP-1 Zones**

Zone	Lot Description	Regulations
C-1.1	Lot 1, District Lot 139, Nanoose District, Plan 15854 (1548 Grafton Road)	Mini-storage, product assembly, office, and outdoor storage to a maximum area of 4,000 m ²

x) By adding the following table after C-3.13

Zone	Lot Description	Regulations
C-3.14	That Part of Lot 9, District Lot 7, Cameron District, Plan 22313 Lying to the Northwest of a Boundary Parallel to and Perpendicularly Distant 147.5 Feet From the Southeast Boundary of the Said Lot (3090 Rinvold Road)	Two Dwelling Units only
C-3.15 / R-3.8	Lot 5, Salvation Army Lots, Nanoose District, Plan 1115 (1850 Alberni Highway)	Farm Use
C-3.16	Lot 18, District Lot 156, Nanoose District, Plan 1964 Except Part In Plan 39281 and 733 RW (1223 Smithers Road)	Four – two bedroom suites above restaurant only
C-3.17	Lot 2, District Lots 2 and 7, Cameron District, Plan 22313 Except Parcel A of DDC21439 (3027 Van Horne Road)	Two Dwelling Units only

Zone	Lot Description	Regulations
C-3.18	Lot 2, District Lots 2 and 7, Cameron District, Plan 21832 (3117 Van Horne Road)	Two Manufactured Homes only

xi) By amending the following site specific zones

01. C-4.1 Lot 1, District Lot 39, Plan VIP54354, Newcastle District (3694 Alberni Highway) by deleting the wording 'boat building and repair' and replacing with the following wording 'metal fabrication shop'
02. MHP-1.3 Lot A, District Lot 148, Plan VIP68930, Nanoose District (1730 Whibley Road) by deleting the wording 'Nineteen Manufactured Homes only' and replacing the wording with 'Fifteen Manufactured Homes and 8 Recreational Vehicle Spaces only'.
03. MHP-1.7 Lot 1, District Lot 148, Nanoose District, Plan VIP61331 (1050 Bowlby Road) by deleting the wording 'Fifteen Manufactured Homes and 8 Recreational Vehicle Spaces only' and replacing the wording with 'Nineteen Manufactured Homes only'.
04. R-1.9 Lot 25, Block 544, Nanoose District, Plan 39786' (1750 Fairdowne Road) by deleting the following wording 'Lot 25, Block 544, Nanoose District, Plan 39786' and replacing with the following wording 'Lot A, Block 544, Nanoose District, Plan VIP74057'
05. R-2.8 Lot 2, District Lot 74, Newcastle District (Partly Within Cameron District), Plan 23201 (3514 Brittain Road) by adding the following wording 'accessory retail sales to a maximum of 140 m²' after the wording 'manufacturing only'
06. R-2.9 Lot B, District Lot 148, Nanoose District, Plan 43287 (1775 Gibbs) by adding the following wording 'outdoor storage to a maximum of 3,000 m²' after the wording 'service and repair to a maximum of 800 m² only'
07. A-1.11 Block G, District Lot 143, Nanoose District, Plan 4782 Except Part in Plan 735 RW (2619 Alberni Highway) by adding the following wording 'and 15 RV sites' after the wording 'camping spaces'

v) By amending subsection **4.24 CD-1 1805 Church Road** by

- i.) subsection **4.24.3 Regulations Table d) and f)** correcting the numbering
- ii.) subsection **4.25.4 b)** deleting the wording 'Notwithstanding 4.23.5(a)'

w) By amending

- i.) subsection **4.26 CD-3 817 Allsbrook Road 4.26.3 f)**
- ii.) subsection **4.30 CD-7 1260 Fair Road 4.30.3 g)**
- iii.) subsection **4.32 CD-9 1096 & 1102 Smithers Road 4.32.3 f)**
- iv.) subsection **4.33 CD-10 1160 Smithers Road 4.33.3 f)**

- v.) subsection 4.34 CD-11 1225 Fair Road 4.34.3 f)
- vi.) subsection 4.35 CD-12 1440 Romain Road 4.35.3 f)
- vii.) subsection 4.36 CD-13 1470 Romain Road 4.36.3 f)
by correcting the numbering.

- x) By adding subsection 4.38 CD – 15 2701 Alberni Highway after subsection 4.36 CD – 13 1470 Romain Road as follows:

4.38.1 Permitted Principal Uses

- a) Dwelling Unit
- b) Retail Store
- c) Food Processing
- d) Service and Repair
- e) Outdoor sales to a maximum area of 3,200 m²

4.38.2 Accessory Uses

- a) Storage Building to a maximum floor area of 190 m²

4.38.3 Signs

Despite Section 2.14 of this Bylaw the following sign regulations apply to this zone:

- a) A maximum of two freestanding signs with a maximum sign face area of 22 m² per sign and the total sign structure for each sign shall not exceed a maximum height of 10 metres.
- b) One freestanding property identification sign.
- c) All freestanding signs shall have a minimum setback of 4.5 metres from all lot lines.

4.38.4 Regulations Table

Categories	Requirements
a) Maximum Density	1 Dwelling Unit per ha
b) Minimum Lot Size	1.75
c) Minimum Lot Frontage	30 metres
d) Maximum Lot Coverage	14%
e) Maximum Building and Structure Height	12 metres
f) Minimum Setback from All Lot Lines	4.5 metres
g) Minimum Setback from Watercourses	As outlined in Section 2.10
h) Runoff Control Standards	As outlined in Section 2.5
i) General Land Use Regulations	Refer to Section 2 – General Regulations

4.38.5 Regulations

Retail, Food Processing and Service and Repair uses shall not exceed a maximum combined floor area of 2,217 m² and specifically, the Food Processing use shall be limited to a maximum floor area of 280 m² within the maximum allowable combined floor area.

5. **SECTION 5 DEFINITIONS**, is hereby amended as follows:

Adding to the end of the definition of **Transfer Station** "that is owned, operated and maintained by or on behalf of the Regional District of Nanaimo or a municipality."

B. **SCHEDULE B, Zoning and Subdivision Map** is hereby amended as follows:

1. Rezoning from A-1 (Agriculture 1) to the following:
 - a) A-1.12 on the land legally described as Lot 2, Block A, District Lot 15, Cameron District, Plan 2017 as shown as A-1.12 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - b) A-1.13 on the land legally described as Lot 1, District Lot 139, Nanoose District, Plan 24924 as shown as A-1.13 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - c) A-1.14 /R 2.48 on the land legally described as Lot 2, District Lot 139, Nanoose District, Plan 22824 as shown as A-1.14/R-2.48 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - d) A-1.15 on the land legally described Lot 17, District Lot 139, Nanoose District, Plan 1913 Except Part in Plan 20397 as shown as A-1.15 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - e) A-1.16 on the land legally described Block J, District Lot 143, Nanoose and Cameron Districts, Plan 4791 Except Part in Plan 735 RW & VIP60681 as shown as A-1.16 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - f) A-1.17 / C-3 on the land legally described Lot 1, District Lot 43, Nanoose District, Plan 7795 as shown as A-1.17/C-3 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - g) A-1.18 on the land legally described as Lot 5, District Lot 139, Nanoose District, Plan 26295 as shown as A-1.18 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - h) A-1.19 on the land legally described as Lot 1, District Lot 8, Cameron District, Plan 28493 as shown as A-1.19 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - i) CD – 15 on the land legally described as Lot A, District Lot 143, Nanoose (Situated in Cameron District), Plan VIP75255 as shown as CD-15 on Schedule No. '2' which is attached to and forms part of this bylaw.
2. Rezoning from C-1 (Commercial 1) to the following:
 - a) C-1.1 on the land legally described as Lot 1, District Lot 139, Nanoose District, Plan 15854 as shown in heavy outline on Schedule No. '2' which is attached to and forms part of this bylaw.
 - b) R-3 on the land legally described as Lot 2, District Lot 4, Cameron District, Plan 37773 as shown in heavy outline on Schedule No. '3' which is attached to and forms part of this bylaw.
 - c) R-1 on the land legally described as Strata Lot 40, Block 526, Cameron District, Strata Plan VIS4673 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as shown on Form 1 as shown in heavy outline on Schedule No. '3' which is attached to and forms part of this bylaw.

3. Rezoning from C-3 (Commercial 3) to the following:
 - a) C-3.14 on the land legally described as That Part of Lot 9, District Lot 7, Camcron District, Plan 22313 Lying to the Northwest of a Boundary Parallel to and Perpendicularly Distant 147.5 Feet from the Southeast Boundary of Said Lot as shown as C-3.14 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - b) C-3.15 / R-3.8 on the land legally described as Lot 5, Salvation Army Lots, Nanoose District, Plan 1115 as shown as C-3.15/R-3.8 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - c) C-3.16 on the land legally described as Lot 18, District Lot 156, Nanoose District, Plan 1964 Except Part in Plan 39281 and 733 RW as shown as C-3.16 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - d) C-3.17 on the land legally described as Lot 2, District Lots 2 and 7, Cameron District, Plan 22313 Except Parcel A (DDC21439) as shown as C-3.17 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - e) C-3.18 on the land legally described as Lot 2, District Lots 2 and 7, Cameron District, Plan 21832 as shown as C-3.18 on Schedule No. '2' which is attached to and forms part of this bylaw.
4. Rezoning from MU-1 (Mixed Use Chatsworth Road 1) to the following:
 - a) MU-1.2 on the land legally described as Lot 7, District Lot 10, Cameron District, Plan VIP63488 as shown as MU-1.2 on Schedule No. '2' which is attached to and forms part of this bylaw.
5. Rezoning from MHP-1.1 (Manufactured Home Park 1) to the following:
 - a) MHP-1.12 on the land legally described as Strata Lots 1 – 19, District Lot 98, Nanoose District, Strata Plan VIS5369 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as shown on Form V as shown as MHP-1.12 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - b) MHP-1.13 on the land legally described as Strata Lots 1 – 47, District Lot 98, Nanoose District, Strata Plan VIS5370 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as shown on Form V as shown as MHP-1.13 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - c) MHP-1.14 on the land legally described as Lot B, District Lot 148, Nanoose District, Plan VIP68930 as shown as MHP-1.14 on Schedule No. '2' which is attached to and forms part of this bylaw.
6. Rezoning from R-1 (Rural 1) to the following:
 - a) R-1.16 on the land legally described as Lot 13, Blocks 521 and 544, Nanoose District, Plan 35625 as shown as R-1.16 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - b) R-1.17 on the land legally described Lot A, Block 544, Nanoose District, Plan VIP63634 as shown as R-1.17 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - c) R-1.19 on the land legally described Lot 21, Block 544, Nanoose District, Plan 39786 as shown as R-1.19 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - d) R-1.20 on the land legally described Strata Lot 136, Block 526, Cameron District, Strata Plan VIS4673 Together with an Interest in the Common Property in Proportion to the

- Unit Entitlement of the Strata Lot as shown on From 1 as shown as R-1.20 on Schedule No. '2' which is attached to and forms part of this bylaw.
- e) R-1.22 on the land legally described as Lot 1, District Lot 23, Nanoose District, Plan VIP53338 as shown as R-1.22 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - f) R-2.45 / A-1 on the land legally described as Parcel A (DD32265W) of Lot 3, District Lot 149, Nanoose District, Plan 1917 as shown as R-2.45/A-1 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - g) C-1 on the land legally described as Strata Lot 1, Block 526, Cameron District, Strata Plan VIS4673 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as shown on From 1 as shown in heavy outline on Schedule No. '3' which is attached to and forms part of this bylaw.
 - h) R-2 on that portion of the land legally described as Lot 15, Block 359, Newcastle District, Plan VIP75374 as shown in heavy outline on Schedule No. '3' which is attached to and forms part of this bylaw.
7. Rezoning from R-1.9 to R-1.21 on the land legally described Lot B, Block 544, Nanoose District, Plan VIP74057 as shown as R-1.21 on Schedule No. '2' which is attached to and forms part of this bylaw.
 8. Rezoning from R-1.10 to R-1.44 / A-1 on the land legally described as That Part of Lot 3, District Lot 149, Nanoose District, plan 1917 Lying to the North of a Boundary Parallel to and Perpendicularly Distant 360 feet from the Northerly Boundary of Said Lot as shown as R-2.44/A-1 on Schedule No. '2' which is attached to and forms part of this bylaw.
 9. Rezoning from R-2 (Rural Residential 2) to the following:
 - a) R-2.30 on the land legally described as Lot A, Block 544, Nanoose District, Plan VIP58972 as shown as R-2.30 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - b) R-2.31 on the land legally described as Lot 1, District Lots 9 and 10, Cameron District, Plan 46347 as shown as R-2.31 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - c) R-2.32 on the land legally described as Lot A, District Lot 138, Nanoose District, Plan VIP53500 as shown as R-2.32 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - d) R-2.33 on the land legally described as Lot 1, District Lot 156, Nanoose District, Plan 14854 as shown as R-2.33 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - e) R-2.34 on the land legally described as Lot 4, District Lot 58, Nanoose District, Plan 50268 as shown as R-2.34 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - f) R-2.35 on the land legally described as Lot 1, District Lot 139, Nanoose District, Plan 15854 as shown as R-2.35 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - g) R-2.36 on the land legally described as Lot 2, Block 521, Nanoose District, Plan 43393 as shown as R-2.36 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - h) R-2.37 on the land legally described as Strata Lot 2, Block 359, Newcastle District, Strata Plan VIS4392 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as shown on From 1 as shown as R-2.37 on Schedule No. '2' which is attached to and forms part of this bylaw.

- i) R-2.38 on the land legally described as Lot A, District Lot 47, Nanoose District, Plan VIP69316 as shown as R-2.38 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - j) R-2.40 on the land legally described as Lot 1, District Lot 9, Cameron District, Plan VIP57847 as shown as R-2.40 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - k) R-2.41 on the land legally described as Lot 3, District Lot 99, Nanoose District, Plan 23548 as shown as R-2.41 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - l) R-2.42 on the land legally described as Lot 29, Block 359, Newcastle District, Plan 41094 as shown as R-2.42 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - m) R-2.43 on the land legally described as Lot H, District Lot 138, Nanoose District, Plan 42052 as shown as R-2.43 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - n) R-2.46 on the land legally described as Strata Lot 1 to 6, District Lot 140, Nanoose District, Strata Plan 4842 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as shown on Form 1 as shown as R-2.46 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - o) R-2.47 on the land legally described as Lot 7, Block 521, Nanoose District, Plan 43393 as shown as R-2.47 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - p) R-2.48 / A-1.14 on the lot legally described as Lot 2, District Lot 139, Nanoose District, Plan 22824 as shown as R-2.48 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - q) R-2.49 on the land legally described as Lot 2, District Lot 138, Nanoose District, Plan VIP56205 as shown as R-2.49 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - r) R-2.50 on the land legally described as Lot 5, Block 521, Nanoose District, Plan 43393 as shown as R-2.50 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - s) R-2.51 on the land legally described as Lot B, District Lot 114, Nanoose District, Plan VIP53102 as shown as R-2.51 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - t) R-2.52 on the land legally described as Lot A, District Lot 138, Nanoose District, Plan VIP60112 as shown as R-2.52 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - u) R-2.53 on the land legally described as Parcel A (DD 37744-N) of Lot 5, District Lot 149, Nanoose District, Plan 1917 as shown as R-2.53 on Schedule No. '2' which is attached to and forms part of this bylaw.
 - v) R-1 on those portions of the land legally described as Block 359, Newcastle District except Parcel A (DD21980N) and Except Plans 41094, VIP54534, VIP54535, VIP57567, VIP64186, VIP64189, and VIP64696, VIP66682, VIP67560, VIP69346, VIP69786, VIP73141, VIP75374 as shown in heavy outline on Schedule No. '3' which is attached to and forms part of this bylaw.
10. Rezoning R-2.12 to R-2 (Rural Residential 2) on the land legally described as Lot 7, District Lot 140, Nanoose District, Plan 22868 as shown in heavy outline on Schedule No. '1' which is attached to and forms part of this bylaw.
11. Renaming R-2.13 to R-2.30 (inclusive) to R-2.12 to R-2.29 (inclusive) as shown on Schedule No. '2' which is attached to and forms part of this bylaw.

12. Rezoning from R-3 (Village Residential 3) to the following:

- a) R-3.6 on the land legally described as Lot 18, District Lot 7, Cameron District, Plan 22313 as shown as R-3.6 on Schedule No. '2' which is attached to and forms part of this bylaw.
- b) R-3.7 on the land legally described as Lot 4, Salvation Army Lots, Nanoose District, Plan 35783 as shown as R-3.7 on Schedule No. '2' which is attached to and forms part of this bylaw.
- c) R-3.8 / C-3.15 on the land legally described as Lot 5, Salvation Army Lots, Nanoose District, Plan 1115 as shown as R-3.8/C-3.15 on Schedule No. '2' which is attached to and forms part of this bylaw.

13. Rezoning from S-1 (Salvage and Wrecking 1) to R-2 (Rural Residential 2) on the land legally described as Lot 25, Block 359, Newcastle District, Plan 41094 as shown in heavy outline on Schedule No. '3' which is attached to and forms part of this bylaw.

C. This Bylaw may be cited as "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003".

Introduced and read two times this 9th day of December 2003.

Public Hearing held pursuant to Section 890 of the **Local Government Act** this 7th day of January, 2004.

Reintroduced and read two times as amended this 10th day of February, 2004.

Public Hearing held pursuant to Section 890 of the **Local Government Act** this ___ day of _____, 2004.

Read a third time this ___ day of _____, 2004.

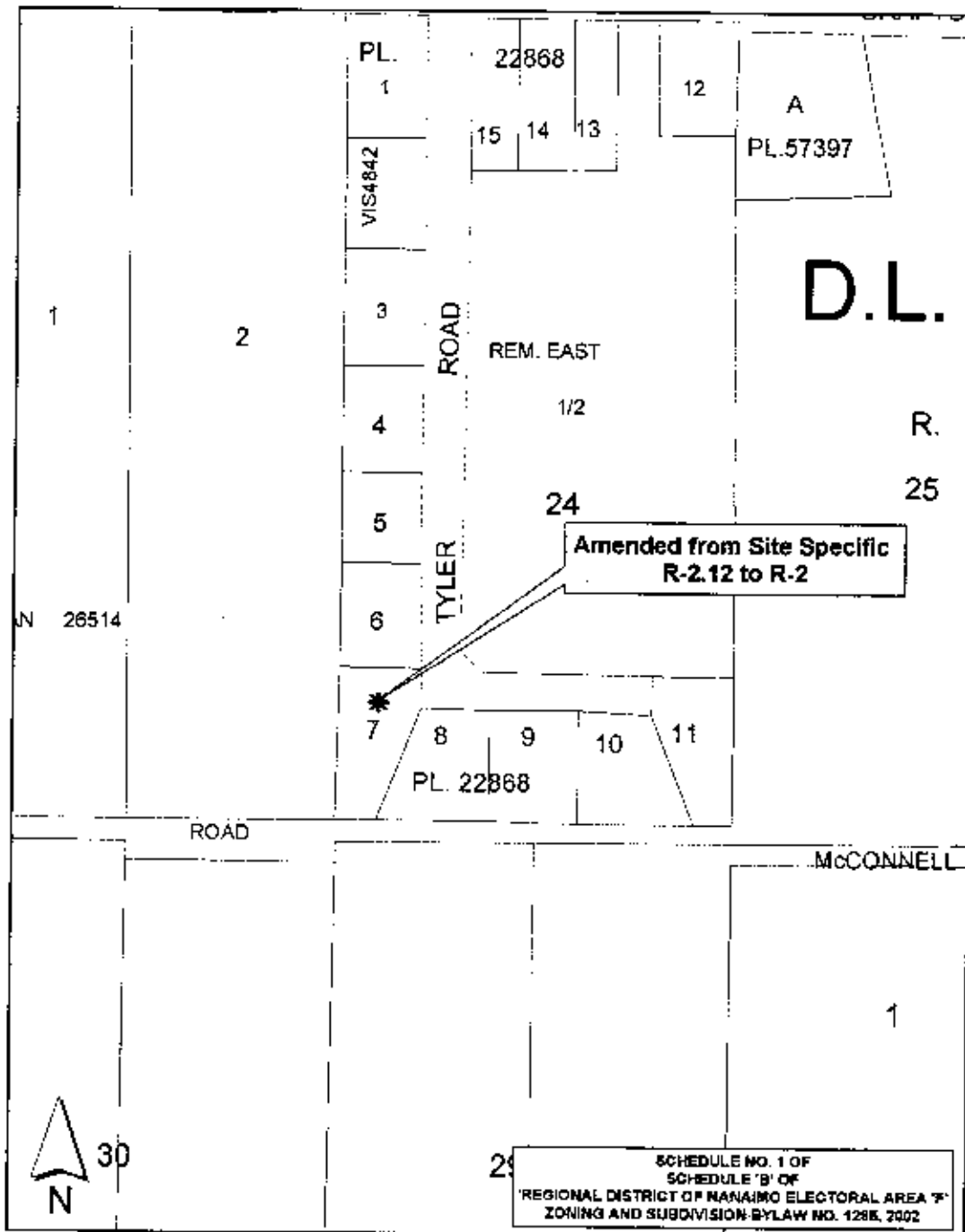
Received approval pursuant to the **Highway Act** this ___ day of ___, 2004.

Adopted this ___ day of _____, 2004.

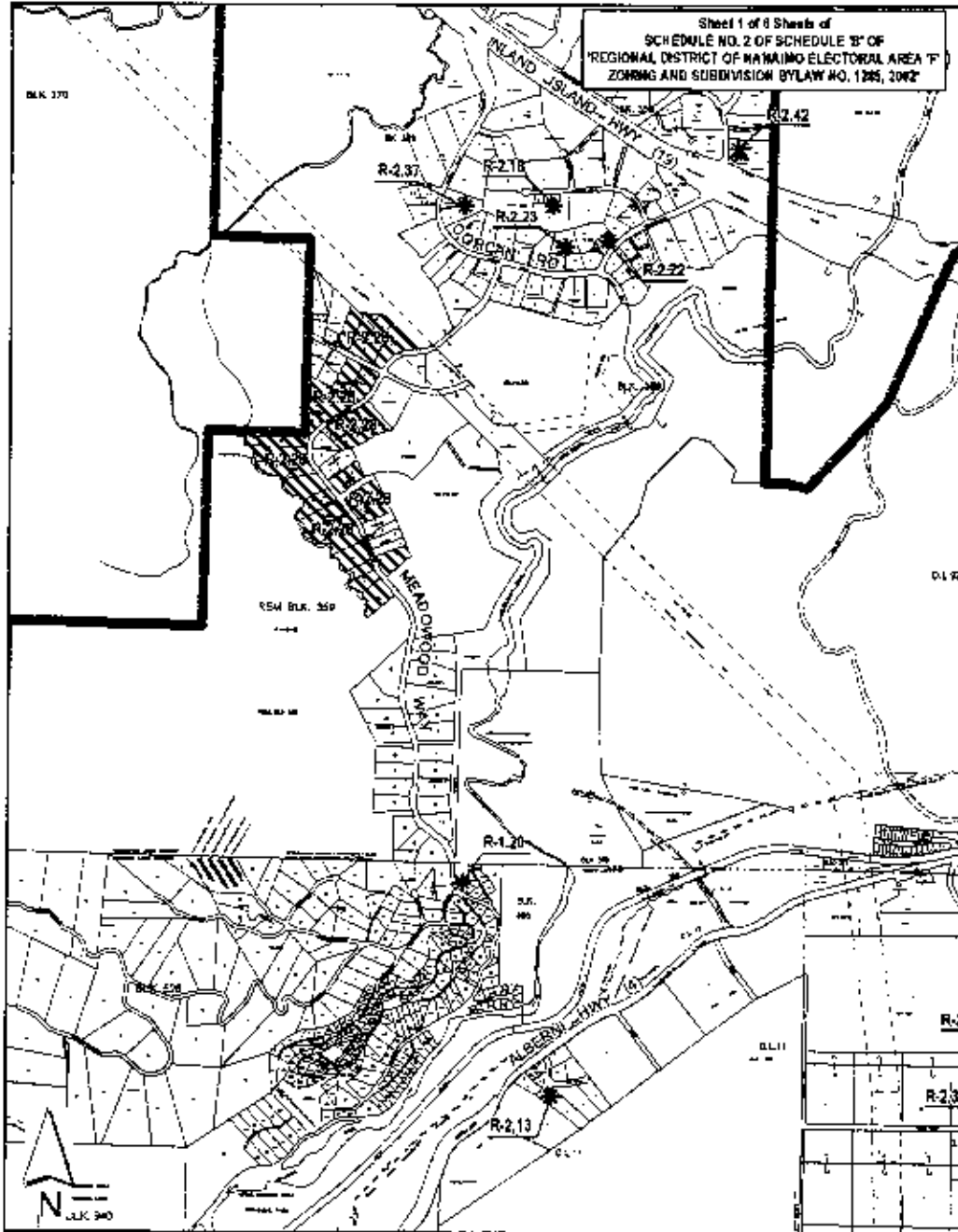
Chairperson

General Manager, Corporate Services

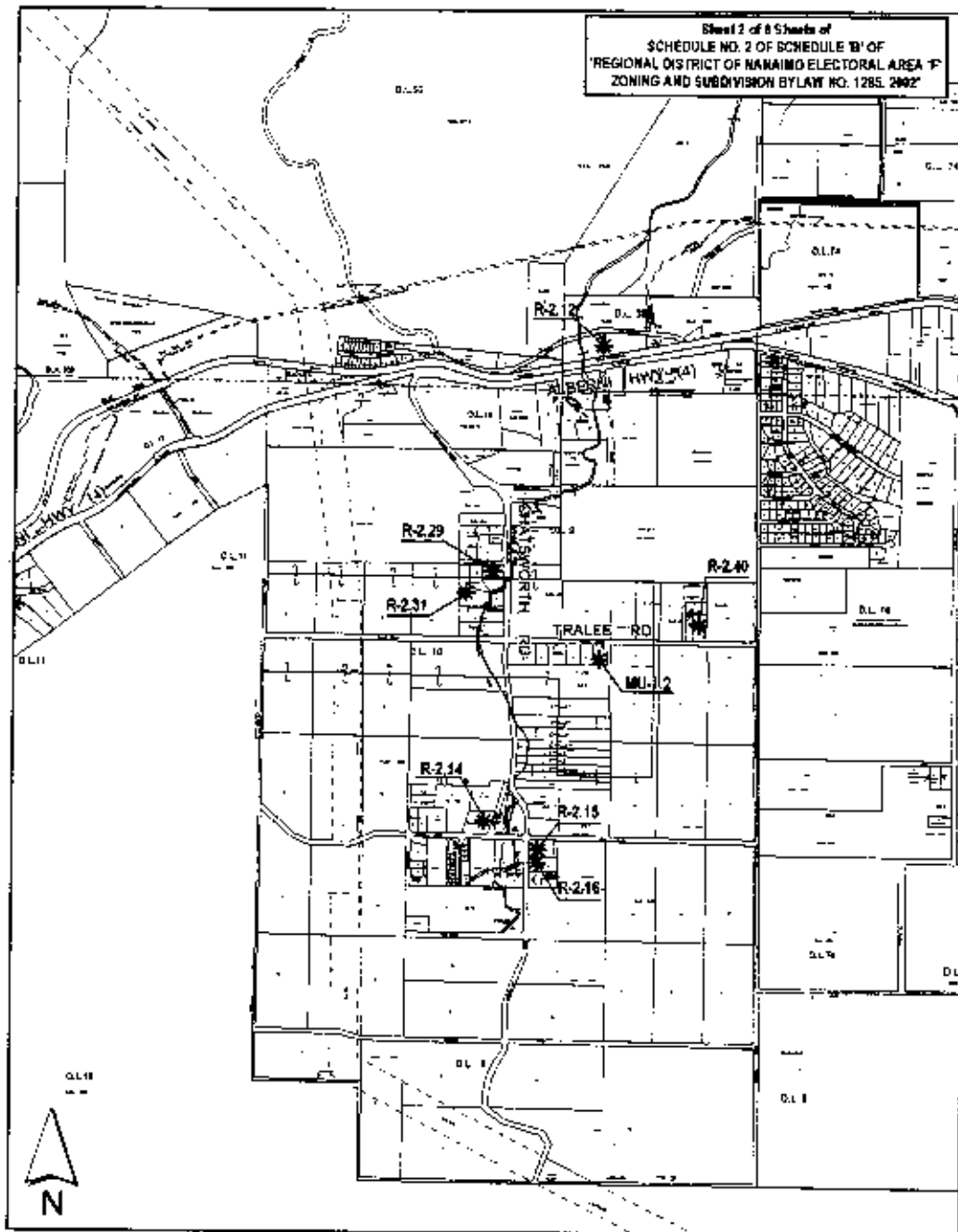
SCHEDULE NO. 1
(1 of 1 sheets)



SCHEDULE NO. 2
(Sheets 1 of 6)

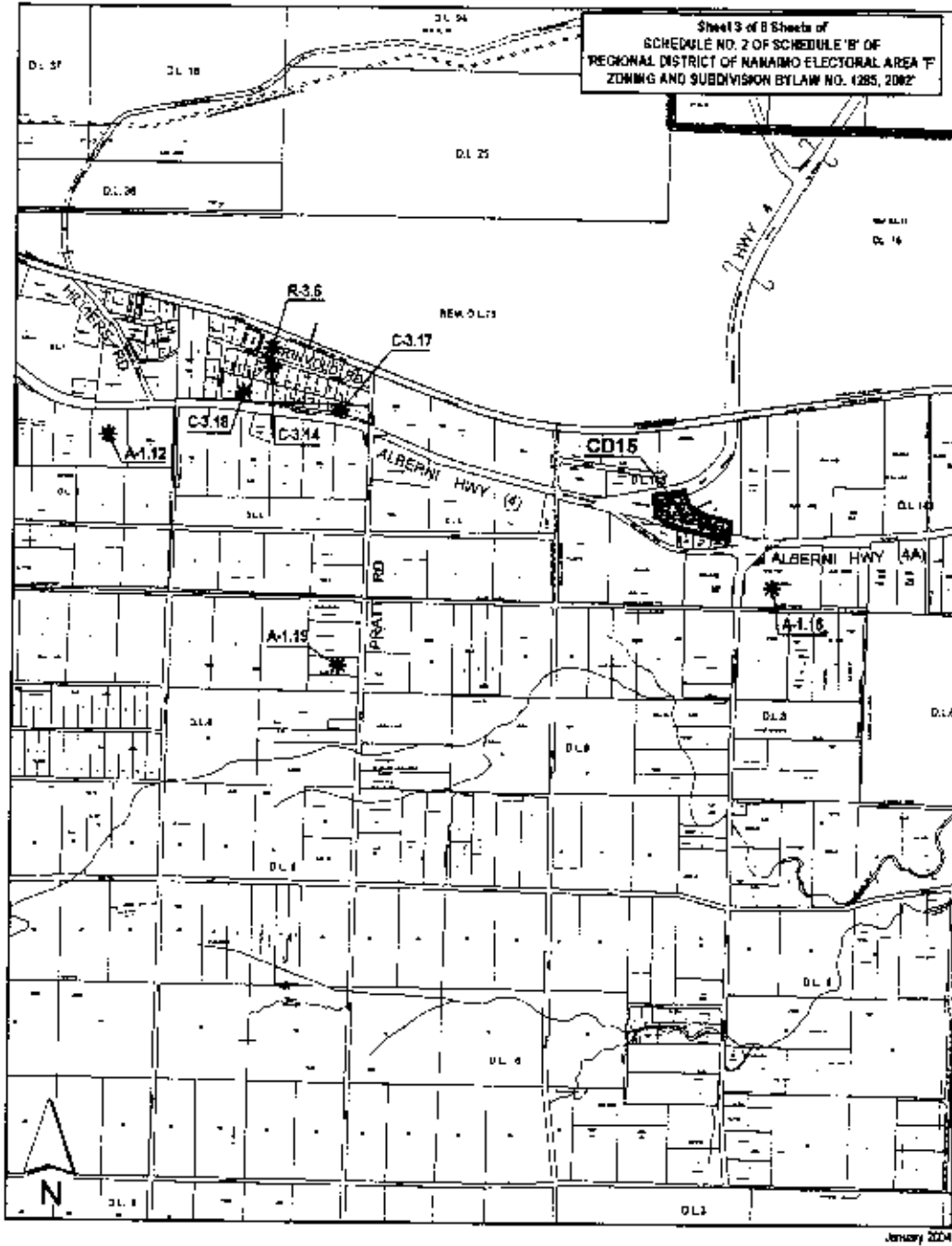


SCHEDULE NO. 2
(Sheets 2 of 6)

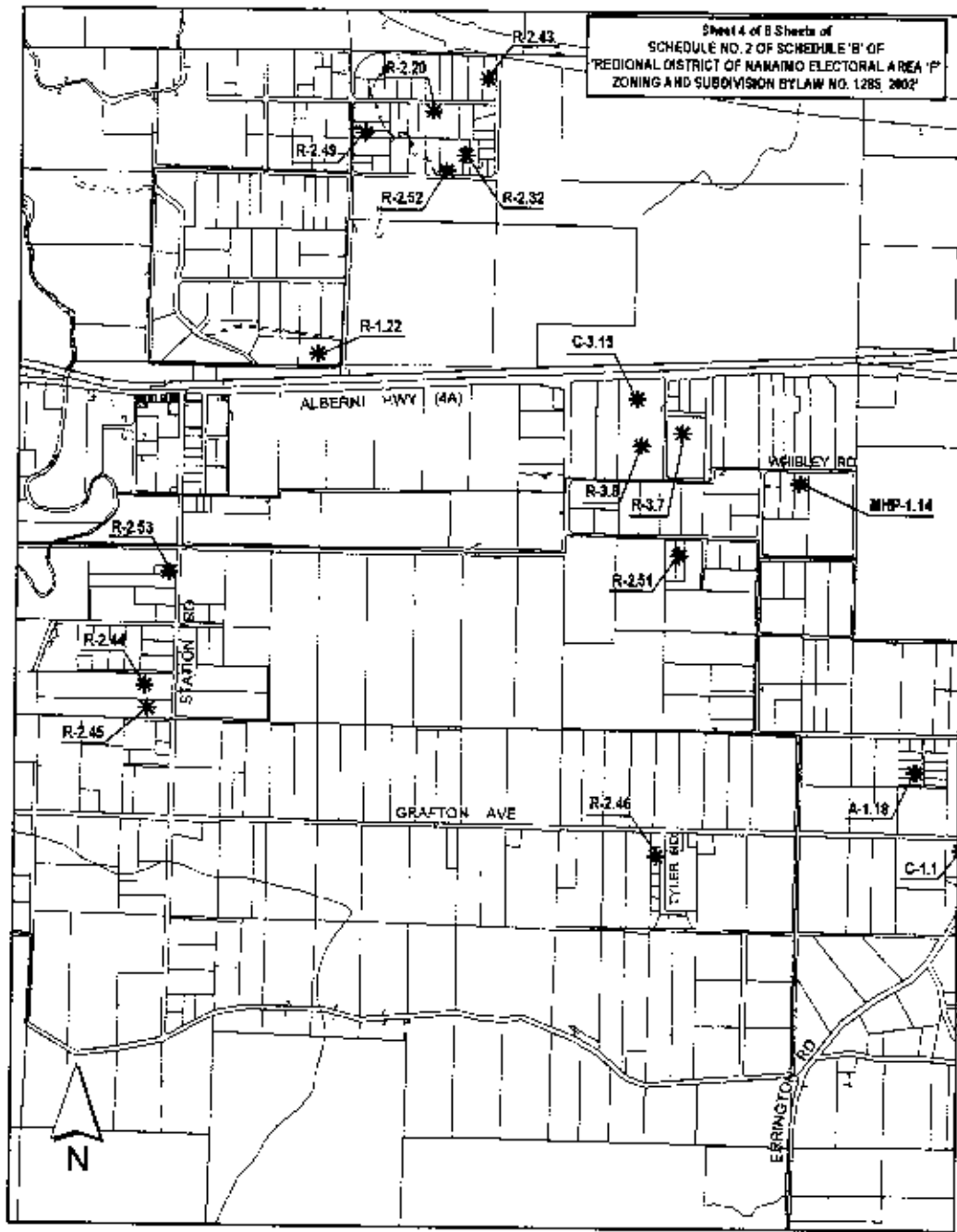


January 2004

SCHEDULE NO. 2
(Sheets 3 of 6)

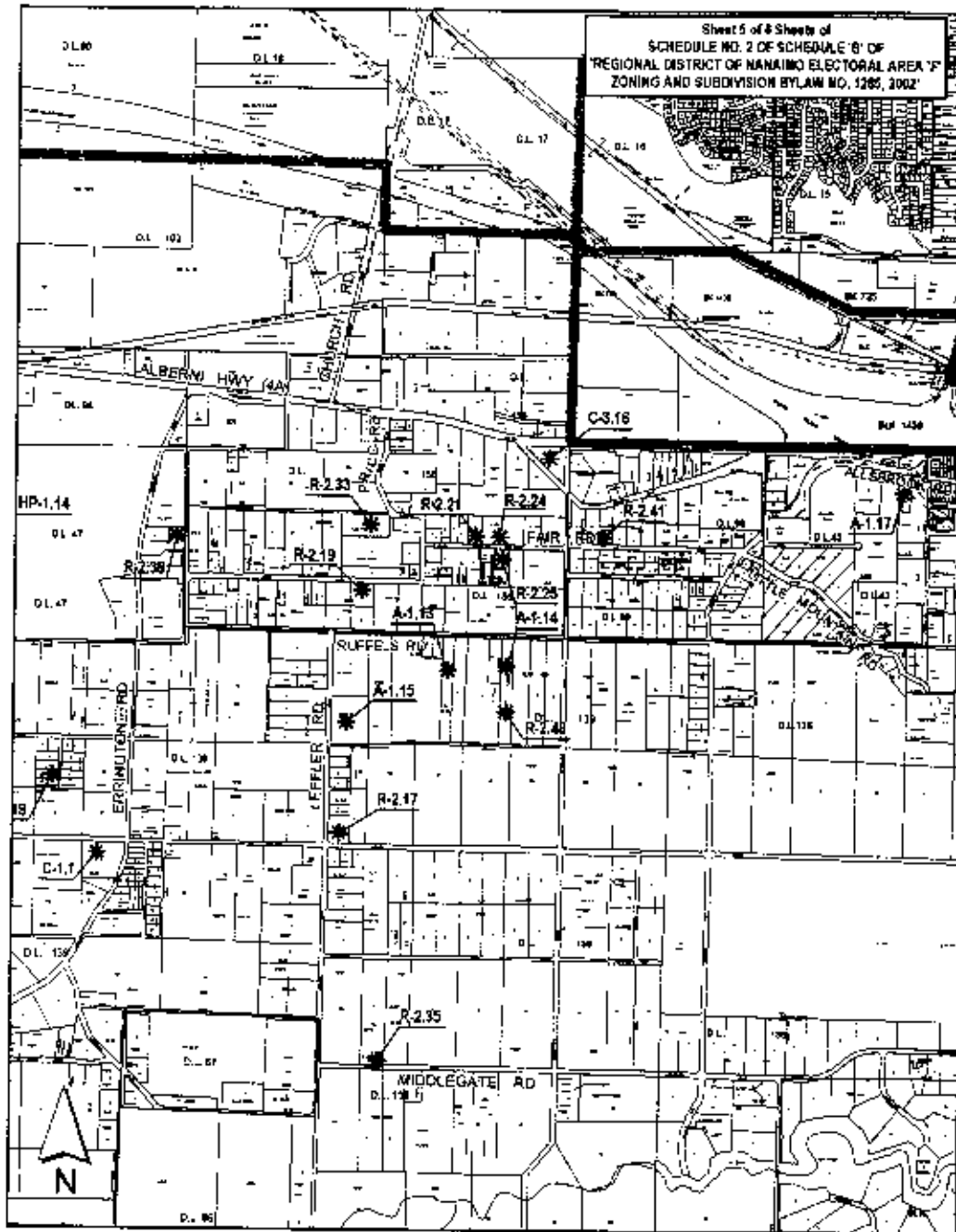


SCHEDULE NO. 2
(Sheets 4 of 6)

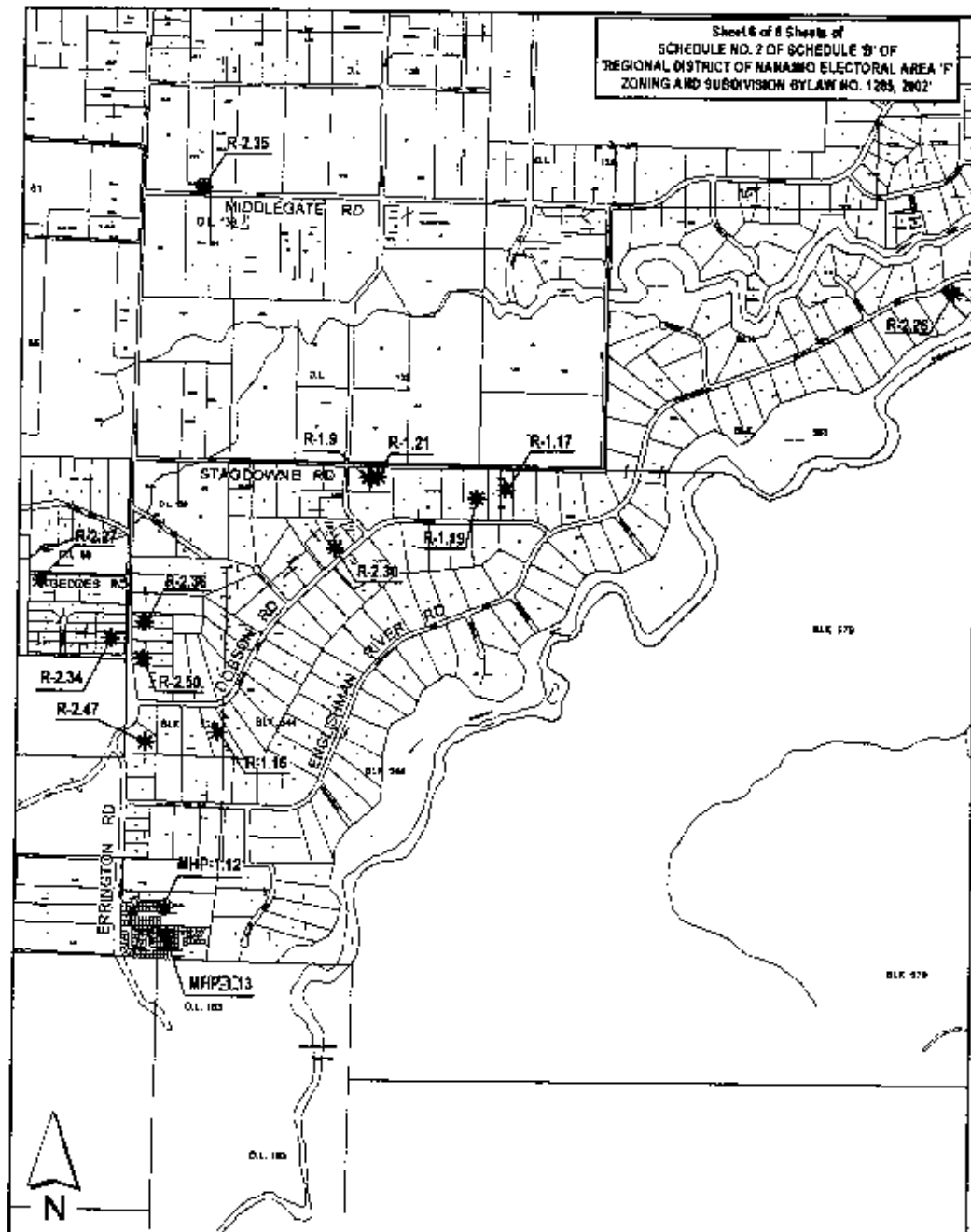


January 2004

SCHEDULE NO. 2
(Sheets 5 of 6)

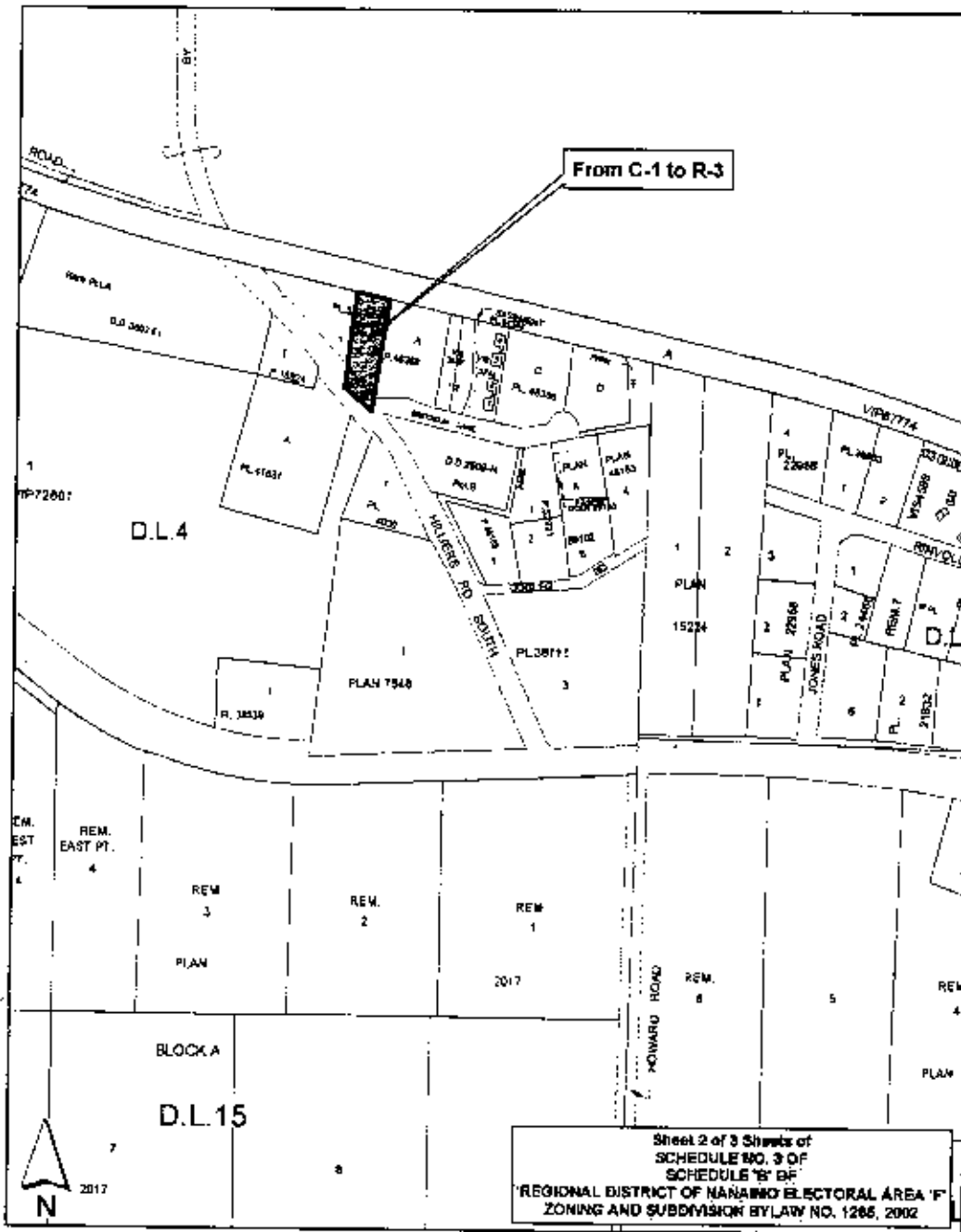


SCHEDULE NO. 2
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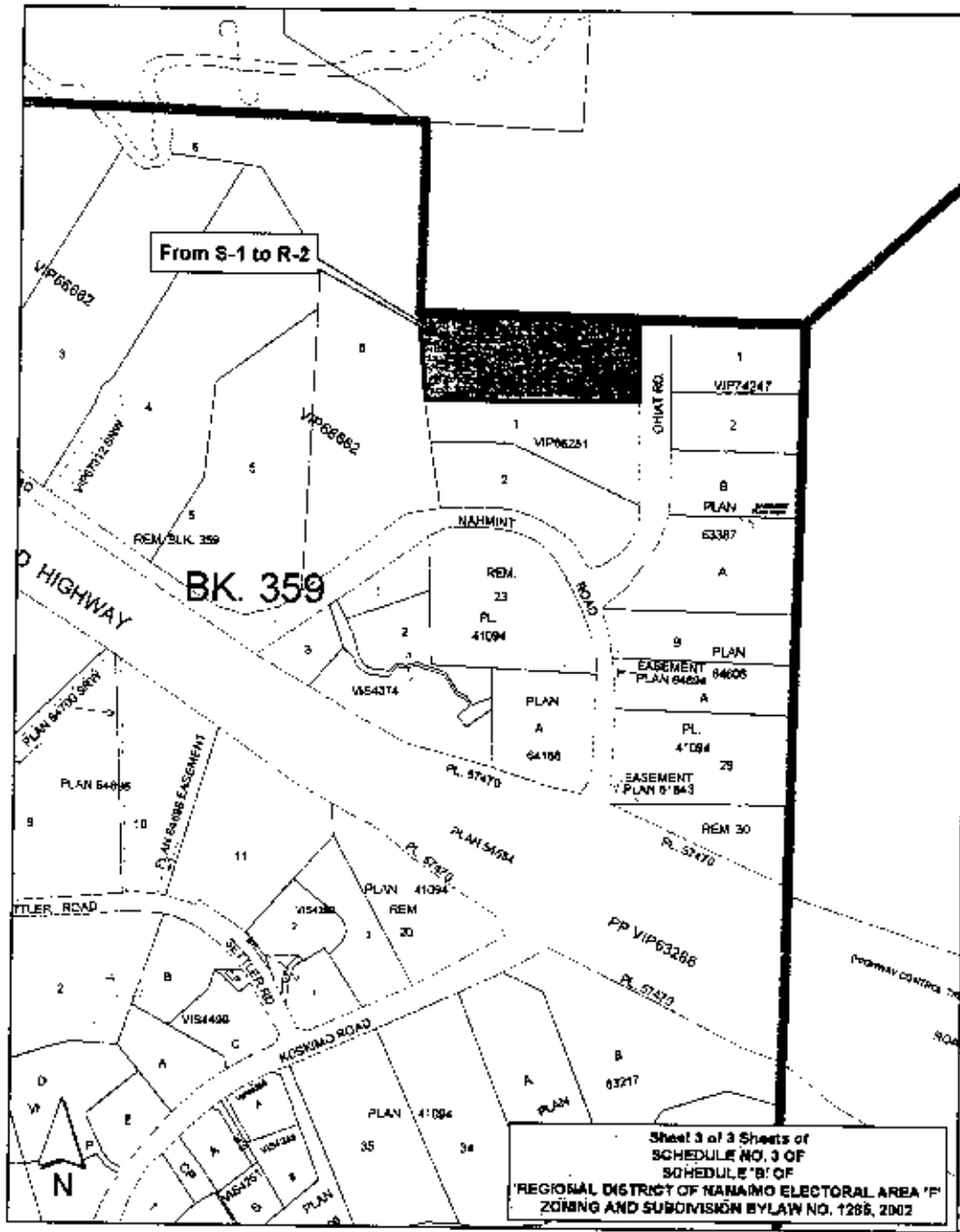


January 2004

**SCHEDULE NO. 3
(2 of 3 sheets)**



SCHEDULE NO. 3
(3 of 3 Sheets)



Sheet 3 of 3 Sheets of
SCHEDULE NO. 3 OF
SCHEDULE "B" OF
REGIONAL DISTRICT OF NANAIMO ELECTORAL AREA "F"
ZONING AND SUBDIVISION BYLAW NO. 1285, 2002

**Attachment No. 2
 New Requests and Changes [(ssz) refers to site-specific zoning]**

REQUESTS	ADDRESS	ZONE	New zone	AREA	ISSUE/USE	RESOLUTION
Stephen Stahley	1347 Tyler Road	R-2	R-2, 46	22 ha	Requests that manufacturing use be included for 6-unit strata development that was recognized for warehousing and storage as it is a pre-existing use.	Include manufacturing (inside buildings only) as permitted use in addition to warehousing and storage.
Stephen Stahley	1040 Virginia Road	R-1	R-1, 22	1.9 ha	Requests 2 DU, seasonal retail, rental warehousing and footings for Phase I of commercial/industrial buildings with plans to build 3 more. Bylaw enforcement confirmed 2 DU and garage/accessory building exists only. Health permits provided for 2 DU.	Recognize 2 DU only.
Hans Heringa	2570 Peterson Road	A-1.7	A-1.7	70 ha	Requests that zoning remain. RDN proposing to rezone to A-1 due to lack of approval from ALC.	Maintain existing ssz, which includes composting facility.
Jim Moore	1425 Leffler Road	R-1	R-1	2.04	Requests ssz for wood processing and mill. Neighbours state use is incompatible with surrounding land uses.	Do not recognize wood processing and remains non-conforming due to incompatibility.
Dave Munroe	2701 Alberni Highway	A-1	CD-15	1.75 ha	Requests additional uses to proposed ssz retail use.	Recognize retail use to a maximum of 2,217 m ² (includes 279m ² of food processing), service and repair, outdoor sales to a maximum area of 3,200 m ² , maximum of 2 signs with a maximum face area of 22m ² each, landmark (non-advertising) sign, and storage building to a maximum of 186 m ² .
Tony Fuller	965 Little Mountain	R-2	R-2	52 ha	Landscape business - buildings 189 m ² and marshalling/parking area 494 m ² . ssz proposed to grant landscaping business and marshalling yard to max of 492 m ² . Neighbour opposed for future land owners.	Recognize landscape business as home based business.

REQUESTS	ADDRESS	ZONE	New zone	AREA	ISSUE/USE	RESOLUTION
Robin Smith	1548 Grafton	C-1	C-1.1	2.5 ha	Requests C-3 zoning. Existing uses include retail, mini-storage, product assembly, manufacturing, outdoor storage and office.	Recognize pre-existing uses of mini-storage, outdoor storage to a maximum of 4,000 m ² , product assembly, and office but manufacturing use remains non-conforming.
REP Properties Eric Purtzki	1223 Smithers	C-3	C-3.16		Have 4 suites above restaurant. Previously only had health approval for 3 suites. Health amended approval and 4 suites are ok.	Recognize 4 suites above restaurant.
DOCUMENTS SUBMITTED LATE						
Joc Kinch	1910 Errington Road	R-2	R-2.50	.84 ha	Requests 1 DU and 1 roughed in suite above shop. Submitted BC Hydro records late requests roughed in suite above workshop be included	Recognize roughed in suite.
Corrine L'Heureux	1810 Gibbs Road	R-2	R-2.51	.7 ha	Submitted health permit late requests 2 nd dwelling unit be recognized.	Recognize 2 nd DU.
NEW REQUESTS						
Donald Marshall	2021 Sunking	R-2	R-2.52	.19 ha	Due to moving and health unaware of process. Has 2 MH both with valid health permits	Recognize 2 DU.
Gary Unruh	1119 and 1123 Station	R-2	R-2.53	.38 ha	Has 2 dwelling units and 1 suite roughed in above shop. Needs health.	Recognize 2 DU and 1 suite.



REGIONAL DISTRICT OF NANAIMO			
FEB - 4 2004			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	

MEMORANDUM

TO: C. Mason
General Manager, Corporate Services

FROM: N. Avery
Manager, Financial Services

SUBJECT: **Permissive Tax Exemption Request**

DATE: Feb 1

FILE:

February 1, 2004

PURPOSE:

To seek Board approval to support a property tax exemption for 893 Beaufort, Royal Canadian Air Cadet Squadron.

BACKGROUND:

The 893 Beaufort, Royal Canadian Air Cadet Squadron is seeking to purchase the property locally known as the Errington School to provide a permanent home for its squadron. The purchase is subject to the squadron ensuring that they can obtain a property tax exemption and accordingly, this report is being brought directly to this Board meeting to assist the group in that objective.

The squadron is seeking an exemption from property taxes under Section 15(q) of the *Rural Tax Act*. Section 15(q) of the *Rural Tax Act* reads as follows:

"The following property is exempt from taxation:

- (q) land and improvements if the land and improvements are
 - (i) owned or occupied, and
 - (ii) used exclusively

by a non-profit organization for activities that are of demonstrable benefit to all members of the community where the land is located."

This is a statutory exemption which the Assessment Authority can determine on its own merits; however, administratively, the Assessment Authority requests organizations seeking this exemption to obtain the support of the local government jurisdiction. An exemption under the *Rural Tax Act* will relieve the squadron from all property taxes payable, including Provincial, Rural, School and Regional District property taxes.

The Air Cadet Squadron, which has about 60 young people in its ranks, intends to use the school building as a training facility for air cadets and if possible, to bring another squadron currently located in the City of Parksville into an agreement to use and help operate the building. The building would also be available for other community group use such as Cubs, Scouts, 4-H, etc.

Additionally, the Air Cadet Squadron has asked that the Board support its application to transfer the land leases for two adjoining parcels owned by the Province and leased to School District 69 for the Squadron's use. If the adjoining land leases can be secured the long term intent would be to develop a baseball diamond/soccer field for both cadet and community use.

ALTERNATIVES:

1. Write a letter to the Air Cadet Squadron indicating the Regional Board's support for a property tax exemption under the *Rural Tax Act*. Additionally, write a letter of support to the Province for the transfer of the land leases to the Air Cadet Squadron.
2. Decline the request to support a property tax exemption, but write a letter of support to the Province for the transfer of the land leases to the Air Cadet Squadron.

FINANCIAL IMPLICATIONS:

The squadron has provided some financial information to staff. The organization is run entirely by volunteers and is supported by fundraising and two small grants from the Legion and the Department of National Defense. The estimated value of property taxes, given the current assessed value of the property, could be as high as \$11,000 per year, an amount which would be unaffordable without the exemption. As a property owner the School District is exempt from property taxes. A change of ownership to the air cadet squadron and the granting of a tax exemption will not result in any loss of tax revenues in Area F.

OTHER IMPLICATIONS:

The Regional District as part of its review of the initiative to purchase the Errington School also looked into taking over the land leases on the adjacent parcels, with the intent of providing a community park in Area F. The Province at that time suggested that it wasn't prepared to offer up the land without compensation and the parcels are not under current consideration. The air cadet squadron's interest in developing the land as a community asset is a pleasant coincidence and deserves support.

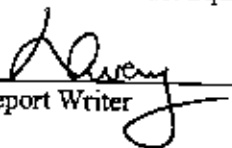
SUMMARY/CONCLUSIONS:

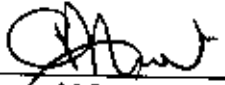
893 Beaufort, Royal Canadian Air Cadet Squadron is seeking to purchase the Errington School building to provide a permanent home for its young cadets. The purchase is subject to the organization obtaining assurances that it will be exempt from property taxes and the squadron has approached the Assessment Authority for an exemption under the *Rural Tax Act*. Section 15(q) of the *Rural Tax Act* gives the Assessment Authority the ability to grant a statutory exemption to qualifying non-profit organizations, however, administratively, the Assessment Authority asks that local government support be obtained. The organization meets the criteria of Section 15(q) of the *Rural Tax Act* and staff recommend supporting the tax exemption request.

Additionally, the Air Cadet Squadron is asking the Board to write to the Province in support of its application to have two adjacent land leases held by School District 69, transferred to the organization. The adjacent properties could be developed by the organization into a community oriented sportsfield in the longer term. Staff recommend the Board support their initiative.

RECOMMENDATION:

1. That 893 Beaufort, Royal Canadian Air Cadet Squadron be advised that the Board supports its application to be considered exempt from property taxes under Section 15(q) of the *Rural Tax Act*.
2. That correspondence be sent to the Province, supporting the transfer of adjacent land leases to the Air Cadet Squadron.


Report Writer


General Manager, Corporate Services


C.A.O. Concurrence

COMMENTS:

/Permissive tax exemption report (Air Cadet Squadron) doc

