

**REGIONAL DISTRICT OF NANAIMO**

**BOARD MEETING  
TUESDAY, JANUARY 13, 2004  
7:00 PM**

*(RDN Board Chambers)*

**A G E N D A**

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

**7.1 ELECTORAL AREA PLANNING STANDING COMMITTEE**

47-49 Minutes of the Electoral Area Planning Committee meeting held December 9,  
2003. (for information)

**PLANNING**

**DEVELOPMENT PERMIT APPLICATIONS**

**DP Application No. 60354 – French Creek Estates Ltd. – Columbia Drive –  
Area G. (Electoral Area Directors except EA ‘B’ – One Vote)**

**Delegations wishing to speak to DP Application No. 60354,**

*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.*

**DEVELOPMENT VARIANCE PERMIT APPLICATIONS**

**DVP 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. (Electoral Area  
Directors except EA ‘B’ – One Vote)**

**Delegations wishing to speak to DVP Application No. 90320.**

*That Development Variance Permit Application No. 90320, submitted by WR  
Colclough & Associates Ltd. on behalf of Land & Water BC, to allow the  
creation of a non-contiguous lot and to allow the relaxation of the minimum 10%  
perimeter frontage requirement in conjunction with the proposed subdivision be  
approved subject to Land & Water BC securing transfer of Thelma Griffith Park  
to the RDN in cooperation with BCBC if necessary prior to approval and subject  
to the conditions outlined in Schedules No. 1 and 2 of the staff report and  
notification requirements pursuant to the Local Government Act.*

**7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE**

**7.3 EXECUTIVE STANDING COMMITTEE**

**7.4 COMMISSIONS**

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

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**8. ADMINISTRATOR'S REPORT**

56-57 Appointment of Animal Control Officer. (All Directors – One Vote)

58-59 Landfill Track Loader – Tender Award. (All Directors – Weighted Vote)

60-64 Electoral Area 'F' Zoning & Subdivision Bylaw No. 1285 - Finctuning Project - ALR Properties. (Electoral Area Directors except EA 'B' – One Vote)

65-74 Financing Bylaws & 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. (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)(h) of the Local Government Act the Board proceed to an In Camera meeting to consider legal matters.*

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE INAUGURAL MEETING OF THE BOARD  
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON  
TUESDAY, DECEMBER 9, 2003, 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
Alternate	
Director A. Kruyt	Town of Qualicum Beach
Director C. Haime	District of Lantzville
Director L. Sherry	City of Nanaimo
Director R. Cantelon	City of Nanaimo
Director G. Korpan	City of Nanaimo
Director T. Krall	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director B. Holdom	City of Nanaimo

**Also in Attendance:**

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

**CALL TO ORDER**

The Administrator called the meeting to order and confirmed receipt of notification from the City of Parksville, the Town of Qualicum Beach and the City of Nanaimo advising of their Council appointments to the Board for the year 2004.

**ELECTION OF BOARD CHAIRPERSON**

The Administrator called for nominations for the position of Chairperson for the year 2004.

Director McNabb nominated Director Stanhope.

There being no further nominations, the Administrator declared Director Stanhope Chairperson for 2004.

### **ELECTION OF DEPUTY CHAIRPERSON**

The Administrator called for nominations for the position of Deputy Chairperson for the year 2004.

Director Krall nominated Director McNabb.

There being no further nominations, the Administrator declared Director McNabb Deputy Chairperson for the year 2004.

MOVED Director Krall, SECONDED Director Cantelon, that this meeting recess and reconvene as the Nanaimo Regional Hospital District Board.

TIME: 7:05 PM

CARRIED

The meeting reconvened at 7:30 PM.

### **DELEGATIONS**

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

**Steve Atkinson, re Jameson Road Quarry – Area D.**

CARRIED

Mr. Atkinson advised the Board of the impending legal action by Copcan against himself and Randy O'Donnell and urged the Board to move forward with their legal proceeding to enforce the RDN zoning bylaws.

### **BOARD MINUTES**

MOVED Director Sherry, SECONDED Director McNabb, that the minutes of the regular Board meeting held on Tuesday, November 18, 2003, be adopted, as amended.

### **COMMUNICATIONS/CORRESPONDENCE**

CARRIED

**Eydie Fraser, AVICC, re 2004 Resolutions.**

MOVED Director Krall, SECONDED Director Sherry, that the correspondence from AVICC with respect to 2004 resolutions, be received.

CARRIED

**Fred George, Chairperson & Harvey Alphonsc, Chief, Cowichan Tribes, re Bid for 2008 North American Indigenous Games.**

MOVED Director Krall, SECONDED Director Sherry, that the correspondence from the Cowichan Tribes with respect to their application to host the North American Indigenous Games in 2008, be received.

CARRIED

**Al Litynski, Telus, re Local Calling Area Expansion.**

MOVED Director Krall, SECONDED Director Sherry, that the correspondence from Telus with respect to the expansion of the existing Telus local calling area, be received.

CARRIED

**BC Ferries, re Labour Relations Board Rules on Essential Services.**

MOVED Director Krall, SECONDED Director Sherry, that the correspondence from BC Ferries with respect to the Labour Relations Board rules on essential services, be received.

CARRIED

**UNFLNISHED BUSINESS**

**Public Hearing.**

**Report of the Public Hearing held December 4, 2003 with Respect to Land Use and Subdivision Amendment Bylaw No. 500.297 – Richard Irwin on Behalf of Tower Fence Produces – 1882 Fielding Road – Area A.**

MOVED Director Hamilton, SECONDED Director Bartram, that the Report of the Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held on December 4, 2003 as a result of public notification of "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.297, 2003" be received.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.297, 2003" be given 3<sup>rd</sup> reading and be referred to the Ministry of Transportation for approval.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, that staff be directed to secure the conditions as outlined in Schedule No. 1 prior to consideration of adoption of Bylaw No. 500.297, 2003".

CARRIED

**For Adoption.**

**Bylaw No. 791.09.**

MOVED Director Cantelon, SECONDED Director C. Haime, that Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.09, 2003" be adopted.

CARRIED

**Bylaw No. 1358.**

MOVED Director Kruyt, SECONDED Director Longmuir, that "Regional District of Nanaimo District 69 Ice Arena Conversion Bylaw No. 1358, 2003", be adopted.

CARRIED

**ELECTORAL AREA PLANNING COMMITTEE**

MOVED Director Hamilton, SECONDED Director Biggemann, that the minutes of the regular Electoral Area Planning Committee meeting held November 25, 2003, be received for information.

CARRIED

**PLANNING**

**DEVELOPMENT PERMIT APPLICATIONS**

**DP Application No. 60356 – Nanaimo Mini Storage (Soderstrom) – 2180 South South Wellington Road – Area A.**

MOVED Director Hamilton, SECONDED Director Kreiberg, that Development Permit Application No. 60356 submitted by Nanaimo Mini Storage, to recognize an existing retaining wall within the South Wellington Development Permit Area No. 1 on the property legally described as That Part of Lot 3, Sections 11 & 12, Range 7, Cranberry District, Plan 3153, Lying Within Said Section 11, Except That Part in Plan 11018 and Plan 3372 RW, be approved, subject to the conditions outlined in Schedules No. 1, 2 and 3 of the corresponding staff report and the notification requirements pursuant to the *Local Government Act*.

CARRIED

## FRONTAGE RELAXATION

**Request for Relaxation of the Minimum 10% Frontage Requirement – Englishman River Land Corporation (Block 564) – Kaye Road – Area G.**

MOVED Director Hamilton, SECONDED Director D. Haime, that the request, submitted by Brent Kapler on behalf of Englishman River Land Corporation to relax the minimum 10% frontage requirement for proposed Lots 15 – ALR, 12, 13, 14, 15, 29 and 30 of the proposed subdivision of Lot A, Block 564, Nanoose District, Plan VIP75278 as shown on the plan of subdivision be approved.

OTHER

CARRIED

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

MOVED Director Hamilton, SECONDED Director Biggemann, that the staff report recommending proposed amendments to Bylaw No. 1285 be received.

CARRIED

MOVED Director Hamilton, SECONDED Director Biggemann, that staff be directed to prepare an amendment to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285, 2003" for consideration by the Board at the December 9, 2003 meeting that:

- Includes housekeeping amends;
- Recognizes the 42 requests in Table No. 1;
- Recognizes those requests in Table No. 2 providing supporting documentation is received prior to consideration of the Board; and
- Recognizes those requests of the 39 in Table No. 2 for additional dwellings where their construction predates Ministry of Health records providing they submit an acceptable septic system inspection and proof of dwelling unit age.

CARRIED

MOVED Director Hamilton, SECONDED Director Biggemann, that staff report back to Board on the site-specific zoning requests on ALR land.

CARRIED

MOVED Director Hamilton, SECONDED Director Biggemann, that the 6 additional site specific zones and 1 housekeeping amendment included in the staff report be included as part of "Regional District of Nanaimo Electoral Area F Zoning and Subdivision Bylaw No. 1285.01, 2003".

CARRIED

MOVED Director Hamilton, SECONDED Director Biggemann, that the staff report recommending the proposed "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003" be received.

CARRIED

MOVED Director Hamilton, SECONDED Director Biggemann, that "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285.01, 2003" be introduced and given 1<sup>st</sup> and 2<sup>nd</sup> reading and be referred to a public hearing.

CARRIED

MOVED Director Hamilton, SECONDED Director Biggemann, that the holding of the Public Hearing with respect to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285.01, 2003" be delegated to Director Lou Biggemann or Director Stanhope as his alternate.

CARRIED

**NEW BUSINESS**

**Development Permit Area – General Policies.**

MOVED Director Hamilton, SECONDED Director Bartram, that staff prepare a report for the Electoral Area Planning Committee on a policy amendment within all OCP's which would ensure that public notification and public consultation takes place for all development permit applications whether the application requires a variance or not.

CARRIED

The Board was advised that 3 items were being brought forward at this time that were dealt with at the Electoral Area Planning Committee meeting held earlier this evening.

**DEVELOPMENT PERMIT APPLICATIONS**

**DP Application No. 60355 – Balogh – 5363 Deep Bay Drive – Area H.**

MOVED Director Hamilton, SECONDED Director Bartram, that Development Permit Application No. 60355, submitted by Raymond and Catherine Balogh to permit the construction of a dwelling unit and deck within the 'Environmentally Sensitive Areas' and 'Hazard Lands' Development Permit Areas on the subject property legally described as Lot 15, District Lot 1, Newcastle District, Plan 20442 be approved, subject to the Conditions of Approval outlined in Schedules No. 1, 2 and 3.

CARRIED

**FRONTAGE RELAXATION**

**Request for Relaxation of the Minimum 10% Frontage Requirement – Glencar Consultants Inc. on Behalf of Comox Timber Ltd. – Marshland Road – Area H.**

MOVED Director Hamilton, SECONDED Director Bartram, that the request, submitted by Glencar Consultants Ltd., on behalf of Comox Timber Ltd. to relax the minimum 10% frontage requirement for proposed Remainder of Block 184, as shown on the proposed plan of subdivision of Block 184, Newcastle and Alberni District Except Part in Plan 34682, be approved subject to Schedule No. 1 of the staff report.

CARRIED

**Electoral Area 'H' Draft Official Community Plan Bylaw No. 1335.**

MOVED Director Hamilton, SECONDED Director Bartram, that the draft Electoral Area 'H' Official Community Plan be received.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, that "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" be given 1<sup>st</sup> and 2<sup>nd</sup> reading.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, that "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" has been considered in conjunction with the Regional District of Nanaimo's Capital Expenditure Plan and Liquid Waste Management Plan and Growth Management Plan to ensure consistency between them.

CARRIED



MOVED Director Hamilton, SECONDED Director Bartram, that "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" proceed to Public Hearing.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, that the Public Hearing on "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" be delegated to Director Bartram or his alternate.

**COMMITTEE OF THE WHOLE STANDING COMMITTEE**

CARRIED

MOVED Director Sherry, SECONDED Director Krall, that the minutes of the regular Committee of the Whole meeting held November 25, 2003 be received for information.

**COMMUNICATIONS/CORRESPONDENCE**

CARRIED

**UBCM, re Bill 75 – Significant Projects Streamlining Act.**

MOVED Director Krall, SECONDED Director Holdom, that the correspondence from UBCM with respect to the Province's introduction of the Significant Projects Streamlining Act (Bill 75) be received for information.

CARRIED

**COMMUNITY SERVICES**

**Inclusion of Hogweed on Noxious Weed List.**

MOVED Director Korpan, SECONDED Director Bibby,:

That the report, "Inclusion of Hogweed on Noxious Weed List" be received.

That this item be referred back to staff for a report which would investigate the feasibility of a district weed control function including its influence over District residents, local municipalities and provincial responsibilities.

That the following resolution be conveyed to the Association of Vancouver Island & Coastal Communities (AVICC) and the Union of BC Municipalities (UBCM) for the purpose of lobbying the Province to take entire responsibility for the control of the proliferation of hogweed:

WHEREAS the Province of British Columbia imposes a duty on all land occupiers to control noxious plants designated in the Weed Control Regulation in Schedule A, Part 1, and giant hogweed is not designated as a noxious plant by the Weed Control Regulation;

AND WHEREAS giant hogweed is a noxious plant in several areas of the Province and it has a negative impact on human health, the environment and agricultural economic activity;

THEREFORE BE IT RESOLVED that the Association of Vancouver Island & Coastal Communities and the Union of BC Municipalities request the Province to designate giant hogweed as a noxious plant in the Weed Control Regulation or some other legislation of comparable stature, impose a duty on all land occupiers to control giant hogweed and enforce that duty using provincial, rather than local government, resources.

CARRIED

## RECREATION & PARKS

### **Gabriola Recreation Society Agreement Renewal.**

MOVED Director Lund, SECONDED Director Korpan, that the Agreement with the Gabriola Recreation Society be renewed for a one-year term from January 1, 2004 until December 31, 2004.

CARRIED

### **Descanso Bay Regional Park – Draft Management Plan.**

MOVED Director Lund, SECONDED Director Hamilton, that the Descanso Bay Regional Park Draft Management Plan be approved and that staff be directed to advertise a request for proposal to operate the Park and subsequently negotiate a five-year operating contract.

CARRIED

### **Horne Lake Regional Park – Status Report.**

MOVED Director Bartram, SECONDED Director Sherry,:

That the status report on the Horne Lake Regional Park (HLRP) be received for information.

That staff be directed to prepare an update report for the February 24, 2004 Committee of the Whole meeting on the HLRP Management Plan for review and approval by the Board prior to the consideration of park operation arrangements for the 2004 camping season.

CARRIED

## **CORPORATE SERVICES**

### **ADMINISTRATION**

#### **Policy for Use of RDN Meeting Rooms.**

MOVED Director McNabb, SECONDED Director Cantelon,:

That the Board approve the policy attached to the corresponding staff report outlining a fee structure for the use of RDN meeting rooms by government and non-profit user groups.

That Nanaimo Search & Rescue be permitted to use the Committee Room at no charge once per week on week nights, subject to the room's availability.

CARRIED

### **FINANCE**

#### **Operating Results to September 30, 2003.**

MOVED Director Holdorn, SECONDED Director Krall, that the summary report of financial results from operations to September 30, 2003 be received for information.

CARRIED

### **FIRE PROTECTION**

#### **Coombs Hilliers Fire Protection Reserve Fund Expenditure Bylaw No. 1364.**

MOVED Director Biggemann, SECONDED Director Krall, that the request from the Coombs Hilliers Volunteer Fire Department to use reserve funds for improvements to Firehall #2 be approved.

CARRIED

MOVED Director Biggemann, SECONDED Director Krall, that "Coombs Hilliers Fire Protection Reserve Fund Expenditure Bylaw No. 1364, 2003" be introduced for first three readings.

CARRIED

MOVED Director Biggemann, SECONDED Director D. Haime, that "Coombs Hilliers Fire Protection Reserve Fund Expenditure Bylaw No. 1364, 2003" having received three readings, be adopted.

CARRIED

**Nanoose Fire Protection Function Reserve Fund Expenditure Amendment Bylaw No. 1351.01.**

MOVED Director Bibby, SECONDED Director Holdom, that the tender to replace/undertake upgrades to Nanoose Bay Fire Protection Society fire truck #13 be awarded to Pro-Fire Emergency Equipment for a price of \$148,870.

CARRIED

MOVED Director Bibby, SECONDED Director Kruyt, that "Nanoose Fire Protection Function Reserve Fund Expenditure Amendment Bylaw No. 1351.01, 2003" be introduced for first three readings.

CARRIED

MOVED Director Bibby, SECONDED Director Kruyt, that "Nanoose Fire Protection Function Reserve Fund Expenditure Amendment Bylaw No. 1351.01, 2003" having received three readings, be adopted.

CARRIED

**Errington Fire Department - Request to Enter into Lease Financing for the Purchase of a Truck.**

MOVED Director Biggemann, SECONDED Director Bibby, that the Manager of Financial Services be authorized to secure five year lease financing in the amount of \$154,550 for the purpose of purchasing a fire truck for the Errington Fire Department.

CARRIED

#### **DEVELOPMENT SERVICES**

#### **EMERGENCY PLANNING**

**Appointment of Emergency Planning Area Coordinator and Bylaw Enforcement Officer.**

MOVED Director Holdom, SECONDED Director Bartram,:

1. That Jani M. Thomas be appointed as Emergency Planning Area Coordinator and Maureen Pearse as Deputy Emergency Planning Area Coordinator as detailed in Bylaw No. 953;
2. That Jani M. Thomas is further appointed as a Bylaw Enforcement Officer under Bylaw No. 857 and amendments thereto;
3. That Jame M. Thomas is authorized as a Bylaw Enforcement Officer to utilize the powers to issue Municipal Ticket Informations and other such documents;
4. That Jani M. Thomas be appointed as Peace Officer within the limits of the Criminal Code of Canada.

CARRIED

#### **PLANNING**

**Englishman River Storm Water Management Service Area Establishment Bylaw No. 1363.**

MOVED Director Sherry, SECONDED Director Cantelon, that "Regional District of Nanaimo Englishman River Community Storm Water Management Service Area Establishment Bylaw No. 1363, 2003" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

**ENVIRONMENTAL SERVICES**

**SOLID WASTE**

**Waste Stream Management Licensing – Progress Report.**

MOVED Director Sherry, SECONDED Director Kruyt, that the Board receive the staff report on development of a Waste Stream Management Licensing system, for information.

CARRIED

**UTILITIES**

**Surfside Sewer LSA Bylaw No. 1124.02.**

MOVED Director Sherry, SECONDED Director Kruyt, that "Surfside Sewer Local Service Area Amendment Bylaw No. 1124.02, 2003" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Sherry, SECONDED Director Kruyt, that "Northern Community Sewer Local Service Area Amendment Bylaw No. 889.23, 2003" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

**COMMISSION, ADVISORY & SELECT COMMITTEE**

**Electoral Area 'A' Parks & Green Spaces Advisory Committee.**

MOVED Director Kreiberg, SECONDED Director Biggemann, that the minutes of the Electoral Area 'A' Parks & Open Space Committee meeting held September 18, 2003 be received for information.

CARRIED

**Transit Business Plan Update Select Committee.**

MOVED Director Krall, SECONDED Director McNabb, that the minutes of the Transit Business Plan Update Select Committee meeting held October 30, 2003 be received for information.

CARRIED

MOVED Director Bartram, SECONDED Director Longmuir,:

That the District 69 – Community Bus proposal be approved subject to public consultation, BC Transit's cost sharing commitment for a combined service and final Board review as part of the 2004 annual budget approval process.

That the District 69 – Community Bus proposal be referred to the Transit Business Plan Update Committee for further discussion with respect to Electoral Area 'H' and discussion held earlier with respect to buses.

CARRIED

MOVED Director Cantelon, SECONDED Director Krall, that staff meet with the Downtown Nanaimo partnership group to develop a marketing and promotions strategy that will encourage students and faculty of Malaspina University College to visit downtown using Transit services.

CARRIED

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

MOVED Director Bibby, SECONDED Director Krall, that the draft minutes of the Nanoose Bay Parks & Open Space Advisory Committee meeting held November 3, 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 November 13, 2003 be received for information.

CARRIED

MOVED Director Bartram, SECONDED Director Longmuir, that the recommendations from the District 69 Recreation Commission Grants Committee be approved as follows:

**Youth Grants:**

Ballenas Cheer & Stunt Squad - bus transportation	\$	2,000
Kondors Rugby - equipment	\$	1,284
Oceanside Lynx Cheerleading Squad - equipment/uniforms	\$	2,000
Oceanside Track and Field - cinder for track	\$	4,600

**Community Grants:**

Arrowsmith Agricultural Assoc. - main hall ceiling & trim	\$	8,850
Bow Horn Bay Community Club - Fall Fair	\$	4,000
Coombs Halloween Candy Walk - props	\$	1,000
D69 Eating Disorder Awareness Week Comm. - spa night	\$	1,600
D69 Family Resource Association - Family Fun Night	\$	780
D69 Family Resource Association Open House	\$	200
Time Out for Tots & Moms (TOTAM) - rental/advertising	\$	2,410

CARRIED

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

**Intergovernmental Advisory Committee.**

MOVED Director Sherry, SECONDED Director C. Haime, that the minutes of the Intergovernmental Advisory Committee meeting held December 3, 2003 be received for information.

CARRIED

**Regional Growth Monitoring Advisory Committee/State of Sustainability Project.**

MOVED Director Holdom, SECONDED Director Bartram, that the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meeting held December 3, 2003 be received for information.

CARRIED

**Transit Business Plan Update Select Committee.**

MOVED Director Krall, SECONDED Director McNabb, that the minutes of the Transit Business Plan Update Select Committee meetings held November 26, 2003 and December 2, 2003 be received for information.

CARRIED

MOVED Director Krall, SECONDED Director McNabb,:

That HandyDART/Taxi services be provided as required as part of the Electoral Area 'H' Service provision to ensure full accessibility.

That staff be directed to contact local taxi companies to determine the level of service they could provide to complement service under the Community Bus Proposal and in areas of low ridership.

CARRIED

**ADMINISTRATOR'S REPORT**

**School District 68 E911 Dispatch Consolidation.**

MOVED Director Sherry, SECONDED Director McNabb, that the staff report be received for information.

CARRIED

**Regional Services Review, Phase II – Terms of Reference.**

MOVED Director Cantelon, SECONDED Director D. Haime, that the Board approve the Terms of Reference as presented.

It was requested that the Terms of Reference be considered page by page. (pages 10 – 15 of circulated report agenda)

MOVED Director D. Haime, SECONDED Director Korpan, that the words "and benefits" be added between the words "sharing of costs" and "for services received" in the first paragraph on page 10, between the words "sharing of costs" and "for regional services" on page 12(b) and the word "benefit" be added between the words "detailed cost" and "analysis" in the first paragraph on page 15.

CARRIED

MOVED Director Bartram, SECONDED Director D. Haime, that the words "also approved by the Board in 2001" be removed from the first paragraph under Service Review Commitments on page 11.

CARRIED

MOVED Director Krall, SECONDED Director Cantelon, that "Casino Revenues" be removed from the list on page 12 entitled Phase 2 Services to be examined.

A recorded vote was requested.

The motion CARRIED with Directors Stanhope, Cantelon, Bibby, Krall, Biggemann, Korpan, Kreiberg, McNabb, Longmuir, Bartram, Lund, Holdom, Kruyt, Sherry and Hamilton voting in the affirmative and Directors C. Haime and D. Haime voting in the negative.

MOVED Director Bartram, SECONDED Director D. Haime, that the items marked with an asterisk (\*) be removed from the list on page 12.

Director Holdom requested that "Environmental Protection" remain on the list.

MOVED Director Longmuir, SECONDED Director Krall, that the items marked with an asterisk (\*) be included in the terms of reference but be put under a separate header entitled "To be addressed under a separate report".

CARRIED

MOVED Director Cantelon, SECONDED Director Krall, that the first bullet on page 13 entitled "Casino Revenues" be removed.

CARRIED

MOVED Director Bartram, SECONDED Director D. Haime, that "Citizens on Patrol" be removed from the list under Policing Support Services on page 13.

DEFEATED

MOVED Director Cantelon, SECONDED Director Krall, that #8 on page 14 be amended to read "identify and quantify the economic benefits and impact on property taxation levels received by a jurisdiction and neighbouring jurisdictions related to facilities providing a regional service".

CARRIED

MOVED Director Korpan, SECONDED Director Cantelon, that the words "Phase II" be added to sections (2) - (7) under "Stage 1 - Review Process" on page 14.

CARRIED

MOVED Director D. Haime, SECONDED Director Bartram, that an independent person be appointed to the Technical Steering Committee to represent the Electoral Area Directors.

CARRIED

The question was called on the original motion to approve the Terms of Reference, as amended.

A recorded vote was requested.

The motion CARRIED UNANIMOUSLY.

MOVED Director Cantelon, SECONDED Director Krall, that a contingency of \$60,000 be included in the 2004 General Administration Budget to cover the potential cost of referendums next year.

**2004 Budget & 2004-2009 Financial Plan.**

CARRIED

MOVED Director Korpan, SECONDED Director Biggemann, that the staff summary report be received for information.

**PRESENTATION**

CARRIED

**2004 Proposed Annual Budget.**

*Community Services.*

The General Manager of Community Services reviewed budgets for the following service areas:

- Ravensong Aquatic Centre
- Oceanside Place
- District 69 Recreation
- Gabriola Island Recreation
- Southern Community Recreation
- Regional Parks
- Community Parks
- Transit
- Gabriola Island Emergency Wharf
- Regional Growth Management

MOVED Director Cantelon, SECONDED Director Holdom, that the RDN include \$16,000 for core funding support for NAIT in the budget.

MOVED Director Longmuir, SECONDED Director Bartram, that this item be referred back to staff.

CARRIED

Due to the lateness of the hour, the Board agreed to defer the budget presentation for Development Services to the January 6, 2004 budget meeting.

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**Fred George, Chairperson & Harry Alphonse, Chief, Cowichan Tribes, re Bid for 2008 North American Indigenous Games.**

MOVED Director Cantelon, SECONDED Director Holdom, that a letter be sent to support the Cowichan Tribes in their bid to host the Indigenous Games in 2008.

**IN CAMERA**

CARRIED

MOVED Director Sherry, SECONDED Director McNabb, that pursuant to Section 242.2(1)(e) & (h) of the *Local Government Act* the Board proceed to an In Camera meeting to consider the acquisition of land and legal matters.

CARRIED

**ADJOURNMENT**

MOVED Director Sherry, SECONDED Director McNabb, that this meeting adjourn to allow for an In Camera meeting.

CARRIED

TIME: 9:48 PM.

\_\_\_\_\_  
CHAIRPERSON

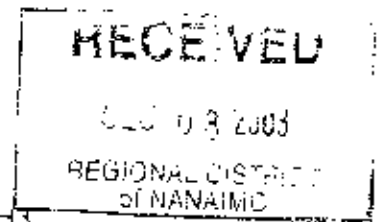
\_\_\_\_\_  
GENERAL MANAGER, CORPORATE SERVICES





**City of PARKSVILLE**

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



December 4, 2003

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

Dear Sir/Madam:

**Re: Year 2004 Council Voting Representative - District #69 Recreation Commission**

At the meeting of Council held on Monday, December 1, 2003, Councillor Fred Demmon was appointed Council voting representative to the District #69 Recreation Commission for the period December 1, 2003 to June 7, 2004.

Councillor Demmon may be contacted at City Hall or at:

Councillor Fred G. Demmon  
691 Woodburn Street  
Parksville, BC, V9P 2M1

248-0589 (h)

email: demmon@shaw.ca

Yours very truly,

SHIRLEY E. HINE, CMC  
Director of Administrative Services

SEH:mjg

c: Councillor F. G. Demmon



# City of PARKSVILLE

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

RECEIVED

DEC 5 2003

REGIONAL DISTRICT  
of NANAIMO

December 4, 2003

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

Dear Sir/Madam:

**Re: Year 2004 Council Voting Representative - Arrowsmith Water Service Management Committee**

At the meeting of Council held on Monday, December 1, 2003, Councillor Marc Lefebvre was appointed Council voting representative to the Arrowsmith Water Service Management Committee for the period December 1, 2003 to June 7, 2004.

Councillor Lefebvre may be contacted at City Hall or at:

Councillor Marc Lefebvre  
#11 - 450 Bay Avenue  
Parksville, BC, V9P 2K2

248-2292(h)

email: [janmar@island.net](mailto:janmar@island.net)

Yours very truly,

SHIRLEY E. HINE, CMC  
Director of Administrative Services

SEH:mjg

c: Councillor M. Lefebvre  
Town of Qualicum Beach

PAGE  
18



RECEIVED

DEC 04 2003

REGIONAL DISTRICT  
of NANAIMO

211 - 660 Primrose St.  
P.O. Box 130  
Qualicum Beach, B.C.  
V9K 1S7

**TOWN OF QUALICUM BEACH**  
INCORPORATED 1962

Telephone: (250) 752-6921  
Fax: (250) 752-1243  
E mail: [gbtown@qualicumbeach.com](mailto:gbtown@qualicumbeach.com)  
Website: [www.qualicumbeach.com](http://www.qualicumbeach.com)

December 3, 2003

District 69 Recreation Commission  
c/o 6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

Via Email: [LBurgoyne@rdn.bc.ca](mailto:LBurgoyne@rdn.bc.ca)

**Attention: Maureen Pearse, Manager, Administrative Services**

Dear Ms. Pearse

**Re: Town of Qualicum Beach 2004 Commission Appointments**

Please be advised that Council, at their Regular Meeting held Monday, December 1<sup>st</sup>, 2003 re-appointed Councillor J.W. M. (Jack) Wilson as a member to serve on the District 69 Recreation Commission for the 2004 calendar year.

Further, Councillor S. E. (Scott) Tanner will serve as alternate.

We trust you find the above satisfactory. Should you require anything further please do not hesitate to contact the undersigned.

Yours truly

**T.L. (Twyla) Johnson**  
**Deputy Corporate Administrator**  
**Town of Qualicum Beach**

File: 0470-20-RDN  
F: Letters/04/rdnD69rec.app.tj



REGIONAL DISTRICT OF NANAIMO			
JAN - 6 2004			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	

MEMORANDUM

**TO:** Robert Lapham  
General Manager, Development Services

**DATE:** January 5, 2004

**FROM:** Keeva Kehler  
Planner

**FILE:** 3360 30 0310

**SUBJECT:** Covenant Amendment Proposal – Culverden Holdings (Arbutus Meadows)  
Electoral Area 'E', 1515 Island Highway East

PURPOSE

To request final approval from the RDN Board for the proposed Covenant amendment to facilitate expanded public assembly uses on the subject property.

BACKGROUND

The Board considered the proposal to amend the land use Covenant and permit the expansion of public assembly events at Arbutus Meadows Equestrian Centre at its October 14, 2003 regular Board meeting and passed the following resolution:

*MOVED Director Bibby, SECONDED Director Hamilton, that the report of the Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held on October 7, 2003 be received.*

CARRIED

*MOVED Director Bibby, SECONDED Director Hamilton, that the proposal to amend the Land Use Covenant in order to facilitate expanded public assembly events on the subject property be approved subject to the conditions outlined in Schedules No. 1 and 2.*

CARRIED

*MOVED Director Bibby, SECONDED Director D. Haime, that staff be directed to secure the conditions as outlined in Schedule No. 1 prior to final approval by the RDN Board.*

CARRIED

The Public Hearing was held on October 7, 2003. The summary of the minutes was provided to the Board at its October 14, 2003 meeting.

The applicant has now completed the Conditions of Approval that were required prior to requesting final approval of the proposed land use Covenant amendment. Specifically, the applicant has applied to Land Title Office to discharge the original Covenant and simultaneously register the amended Covenant document on the Title of the subject property and has provided a signed copy of the amended Covenant document to the planning department. The applicant has also confirmed the maximum occupant load for the horse riding arena is 1200 people at this time. The Building Inspection department has indicated that the maximum occupant load may be increased if the applicant conducts renovations to the horse riding arena with a valid building permit. As the property is located within the Nanoose Bay Form and Character Development Permit Area, any renovations to the structures on the property may require the issuance of a

Development Permit. The remaining Conditions of Approval must be adhered to during public assembly events (see Schedule No. 1).

### ALTERNATIVES

1. To receive the staff report and grant final approval for the requested expansion of non-equestrian related public assembly events as outlined in Schedule No. 1 and the amended Covenant document.
2. To receive the staff report and not approve the requested expansion of non-equestrian related public assembly events.

### VOTING

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

### SUMMARY

The purpose of the land use Covenant amendment proposal is to facilitate the expansion of non-equestrian related public assembly events at the Arbutus Meadows Equestrian Centre on the property legally described as District Lot 56, Nanoose District Except Parts in Plan 466R, 950R, 351 RW, 6761, 18519, 22727, 25734, 39893. Prior to granting final approval for the proposed expansion, the Board directed staff to secure some of the Conditions of Approval, namely the registration of the amended Covenant document and confirmation of the occupant load for the horse riding arena. The remaining conditions must be met during the public assembly events. The applicant has registered the amended Covenant document on the Title and has confirmed the maximum occupant load for the horse riding arena, which is 1200 at this time. It is noted by the Building Inspection department that the maximum occupant load may be increased if the applicant conducts renovations to the structure with a valid building permit. Any alteration of the existing structures, including alteration of signage may require the issuance of a Development Permit.

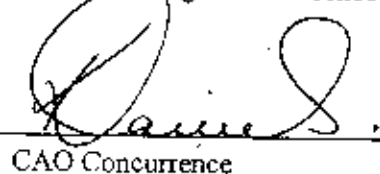
### RECOMMENDATIONS

1. That the staff report providing an update on the proposed Covenant amendment to facilitate expanded public assembly events on the subject property be received.
2. 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.



Report Writer

  
General Manager Concurrence

  
CAO Concurrence

### COMMENTS:

devs\reports\2003\za 3360 30 0309 ja brd Culverden Holdings (Arbutus Meadows).doc

**Schedule No. 1**

**Application No. 3360 30 0309  
Land Use Covenant Amendment  
Culverden Holdings (Arbutus Meadows)  
Conditions of Approval**

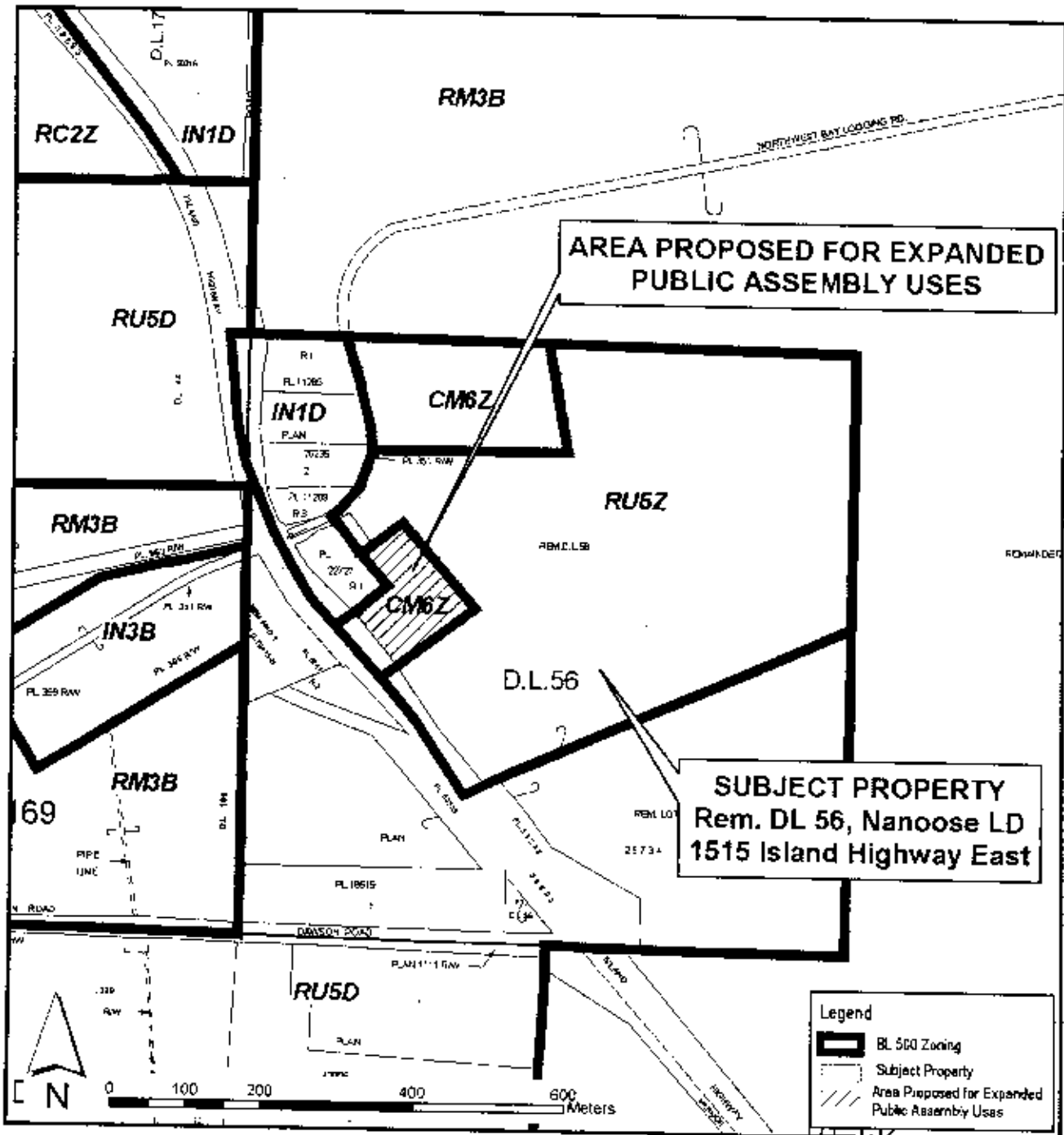
The following conditions must be completed as part of the approval process for the proposed Covenant amendment to facilitate non-equestrian public assembly uses.

1. All public assembly events and associated accessory uses, such as concessions and retail facilities shall be contained within the horse-riding arena and conducted in accordance with the amended Covenant document and the Conditions of Approval outlined in this Schedule No. 1.
2. The following public assembly events shall be permitted:

Arenacross (indoor motorcycles)	Paintball Tournaments
Indoor Soccer Tournaments	BMX Race/ Events
Go-Kart Race Events	Dog and Cat Shows

Other public assembly events may be allowed with the written approval of the Regional District.
3. Agricultural / equestrian events are to remain the dominant use of the facility and the number of non-agricultural events must number less than 50% of the agricultural /equestrian events hosted in the horse riding arena.
4. There shall be no installation of a permanent or temporary ice surface.
5. Non-agricultural events held at the arena shall not commence prior to 8.00 a.m. and shall not continue past 10.00 p.m. These hours may be extended with the written approval of the Regional District.
6. All storage of fuel or temporary fuel dispensing for the purpose of public assembly events shall be located on a curbed, non-permeable surface capable of containing any potential spill and able to prevent any discharge of fuel to the ground.
7. The applicant is to satisfy the requirements of Vancouver Island Health Authority for each public assembly event.
8. The maximum occupant load in the horse riding arena shall not exceed 1200 persons. This maximum occupant load may be increased if the applicant conducts additional works or other building improvements as approved by the RDN. A building permit is required to change the current restrictions on the occupant load to accommodate certain public assembly events. In addition, the property is located within the Nanoose Bay Form and Character Development Permit Area and any alterations to the existing structures, including signage may require the issuance of a Development Permit.
9. The applicant is to ensure that the suggestions provided by the Nanoose Bay Volunteer Fire Department in their May 3, 1990 letter are implemented, including:
  - a) The installation of four steel ladders starting approximately 3.6 metres above grade to the roof and continuing up to the peak to provide access to the lower edge of the roof.
  - b) Suitable fire lanes are to be provided around all buildings to ensure adequate access for fire trucks
  - c) A water system with sufficient volume and pressure to the satisfaction of the Fire Department is to be maintained on the property for use in case of a fire emergency. The applicant stated that there is a reservoir on the property, which is acceptable to the Fire Department for fire fighting purposes.

Attachment No. 1  
Application No. 3360 30 0309  
Land Use Covenant Amendment  
Culverden Holdings (Arbutus Meadows)  
Subject property



<b>REGIONAL DISTRICT OF NANAIMO</b>			
JAN - 6 2004			
CHAIR		GMCrS	
CAO		GMDS	
GMCMS		GMES	
		<i>Red</i>	
TO:		DATE:	
FROM:		FILE:	
SUBJECT:			

**MEMORANDUM**

**TO:** Robert Lapham  
General Manager, Development Services

**DATE:** January 6, 2004

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

**FILE:** 6480 00 EAH

**SUBJECT:** Electoral Area 'H' Official Community Plan - Bylaw No. 1335, 2003

**PURPOSE**

To receive Summary of Proceedings and Submissions to the Public Hearing held January 5, 2004 on "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2004", and further, to consider Bylaw No. 1335 for 3<sup>rd</sup> reading.

**BACKGROUND**

The Electoral Area 'H' Official Community Plan (OCP) review process has been underway since January 2003. Recent actions on this planning project include the following:

- The Regional Board granted 1<sup>st</sup> and 2<sup>nd</sup> reading to "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" at its regular meeting on December 9, 2003.
- Subsequent to 2<sup>nd</sup> reading, the Bylaw was referred to the Agricultural Land Commission, the Ministry of Transportation, the Ministry of Agriculture and Food, the Ministry of Water, Lands, and Air Protection, the Ministry of Forests, the Ministry of Energy & Mines, Land and Water BC, Fisheries and Oceans Canada, the Central Vancouver Island Health Region, Qualicum First Nations, the City of Nanaimo, the City of Parksville, the Town of Qualicum Beach, the District of Lantzville, Alberni Clayoquot Regional District, Comox Strathcona Regional District, and School District No. 69 (see Attachment No. 1 for referral comments received).
- A public hearing was held pursuant to the *Local Government Act* on January 5, 2004 with 80 persons in attendance (see Attachment No. 1 for the Summary of the Proceedings of the Public Hearing and public comments received on the Bylaw).

**ALTERNATIVES**

1. To receive the Report of the Public Hearing, grant 3<sup>rd</sup> reading to Bylaw No. 1335, 2003 and to refer the Bylaw to the Ministry of Community, Aboriginal and Women's Services for consideration of approval.
2. To receive the Report of the Public Hearing on Bylaw No. 1335, 2003 and to grant 3<sup>rd</sup> reading of Bylaw No. 1335, 2003 with amendments outlined in Schedule No. 1 and to refer the Bylaw to the Ministry of Community, Aboriginal and Women's Services for consideration of approval.



## **PUBLIC CONSULTATION IMPLICATIONS**

The Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003 is the result of a year-long planning process involving public consultation with residents, property owners, stakeholders, municipal, provincial, and federal agencies. Throughout this process, community preferences and values were identified, clarified, and verified to ensure the Plan is not only reflective of community values, it also addresses the objectives and goals of the Regional Growth Strategy and the applicable government agencies.

A Report of the Public Hearing is included as Attachment No. 1. A summary of OCP related issues along with staff recommendations are included in Schedule No. 1. Suggested amendments to the OCP as a result of the public hearing and agency feedback are outlined in Schedule No. 1; these amendments are considered to be technical or minor in nature and are consistent with the overall mandate of the OCP.

## **INTERGOVERNMENTAL IMPLICATIONS**

If the Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003 is granted 3<sup>rd</sup> reading, the Bylaw will be referred to the Ministry of Community, Aboriginal and Women's Services for approval. In consideration of its approval, the Ministry will take into account the comments of the agencies to which the Bylaw has been referred. Comments were received from the Agricultural Land Commission, Ministry of Transportation, Ministry of Energy & Mines, Ministry of Water, Lands, and Air Protection, Land and Water British Columbia, Comox Strathcona Regional District and the Alberni Clayoquot Regional District. These referral letters are attached to the Summary of the Public Hearing as Appendix No. 1. Where changes have been suggested by the referral agencies, a summary of the agencies' comments is outlined in Schedule No. 1 of this report.

Also included in Schedule No. 1 are staff recommendations for the Board to consider several amendments to the Bylaw in support of the agencies' suggestions. The suggested amendments are minor in nature and are consistent with the intent of the Plan and the direction provided by the community.

Following the Minister's approval, the Board may consider the Bylaw for adoption.

## **LEGAL IMPLICATIONS**

A legal opinion was obtained on the draft Bylaw and legal recommendations are also contained in Schedule No. 1. Overall, the Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003 was found to be consistent with the requirements of the *Local Government Act*; the recommended changes are again minor in nature.

In addition, the Bylaw is considered to be consistent with the direction of the Regional Growth Strategy as required pursuant to the *Local Government Act*.

## **FINANCIAL / LIQUID WASTE MANAGEMENT IMPLICATIONS**

Pursuant to the *Local Government Act*, the official community plan has been considered with Regional District's capital expenditure program as well as its Liquid Waste Management Plan. It should be noted that when community sewer service is established within the Plan Area, confirmation of any applicable Liquid Waste Management Plan policies would be required along with an amendment to the capital expenditure plan. While a preliminary pre-design study for community sewer service has been completed, further design studies, financing options, and a public consultation process must be initiated by the Board prior to implementation of OCP policies.

## VOTING

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

## SUMMARY


The Regional Board granted 1<sup>st</sup> and 2<sup>nd</sup> reading to Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003 at its regular meeting held on December 9, 2003. Pursuant to the *Local Government Act*, the Agricultural Land Commission has been provided a formal opportunity to consider on the Bylaw prior to the Public Hearing. The Commission's response is contained in Attachment No. 1 of this report. In addition, formal referrals were sent to applicable provincial and federal agencies with interests in the Plan Area. In response to comments received from the agency referrals and from the legal review of the Bylaw, some minor changes (*outlined in Schedule No. 1*) to the Bylaw are recommended.

A Public Hearing was held on January 5, 2004 with approximately 80 residents in attendance. The Summary of Minutes and written submissions to this public hearing are attached for the Board's consideration.

Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003 may now be considered for 3<sup>rd</sup> reading.

## RECOMMENDATIONS

1. That the Report of the Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held Monday, January 5, 2003, 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.
2. That the 'Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003' be granted 3<sup>rd</sup> reading with minor amendments as recommended in Schedule No. 1 of the staff report.
3. That the 'Regional District of Nansimo 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.



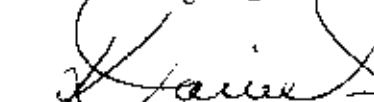
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Report Writer



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General Manager Concurrence



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CAO Concurrence

## COMMENTS:

devsvs/reports/2004/6480 00 EAH 3<sup>rd</sup> reading jan 04 brt.doc

## SCHEDULE NO. 1

## Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003

## Summary of Public Comments for Consideration at Third Reading

Please refer to Attachment No. 1 for complete a Summary of the Public Hearing

Summary of Public Comments on OCP	Staff Recommendations
Home Lake Strata Property Owners Association: the road network as shown on the Transportation Map attached to the OCP does not follow the existing public road intended to be Home Lake Caves Road, nor does the highlighted public road intended to be Marshland Road follow the existing road	Correct OCP mapping

## Summary of Agency Comments for Consideration at Third Reading

Agency	Agency Comments	Staff Recommendations
Ministry of Transportation	No comments regarding the OCP	No change
Ministry of Energy and Mines	No comments regarding the OCP	No change
Comox Strathcona RD	Interests unaffected by OCP	No change
Alberni Clayoquot RD	Supports the proposed OCP and requests that a policy be included that identifies and protects Cherry Creeks Water Works District's water source at Lacy Lake	Include policy in OCP
Land and Water British Columbia	Concern over designation of Crown lands above the Quadra Sands Aquifer as a special form of park land	Following discussions, changes were made prior to 1 <sup>st</sup> and 2 <sup>nd</sup> reading of Bylaw. The land use designation now only applies to Crown lands above unconfined aquifers.
Land and Water British Columbia (letter #2)	Concern regarding park designation placed on Lots 39, 40, 45 and 46 of District Lot 89, Newcastle District, Plan 1884	Parcels inadvertently included due to mapping information- to be excluded from Park designation and retained in Resource Lands designation
Ministry of Water, Land and Air Protection	<ol style="list-style-type: none"> <li>Section 2.5 Policies: As Environmental Features map identifies the presence of Sensitive Ecosystems, include text on protection strategies for these lands</li> <li>Section 4.1 Policies: publicly accessible lands or pedestrian walkways over sensitive aquifers are inappropriate</li> <li>Section 5.5 Village Centres: Consider protection of Bald Eagle nest trees and Great Blue Heron sites within village centres</li> <li>Appendix A DPAs: support for larger buffers (&gt;250 metres) for eagle trees</li> </ol>	<ol style="list-style-type: none"> <li>Text on protection strategies to be included in Section 6- Implementation of OCP as follows: Investigate protection strategies for Sensitive Ecosystems (all parties responsible)</li> <li>Receive comment</li> <li>Receive comment</li> <li>No change recommended, distance supported through public consultation</li> </ol>

<p>Agricultural Land Commission</p>	<ol style="list-style-type: none"> <li>1. Concern that Section 2.1 Environmentally Sensitive Areas ignores agriculture</li> <li>2. Recommended change to Community Values Statement to give agriculture further prominence</li> <li>3. Correct references to Land Reserve Commission</li> <li>4. Section 2.5 Protection of Wildlife and Native Plants- note that there are some areas within ALR where environmental significance should take precedent, and some areas designated environmentally sensitive where agricultural capabilities should take precedent</li> <li>5. Section 3.1 Agriculture: suggest changing words "resource management purposes" at end of first paragraph to "agriculture"</li> <li>6. Concern that not all ALR lands are within the Resource Lands designation</li> </ol>	<ol style="list-style-type: none"> <li>1. Following discussions, changes were made prior to 1<sup>st</sup> and 2<sup>nd</sup> reading of Bylaw to recognize importance of agriculture</li> <li>2. Not recommended; community support for Community Values Statement as is</li> <li>3. Corrections made prior to 1<sup>st</sup> and 2<sup>nd</sup> reading</li> <li>4. Receive comment</li>   <li>5. Recommend change as noted</li>   <li>6. Receive comment; some parcels partially designated are Rural</li> </ol>
<p>Legal Opinion</p>	<ol style="list-style-type: none"> <li>1. Add a severability clause to the OCP.</li> <li>2. Expressly address issues in Section 877(1) of Local Government Act regarding residential housing requirements for next five years and the approximate location of sand and gravel deposits.</li> <li>3. Section 2.1 Policy 3: recommend rewording to "The Regional District shall only support rezoning to permit development on lands considered environmentally sensitive..."</li> <li>4. Section 2.2 Policy 3: recommend rewording to "The Regional District will require that a covenant under section 699 of the Local Government Act and section 219 of the Land Title Act be registered where a geotechnical report indicates that the land may only be used safely subject to the conditions contained in the report."</li> <li>5. Section 2.3 Freshwater Resources Amend statement 'all known aquifers (and streams and watercourse areas) are designated development permit areas' to 'aquifer (and stream and watercourse areas) areas are designated as development permit areas as shown on the mapping in Appendix A- Development Permit Areas'</li> <li>6. Section 2.3 Policy 3: Amend statement to read, "It is the general policy of the Plan to support initiatives relating to the maintenance of environmentally sensitive areas that have been designated as development permit areas in their current undeveloped state."</li> <li>7. Section 2.5: Recommend amending opening wording as follows "Insofar as it lawfully can, the Regional District will support the protection and conservation of the following priority</li> </ol>	<ol style="list-style-type: none"> <li>1. Add the following to <b>Section 1- Introduction</b> at end of section: If any section, subsection, sentence clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court, such section, subsection, sentence, clause or phrase may be severed from the remaining portion of this Bylaw.</li> <li>2. Recommend changes as noted for remaining items.</li> </ol>

	<p>areas:"</p> <p>8. Change word 'developer' to 'owner'</p> <p>9. Section 4.2 Schools: Note where high school students attend school (Qualicum Beach and Courtenay)</p> <p>10. Section 5.1.9 Recommend the statement "The Regional District will facilitate such input and will ensure that all studies are appropriately designated and conducted" be deleted</p> <p>11. Section 5.3 Rural Lands: Replace policy 4(b) with "where the owner is prepared to register a covenant under section 219 of the Land Title Act prohibiting subdivision of the land under the Strata Property Act."</p> <p>12. Appendix A- recommend that this section not be an appendix but be part of the main body of the Plan.</p> <p>13. Village Centre DPA: Wording suggestions as follows: "Designation: That part of Electoral Area 'H' as shown as Village Centre Development Permit Area on Map No. 6 is designated as a development permit area."  "Qualifying Categories" replaced with "Purpose of Designation" Delete "Location", Guidelines No. 15, 16, 17 Insert word 'and' between 'revitalization' and 'linkage'</p> <p>14. Highways Corridor DPA: Wording suggestions as follows: Designation to read: "That part of Electoral Area 'H' shown as Highways Corridors Development Permit Area on Map No. 6 and which includes all lands within 30 metres of either side of land dedicated as highway and forming part of the Inland Island Highway No. 19 and No. 19A." Delete Guideline No. 2, 7, 8, 9, 10, 11</p> <p>15. ESA DPA: comments as above. Wording as follows: Designation to read: "The following areas, shown on Map No. 7 and identified as Environmentally Sensitive Features Development Permit Area are designated as a development permit area."</p> <p>16. Hazard Lands DPA and Resort Commercial and Recreational Lands DPA: same general comments</p>	
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**ATTACHMENT NO. 1**

**Summary Of Minutes And Submissions to the Public Hearing  
REGIONAL DISTRICT OF NANAIMO**

**REPORT OF THE PUBLIC HEARING  
HELD MONDAY, JANUARY 5, 2004 AT 7:00 PM  
AT THE LIGHTHOUSE COMMUNITY CENTRE,  
240 LIONS WAY, QUALICUM BAY, BC  
TO CONSIDER BYLAW NO. 1335, 2003**

**PRESENT:**

David Bartram	Chairperson, Director, Electoral Area 'H'
Director Stanhope	Director, Electoral Area 'G'
Director Biggemann	Director, Electoral Area 'F'
Director Bibby	Director, Electoral Area 'E'
Deborah Jensen	Planner

There were approximately 80 people in attendance.

There are 9 written submissions attached to and forming part of the minutes of the Public Hearing.

The Chairperson called the Hearing to order at 7:05 p.m., introduced those present at the head table, and outlined the procedures to be followed during the Hearing.

Staff provided an outline of the Bylaw including the background and a summary of the contents of the Bylaw.

The Chairperson called for formal submissions with respect to Bylaw No. 1335.

The Chairperson called for further submissions a first time.

**Gord Webb, 5315 Deep Bay Drive**, stated the community had done well in completing the OCP, but felt the Dunsmuir village node is located too close to the Qualicum Bay village node, and should instead be replaced with a Deep Bay village node due to its location along a natural harbour and its desirability as a place to live and work.

The Chairperson then asked staff to read the written submissions received prior to the opening of this hearing into the minutes.

Staff read the submissions into the minutes, which included correspondence from the Home Lake Strata Owners Association, Ministry of Transportation, Ministry of Water, Land and Air Protection, Ministry of Energy and Mines, Land and Water BC, the Alberni Clayoquot Regional District, the Regional District of Comox-Strathcona, and the Agricultural Land Commission.

The written submissions, including formal referral responses, are attached as Appendix 'A' and form part of the summary of public hearing proceedings.

The Chairperson called for further submissions a second time.

The Chairperson called for further submissions a third and final time.

**Patricia Whitby, 820 Horne Lake Road**, requested assurance that the OCP process will not result in any changes to zoning designations.

There being no further submissions, the Chairperson adjourned the Hearing at 7:23 p.m.

*Certified true and correct this 6<sup>th</sup> day January 2004.*

\_\_\_\_\_  
Deborah Jensen  
Recording Secretary

\_\_\_\_\_  
Director David Bartram  
Electoral Area 'H'

APPENDIX 'A'  
Agency Referral and Written Submission Comments

**Owners of Strata Plan – VIS 5160**

c/o Horne Lake Recreation Management Ltd.  
719 Newcastle Ave.,  
Parksville, B.C. V9P 1G1  
250-951-0877 Fax: 250-951-0878

December 23, 2003

Pam Shaw  
Senior Planner  
Regional District of Nanaimo Planning Department  
6300 Hammond Bay Road  
Nanaimo, BC  
V9T 6N2

Dear Pam:

Re: Area H, Draft Area H Official Community Plan

For the Public Hearing of the Area H OCP we wish to point out that on the Transportation Map the public road from the intersection of Horne Lake Road and Horne Lake Caves Road the highlighted public road intended to be Horne Lake Caves Rd. does not follow the existing road, and the highlighted public road intended to be Marshland Rd does not follow the existing road.

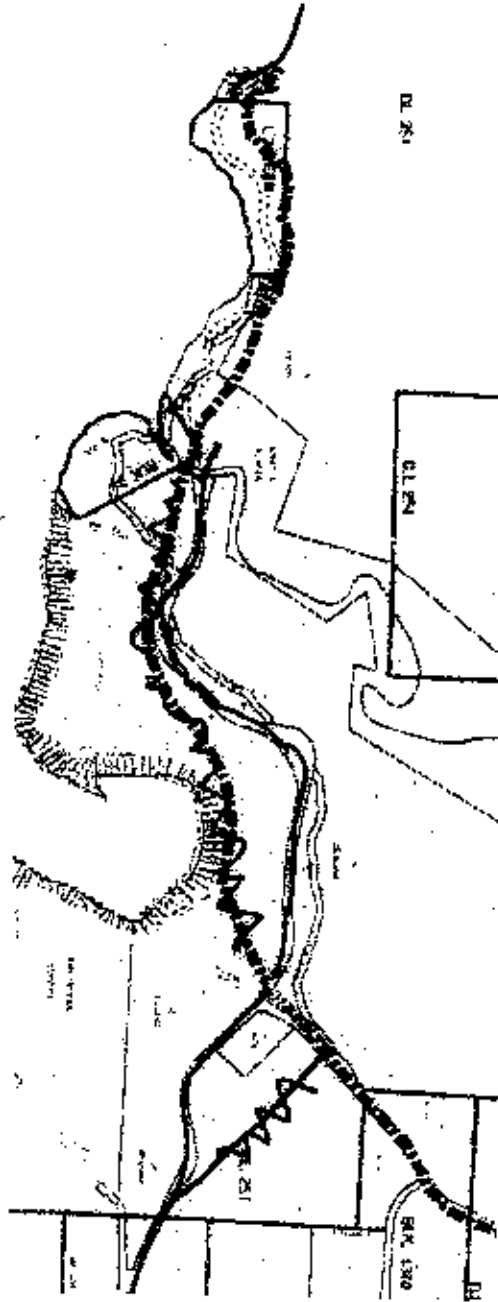
The highlighted routes are shown over private property owned by the Owners of Strata Plan VIS 5160 and Horne Lake Resort Corp.

Prior to adoptions of the Area H OCP, this should be corrected to avoid any future confusion.

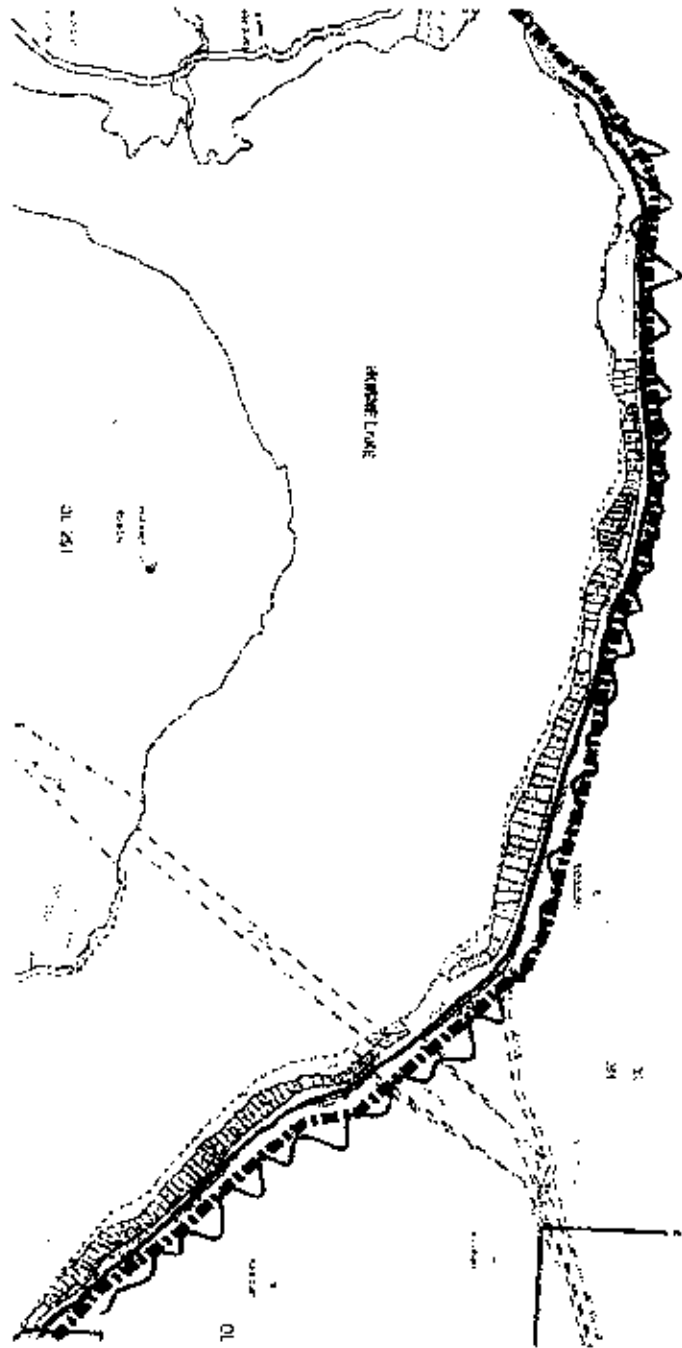
Yours truly,  
Owners of Strata Plan VIS 5160

Per:   
Murray Hamilton

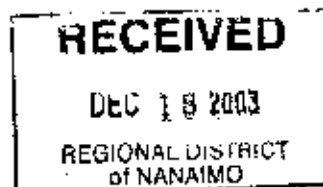




Correct  
RM Albany.



~~~~~  
Correct  
~~~~~  
Wrong



December 15, 2003

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

File: 01-002-25503

Attention: Robert Lapham  
General Manager, Development Services

Dear Sir:

**RE: Electoral Area 'H' Official Community Plan**

Further to your letter of December 10, 2003, please be advised that the Ministry of Transportation has no comments regarding the above noted Official Community Plan.

Yours truly,



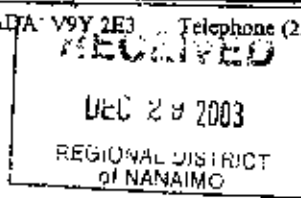
R. J. Howat  
Provincial Approving Officer  
Vancouver Island District

RJH/ved/25503.doc



**ALBERNI-CLAYOQUOT  
REGIONAL DISTRICT**

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



December 22, 2003

Robert Lapham  
General Manager, Development Services  
Nanaimo Regional District  
6300 Hammond Bay Road  
Nanaimo, B.C.  
V9T 6N2

Dear Mr. Lapham:

**Re: Electoral Area "H" Official Community Plan Referral**

The Alberni Valley Committee of the Alberni-Clayoquot Regional District met on December 17, 2003 and reviewed the proposed Electoral Area "H" Official Community Plan. The Alberni-Clayoquot Regional District supports the proposed OCP and request that a policy be included that identifies and protects Cherry Creeks Water Works District's water source at Lacy Lake.

Yours truly,

Mike Irg  
Senior Planner

Cc. Cherry Creek Water Works District



REGIONAL DISTRICT OF NANAIMO			
NOV 19 2003			
CHAIR		GMCRS	
AD		GMDS	
MS		GMES	November 15, 2003
<i>Dir Bartram</i>			

Mr. David Bartram  
Director - Electoral Area 'H'  
Regional District of Nanaimo  
6300 Hammond Bay Rd.  
Nanaimo, BC V9T 6N2

Dear Mr. Bartram:

**Re: Request for Input on the Draft Electoral Area 'H' Official Community Plan**

Thank you for the information package you provided for information to Mr. Ted Hall, Regional Manager, Ministry of Energy and Mines (Ministry) in Nanaimo, regarding the draft Electoral Area 'H' Official Community Plan (OCP). Please be advised that due to Ministry re-organization, the Nanaimo Regional Office has now been closed, and the Victoria office has assumed their duties, further, Mr. Hall has now retired.

While I appreciate the opportunity to provide comment, the Ministry does not usually provide input into OCP's, leaving Provincial input and recommendations to the Ministry of Community Aboriginal and Women's Services (MCAWS). If there are specific OCP provisions that MCAWS believes could impact on the Ministry they will refer them to us.

If during your planning process you have any specific questions relative to mining activity please do not hesitate to contact me at the number listed below, and I will be pleased to attempt to assist.

Yours truly,

F.W. Hermann, P. Eng  
Executive Director and  
Chief Inspector of Mines.

Ministry of  
Energy and Mines

Mining & Minerals Division  
Mining Operations Branch

Mailing Address:  
PO Box 9320, Stn Prov Govt  
Victoria, BC V8W 9N3  
Telephone: (250) 952-0492  
Facsimile: (250) 952-0491

Location:  
Fourth Floor  
1810 Blanshard Street  
Victoria



**Land and Water  
British Columbia Inc.**

*A corporation of the government of British Columbia*

Ref: 13348

November 17, 2003

David Bartram  
Director - Electoral Area 'H'  
Regional District of Nanaimo  
Development Services  
6300 Hammond Bay Rd  
Nanaimo BC V9T 6N2

PLANNING DEP  
-17- 17 2003  
RECEIVE

Dear Mr. Bartram:

Re: Electoral Area 'H' Official Community Plan – Preliminary Draft

Thank you for providing Land and Water British Columbia Inc. (LWBC) with the opportunity to comment on the preliminary draft of the Area 'H' Official Community Plan. The draft plan is very well laid out and reflects the efforts of the community and the Regional District to set out a clear vision for the Shaw Hill – Deep Bay area.

I am concerned, however, about the designation of the Crown lands above the Quadra Sands aquifer as a special form of park lands (Aquifer and Unconfined Aquifer within Crown land).

These aquifer park lands include approximately 800 hectares of Agricultural Land Reserve (ALR) land, some of which LWBC is considering for agricultural development, as well as land adjacent to Bowser, which LWBC is considering for golf resort/residential use in conjunction with the adjoining village centre.

I understand that this aquifer park designation was based on concern to protect the sources of the community's drinking water and on the assumption that the province was considering development of Crown lands above unconfined portions of the aquifer.

Land and Water British Columbia Inc. is very concerned that any development on the Crown land protect and, if possible, enhance operations of the local water utilities, and wants to ensure that the quality and quantity of drinking water is protected for existing and future residents. As set out in the attached hydrogeological report, most of the Crown land north of Nile Creek, which includes all of the existing community wells on Crown land, lies above confined portions of the aquifer. The aquifer is only known to be unconfined along its shallow eastern edges and where it is cut into by Nile and Thames Creeks.

...J2

Mr. Bartram  
Page 2

The hydrogeological study concludes that: *"the portion of Crown Lands between Highways 19 and 19A have a good potential to provide the necessary supply of groundwater for the proposed residential, recreational and agricultural development, as well as other future growth in the area. Development of this resource, using best practices management, under the guidelines of the provincial and regional authorities, can be done without any adverse impact upon existing wells and surface water features."*

I suggest that the designation of the Crown land be changed to Crown Aquifer and that a new section, perhaps 5.9, be created to set out policies for the use of these important Crown lands.

The policies could include such things as:

1. The province is encouraged to maintain Crown land above unconfined portions of the aquifer in a natural state to protect the quality of drinking water.
2. Development above unconfined portions of the aquifer will only be considered if it is shown by hydrogeological study that the proposed use will not adversely impact any existing wells.
3. Development above confined portions of the aquifer will only be approved where it is shown that the development will not adversely impact on the underlying aquifer.
4. The Crown Aquifer designation will be extended south of Nile Creek upon completion of provincial studies demonstrating a better understanding of aquifer characteristics.
5. Agricultural uses are supported, particularly where the Crown land is above a confined portion of the aquifer.
6. The Agricultural Land Commission be asked to provide guidelines for the use of ALR lands above unconfined portions of the aquifer.

I have also enclosed for your information copies of the terms of reference for the environmental consultant Karen Christie of Terrestrial Logic Consulting, as well as those for the project engineer Bob Colclough of W.R. Colclough & Associates, and the planning consultants Graeme Bethell and Roger Parry of Focus.

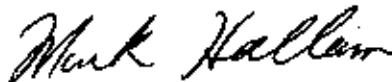
.../3

Mr. Bartram  
Page 3

I would welcome an opportunity to meet with you within the next few weeks to introduce the consulting team to you, and to discuss the next phase of the hydrogeological study as well as the recently completed Area 'H' Detailed Servicing Study.

Please call me at (250) 952-6557 if I can be of further assistance.

Yours truly,



Mark Hallam  
Regional Manager

enclosure

pc: Robert Lapham, General Manager, Development Services,  
Regional District of Nanaimo

Wayne Haddow, Regional Agriologist, Ministry of Agriculture, Food & Fisheries

Roger Cheetham, Planning Officer, Agricultural Land Commission



**Shaw, Pamela**

**From:** Henigman, Margaret WLAP:EX [Margaret.Henigman@gems3.gov.bc.ca]  
**Sent:** December 5, 2003 2:52 PM  
**To:** Shaw, Pamela  
**Subject:** Area H OCP draft

Hi Pam; I just whizzed through the draft this morning and have a few comments. I noticed that I had gone through the last draft and made notes, but can't see anywhere that this got back to you folks. This document is significantly different from that last iteration so I decided to stick with this.

**Page 1, Section 2.1**

In addition to the sensitive features you've noted, this section should acknowledge the presence of the Parksville Qualicum Beach Wildlife Management Area along the intertidal zones of Area R (also G and portions of E).

**Page 4 Section 2.3 Policies**

As discussed, I'm a bit concerned that #1 under this heading implies that there are standards to be complied with pursuant to the Federal Fisheries Act, for protection of streams. Not so. This Act is prohibitive i.e. only addresses a violation after the fact. Setback requirements are defined by a local government consistent with the Provincial Streamside Protection Regulation which applies to the use of local government powers under Part 26 of the Local Government Act.

**Page 7 Section 2.5**

I was mistaken here, I see that this section refers to Fed Fish holdings at Big Qualicum not the Little Q, where the National Wildlife Area (upland) and PQ-B Wildlife Management Area (intertidal) lie. In that these fall under Area G I stand corrected. Sorry.

**Sec 2.5 Policies**

Since your Environmental Features map identifies the presence of Sensitive Ecosystems Inventory polygons in Area H, it would make sense that both here and perhaps in the preamble (on page 1) that protection strategies to address the SEI would be identified. I couldn't see anywhere that they had been addressed in the text.

**Page 1 Section 4.1 Policies**

#5 & 7 We applaud the Regional District's position to protect upland public lands overlying sensitive aquifers, however there are likely many locations where publicly assessable/pedestrian walkways are inappropriate.

**Section 5.5 Village Centres**

I note that the mapped areas identified for Village Centres include a significant number of Bald Eagle nest trees. There is also a strong possibility that the entire area could also include Great Blue heron nest sites. As noted in a recent letter to Land and Water BC the study area (Bowser/Dashwood) is within 10 km of known foraging sites for Great Blue Heron. There is very high potential that there are one or more Great Blue Heron nesting colony sites already present. We know that the mouths of the Big Qualicum River, Nile Creek, Thames Creek and Annie Creek are typical of critical heron breeding foraging habitat as they provide abundant food resources, notably Shiner Perch (*Cymatogaster aggregata*), during the chick rearing stage. In the past it has been suggested that this forest contains suitable recruitment habitat, if not actual nesting habitat for Great Blue Herons.

See Section 4-A regarding wildlife tree DFA's

**Section 5.8 Policies**

#3 Just curious how the RDN defines Park Land in your Zoning bylaw????

Would this include golf courses?

Appendix A.1 General Policies

#2 How is the regional district defining "alteration of land" Would this include land clearing/logging?

Appendix A.4 ESFs

#627 Note that the 60 and 100 m recommended setback noted in the Region 1, WLAP BMP represent the minimum buffer distances necessary to protect these nesting birds (especially heron) from human disturbances during the breeding season. The scientific literature has in fact identified that these birds usually require a much larger buffer (>250m) to avoid disturbance or abandonment of young, in previously undeveloped landscapes. If the regional district establishes eagle and heron nest tree DPAs with these minimum distances it can be expected that the absolute protection buffer following development will be less than the minimum guideline and may result in disturbance or abandonment of nest trees and/or territories. In addition research has shown that there could be associated risks to personal safety or property, if these distances are eroded to less than 2 tree heights (was 1.5).

Exemptions:

#3c) curious about how "hazardous trees" are being defined and who would make this distinction

#5 Note should indicate that our document was published by the Ministry of Environment Lands and Parks (now Water Land and Air Protection) as these acronyms are not defined anywhere and may confuse readers????

Guidelines:

#8 re: stormwater drainage plans, we encourage the RDN to require the preparation of an integrated stormwater management plan consistent with the Provincial Stormwater Guide found at:

<http://wlapwww.gov.bc.ca/epd/epdpa/mpp/stormwater/stormwater.html>  
<<http://wlapwww.gov.bc.ca/epd/epdpa/mpp/stormwater/stormwater.html>>

Well that's it for this one, let me know if you have any questions.

Thanks for being so patient!

Maggie Henigman  
District Urban Habitat Officer  
Water Land and Air Protection

The universe is sacred. You cannot improve it.  
If you try to change it you will ruin it.  
If you try to hold it you will loose it.  
Tao Te Ching



David Bartram, Director Electoral Area H  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

Dear Sir:

**Re: Proposed New OCP for Electoral Area H**

**Our Ref: S - 34811**

With reference to your referral dated 22<sup>nd</sup> October 2003 the Commission, in terms of Resolution # 537/2003 has a number of reservations with the draft plan that it considers might best be resolved by a meeting between the staffs of our respective organizations. The Commission is accordingly pleased that an invitation has been extended to the staff of the Commission to attend the meeting that has already been arranged with Land and Water BC for 1<sup>st</sup> December 2003 and confirms that its staff will be available to attend the meeting.

The Commission supports many of the points made by LWBC in the letter sent to you dated 13<sup>th</sup> November 2003. In view of the common interests of LWBC and the Commission with regard to the policies affecting Crown land the Commission considers that it will be beneficial for both organizations to participate jointly in the discussions relating to such lands.

The Commission's primary concern relates to the provisions of the plan under 2.1 relating to environmentally sensitive areas, many of which affect Crown land ALR. Our main concern is that Section 2.1 Environmentally Sensitive Areas appears to ignore agriculture despite the fact such areas, as indicated on Map 2, affect the bulk of the land within the ALR. The Commission recognizes that many of the affected ALR areas are not at present farmed but the implications of the objectives and policies in this section on future agricultural opportunities is significant. Their strong pro-environment stance, read with the set back provisions for the protection of riparian areas and the lack of provision for reconciling environmental and agricultural interests creates the impression that environmental considerations are intended to override agricultural considerations. The Commission, while pleased to note, does not consider that the acknowledgement under 3.1 of the protection afforded agriculture in terms of the Agricultural Land Commission Act and Regulations and the Farm Practices Protection (Right to Farm) Act adequately addresses the issue.

The Commission's other comments are as follows:

**Community Values Statement** Given the extent of ALR in the plan area there appear to be significant opportunities for an expansion of agriculture. Accordingly the Commission considers that agricultural interests should be given greater prominence by the adjustment of Value statement 3 to refer to agriculture and the addition to Value statement 12 of the words " and encourage agriculture" at the end.

**1.3 Regional Context Statement** The vision statement of the Growth Strategy commits the Regional District to working towards a strong and sustainable economy based on its resource assets. Goal 3 under Rural Integrity is to protect and strengthen the region's rural economy and lifestyle. Goal 6 supports strategic economic development.

...2

Nov. 27/03

Page 2

In this context the statements appearing under this section that draw attention to what the plan achieves could be improved by a reference to two goals that are important to agriculture - the strengthening of the rural economy and the supporting of economic development.

**1.5 Organization of the Plan.** The plan makes reference to the Land Reserve Commission rather than the Agricultural Land Commission. This needs to be corrected.

**2.3 Freshwater Resources (Surface and Aquifer)** The Commission recognizes that the protection of the quality and quantity of freshwater sources is of benefit to agriculture. It therefore in principle supports these policies and it does not consider that there are any specific provisions within this section that need to be changed. It suggests however that consideration be given to the possibility of linking these policies more closely to those under 2.1.

**2.5 Protection of Wildlife and Native Plants.** The Commission notes that some of the areas identified in this section, in particular the Gainsburg Swamp west of Deep Bay are located within the ALR. It has no difficulty with such identification in the plan and considers that, prima facie, there may be areas where environmental considerations outweigh agricultural and accordingly where protection is justified, possibly subject to compensatory benefits to ensure that agriculture suffers no net loss. By the same token there may be other areas identified as environmentally sensitive where the agricultural value of the land is greater than is its environmental value. In such instances the Commission would hope that there would be support for the use of such land for agriculture. The Commission would encourage the drafting of objectives and policies in the plan that would be helpful in such evaluations.

**3.1 Agriculture** The Commission is pleased to note the attention given to the Agricultural Land Commission Act and the Farm Practices Protection (Right to Farm) Act in this section. It suggests that the words "resource management purposes" at the end of the first paragraph be changed to "agriculture" to clarify the intended use.

**5.2 Resource Lands** The statement that all lands within the ALR are included in this designation is not correct. It is accordingly suggested that the word "All" at the beginning of the second sentence be changed to "The bulk of the".

**5.3 Rural Lands.** There are a few ALR parcels that fall within this designation. The Commission therefore suggests that the word "generally" be placed in front of the words "not located".

**5.8 Park Lands.** The Commission notes that this designation principally applies to Crown Land of which there are significant areas within the ALR. The Commission considers that the primary designation for the ALR land should be Resource in recognition of its agricultural potential. The Park designation should only be applied where its value for such use has been clearly established. The first paragraph should make mention of this fact and the objectives and policies should also provide for agricultural activity for those areas located within the ALR. The Commission also suggests that in the event that significant areas of ALR remain in the redrawn Park Lands (Aquifer and Unconfined Aquifer within Crown Land) designation the name be changed to one that more appropriately reflects the range and type of uses that are envisaged for the designation.

Nov. 27/03 – Page 3

**Community Resources Map.** The Commission notes that this map shows a potential managed BC Forest Recreation site or Park/Reserve on land largely located within the ALR in the vicinity of Deep Bay. It would like to be provided with more information relating to this site before offering comment thereon.

The Commission looks forward to a positive outcome from the meeting scheduled for 1<sup>st</sup> December and to further reviewing the plan in the light of such outcome.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

PER:

K. B. Miller, Chief Executive Officer

Cc Wayne Haddow, Regional Agrologist, Duncan  
Mark Hallam, Land and Water BC

RC/lv  
1:34811d1.



**Land and Water  
British Columbia Inc.**  
*A corporation of the government of British Columbia*

January 5, 2004

File: 1409580

BY FAX (250) 390-7511

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

Attention: Robert Lapham

Dear Mr. Lapham:

**Re: Lots 39, 40, 45 & 46 of District Lot 89, Newcastle District, Plan 1884**

I am writing to express Land and Water British Columbia Inc.'s (LWBC) concern regarding the park designation placed on the four above-referenced parcels of Crown land in the most recent draft of the Area H Official Community Plan (OCP).

These parcels are within the Agricultural Land Reserve and have considerable agricultural potential.

As LWBC is planning to market the Crown land for agricultural development, the park designation is very inappropriate and misleading to the public and potential purchasers.

Please note that the proposed designation on these lands was changed very recently, without consultation with LWBC.

I look forward to receiving your confirmation that the Crown land will receive a designation in the new OCP consistent with the Regional District of Nanaimo's policies on the support of agricultural development.

Yours truly,

Peter Norman  
Project Manager  
Development and Marketing Division, LWBC

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE  
MEETING HELD ON TUESDAY, DECEMBER 9, 2003, 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
M. Pearse	Manager of Administrative Services

**DELEGATION**

MOVED Director Stanhope, SECONDED Director Haime, that Mr. Moore be permitted to speak as a late delegation.

**John Moore, re DP No. 60354 – French Creek Estates Ltd. – Columbia Drive – Area G.**

CARRIED

Mr. Moore reviewed his Development Permit Application and requested the Committee to approve the proposal.

**MINUTES**

MOVED Director Bartram, SECONDED Director Bibby, that the minutes of the Electoral Area Planning Committee meeting held November 25, 2003 be adopted, as amended.

CARRIED

**PLANNING**

**DEVELOPMENT PERMIT APPLICATIONS**

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

MOVED Director Stanhope, SECONDED Director Bartram, 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

**DP Application No. 60355 – Balogh – 5363 Deep Bay Drive – Area H.**

MOVED Director Bartram, SECONDED Director Bibby, that Development Permit Application No. 60355, submitted by Raymond and Catherine Balogh to permit the construction of a dwelling unit and deck within the 'Environmentally Sensitive Areas' and 'Hazard Lands' Development Permit Areas on the subject property legally described as Lot 15, District Lot 1, Newcastle District, Plan 20442 be approved, subject to the Conditions of Approval outlined in Schedules No. 1, 2 and 3.

CARRIED

**PAGE**  
47

**DEVELOPMENT VARIANCE PERMIT APPLICATIONS**

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

MOVED Director Kreiberg, SECONDED Director Stanhope, that Development Variance Permit Application No. 90320, submitted by RG Colclough & Associates Ltd. on behalf of Land & Water BC, to allow the creation of a non-contiguous lot and to allow the relaxation of the minimum 10% perimeter frontage requirement in conjunction with the proposed subdivision be approved subject to Land & Water BC securing transfer of Thelma Griffith Park to the RDN in cooperation with BCBC if necessary prior to approval and subject to the conditions outlined in Schedules No. 1 and 2 of the staff report and notification requirements pursuant to the *Local Government Act*.

CARRIED

**FRONTAGE RELAXATION**

**Request for Relaxation of the Minimum 10% Frontage Requirement – Glencar Consultants Inc. on Behalf of Comox Timber Ltd. – Marshland Road – Area H.**

MOVED Director Bartram, SECONDED Director Stanhope, that the request, submitted by Glencar Consultants Ltd., on behalf of Comox Timber Ltd. to relax the minimum 10% frontage requirement for proposed Remainder of Block 184, as shown on the proposed plan of subdivision of Block 184, Newcastle and Alberni District Except Part in Plan 34682, be approved subject to Schedule No. 1 of the staff report.

CARRIED

**OTHER**

**Electoral Area 'H' Draft Official Community Plan Bylaw No. 1335.**

MOVED Director Bartram, SECONDED Director Haime, that the draft Electoral Area 'H' Official Community Plan be received.

CARRIED

Director Bartram provided an overview of the Electoral Area 'H' Official Community Plan.

MOVED Director Bartram, SECONDED Director Bibby,:

That "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" be given 1<sup>st</sup> and 2<sup>nd</sup> reading.

That "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" has been considered in conjunction with the Regional District of Nanaimo's Capital Expenditure Plan and Liquid Waste Management Plan and Growth Management Plan to ensure consistency between them.

That "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" proceed to Public Hearing.

That the Public Hearing on "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" be delegated to Director Bartram or his alternate.

CARRIED



**ADJOURNMENT**

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

TIME: 6:50 PM

CARRIED

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CHAIRPERSON

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**TO:** Board of Directors **DATE:** January 7, 2004

**FROM:** Joe Stanhope, Chairperson

**SUBJECT:** Board Appointments to Standing and Advisory Committees

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**Purpose:**

To advise the Board of the Chairperson's Board Appointments to the Regional District of Nanaimo Standing and Advisory Committees.

**Background:**

Pursuant to s.30(4) and (5) of the "Board Procedure Bylaw No. 1268", the Chairperson reviews the appointments of Board members to various Standing Select and Advisory Committees annually. The attached list identifies the Chairperson's appointments of Board members to the Standing Select and Advisory Committees for 2004.

**Recommendation:**

That the Board Appointments to the 2004 Regional District of Nanaimo Standing Select and Advisory Committees be received for information.

*J. Stanhope*  
\_\_\_\_\_  
J. Stanhope

*for:*  
(Attachment)

***Regional District of Nanaimo Board Appointments***

	<b><i>Appointment</i></b>	<b><i>Alternate</i></b>
Arrowsmith Water Project Management Committee	J. Stanhope	P. Bibby
Deep Bay Harbour Authority	D. Bartram	
District 69 Recreation Commission	D. Bartram	L. Biggemann
Island Corridor Foundation	J. Stanhope	
Mt. Arrowsmith Biosphere Foundation	P. Bibby	
Municipal Finance Authority	J. Stanhope	D. Haime
Municipal Insurance Association (MIA)	L. McNabb	
North Island 911 Corporation	J. Stanhope	T. Westbroek
RDN Emergency Planning Committee	L. Biggemann	H. Kreiberg
Regional Library Board	P. Bibby	H. Kreiberg
Treaty Advisory Committee	E. Hamilton	H. Kreiberg
Vancouver Island Generation Project Committee	G. Lund	H. Kreiberg

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

	<b><i>Appointment</i></b>	<b><i>Alternate</i></b>
Vancouver Island Health Authority Project Building Committee	L. Sherry	J. Stanhope
Vancouver Island Health Authority Joint Capital Planning Committee	T. Krall	E. Hamilton

**ELECTORAL AREA PLANNING STANDING COMMITTEE**

(4th Tuesday 6:30 pm)  
(Current & Community Planning)

E. Hamilton (Chair)	H. Kreiberg
P. Bibby	L. Biggemann
J. Stanhope	D. Bartram
D. Haime	

**COMMITTEE OF THE WHOLE**

(4th Tuesday 7:00 pm)  
(Corporate & Community/Development/Environmental Services)

J. Stanhope (Chair)	L. McNabb (Deputy)
H. Kreiberg	G. Lund
E. Hamilton	D. Haime
P. Bibby	L. Biggemann
D. Bartram	R. Longmuir
T. Westbroek	C. Haime
G. Korpan	T. Krall
R. Cantelon	B. Holdom
L. Sherry	

**EXECUTIVE COMMITTEE**

J. Stanhope (Chair)	L. McNabb (Deputy)
L. Sherry	H. Kreiberg
E. Hamilton	T. Westbroek
T. Krall	

**PUBLIC CONSULTATION SELECT COMMITTEE**

J. Stanhope (Chair)	P. Bibby
R. Cantelon	H. Kreiberg
R. Longmuir	C. Haime

**CLIMATE CHANGE SELECT COMMITTEE**

L. Sherry (Chair)	L. Biggemann
R. Longmuir	

**TRANSIT BUSINESS PLAN UPDATE SELECT COMMITTEE**

T. Krall (Chair)	J. Stanhope
D. Haime	T. Westbroek
R. Cantelon	B. Holdom

***Electoral Area 'A' Parks & Open Space Advisory Committee***

H. Kreiberg

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

D. Haime

***Nanoose Bay Parks & Open Space Advisory Committee***

P. Bibby

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

J. Stanhope

***Grants-in-Aid Advisory Committee***

E. Hamilton

***Regional Growth Monitoring Advisory Committee***

B. Holdom (Chair)

D. Bartram

***Regional Waste Advisory Committee***

L. Sherry (Chair)

L. Biggemann

R. Longmuir

**Minutes of the District 69 Recreation Commission Regular Meeting**  
**Held on Thursday, December 11, 2003, at 1:00pm**  
**At Oceanside Place**

**Attendance:**

Frank Van Eynde  
Craig Young  
Fred Demmon

Dave Bartram  
Jack Wilson

Eve Flynn  
Reg Nosworthy

**Staff:**

Tom Osborne  
Mike Chestnut

Tony Toriglia  
Neil Connelly

Dan Porteous  
Marilynn Newsted, Recording Secretary

**Regrets:**

Patti Biro

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Chair Van Eynde called the meeting to order at 1:00pm.

**MINUTES**

- 3.1 MOVED Commissioner Bartram, SECONDED Commissioner Flynn, that the Minutes of the District 69 Recreation Commission Regular Meeting held on November 13, 2003, be approved.  
CARRIED

**COMMUNICATIONS/CORRESPONDENCE**

- 4.1 MOVED Commissioner Nosworthy, SECONDED Commissioner Flynn, that the correspondence re: Kidfest, Doug Blott, be received.  
CARRIED

**FUNCTION REPORTS**

- 5.1 Mr. Osborne presented the Function Reports from the Ravensong Aquatic Centre, Oceanside Place, Recreation Coordinating and the Regional Parks and Trail and Community Parks (EA 'E' - 'H'). He reported *Winter Wonderland On Ice* will run December 20 to 23 at Oceanside Place. The event will be held on The Pond and the Victor Kraatz Arena, as there is a midget hockey tournament scheduled for the Howie Meeker Arena.

Mr. Osborne reported an additional Sunday shift in the front office at Oceanside Place and a second Point of Sale terminal were in place to accommodate the increase in attendance and lineups at the public skating sessions.

Mr. Osborne reported Tracey Durocher, Recreation Assistant, and Colleen Douglas, Community Programmer, were doing an excellent job preparing for Winter Wonderland on Ice in addition to their other duties.

MOVED Commissioner Bartram, SECONDED Commissioner Demmon, that the function reports be received.  
CARRIED

**NEW BUSINESS**

- 8.1 Mr. Osborne reported the Certificate of Substantial Performance for Oceanside Place had been issued for October 29, 2003. He noted ICR Architecture and Projects Consultants had retained a sound engineer to review the acoustic problem in the arenas at Oceanside Place. Mr. Osborne reported Matt Woods, who was retained by the RDN to sell arena board ads, had sold all the

board advertising space in both arenas. He noted the percentage split for the arena function and the user groups will be much higher than expected.

- 8.2 Mr. Osborne presented an overview of the 2004 Provisional Budget. More detailed discussion and a Commission recommendation on the budgets will be provided for at the next Commission meeting. He noted the Recreation Services Master Plan and Class E-Reg have both been transferred to 2005.

Mr. Osborne reported a .73% increase to the tax requisition for the arena function. Mr. Osborne noted that gas and hydro costs are being reviewed as actual statements come in and the Commission would be updated on their levels compared to what was provided to the RDN in the 2002 PERC Report. The Ravensong Aquatic Centre was noted to have a 2.5% Tax Requisition.

Mr. Osborne reported a 4% increase in the requisition for the Recreation Coordinating function and a proposed 20% increase in the requisition related to the Agreement on sport fields. He noted also that the increased front office hours at Oceanside Place have an impact on the Recreation function budget. Mr. Connelly noted the Regional Board's schedule for meetings, public consultation and review and approval of the 5-year Financial Plan and 2004 Budget prior to the end of March 2004.

Mr. Osborne reported the three District 69 Recreation functions provide .61 staff per 1000 population compared to other communities of 50,000 or less of which have an average of 1.75 staff per 1000.

Commissioners stated staff should be congratulated on their hard work and successful programs in light of the information regarding the lower than average staffing levels in the Department and higher than average recovery rates.

#### COMMISSIONER ROUNDTABLE

- 9.0 Commissioner Bartram reported the Lighthouse Recreation Commission will hold a Polar Bear Swim New Year's Day and a Lighted Boat Display Saturday, December 14, 2003.

Commissioner Bartram noted a public hearing will take place in January 2004 with regard to the Electoral Area 'H' OCP. He noted that a parkland designation including areas over unconfined aquifers will affect two areas at Horne Lake and land areas on both sides of the Big Qualicum River.

Commissioner Bartram requested that staff forward the background information on grants to himself prior to the Board meetings.

#### ADJOURNMENT

MOVED Commissioner Bartram, SECONDED Commissioner Flynn, that the meeting be adjourned at 2:40 pm.

#### NEXT MEETING

The next meeting will be held at 1:00 pm, Tuesday, January 13, 2004, at Oceanside Place, in Multipurpose Room 1.



REGIONAL DISTRICT OF NANAIMO	
JAN - 5 2004	
CHAIR	GMCrs
CAO	GMDS
GMCms	GMEB
<i>[Signature]</i>	

**MEMORANDUM**

**TO:** Stan Schopp  
Manager, Building Inspection and Enforcement

**DATE:** January 5, 2004

**FROM:** Tom Armet  
Bylaw Enforcement Officer

**FILE:** 4000 01 312F03

**SUBJECT:** Appointment of Animal Control Officer

**PURPOSE**

To appoint a Bylaw Enforcement Officer employed by the SPCA for the purpose of enforcing Regional District of Nanaimo Animal Control and Licensing Bylaws only.

**BACKGROUND**

The Parksville/Qualicum Beach & District SPCA carries out the enforcement of Animal Control and Licensing Bylaws under contract for the Regional District of Nanaimo in District 69. Employees of the SPCA have similar specific duties and right of entry requirements as Bylaw Enforcement Officers to enable them to carry out their duties as Animal Control Officers for the Regional District. Furthermore, Animal Control Officers must be appointed pursuant to Section 272 of the *Local Government Act* for the purpose of issuing violation tickets.

The SPCA has 4 permanent Animal Control Officers. The most recent full time employee, Terry Norma Prosser has not yet been appointed as a Bylaw Enforcement Officer.

**ALTERNATIVES**

1. To appoint Terry Norma Prosser as a Bylaw Enforcement Officer for the specific purpose of enforcing Animal Control Bylaws pursuant to "Regional District of Nanaimo Bylaw Enforcement Officers Bylaw No. 857, 1992."
2. To not appoint the Animal Control Officer.

**FINANCIAL IMPLICATIONS**

There are no financial implications.

**LEGAL IMPLICATIONS**

All Animal Control Officers employed by our contractors actively investigate and enforce the provisions of our Animal Control and Licensing Bylaws. Failure to appoint an officer may result in a court ruling



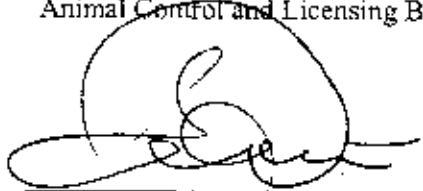
against the Regional District on the grounds that the Animal Control Officers had no authority to enforce Regional District of Nanaimo bylaws. The employees of the Regional District's contractors have been appointed as Bylaw Enforcement Officers since the beginning of the terms of the contracts, without incident. The RDN requires the contractors to maintain general public liability insurance to indemnify the RDN from any claims of negligence that might arise from the performance of the contractors.

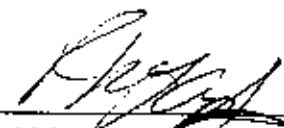
**SUMMARY/CONCLUSIONS**

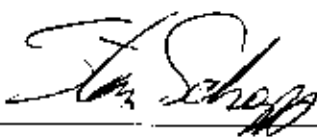
It is necessary to appoint Animal Control Officers employed by our contractors as Bylaw Enforcement Officers to ensure they have the ability to enforce animal control regulations, defend any legal challenge to their authority and maintain the integrity of the RDN animal control and licensing function.

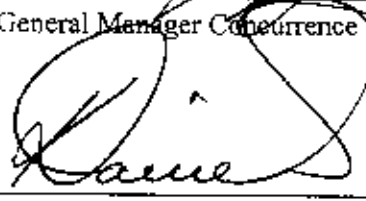
**RECOMMENDATION**

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.

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

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

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

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

COMMENTS:



REGIONAL DISTRICT OF NANAIMO	
JAN - 6 2004	
CHAIR	GMCrs
CAO	GMDS
GMCS	GMES

**MEMORANDUM**

**TO:** Carey McIver  
Manager, Solid Waste

**DATE:** January 5, 2004

**FROM:** W.R. (Bill) Hill  
Acting Supervisor, Solid Waste Facilities

**FILE:** 1240-20-SW

**SUBJECT:** Landfill Track Loader  
Tender Award

**PURPOSE**

To award a contract for the lease of a sanitary landfill track loader.

**BACKGROUND**

A Caterpillar 963 track loader is currently used at the Regional Landfill for grading, dozing, excavating, backfilling, carrying material, truck loading and compacting waste. This piece of equipment was leased from Finning (Canada) Ltd. in 1999. The term of the lease is four years (10,000 hours) at which time major equipment components typically begin to fail. To avoid excessive repair costs, most landfill operators replace their equipment at this time.

A tender call for the acquisition of a new track loader was advertised in November 2003. Vendors were requested to quote on two options, firstly vendor financing and secondly a guaranteed sale back price if alternative leasing from the Municipal Financing Authority (MFA) was used.

Tenders closed on December 1, 2003. Finning (Canada) Ltd. submitted the only bid. A total cost analysis indicates that it would be less expensive to complete the lease transaction using Finning lease financing rather than MFA.

**ALTERNATIVES**

1. Award the tender for the acquisition of a track loader to Finning (Canada) Ltd. and enter into a four-year vendor lease.
2. Award the tender for the acquisition of a track loader to Finning (Canada) Ltd. and enter into a four-year lease with MFA.

**FINANCIAL IMPLICATIONS**

Under Alternative 1, the present value of the total payments to lease a new Cat 963 from Finning for four years will be \$223,889.91. Under Alternative 2, the present value of the total payments to lease from MFA would be \$235,308.47. There are sufficient funds in the 2004 Solid Waste Facilities budget to accommodate either leasing arrangement.

**SUMMARY**

The four-year lease for the current track loader at the Regional Landfill expires in February 2004. Tenders were called for the acquisition of a new tracked loader. Finning (Canada) Ltd. submitted the only bid for a new CAT 826. Finning also offer a lower cost financing package.

**RECOMMENDATION**

That the contract for the lease of a landfill track loader be awarded to Finning (Canada) Ltd.

*per* C. McSweeney  
Report Writer

[Signature]  
General Manager Concurrence

Carey McSweeney  
Manager Concurrence

[Signature]  
C.A.O. Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO			
JAN - 7 2004			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
		<i>Btd</i>	<input checked="" type="checkbox"/>
DATE: January 7, 2004			

MEMORANDUM

**TO:** Robert Lapham  
General Manager, Development Services

**FROM:** Brigid Reynolds  
Senior Planner

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

**FILE:** 3360 30 0307

PURPOSE

To provide a follow up report on the site-specific zoning requests on ALR land and to consider a revision to the Terms of Reference schedule for site-specific zoning requests on ALR land.

BACKGROUND

As the Board will recall at the Regular Board meeting of December 9, 2003, staff was requested to report back on the site-specific zoning requests on Agricultural Land Reserve (ALR) land. As part of this 'Finetuning' project, the RDN received 21 requests for properties located within the ALR to recognize pre-existing uses on their property. The Agricultural Land Commission has been consulted and has provided a response to the RDN and requires that each request be reviewed on its own merits. (See Attachment No. 1 for a copy of letter from the ALC).

The original Terms of Reference for the 'finctuning' project outlined a time frame for the whole project. However, given the need for individual requests on ALR to receive permission from the ALC, a revised schedule must be approved for these site-specific requests before Bylaw No. 1285 could be amended for these properties.

ALTERNATIVES

1. To receive the staff report and approve the revised 'finetuning' project schedule.
2. To revise the 'finetuning' project schedule and direct staff to proceed.
3. To not proceed with this revised schedule.

LAND USE IMPLICATIONS

The 21 requests that have been received are for the following uses: 2<sup>nd</sup> dwelling units that are not manufactured homes, multiple dwelling units, and various 'non-farm' uses. In order for pre-existing uses to be recognized in the Zoning Bylaw the ALC must grant permission for the use. Should the ALC grant permission for these requests, the RDN would still require approvals from senior agencies, if required, for example, health permits, prior to presenting an amendment bylaw to the Regional Board.

Staff anticipates that additional requests will be made as five inquiries have already occurred as a result of the Public Hearing Notice.

## **PUBLIC CONSULTATION IMPLICATIONS**

The 21 property owners who have submitted requests for site specific zoning on ALR land will be contacted directly to inform them of the amended process.

No additional public notification is proposed to solicit site-specific zoning requests for properties in the ALR as the public consultation process for this project has been extensive. Three newsletters were mailed directly to all property owners in Electoral Area 'F' in the summer of 2003. A site office was opened at the Pine Tree Centre for two weeks in September and that was well advertised. Additionally, a public notice advertising the Public Hearing for the Amendment Bylaw was placed in two editions of the Parksville/Qualicum News. The Public Hearing and Amendment Bylaw has also been posted on the RDN website. As a result, property owners in Electoral Area 'F' have been well informed of the process.

## **INTERGOVERNMENTAL IMPLICATIONS**

On October 24, 2003 the RDN met with ALC staff to discuss the site-specific zoning requests. As a result, the RDN provided the ALC with the 21 site-specific zoning requests and requested that they provide a position regarding how they would like to proceed. The ALC has responded and requires that property owners make individual applications to the ALC and receive their permission prior to the RDN amending the zoning bylaw for these site-specific requests. (*See Attachment No. 1 for a copy of letter from the ALC*).

## **LEGAL IMPLICATIONS**

Bylaw No. 1285, as a regulatory bylaw, establishes and regulates permitted uses, site regulations and subdivision standards for individual parcels of land. Despite the adoption of Bylaw No. 1285 and the public consultation process that has been undertaken as part of this 'finetuning' exercise, some existing uses will remain non-conforming or illegal. In the case of properties in the ALR, if the use required approval from the ALC, but none was ever received, these uses are considered to be illegal. The uses that are illegal are not exempt from future enforcement action if complaints are received from adjacent property owners, and/or if this use is causing problems for adjacent property owners. These parcels may be subject to standards as they are further developed or subdivided or proposed to legalize an illegal use.

## **PROCESS IMPLICATIONS**

In the original Terms of Reference for the 'Finetuning' Project it was anticipated that site-specific zoning requests for properties in the ALR would only be considered where they had previous approval. However, given the number of requests that were made at the beginning of the process (21) and the number of subsequent inquiries that have been made since the Notice of Public Hearing (5) for pre-existing uses with no ALC approval, staff recommends this revised schedule to reduce the number of illegal uses in Electoral Area 'F'.

The ALC requires approximately six months to process an application. Therefore a revised schedule has been drafted as part of this 'Finetuning' Project. (*See Attachment No. 2*).

## **VOTING**

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

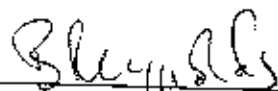
## SUMMARY/CONCLUSIONS

As part of the 'Finetuning' Project for Bylaw No. 1285 the RDN has received requests to recognize pre-existing uses on ALR lands where no previous approval had been received by the ALC. In consultation with the ALC, individual applications must be made to the Commission and their approval granted prior to the RDN amending Bylaw No. 1285. As the ALC approval process requires approximately six months, these requests have not been included in Bylaw No. 1285.01. Therefore a revised schedule is proposed such that requests can be made to the ALC prior to the drafting of another Amendment Bylaw.

Staff recommends approval of this revised schedule to reduce the numbers of illegal uses in Electoral Area 'F'.

## RECOMMENDATIONS

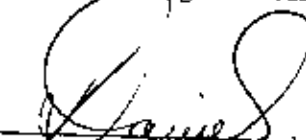
- 1 That the staff report on the revised Electoral Area 'F' Zoning Bylaw Finetuning Project be received.
- 2 That the revised Schedule (*Attachment No. 2*) be endorsed by the Board.



Report Writer



General Manager Concurrence

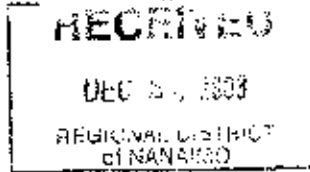


CAO Concurrence

## COMMENTS:

*devsvs/reports/2004/3360 30 0307 ja brd EA F ALR ssz*

**Attachment No. 1  
Letter from the Agricultural Land Commission**



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604-660-7000  
Fax: 604-660-7033  
www.alc.gov.bc.ca

December 19, 2003

Reply to the attention of Roger Cheetham

Brigid Reynolds, Senior Planner  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC V9T 6N2

Dear Madam:

**Re: Review of Electoral Area "F" Zoning and Subdivision Bylaw Number 1285, 2002**

**Our Ref: S - 34048**

With reference to your letter dated 6<sup>th</sup> November 2003, the Commission, in terms of Resolution # 573/2003 finds it very difficult to provide blanket comments and an indication of its possible position with regard to the residential and other uses listed in the schedule in the absence of any details about the uses. Its preference is that the land uses be evaluated in the context of the application process.

The Commission appreciates the challenges faced by the Regional District with regard to land uses in this area and suggests that it give consideration to taking on delegated decision-making authority from the Commission. It believes that the Regional District is closer to the issues and thus has a better understanding of them.

The Commission would be pleased to discuss the matter further with the Regional District if so desired.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

PER: 

K. B. Miller, Chief Executive Officer

Cc: Jill Hatfield, Regional Agrologist, Courtenay

RC/eg

**Attachment No. 2**  
**Revised Terms of Reference**

<b>Date</b>	<b>Action</b>
End of January	Contact 21 property owners in ALR with site specific zoning requests
April 15, 2004	Final date for all applications to be made to ALC
Fall 2004	Report to Electoral Area Planning Committee on proposed bylaw amendments and recommend 1 <sup>st</sup> and 2 <sup>nd</sup> reading for Proposed Amendment Bylaw
Fall 2004	Report to RDN Board on proposed bylaw amendments and recommend 1 <sup>st</sup> and 2 <sup>nd</sup> reading for Proposed Amendment Bylaw.
Late Fall 2004	Hold Public Hearing pursuant to Section 890 and 892 of the <i>Local Government Act</i>
Late Fall 2004	Referral to Ministry of Transportation requesting approval of Amendment Bylaw
Late Fall 2004	Report to RDN Board requesting consideration of 4 <sup>th</sup> reading and adoption (pending receipt of approval from Ministry of Transportation





REGIONAL DISTRICT OF NANAIMO			
JAN - 7 2004			
CHAIR		GMCrs	
CAO		GMDs	
GmCms		GMS	
Bsd ✓			
TO:		DATE:	December 10, 2003
FROM:		FILE:	
SUBJECT:			

MEMORANDUM

**TO:** C. Mason  
General Manager, Corporate Services

**FROM:** N. Avery  
Manager, Financial Services

**SUBJECT:** Financing bylaws and resolution for District 69 Arena Service

**PURPOSE:**

To introduce for three readings and adoption:

- "Regional District of Nanaimo Interim Financing (District 69 Arena Service) Bylaw No.1369 , 2004"
- "Regional District of Nanaimo (District 69 Arena Service) Security Issuing Bylaw No.1365, 2004"

**BACKGROUND:**

The Regional District of Nanaimo was given electoral consent to borrow up to \$8,120,000 for the construction of the District 69 multiplex arena. The Board has discussed options related to short term financing for the project, including borrowing from the Town of Qualicum Beach. Both short term and final long term borrowing must be authorized by separate bylaws and the necessary bylaws are attached for this purpose. Bylaw No.1369 will authorize the Regional District to secure short term financing to replenish the current bank account – short term financing can be secured from a source outside of the Municipal Finance Authority (MFA).

Staff have been in contact with the MFA to discuss options to manage the transition from short term to long term financing. The MFA has agreed, given the size of the loan MFA, to offer a slightly unusual approach to short term financing to the Regional District. The approach involves a revolving loan which bears interest at the rate of 30 day Banker's Acceptance notes – a rate which is about a quarter point below the MFA's standard interim financing program. The mechanism would entail receiving proceeds equal to the interim financing bylaw attached and "repaying" those proceeds every 30 days, then having the funds replenished for a further 30 days and so on. Using this approach the MFA is in a position to convert the short term debt into long term debt with 30 days notice. The MFA has requested that the Board authorize this arrangement by the resolution attached to this report. Please note that adopting the resolution does not rule out a concurrent short term borrowing arrangement with the Town of Qualicum Beach for a portion of the project costs.

Long term financing can only be secured through the MFA and Bylaw No.1365 will allow the borrowing of up to \$7,497,000. Both bylaws are introduced concurrently to ensure that all the necessary approvals are in place for whichever combination of strategies ultimately complete the financing for this project. Bylaw 1365 allows for borrowing up to \$7,497,000, although the final long term issue may be less, depending on the length of time short term financing is attractive. If less is required than \$7,497,000, the MFA has told staff that we simply need to advise them how much of the stated amount we wish to actually borrow.

**ALTERNATIVES:**

1. Adopt both the interim financing and security issuing bylaws and approve the resolution establishing a revolving short term loan arrangement with the Municipal Finance Authority.
2. Adopt both the interim financing and security issuing bylaws and direct staff to determine the timing of entering into long term debt.

**FINANCIAL IMPLICATIONS:**

Alternative 1

The short term financing arrangement proposed by the MFA will result in some further savings beyond those previously identified. The Town of Qualicum Beach can still act as a short term lender as previously approved by the Board on the same terms and conditions as the MFA. In staff's opinion the MFA is in the best position to determine when is an opportune moment to convert the short term debt to long term debt as they monitor the markets daily. Under this approach, once the MFA indicated when long term debt would be secured, all parties would be repaid their short term lending.

Alternative 2

Under this alternative the Regional District would acquire interim financing under the standard MFA program and staff would need to closely monitor rates with the MFA to try to catch the desired market moment.


**SUMMARY/CONCLUSIONS:**


The final step to complete the financing for the multiplex is to adopt both an interim financing and a security issuing bylaw. These two bylaws will authorize staff to manage the multiplex financing until long term debt is secured. For short term financing the MFA has offered to establish a special revolving loan in the amount of the current unfunded capital cost (\$7,497,000) using 30 day Banker's Acceptance rates. When long term rates reach our target rate, the MFA will automatically convert the short term loan to long term debt. This approach reduces the risk that a market opportunity will be missed, because the MFA monitors long term markets daily. The MFA requires a Board resolution in the form attached to make the necessary arrangements. Short term financing may be secured from any source, allowing the Town of Qualicum Beach to provide some of the short term financing under the same terms as the MFA.

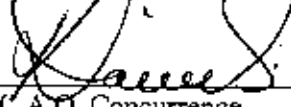
**RECOMMENDATION:**

1. That "Regional District of Nanaimo Interim Financing (District 69 Arena Service) Bylaw No.1369, 2004" be introduced for first three readings.
2. That "Regional District of Nanaimo Interim Financing (District 69 Arena Service) Bylaw No.1369 , 2004" having received three readings be adopted.
3. That "Regional District of Nanaimo (District 69 Arena Service) Security Issuing Bylaw No.1365, 2004" be introduced for first three readings.

4. 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.
5. That the resolution in the form attached, authorizing the Manager, Financial Services to arrange a revolving loan facility with the Municipal Finance Authority be approved.
6. 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.

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

  
\_\_\_\_\_  
General Manager Corporate Services

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

COMMENTS:

**REGIONAL DISTRICT OF NANAIMO  
BYLAW NO. 1369**

**A BYLAW TO AUTHORIZE TEMPORARY BORROWING  
OF MONEY PENDING THE ISSUANCE OF SECURITIES  
WHICH HAVE BEEN AUTHORIZED**

WHEREAS it is provided by Section 819 of the *Local Government Act* that the Regional Board may, where it has adopted a loan authorization bylaw and, without further assents or approvals, borrow temporarily from any person under the conditions therein set out;

AND WHEREAS by "Regional District of Nanaimo (Multipurpose Facility) Loan Authorization Bylaw No. 1313, 2002", the Board of the Regional District of Nanaimo was authorized to borrow upon the credit of the Regional District a sum not exceeding \$8,120,000.00 for the purpose of constructing a multiplex facility for the D69 Ice Arena Service Area;

AND WHEREAS no notice has been served on the Board or its Secretary in regard to quashing the said, "Regional District of Nanaimo (Multipurpose Facility) Loan Authorization Bylaw No. 1313, 2002";

AND WHEREAS the authorized borrowing power under the said Bylaw No. 1313 has not been previously hypothecated;

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

1. The Board of the Regional District of Nanaimo is hereby authorized and empowered to borrow temporarily from any person or body corporate, sums not exceeding \$7,497,000.00 solely for the purposes specified in the said "Regional District of Nanaimo (Multipurpose Facility) Loan Authorization Bylaw No. 1313, 2002".
2. The form of obligations, to be given to the lender in acknowledgement of the liability of the said Regional District Board shall be a promissory note, or notes, bearing the Corporate Seal of the Regional District of Nanaimo and signed by the Chairperson or Deputy Chairperson and General Manager, Corporate Services or Manger, Financial Services of the Regional District.
3. The proceeds from the sale of debentures or so much thereof as may be necessary shall be used to repay the money so borrowed.

4. This bylaw may be cited as "Regional District of Nanaimo Interim Financing (District 69 Arena Service) Bylaw No. 1369, 2004".

Introduced and read three times this 13th day of January, 2004.

Adopted this 13th day of January, 2004.

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CHAIRPERSON

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GENERAL MANAGER CORPORATE SERVICES

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1365

A BYLAW TO AUTHORIZE THE ENTERING INTO OF AN AGREEMENT RESPECTING FINANCING BETWEEN THE REGIONAL DISTRICT OF NANAIMO (THE "REGIONAL DISTRICT") AND THE MUNICIPAL FINANCE AUTHORITY OF BRITISH COLUMBIA (THE "AUTHORITY")

WHEREAS the Authority may provide financing of capital requirements for regional districts and for their member municipalities by the issue of debentures, or other evidence of indebtedness of the Authority and lending the proceeds therefrom to the Regional District on whose request the financing is undertaken;

AND WHEREAS, pursuant to the provisions of Section 833 of the *Local Government Act*, the amount of borrowing authorized by the following Loan Authorization Bylaw, the amount already borrowed under the authority thereof, the amount of authorization to borrow remaining thereunder and the amount being issued under the authority thereof by this bylaw is as follows:

Regional District	L/A Bylaw No.	Purpose	Amount Borrowing Authorized	Amount Already Borrowed	Borrowing Authority Remaining	Term of Issue (Yrs.)	Amount of Issue
Nanaimo	1313	District 69 Arena Service	\$8,120,000	\$Nil	\$8,120,000	20	\$7,497,000

Total Financing pursuant to Section 833 \$7,497,000

AND WHEREAS the Regional Board, by this bylaw, hereby requests that such financing shall be undertaken through the Authority;

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

1. The Authority is hereby requested and authorized to finance from time to time the aforesaid undertakings at the sole cost and on behalf of the Nanaimo Regional District and its municipalities hereinbefore referred to, in Canadian Dollars or in such other currency or currencies as the Authority shall determine so that the amount realized does not exceed Seven Million, Four Hundred and Ninety Seven Thousand Dollars (\$7,497,000.00) in Canadian Dollars and/or the equivalent thereto and at such interest and with such discounts or premiums and expenses as the Authority may deem consistent with the suitability of the money market for sale of securities of the Authority.
2. Upon completion by the Authority of financing undertaken pursuant hereto, the Chairperson and Manager of Financial Services of the Regional District, on behalf of the Regional District and under its seal shall, at such time or times as the Trustees of the Authority may request, enter into and deliver to the Authority one or more agreements which said agreement or agreements shall be substantially in the form annexed hereto as Schedule 'A' and made part of the bylaw (such agreement or agreements as may be entered into, delivered or substituted hereinafter referred to as the "Agreement") providing for payment by the Regional District to the Authority of the amounts required to meet the obligations of the Authority with respect to its borrowings undertaken pursuant hereto, which Agreement shall rank as debenture debt of the Regional District.
3. The Agreement in the form of Schedule 'A' shall be dated and payable in the principal amount or amounts of money in Canadian Dollars or as the Authority shall determine and subject to the *Local Government Act*, in such other currency or currencies as shall be borrowed by the Authority pursuant to Section 1 and shall set out the schedule of repayment of the principal amount together with interest on unpaid amounts as shall be determined by the Treasurer of the Authority.
4. The obligations incurred under the said Agreement shall bear interest from a date specified therein, which date shall be determined by the Treasurer of the Authority and shall bear interest at a rate to be determined by the Treasurer of the Authority.
5. The Agreement shall be sealed with the seal of the Regional District and shall bear the signatures of the Chairperson and Manager of Financial Services.
6. The obligations incurred under the said Agreement as to both principal and interest shall be payable at the Head Office of the Authority in Victoria and at such time or times as shall be determined by the Treasurer of the Authority.
7. If during the currency of the obligations incurred under the said Agreement to secure borrowings in respect of Loan Authorization Bylaw No. 1313, the anticipated revenues accruing to the Regional District from the operation of the said District 69 Arena Service are at any time insufficient to meet the annual payment of interest and the repayment of principal in any year, there shall be requisitioned an amount sufficient to meet such insufficiency.

8. The Regional District shall provide and pay over to the Authority such sums as are required to discharge its obligations in accordance with the terms of the Agreement, provided however that if the sums provided for in the Agreement are not sufficient to meet the obligations of the Authority, and deficiency in meeting such obligations shall be a liability of the Regional District to the Authority and the Regional District shall make provision to discharge such liability.
9. At the request of the Treasurer of the Authority and pursuant to Section 15 of the *Municipal Finance Authority Act*, the Regional District shall pay over to the Authority such sums and execute and deliver such promissory notes as are required pursuant to said Section 15 of the *Municipal Finance Authority of British Columbia Act*, to form part of the Debt Reserve Fund established by the Authority in connection with the financing undertaken by the Authority on behalf of the Regional District pursuant to the Agreement.
10. This bylaw may be cited as "Regional District of Nanaimo (District 69 Arena Service) Security Issuing Bylaw No. 1365, 2004".

Introduced and read three times this 13th day of January, 2004.

Adopted this 13th day of January, 2004.

\_\_\_\_\_  
CHAIRPERSON

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

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\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
General Manager, Corporate Services

CANADA  
PROVINCE OF BRITISH COLUMBIA  
AGREEMENT  
REGIONAL DISTRICT OF NANAIMO

The Regional District of Nanaimo (the "Regional District") hereby promises to pay to the Municipal Finance Authority of British Columbia (the "Authority") at its Head Office in Victoria, British Columbia, the sum of \_\_\_\_\_ in lawful money of Canada, together with interest thereon from the \_\_\_\_\_, at varying rates of interest, calculated semi-annually in each and every year during the currency of this Agreement; and payments of principal and interest shall be as specified in the table appearing on the reverse hereof commencing on the \_\_\_\_\_, provided that in the event the payments of principal and interest hereunder are insufficient to satisfy the obligations of the Authority undertaken on behalf of the Regional District, the Regional District shall pay over to the Authority such further sums as are sufficient to discharge the obligations of the Regional District to the Authority.

Dated at \_\_\_\_\_ British Columbia, this \_\_\_\_\_ of \_\_\_\_\_, 20\_\_.

IN TESTIMONY WHEREOF and under the authority of Bylaw No. 1365 cited as "Regional District of Nanaimo (District 69 Arena Service) Security Issuing Bylaw No. 1365, 2004", this Agreement is sealed with the Corporate Seal of the Regional District and signed by the Chairperson and the Manager of Financial Services thereof.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Manager of Financial Services

Pursuant to the *Local Government Act*, I certify that the within Agreement has been lawfully and validly made and issued and that its validity is not open to question on any ground whatever in any court of the Province of British Columbia.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Inspector of Municipalities of British Columbia

**RESOLUTION**

Be it resolved, that the Board of the Regional District of Nanaimo authorizes the Manager, Financial Services to work with the Municipal Finance Authority, in regard to "Regional District of Nanaimo (District 69 Ice Arena Service) Security Issuing Bylaw 1365, 2004" to arrange debt financing of a floating nature. The Manager Financial Services will instruct the Municipal Finance Authority of the Regional District's desire for it's debt to remain floating until such time as the fixed rate and the bond market reaches a rate of between 6.3% and 6.8%. When this designated fixed rate occurs in the bond market, the Municipal Finance Authority will be authorized to swap the debt out of floating and into fixed for the term indicated in the bylaw.