

REGIONAL DISTRICT OF NANAIMO

**BOARD MEETING
TUESDAY, MARCH 9, 2004
7:00 PM**

(RDN Board Chambers)

A G E N D A

PAGES

1. **CALL TO ORDER**
2. **DELEGATIONS**
- 10-11 **Tony MacGregor & John Van Beek, Greater Nanaimo Cycling Coalition re
Commuter Challenge/Bike Week, May 30 – June 5, 2004.**
3. **BOARD MINUTES**
- 12-26 **Minutes of the Board meeting held on February 10, 2004.**
4. **BUSINESS ARISING FROM THE MINUTES**
5. **COMMUNICATIONS/CORRESPONDENCE**
6. **UNFINISHED BUSINESS**

BYLAWS

For Adoption.

Bylaw No. 792.01 - Solid Waste Management Local Service Amendment Bylaw – District of Lantzville Incorporation. (All Directors – One Vote)

Bylaw No. 793.02 – Recycling & Compulsory Collection Service Amendment Bylaw – District of Lantzville Incorporation. (All Directors – One Vote)

Bylaw No. 887.02 – District 68 E-911 Extended Service Amendment Bylaw – District of Lantzville Incorporation. (All Directors – One Vote)

Bylaw No. 975.31 - Regional District of Nanaimo Pump & Haul Local Service Area Amendment Bylaw - District of Lantzville Incorporation. (All Directors – One Vote)

Bylaw No. 975.32 - Pump & Haul Local Service Area Amendment Bylaw– T. Bates – 3794 Mallard Place – Area E. (All Directors – One Vote)

Bylaw No. 1230.02 Southern Community Transit Service Amendment Bylaw – District of Lantzville Incorporation. (All Directors – One Vote)

27-28 **Bylaw No. 1335 - Electoral Area 'H' Official Community Plan Bylaw. (All Directors except EA 'B' - One Vote)**

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

7.1 ELECTORAL AREA PLANNING STANDING COMMITTEE

29-32 Minutes of the Electoral Area Planning Committee meeting held February 24, 2004. (for information)

COMMUNICATION/CORRESPONDENCE

Mark Paulyshyn, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement - M. Keen - 1012 Nanaimo River Road - Area C. (Electoral Area Directors except EA 'B' - One Vote)

That the correspondence from Mark Paulyshyn with respect to Development Variance Permit Application No. 90402 be received.

Andrew deCunha, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement - M. Keen - 1012 Nanaimo River Road - Area C. (Electoral Area Directors except EA 'B' - One Vote)

That the correspondence from Andrew deCunha with respect to Development Variance Permit Application No. 90402 be received.

Daryl & Gail McDonald, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement - M. Keen - 1012 Nanaimo River Road - Area C. (Electoral Area Directors except EA 'B' - One Vote)

That the correspondence from Daryl and Gail McDonald with respect to Development Variance Permit Application No. 90402 be received.

Garry & Kathryn Seymour, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement - M. Keen - 1012 Nanaimo River Road - Area C. (Electoral Area Directors except EA 'B' - One Vote)

That the correspondence from Garry and Kathryn Seymour with respect to Development Variance Permit Application No. 90402 be received.

Stuart Fraser, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement - M. Keen - 1012 Nanaimo River Road - Area C. (Electoral Area Directors except EA 'B' - One Vote)

That the correspondence from Stuart Fraser with respect to Development Variance Permit Application No. 90402 be received.

Barbara Wheeler, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement - M. Keen - 1012 Nanaimo River Road - Area C. (Electoral Area Directors except EA 'B' - One Vote)

That the correspondence from Barbara Wheeler with respect to Development Variance Permit Application No. 90402 be received.

David Littlejohn, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement – M. Keen – 1012 Nanaimo River Road – Area C.
(Electoral Area Directors except EA 'B' - One Vote)

That the correspondence from David Littlejohn with respect to Development Variance Permit Application No. 90402 be received.

Sheila Morley, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement – M. Keen – 1012 Nanaimo River Road – Area C.
(Electoral Area Directors except EA 'B' - One Vote)

That the correspondence from Sheila Morley with respect to Development Variance Permit Application No. 90402 be received.

PLANNING

AMENDMENT APPLICATIONS

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

1. *That the Report of the Public Hearing containing the Summary of the Minutes and Submissions held July 3, 2002 be received for information.*
2. *That the original Amendment Bylaw No. 500.287, 2002 which proposed to create the Rondalyn Resort Comprehensive Development Zone (CD13) with a maximum of 90 campsites be reconsidered and reintroduced as suggested in the staff report to reflect the existing legal non-conforming uses on the property and permit expansion of the facility to a maximum of 60 RV sites together with a number of existing accessory uses.*
3. *That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.287, 2002" be given 1st and 2nd readings as amended subject to Conditions of Approval as outlined in Schedule No. 1 of the staff report and be referred to public notification.*
4. *That the Regional Board waive the requirement for a Public Hearing pursuant to Section 893 of the Local Government Act and further, that adjacent landowners within 200 metres of the subject property be notified of the revised Amendment Bylaw No. 500.287, 2004 by way of direct mail and display ad in the local newspaper.*
5. *That the applicants be provided two years to resolve the waste management issues with respect to the 30 additional unauthorized RV sites. Should the applicants be unable to obtain the necessary provincial approvals and commence the zoning amendment process, the additional 30 sites must be removed within two years of the date of adoption of Amendment Bylaw No. 500.287, 2004. During this period the campsites would not be occupied and the future use of these sites would be subject to successfully rezoning the subject property.*

DEVELOPMENT PERMIT APPLICATIONS

DP Application No. 60403 and Request for Relaxation of Minimum 10% Frontage Requirement – G & B Duckett – 400 Lowry's Road – Area G. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to DP Application No. 60403.

That the request, submitted by G & B Duckett to allow works associated with a subdivision proposal within a Watercourse Protection Development Permit Area and to relax the minimum 10% frontage requirement for the proposed parcels as shown on the plan of subdivision of Parcel A (DD 2666 N) of District Lot 20, Nanoose District, be approved subject to Schedules No. 1 and 2.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

DVP Application No. 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement – M. Keen – 1012 Nanalmo River Road – Area C. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to DVP Application No. 90402.

That the request, submitted by Mark Keen to relax the minimum 10% frontage requirement for the Proposed Lots 1 and 2, as shown on the plan of subdivision of The West 40 Acres of Section 5, Range 3, Cranberry District as shown Coloured Red on Plan Deposited Under DD 1545-4F, Except Parcel A (DD 2849N) and Except Plans 3317, 25660 and 33499 and Except That Part Outlined in Red on Plan 450 RW, and Except Part in Plans 40918 and 41817, and to allow the creation of a non-contiguous parcel in conjunction with the proposed 3-lot subdivision, be approved subject to the notification requirements pursuant to the Local Government Act.

DVP Application No. 90403 – Lehlgh Cement/Lum – 920 Chatsworth Road – Area F. (Electoral Area Directors except EA 'B' - One Vote)

Delegations wishing to speak to DVP Application No. 90403.

That Development Variance Permit No. 90403 submitted by Doug Lum, project supervisor, to legalize a recently constructed silo and vary the maximum height requirements 15 metres to 23.72 metres for the property legally described as Lot A, District Lots 9 & 18, Cameron Land District, Plan VIP67169 be approved subject to notification requirements pursuant to the Local Government Act.

DVP Application No. 90404 – Lyle Hollingworth on behalf of Hollingworth & Jorgensen – 1410 & 1420 Price Road – Area F. (Electoral Area Directors except EA 'B' - One Vote)

Delegations wishing to speak to DVP Application No. 90404.

That Development Variance Permit No. 90404, submitted by Lyle Hollingworth, on behalf of James Hollingworth, Dorrie Jorgensen, Robert Jorgensen and Donna Jorgensen to vary the bylaw provision for lot exempts from minimum lot size requirements in conjunction with the proposed lot line boundary subdivision of Lot 1, Plan 50612 and the Remainder of Lot 52, Plan 1964, Both of District Lot 156, Nanoose District, be approved subject to the conditions set out in Schedule

Nos. 1, 2 and 3 and the notification requirements pursuant to the Local Government Act.

7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE

33-38 Minutes of the regular Committee of the Whole meeting held February 24, 2004.
(for information)

COMMUNITY SERVICES

RECREATION & PARKS

Nanoose Bay Crown Land District Lot 137 Update. (All Directors – One Vote)

That the update report on Crown Land District Lot 137 in Nanoose Bay be received for information.

Horne Lake Regional Park Operations. (All Directors – One Vote)

- 1. That the Horne Lake Regional Park Operations report be received for information.*
- 2. That staff be directed to advertise a request for proposals to operate Horne Lake Regional Park for 2004.*
- 3. That staff be directed to complete a report on a long-term private-sector Horne Lake Regional Park development and operations plan by the early fall of 2004 and in time to advertise and conclude an agreement for 2005 and subsequent years with a private contractor before the end of the year.*

CORPORATE SERVICES

DEVELOPMENT SERVICES

BUILDING INSPECTION

Section 57 – Community Charter – Contravention of Building Bylaw Report.
(All Directors – One Vote)

- 1. That filing proceed in eight weeks to allow completion of project, against the title of the property listed, pursuant to Section 57 of the Community Charter and that if the infractions are not rectified within ninety (90) days of filing, legal action will be pursued:*
 - (a) Parcel A (DD357395-1) of Lot 2, Block 1, Section 11, Ranges 4 and 5, Plan 3115, Mountain Land District, 2994 Kilpatrick Road, Electoral Area 'D', owned by T. Snaydon and M. Lines.*
- 2. That a notice be filed against the title of the property listed, pursuant to Section 57 of the Community Charter and that if the infractions are not rectified within ninety (90) days, legal action will be pursued:*
 - (a) Lot 9, District Lot 117, Plan 10367, Nanoose Land District, 3085 Hillview Road, Electoral Area 'E', owned by J. and J. Conway.*

ENVIRONMENTAL SERVICES

SOLID WASTE

Greater Nanaimo Pollution Control Centre Biosolids Composting. (All Directors – Weighted Vote)

That Malaspina University-College be awarded the contract for composting biosolids from the Greater Nanaimo Pollution Control Centre for \$50.40 per tonne subject to the proponent coming to an agreement with staff to provide copies of compost testing results as well as copies of application plans and scheduled dates of proposed compost application to the RDN.

UTILITIES

French Creek Village Streetlighting Local Service Area Bylaw No. 1062.02. (All Directors – One Vote)

That “French Creek Village Streetlighting Local Service Area Boundary Amendment Bylaw No. 1062.02, 2004” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

Nanoose Bay Water Supply Service Area Bylaw No. 1372; Nanoose Bay Water Supply Service Area Amendment Bylaw No. 1372.01; and Nanoose Bay Bulk Water Supply Local Service Area Amendment Bylaw No. 1049.03. (All Directors – One Vote)

- 1. That “Nanoose Bay Water Supply Service Area Bylaw No. 1372, 2004” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*
- 2. That “Nanoose Bay Water Supply Service Area Boundary Amendment Bylaw No. 1372.01, 2004” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*
- 3. That “Nanoose Bay Bulk Water Supply Local Service Area Boundary Amendment Bylaw No. 1049.03, 2004” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*

Pacific Shores Sewer Local Service Area Amendment Bylaw No. 1021.04 and Northern Community Sewer Local Service Area Amendment Bylaw No. 889.25. (All Directors - One Vote)

- 1. That “Pacific Shores Sewer Local Service Area Amendment Bylaw No. 1021.04, 2004” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*
- 2. That “Regional District of Nanaimo Northern Community Sewer Local Service Area Amendment Bylaw No. 889.25, 2004” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*

COMMISSION, ADVISORY & SELECT COMMITTEE

Regional Growth Monitoring Advisory Committee/State of Sustainability Project. (All Directors – One Vote)

That the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meeting held January 21, 2004 be received for information.

Intergovernmental Advisory Committee. (All Directors – One Vote)

That the minutes of the Intergovernmental Advisory Committee meeting held January 28, 2004 be received for information.

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

That the minutes of the Electoral Area 'A' Parks & Green Spaces Advisory Committee meeting held January 15, 2004 be received for information.

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

That the minutes of the Electoral Area 'B' Parks & Open Space Advisory Committee meeting held January 5, 2004 be received for information.

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

That the minutes of the Nanoose Bay Parks & Open Space Advisory Committee meeting held January 12, 2004 be received for information.

District 69 Recreation Commission.

(All Directors – One Vote)

That the minutes of the District 69 Recreation Commission meeting held February 12, 2004 be received for information.

(Parksville, Qualicum Beach, E.A's E, F, G, H - Weighted Vote)

That the recommendations from the District 69 Recreation Commission Grants Committee be approved as follows and that the Youth Grant to Oceanside Minor Hockey be increased to \$2,500:

Community Grants:

<i>Arrowsmith Community Enhance. Society – community programs</i>	<i>\$</i>	<i>900</i>
<i>Errington War Memorial Hall Association – building repair</i>	<i>\$</i>	<i>2,000</i>
<i>Lighthouse Recreation Commission – community programs</i>	<i>\$</i>	<i>2,000</i>
<i>Mid-Island Wildlife Watch Society – Brant Festival</i>	<i>\$</i>	<i>1,000</i>
<i>Oceanside Lyric Ensemble – set construction</i>	<i>\$</i>	<i>500</i>
<i>Parksville Badminton Club – hall rental</i>	<i>\$</i>	<i>1,000</i>
<i>Parksville Seniors Athletic Group – slo-pitch equipment</i>	<i>\$</i>	<i>600</i>
<i>San Pareil Owners and Residents Association – Maple Lane Park</i>	<i>\$</i>	<i>2,200</i>

Youth Grants:

<i>Adrenalin Games – event expenses</i>	\$	500
<i>Ballenas Dry Grad – insurance</i>	\$	400
<i>District 69 Family Resource Association – youth program</i>	\$	500
<i>Kwalikum Secondary School Music Parents Group – hall rental</i>	\$	650
<i>Oceanside Baseball Association – resurface 3 diamonds</i>	\$	1,350
<i>Oceanside Minor Hockey – provincial midget tournament</i>	\$	2,500
<i>Parksville Qualicum 4-H Club – local program costs</i>	\$	500
<i>Qualicum Beach Volunteer Fire Dept. – youth leadership camp</i>	\$	2,500
<i>Royal Baseball Club – portable score clock</i>	\$	500
<i>Society of Organized Services – children’s recreation subsidy</i>	\$	1,250
<i>Society of Organized Services – therapeutic recreation subsidy</i>	\$	1,250
<i>Vicious Vacant Productions – two youth events</i>	\$	1,715

Transit Business Plan Update Select Committee.

That the minutes of the Transit Business Plan Update Select Committee meeting held January 29 and February 12, 2004 be received for information.

(All Directors – Weighted Vote)

That the Transit Service Agreement effective April 11, 2004 with BC Transit be approved.

(Nanaimo, Parksville, Qualicum Beach, EA’s ‘A’, ‘D’, ‘E’, ‘G’, ‘H’ – Weighted Vote)

That the Transportation Services’ Pets-on-Board Program be continued as part of the regular Transit service provision.

(Parksville, Qualicum Beach, EA’s ‘E’, ‘G’ – Weighted Vote)

That the District 69 Community Bus Service Proposal be approved for introduction on June 28, 2004; and that the existing conventional transit routing in place for the Eagle Crest Subdivision be retained as part of the Community Bus service provision.

(Nanaimo, Parksville, Qualicum Beach, EA’s ‘A’, ‘D’, ‘E’, ‘G’, ‘H’ – One Vote)

That the Board express clear interest in obtaining the hybrid buses for use in a test project.

COMMUNITY SERVICES

TRANSIT

District 69 Community Bus Transit Service Amendment Bylaws No. 897.04 and 905.05. (All Directors – One Vote)

1. *That the “Regional District of Nanaimo District 69 Community Bus Transit Service Amendment Bylaw No. 897.04, 2004” be introduced and given 1st, 2nd and 3rd reading and be forwarded to the Inspector of Municipalities.*

2. *That the "Regional District of Nanaimo District 69 Custom Transit and Paratransit Local Service Area Amendment Bylaw No. 908.05, 2004" be introduced and given 1st, 2nd and 3rd reading and be forwarded to the Inspector of Municipalities.*

7.3 EXECUTIVE STANDING COMMITTEE

7.4 COMMISSIONS

7.5 SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

8. ADMNISTRATOR'S REPORT

- 39-44 Oceanside Place Acoustics. (Parksville, EA's 'E', 'F', 'G', 'H' – Weighted Vote)
- 45-53 Electoral Area 'F' Zoning & Subdivision Bylaw No. 1285 – 'Finetuning' Project. (All Directors except EA 'B' – One Vote)
- 54-56 Agreement to Operate Consolidated 911 Service. (All Directors – Weighted Vote)

9. ADDENDUM

10. BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

11. NEW BUSINESS

12. BOARD INFORMATION (Separate enclosure on blue paper)

13. ADJOURNMENT

14. IN CAMERA

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

FAX

DATE: March 2, 2004

FROM: Tony MacGregor
Co-ordinator Commuter Challenge/Bike Week 2004
54-650 Terminal Ave.
Nanaimo, B.C., V9R 5E2
(250) 754-2554 or
(250) 756-9143
tmacgregor@pacificcoast.net

TO: Maureen Pearse
Manager Administration Services
6300 Hammond Bay Road
Nanaimo, B.C., V9T 6N2
Phone: (250) 390-4111
Fax : (250) 390-4163

Hi Maureen: Attached is the motion we wish to present to the chairman and board of the Nanaimo Regional District for its consideration at the board meeting scheduled for Tuesday, March 9, beginning at 7 pm.

I and John Van Beek, chairman of the Greater Nanaimo Cycling Coalition, will speak briefly to the motion and answer any questions the board may have.

At its last public meeting Nanaimo City passed a similar resolution.

Thanks so much for your help in this matter.

Sincerely

Tony MacGregor

Submitted for consideration by the board of the Nanaimo Regional at its public meeting March 9, 2004.

Whereas Nanaimo experiences clement weather conducive to cycling and has an extensive network of cycling trails,

And whereas cycling is a healthy means of transportation, reduces traffic pressure on roads and lowers green house gas emissions by reducing automobile traffic,

Be it moved that Nanaimo Regional District endorses the efforts of the Greater Nanaimo Cycling Coalition to become a leader in the nation-wide Commuter Challenge/Bike Week to take place May 30 to June 5, 2004.

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE REGULAR MEETING OF THE BOARD
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, FEBRUARY 10, 2004, AT 7:02 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
Alternate	
Director B. Johnston	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Director C. Haime	District of Lantzville
Director G. Korpan	City of Nanaimo
Director R. Cantelon	City of Nanaimo
Director T. Krall	City of Nanaimo
Director L. Sherry	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

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

DELEGATIONS

Geraldine Babiy, re Electoral Area 'F' Zoning & Subdivision Bylaw No. 1285.

Ms. Babiy, owner of Arrowsmith Greenhouses, voiced her concerns with respect to the zoning of neighbouring property at 2701 Alberni Highway which will permit the processing of coffee beans under the definition of food processing.

MOVED Director D. Haime, SECONDED Director Westbroek, that the following individuals be permitted to address the Board as late delegations.

CARRIED

Alain Ruel & Reg Johansson, 893 Beaufort Royal Air Cadet Squadron, re Property Tax Exemption – Errington School.

Mr. Johansson, representing the Air Cadet Squadron, outlined their plans for the former Errington School property and spoke of their request for a property tax exemption.

Gareth Slocombe, re Zoning Amendment Application No. ZA0313 – Slocombe – Parker Way & Ted's Road – Area E.

Mr. Slocombe provided an overview of his zoning amendment application and addressed the parkland dedication concerns expressed by adjacent property owners.

Steve Atkinson, re Jameson Road Quarry – Area D.

Mr. Atkinson reiterated his request for the Board to pursue legal action on the Jameson Road quarry.

Nelson Eddy, re DVP No. 90324 – Eddy – 5058 Longview Drive – Area H.

Mr. Eddy outlined his DVP application and requested the Board's support.

BOARD MINUTES

MOVED Director Sherry, SECONDED Director Krall, that the minutes of the Board meeting held on January 13, 2004, the Board seminar held on January 27, 2004 and the Special Board meeting held January 27, 2004 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Kathleen Bennett, re DVP No. 90324 – Eddy – 5058 Longview Drive – Area H.

MOVED Director Sherry, SECONDED Director Bartram, that the correspondence from Kathleen Bennett with respect to Development Variance Permit Application No. 90324 be received.

CARRIED

Ken Kruper, Surecraft Developments Inc., re Zoning Amendment Application No. ZA0313 – Slocombe – Parker Way & Ted's Road – Area E.

MOVED Director Sherry, SECONDED Director Bartram, that the correspondence from Ken Kruper with respect to Zoning Amendment Application No. ZA0313 be received for information.

CARRIED

Ken & Deb Collingwood, re Zoning Amendment Application No. ZA0313 – Slocombe – Parker Way & Ted's Road – Area E.

MOVED Director Sherry, SECONDED Director Bartram, that the correspondence from Ken and Deb Collingwood with respect to Zoning Amendment Application No. ZA0313 be received for information.

CARRIED

Harold Bringsli, re DVP No. 90324 – Eddy – 5058 Longview Drive – Area H.

MOVED Director Sherry, SECONDED Director Bartram, that the correspondence from Harold Bringsli with respect to Development Variance Permit No. 90324 be received for information.

CARRIED

Per & Bev Larsen re DVP No. 90324 – Eddy – 5058 Longview Drive – Area H.

MOVED Director Sherry, SECONDED Director Bartram, that the correspondence from Per and Bev Larsen with respect to Development Variance Permit No. 90324 be received for information.

CARRIED

F. & E. Hieronymi, re DVP No. 90324 – Eddy – 5058 Longview Drive – Area H.

MOVED Director Sherry, SECONDED Director Bartram, that the correspondence from F. and E. Hieronymi with respect to Development Variance Permit No. 90324 be received for information.

CARRIED

Anne Copas, re DVP No. 90324 – Eddy – 5058 Longview Drive – Area H.

MOVED Director Sherry, SECONDED Director Bartram, that the correspondence from Anne Copas with respect to Development Variance Permit No. 90324 be received for information.

CARRIED

Ursula Schroeder, re DVP No. 90324 – Eddy – 5058 Longview Drive – Area H.

MOVED Director Sherry, SECONDED Director Bartram, that the correspondence from Ursula Schroeder with respect to Development Variance Permit No. 90324 be received for information.

CARRIED

Sheila Cummins, re DVP No. 90324 – Eddy – 5058 Longview Drive – Area H.

MOVED Director Sherry, SECONDED Director Bartram, that the correspondence from Sheila Cummins with respect to Development Variance Permit No. 90324 be received for information.

CARRIED

Reinette Summers, re DVP No. 90324 – Eddy – 5058 Longview Drive – Area H.

MOVED Director Sherry, SECONDED Director Bartram, that the correspondence from Reinette Summers with respect to Development Variance Permit No. 90324 be received for information.

CARRIED

D. & B. Bonner, re DVP No. 90401 – Sertic Cimmons (Jorgensen) – 3225 Shetland Place – Area E.

MOVED Director Sherry, SECONDED Director Bartram, that the correspondence from D. and B. Bonner with respect to Development Variance Permit No. 90401 be received for information.

CARRIED

UNFINISHED BUSINESS

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 & Kipp Road – Area A.

MOVED Director Hamilton, SECONDED Director Kreiberg, 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.

CARRIED

BYLAWS

For Adoption.

Bylaw No. 1363.

MOVED Director Bartram, SECONDED Director Sherry, that “Regional District of Nanaimo Englishman River Community Storm Management Service Area Establishment Bylaw No. 1363, 2003” be adopted.

CARRIED

Bylaw No. 1124.02.

MOVED Director Sherry, SECONDED Director D. Haime, that “Surfside Sewer Local Service Area Amendment Bylaw No. 1124.02, 2003” be adopted.

CARRIED

Bylaw No. 889.23.

MOVED Director Krall, SECONDED Director Biggemann, that "Regional District of Nanaimo Northern Community Sewer Local Service Area Amendment Bylaw No. 889.23, 2003" be adopted.

CARRIED

STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS

ELECTORAL AREA PLANNING STANDING COMMITTEE

MOVED Director Hamilton, SECONDED Director McNabb, that the minutes of the Electoral Area Planning Committee meeting held January 27, 2004 be received for information.

CARRIED

AMENDMENT APPLICATIONS

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

MOVED Director Bibby, SECONDED Director Hamilton, that this application be deferred for one month.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

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

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

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

CARRIED

Director Bibby rejoined the meeting.

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

Russ McCallum, re DP Application No. 60359.

Mr. McCallum stated that if this application is permitted it would interfere with his view.

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

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

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

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

CARRIED

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

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

CARRIED

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

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

CARRIED

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

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

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

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

CARRIED

OTHER

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

MOVED Director Hamilton, SECONDED Director Kreiberg,:

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

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

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

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

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

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

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

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

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

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

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

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

CARRIED

Intergovernmental Advisory Committee.

MOVED Director D. Haime, SECONDED Director Hamilton, that the report "Intergovernmental Advisory Committee" be received.

CARRIED

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

MOVED Director Hamilton, SECONDED Director Bibby, that the staff report on the Nanoose Bay Official Community Plan Terms of Reference be received.

CARRIED

MOVED Director Hamilton, SECONDED Director Bibby, that the Nanoose Bay Official Community Plan Terms of Reference (Attachment No. 1) be endorsed by the Board.

CARRIED

NEW BUSINESS

Board of Variance.

MOVED Director Hamilton, SECONDED Director McNabb,;

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

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

CARRIED

COMMITTEE OF THE WHOLE STANDING COMMITTEE

MOVED Director Sherry, SECONDED Director Westbrook, that the minutes of the Committee of the Whole meeting held January 27, 2004 be received for information.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

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

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

CARRIED

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

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

COMMUNITY SERVICES

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

MOVED Director Westbrook, SECONDED Director Biggemann, that the report, "Establishment of a Service to Manage Hogweed as a Noxious Weed" be received.

CARRIED

MOVED Director Westbrook, SECONDED Director Cantelon, that the Regional District of Nanaimo not establish a new service to manage hogweed.

CARRIED

RECREATION & PARKS

Lighthouse Community Centre Society Request for Funding – Area H.

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

CARRIED

Nanaimo Area Land Trust Funding Request.

MOVED Director Westbrook, SECONDED Director Holdom,:

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

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

CARRIED

REGIONAL GROWTH MANAGEMENT

Regional Context Statements – Content & Review Process.

MOVED Director Westbrook, SECONDED Director Bibby, that the report “Regional Context Statements: Content & Review Process” be received.

CARRIED

MOVED Director Westbrook, SECONDED Director Holdom, that the proposed framework for developing the content of regional context statements for inclusion in municipal and electoral area official community plans, to satisfy the requirements of the Local Government Act and “Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1309”, be supported as presented in Attachment 1.

CARRIED

MOVED Director Westbrook, SECONDED Director Bartram, that the proposed process for developing and considering regional context statements for inclusion in municipal and electoral area official community plans and for confirming continued acceptance of regional context statements, to satisfy the requirements of the Local Government Act and “Regional District of Nanaimo Regional Growth Strategy Bylaw No. 1309”, be supported as presented in Attachments 2 to 4.

CARRIED

CORPORATE SERVICES

ADMINISTRATION

Establishing Bylaw Amendments – District of Lantzville Incorporation:

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

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

CARRIED

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

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

CARRIED

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

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

CARRIED

Solid Waste Management Local Service Amendment Bylaw No. 792.01.

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

CARRIED

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

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

CARRIED

Southern Community Transit Service Area Amendment Bylaw No. 1230.02.

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

CARRIED

Certified Population Figures – District of Lantzville.

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

CARRIED

FINANCE

San Pareil Water Service Security Issuing Bylaw No. 1367.

MOVED Director Westbrook, SECONDED Director Sherry, that "Regional District of Nanaimo (San Pareil Water Service) Security Issuing Bylaw No. 1367, 2004" be introduced for first three readings.

CARRIED

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

CARRIED

2004 Parcel Tax Rolls.

MOVED Director Westbrook, SECONDED Director Bartram, that "Regional District of Nanaimo Assessment Roll Preparation Bylaw No. 1366, 2004" be introduced for first three readings. CARRIED

MOVED Director Westbrook, SECONDED Director Hamilton, that "Regional District of Nanaimo Assessment Roll Preparation Bylaw No. 1366, 2004" having received three readings, be adopted. CARRIED

2004 Revenue Anticipation Borrowing Bylaw No. 1368.

MOVED Director Westbrook, SECONDED Director Hamilton, that "Regional District of Nanaimo 2004 Revenue Anticipation Borrowing Bylaw No. 1368, 2004" be introduced for first three readings. CARRIED

MOVED Director Westbrook, SECONDED Director Bartram, that "Regional District of Nanaimo 2004 Revenue Anticipation Borrowing Bylaw No. 1368, 2004" having received three readings, be adopted. CARRIED

Ethical Purchasing Principles.

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

Oceanside Place – Multiplex Financing.

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

ENVIRONMENTAL SERVICES

LIQUID WASTE

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

MOVED Director Bartram, SECONDED Director Johnston, that the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to include 180 Burne Road, Bowser (Deep Bay Harbour Authority). CARRIED

MOVED Director Bartram, SECONDED Director Cantelon, that "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.33, 2004" be read three times and forwarded to the Inspector of Municipalities for approval. CARRIED

Greater Nanaimo Pollution Control Centre Biosolids Composting Quote Results.

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

SOLID WASTE

Policy for Solid Waste Disposal Fee Waiver Requests.

MOVED Director Sherry, SECONDED Director Cantelon,:

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

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

CARRIED

UTILITIES

Unconfined Aquifer Protection Resolution.

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

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

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

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

CARRIED

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

MOVED Director Sherry, SECONDED Director Johnston, that "French Creek Sewer Local Service Area Amendment Bylaw No. 813.28, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Sherry, SECONDED Director Hamilton, that "Northern Community Sewer Local Service Area Amendment Bylaw No. 889.24, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

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

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

CARRIED

Regional Waste Advisory Committee.

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

CARRIED

District 69 Recreation Commission.

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

CARRIED

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

CARRIED

Intergovernmental Advisory Committee.

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

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Library Book Rate Petition.

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

CARRIED

SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

Appointment to Nanaimo Airport Commission.

MOVED Director Krall, SECONDED Director Korpan, that Brian Smith be appointed to the Nanaimo Airport Commission for a term ending April, 2005.

CARRIED

Electoral Area 'A' Parks & Greenspace Advisory Committee.

MOVED Director Kreiberg, SECONDED Director Hamilton, that Margaret Johnson be appointed to the Electoral Area 'A' Parks & Greenspace Advisory Committee for a term ending December 31, 2005.

CARRIED

ADMINISTRATOR'S REPORT

Regional Growth Management Services Public Workshops: Sustainability & Drinking Water Protection.

MOVED Director Holdom, SECONDED Director Bartram, that the report, "Regional Growth Management Services Public Workshops: Sustainability and Drinking Water Protection", be received.

CARRIED

Liquid Waste Management Southern Community Local Service Area Function Review.

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

A recorded vote was requested.

The motion was DEFEATED with Directors Stanhope, Bibby, Biggemann, Kreiberg, Bartram, Lund, D. Haime and Hamilton voting in the affirmative and Directors Cantelon, Krall, Korpan, McNabb, C. Haime, Johnston, Holdom, Westbrook and Sherry.

MOVED Director Krall, SECONDED Director Westbrook, that the RDN repeal Bylaw No. 888 and related bylaws and negotiate terms and conditions under which the Nanaimo Pollution Control Centre would be transferred to the City of Nanaimo to address current issues pertaining to governance.

A recorded vote was requested.

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

Solid Waste Management Costs.

MOVED Director Krall, SECONDED Director Cantelon, that the staff report on the costs of solid waste disposal be received following a complete report from staff advising of the status of the directives from the Board on August 12, 2003 as follows:

That the Board direct staff to regularly review waste export options prior to future export contract renewals;

That the Board direct staff to include capacity optimization at the existing landfill in the public consultation for the Stage 3 SWMP amendment process;

That the Board direct staff to continue to review emerging residual waste management technologies and discuss potential cooperative strategies with adjacent regional districts and that the Board reconsider regional solid waste disposal option no later than December 31, 2006.

CARRIED

Repeal Structure Removal Bylaw No. 1362 – Unsafe Building – 4025 West Island Highway – Area G.

MOVED Director McNabb, SECONDED Director Sherry, that the Board repeal “Regional District of Nanaimo Structure Removal Bylaw No. 1362, 2003”.

CARRIED

Bylaw Contravention – Unsightly Premises – Littlewood – 2406 Nanoose Beach Road – Area E.

Mr. Sladc, adjacent property owner, expressed his frustration on the time it is taking to have this property cleaned up.

Mr. Lawrence Gabriel questioned whether the 3 feet of Mr. Littlewood’s building that is on his property will be removed.

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

CARRIED

Bylaw Contravention – Unsightly Premises – Beavan/Lackie – 3030 Barnes Road – Area A.

The Board was advised that this item has been resolved.

CARRIED

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

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

CARRIED

MOVED Director Biggemann, SECONDED Director Bartram, that "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003" be reintroduced and given 1st and 2nd reading as amended and be referred to a Public Hearing and further that a site specific zone request permitting two dwelling units on the property located at 908 Little Mountain Road be included as part of "Regional District of Nanaimo Electoral Area F Zoning and Subdivision Bylaw No. 1285.01, 2003" and that the provision for a property identification sign at 2901 Alberni Highway be restricted to not greater than 1.5 metres in height and 3.5 metres in length and that food processing be restricted to coffee processing.

CARRIED

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

CARRIED

Permissive Tax Exemption Request.

MOVED Director Westbrook, SECONDED Director Bartram, that 893 Beaufort, Royal Canadian Air Cadet Squadron be advised that the Board supports its application to be considered exempt from property taxes under Section 15(q) of the *Rural Tax Act*.

CARRIED

MOVED Director Westbrook, SECONDED Director Bartram, that correspondence be sent to the Province, supporting the transfer of adjacent land leases to the Air Cadet Squadron.

CARRIED

IN CAMERA

MOVED Director Sherry, SECONDED Director Krall, that pursuant to section 242.2(1)(a), (c) and (h) of the *Local Government Act* the Board proceed to an In Camera meeting to consider personnel issues, employee negotiations and legal matters.

CARRIED

TIME: 8:32 PM

RISE & REPORT (from the In Camera Meeting)

Jameson Road Quarry – Area D.

MOVED Director D. Haime, SECONDED Director Westbroek, that the RDN resume legal action against Copcan Contracting and Jameson Road Quarry and ask the court to uphold the Regional District of Nanaimo's zoning bylaws.

CARRIED

MOVED Director Korpan, SECONDED Director Cantelon, that the Board authorize the Chief Administrative Officer and Chairperson to continue to work with the UBCM and other local governments to advance a process of mediation between local governments, the Province and private industry to resolve conflicts regarding mining activity.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 9:30 PM

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES



REGIONAL DISTRICT OF NANAIMO		
MAR - 1 2004		
CHAIR		GMCrs
CAO		GMDS
GmCms		GMES
		<i>Ed</i>

MEMORANDUM

TO: Robert Lapham
General Manager, Development Services

DATE: February 26, 2004

FROM: Pamela Shaw
Deputy Manager

FILE: 6480 00 EAH

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

PURPOSE

To consider the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" for adoption.

BACKGROUND

The "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" was given 1st and 2nd reading on December 9, 2003. Following this, a public hearing was held on January 5, 2004 and the Board granted 3rd reading for this bylaw on January 13, 2004 after considering agency comments and the minutes of the public hearing.

The Bylaw was then submitted to the Ministry of Community, Aboriginal and Women's Services and was subsequently approved by the Minister on February 23, 2004. The Regional Board may now consider Bylaw No. 1335 for adoption.

ALTERNATIVES

1. To adopt Bylaw No. 1335, 2003.
2. To not adopt Bylaw No. 1335, 2003.

VOTING

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

PUBLIC CONSULTATION IMPLICATIONS

The Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003 is the result of an intensive yearlong 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.

INTERGOVERNMENTAL IMPLICATIONS

The Bylaw was submitted to the Ministry of Community, Aboriginal and Women's Services together with the report of the public hearing and agency comments and was subsequently approved by the Minister on February 23, 2004. In accordance with the *Local Government Act*, the Board may now consider the adoption of Bylaw No. 1335.

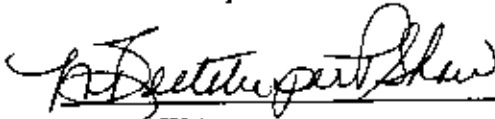
SUMMARY/CONCLUSIONS

Following consideration of agency comments and the minutes of a public hearing held on January 5, 2004, the "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" was given 3rd reading on January 13, 2004. The Bylaw was then forwarded to the Ministry of Community, Aboriginal and Women's Services and received approval by the Minister.

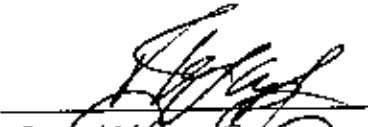
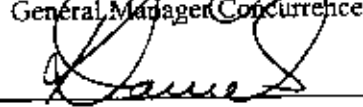
The Board is provided with the following recommendation for consideration.

RECOMMENDATION

That "Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003" be adopted.



Report Writer


General Manager Concurrence
CAO Concurrence

COMMENTS:

devsvs/reports/2004/6480 00 EAH mr brd Bylaw 1335 adopt.doc

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, FEBRUARY 24, 2004, AT 6:30 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director E. Hamilton	Chairperson
Director H. Kreiberg	Electoral Area A
Alternate	
Director B. Jepson	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
N. Tonn	Recording Secretary

LATE DELEGATIONS

MOVED Director Stanhope, SECONDED Director Bibby, that Doug Lum be permitted to address the Committee as a late delegation.

CARRIED

Doug Lum, re DVP No. 90403 – Lehigh Cement/Lum – 920 Chatsworth Road – Area F.

Mr. Lum provided information with respect to his development variance permit application, noting the improvements which have been made to the original site.

MINUTES

MOVED Director Biggemann, SECONDED Director Bartram, that the minutes of the Electoral Area Planning Committee meeting held January 27, 2004 be adopted.

CARRIED

COMMUNICATION/CORRESPONDENCE

Mark Paulyshyn, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement – M. Keen – 1012 Nanaimo River Road – Area C.

MOVED Director Biggemann, SECONDED Director Bartram, that the correspondence from Mark Paulyshyn with respect to Development Variance Permit Application No. 90402 be received.

CARRIED

Andrew deCunha, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement – M. Keen – 1012 Nanaimo River Road – Area C.

MOVED Director Biggemann, SECONDED Director Bartram, that the correspondence from Andrew deCunha with respect to Development Variance Permit Application No. 90402 be received.

CARRIED

Daryl & Gail McDonald, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement – M. Keen – 1012 Nanaimo River Road – Area C.

MOVED Director Biggemann, SECONDED Director Bartram, that the correspondence from Daryl and Gail McDonald with respect to Development Variance Permit Application No. 90402 be received.

CARRIED

Garry & Kathryn Seymour, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement – M. Keen – 1012 Nanaimo River Road – Area C.

MOVED Director Biggemann, SECONDED Director Bartram, that the correspondence from Garry and Kathryn Seymour with respect to Development Variance Permit Application No. 90402 be received.

CARRIED

Stuart Fraser, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement – M. Keen – 1012 Nanaimo River Road – Area C.

MOVED Director Biggemann, SECONDED Director Bartram, that the correspondence from Stuart Fraser with respect to Development Variance Permit Application No. 90402 be received.

CARRIED

Barbara Wheeler, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement – M. Keen – 1012 Nanaimo River Road – Area C.

MOVED Director Biggemann, SECONDED Director Bartram, that the correspondence from Barbara Wheeler with respect to Development Variance Permit Application No. 90402 be received.

CARRIED

David Littlejohn, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement – M. Keen – 1012 Nanaimo River Road – Area C.

MOVED Director Biggemann, SECONDED Director Bartram, that the correspondence from David Littlejohn with respect to Development Variance Permit Application No. 90402 be received.

CARRIED

Sheila Morley, re DVP 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement – M. Keen – 1012 Nanaimo River Road – Area C.

MOVED Director Biggemann, SECONDED Director Bartram, that the correspondence from Sheila Morley with respect to Development Variance Permit Application No. 90402 be received.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. 9626 – Rondalyn Resort/Dauron Holdings Ltd. – 1350 Timberlands Road – Area C.

MOVED Director Stanhope, SECONDED Director Kreiberg:

1. That the Report of the Public Hearing containing the Summary of the Minutes and Submissions held July 3, 2002 be received for information.

2. That the original Amendment Bylaw No. 500.287, 2002 which proposed to create the Rondalyn Resort Comprehensive Development Zone (CD13) with a maximum of 90 campsites be reconsidered and reintroduced as suggested in the staff report to reflect the existing legal non-conforming uses on the property and permit expansion of the facility to a maximum of 60 RV sites together with a number of existing accessory uses.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.287, 2002" be given 1st and 2nd readings as amended subject to Conditions of Approval as outlined in Schedule No. 1 of the staff report and be referred to public notification.
4. That the Regional Board waive the requirement for a Public Hearing pursuant to Section 893 of the *Local Government Act* and further, that adjacent landowners within 200 metres of the subject property be notified of the revised Amendment Bylaw No. 500.287, 2004 by way of direct mail and display ad in the local newspaper.
5. That the applicants be provided two years to resolve the waste management issues with respect to the 30 additional unauthorized RV sites. Should the applicants be unable to obtain the necessary provincial approvals and commence the zoning amendment process, the additional 30 sites must be removed within two years of the date of adoption of Amendment Bylaw No. 500.287, 2004. During this period the campsites would not be occupied and the future use of these sites would be subject to successfully rezoning the subject property.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS**DP Application No. 60403 and Request for Relaxation of Minimum 10% Frontage Requirement – G & B Duckett – 400 Lowry's Road – Area G.**

MOVED Director Stanhope, SECONDED Director Bibby, that the request, submitted by G & B Duckett to allow works associated with a subdivision proposal within a Watercourse Protection Development Permit Area and to relax the minimum 10% frontage requirement for the proposed parcels as shown on the plan of subdivision of Parcel A (DD 2666 N) of District Lot 20, Nanoose District, be approved subject to Schedules No. 1 and 2.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS**DVP Application No. 90402 & Request for Relaxation of the Minimum 10% Frontage Requirement – M. Keen – 1012 Nanaimo River Road – Area C.**

MOVED Director Stanhope, SECONDED Director Bibby, that the request, submitted by Mark Keen to relax the minimum 10% frontage requirement for the Proposed Lots 1 and 2, as shown on the plan of subdivision of The West 40 Acres of Section 5, Range 3, Cranberry District as shown Coloured Red on Plan Deposited Under DD 1545-4F, Except Parcel A (DD 2849N) and Except Plans 3317, 25660 and 33499 and Except That Part Outlined in Red on Plan 450 RW, and Except Part in Plans 40918 and 41817, and to allow the creation of a non-contiguous parcel in conjunction with the proposed 3-lot subdivision, be approved subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

DVP Application No. 90403 – Lehigh Cement/Lum – 920 Chatsworth Road – Area F.

MOVED Director Biggsmann, SECONDED Director Bartram, that Development Variance Permit No. 90403 submitted by Doug Lum, project supervisor, to legalize a recently constructed silo and vary the maximum height requirements 15 metres to 23.72 metres for the property legally described as Lot A, District Lots 9 & 18, Cameron Land District, Plan VIP67169 be approved subject to notification requirements pursuant to the *Local Government Act*.

CARRIED

DVP Application No. 90404 – Lyle Hollingworth on behalf of Hollingworth & Jorgensen – 1410 & 1420 Price Road – Area F.

MOVED Director Biggemann, SECONDED Director Bibby, that Development Variance Permit No. 90404, submitted by Lyle Hollingworth, on behalf of James Hollingworth, Dorrie Jorgensen, Robert Jorgensen and Donna Jorgensen to vary the bylaw provision for lot exempts from minimum lot size requirements in conjunction with the proposed lot line boundary subdivision of Lot 1, Plan 50612 and the Remainder of Lot 52, Plan 1964, Both of District Lot 156, Nanoose District, be approved subject to the conditions set out in Schedule Nos. 1, 2 and 3 and the notification requirements pursuant to the *Local Government Act*.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 6:52 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE COMMITTEE OF THE WHOLE
MEETING HELD ON TUESDAY, FEBRUARY 24, 2004, AT 7:00 PM
IN THE RDN BOARD CHAMBERS**

Present:

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

Also in Attendance:

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

DELEGATIONS

P. Van Westen, re Contravention of Land Use & Subdivision Bylaw and Building Regulations & Fees Bylaw – 3460 Whiting Way – Area A.

Mr. Van Westen provided some historical information with respect to his property and requested an open ended time period to allow subdivision approval and compliance with RDN regulations.

MINUTES

MOVED Director Sherry, SECONDED Director Biggemann, that the minutes of the regular Committee of the Whole meeting held January 27, 2004 be adopted.

CARRIED

COMMUNITY SERVICES

RECREATION & PARKS

Nanoose Bay Crown Land District Lot 137 Update.

MOVED Director Bibby SECONDED Director Longmuir, that the update report on Crown Land District Lot 137 in Nanoose Bay be received for information.

CARRIED

Horne Lake Regional Park Operations.

MOVED Director Bartram, SECONDED Director Bibby,:

1. That the Horne Lake Regional Park Operations report be received for information.
2. That staff be directed to advertise a request for proposals to operate Horne Lake Regional Park for 2004.
3. That staff be directed to complete a report on a long-term private-sector Horne Lake Regional Park development and operations plan by the early fall of 2004 and in time to advertise and conclude an agreement for 2005 and subsequent years with a private contractor before the end of the year.

CARRIED

CORPORATE SERVICES

HOSPITAL

Presentation – Chuck Rowe, Vancouver Island Health Authority.

Mr. Rowe presented an overview of the VIHA (Central Island) 2004 to 2005 capital requirements, a history of capital funding and an update on Phase II construction at Nanaimo Regional General Hospital.

2004 Annual Budget for the Nanaimo Regional Hospital District.

MOVED Director Krall, SECONDED Director Hamilton, that “Nanaimo Regional Hospital District Annual Budget Bylaw No. 135, 2004” be introduced for first three readings.

CARRIED

MOVED Director Krall, SECONDED Director Bartram, that “Nanaimo Regional Hospital District Annual Budget Bylaw No. 135, 2004” having received first three readings, be adopted.

CARRIED

DEVELOPMENT SERVICES

BUILDING INSPECTION

Section 57 – Community Charter – Contravention of Building Bylaw Report.

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

T. Snaydon, re Contravention of Building Bylaw – 2994 Killpatrick Road - Area ‘D’

Mr. Snaydon provided information with respect to outstanding infractions on his property and requested an extension of six to eight weeks for completion.

MOVED Director Hamilton, SECONDED Director Sherry, that a notice be filed against the titles of the properties listed, pursuant to Section 57 of the *Community Charter* and that if the infractions are not rectified within ninety (90) days, legal action will be pursued:

- (a) Parcel A (DD357395-f) of Lot 2, Block 1, Section 11, Ranges 4 and 5, Plan 3115, Mountain Land District, 2994 Kilpatrick Road, Electoral Area 'D', owned by T. Snaydon and M. Lines;
- (b) Lot 9, District Lot 117, Plan 10367, Nanoose Land District, 3085 Hillview Road, Electoral Area 'E', owned by J. and J. Conway.

It was requested that the properties be handled seriatim.

MOVED Director Jepson, SECONDED Director Krall, that filing proceed in eight weeks to allow completion of project, against the title of the property listed, pursuant to Section 57 of the *Community Charter* and that if the infractions are not rectified within ninety (90) days of filing, legal action will be pursued:

- (a) Parcel A (DD357395-l) of Lot 2, Block 1, Section 11, Ranges 4 and 5, Plan 3115, Mountain Land District, 2994 Kilpatrick Road, Electoral Area 'D', owned by T. Snaydon and M. Lines.

CARRIED

MOVED Director Hamilton, SECONDED Director Sherry, that a notice be filed against the title of the property listed, pursuant to Section 57 of the *Community Charter* and that if the infractions are not rectified within ninety (90) days, legal action will be pursued:

- (a) Lot 9, District Lot 117, Plan 10367, Nanoose Land District, 3085 Hillview Road, Electoral Area 'E', owned by J. and J. Conway.

CARRIED

ENVIRONMENTAL SERVICES

SOLID WASTE

Greater Nanaimo Pollution Control Centre Biosolids Composting.

MOVED Director Haime, SECONDED Director Sherry, that Malaspina University-College be awarded the contract for composting biosolids from the Greater Nanaimo Pollution Control Centre for \$50.40 per tonne subject to the proponent coming to an agreement with staff to provide copies of compost testing results as well as copies of application plans and scheduled dates of proposed compost application to the RDN.

CARRIED

UTILITIES

French Creek Village Streetlighting Local Service Area Bylaw No. 1062.02.

MOVED Director Sherry, SECONDED Director Kruyt, that "French Creek Village Streetlighting Local Service Area Boundary Amendment Bylaw No. 1062.02, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

Nanoose Bay Water Supply Service Area Bylaw No. 1372; Nanoose Bay Water Supply Service Area Amendment Bylaw No. 1372.01; and Nanoose Bay Bulk Water Supply Local Service Area Amendment Bylaw No. 1049.03.

MOVED Director Bibby, SECONDED Director McNabb,:

1. That "Nanoose Bay Water Supply Service Area Bylaw No. 1372, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.
2. That "Nanoose Bay Water Supply Service Area Boundary Amendment Bylaw No. 1372.01, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.
3. That "Nanoose Bay Bulk Water Supply Local Service Area Boundary Amendment Bylaw No. 1049.03, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

Pacific Shores Sewer Local Service Area Amendment Bylaw No. 1021.04 and Northern Community Sewer Local Service Area Amendment Bylaw No. 889.25.

MOVED Director Bibby, SECONDED Director Krall,:

1. That "Pacific Shores Sewer Local Service Area Amendment Bylaw No. 1021.04, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.
2. That "Regional District of Nanaimo Northern Community Sewer Local Service Area Amendment Bylaw No. 889.25, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

Regional Growth Monitoring Advisory Committee/State of Sustainability Project.

MOVED Director Cantelon, SECONDED Director Bartram, that the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meeting held January 21, 2004 be received for information.

CARRIED

Intergovernmental Advisory Committee.

MOVED Director Kruyt, SECONDED Director Cantelon, that the minutes of the Intergovernmental Advisory Committee meeting held January 28, 2004 be received for information.

CARRIED

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

MOVED Director Kreiberg, SECONDED Director Sherry, that the minutes of the Electoral Area 'A' Parks & Green Spaces Advisory Committee meeting held January 15, 2004 be received for information.

CARRIED

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

MOVED Director Lund, SECONDED Director Bibby, that the minutes of the Electoral Area 'B' Parks & Open Space Advisory Committee meeting held January 5, 2004 be received for information.

CARRIED

Nanoose Bay Parks & Open Space Advisory Committee.

MOVED Director Bibby, SECONDED Director Biggemann, that the minutes of the Nanoose Bay Parks & Open Space Advisory Committee meeting held January 12, 2004 be received for information. CARRIED

District 69 Recreation Commission.

MOVED Director Bartram, SECONDED Director Tyndall, that the minutes of the District 69 Recreation Commission meeting held February 12, 2004 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 and that the Youth Grant to Oceanside Minor Hockey be increased to \$2,500:

Community Grants:

Arrowsmith Community Enhance. Society - community programs	\$ 900
Errington War Memorial Hall Association – building repair	\$ 2,000
Lighthouse Recreation Commission – community programs	\$ 2,000
Mid-Island Wildlife Watch Society – Brant Festival	\$ 1,000
Oceanside Lyric Ensemble – set construction	\$ 500
Parksville Badminton Club – hall rental	\$ 1,000
Parksville Seniors Athletic Group – slo-pitch equipment	\$ 600
San Pareil Owners and Residents Association – Maple Lane Park	\$ 2,200

Youth Grants:

Adrenalin Games – event expenses	\$ 500
Ballenas Dry Grad – insurance	\$ 400
District 69 Family Resource Association – youth program	\$ 500
Kwalikum Secondary School Music Parents Group – hall rental	\$ 650
Oceanside Baseball Association – resurface 3 diamonds	\$ 1,350
Oceanside Minor Hockey – provincial midget tournament	\$ 2,500
Parksville Qualicum 4-H Club – local program costs	\$ 500
Qualicum Beach Volunteer Fire Dept. – youth leadership camp	\$ 2,500
Royal Baseball Club – portable score clock	\$ 500
Society of Organized Services – children’s recreation subsidy	\$ 1,250
Society of Organized Services – therapeutic recreation subsidy	\$ 1,250
Vicious Vacant Productions – two youth events	\$ 1,715

CARRIED

Transit Business Plan Update Select Committee.

MOVED Director Krall, SECONDED Director C. Haime, that the minutes of the Transit Business Plan Update Select Committee meeting held January 29, 2004 be received for information. CARRIED

MOVED Director Krall, SECONDED Director Holdom, that the Transit Service Agreement effective April 11, 2004 with BC Transit be approved. CARRIED

MOVED Director Krall, SECONDED Director Bibby, that the Transportation Services’ Pets-on-Board Program be continued as part of the regular Transit service provision. CARRIED

MOVED Director Krall, SECONDED Director Tyndall, that the minutes of the Transit Business Plan Update Select Committee meeting held February 12, 2004 be received for information.

CARRIED

MOVED Director Krall, SECONDED Director Kruyt, that the District 69 Community Bus Service Proposal be approved for introduction on June 28, 2004; and that the existing conventional transit routing in place for the Eagle Crest Subdivision be retained as part of the Community Bus service provision.

CARRIED

MOVED Director Holdom, SECONDED Director McNabb, that the Board express clear interest in obtaining the hybrid buses for use in a test project.

CARRIED

COMMUNITY SERVICES

TRANSIT

District 69 Community Bus Transit Service Amendment Bylaws No. 897.04 and 905.05.

MOVED Director Krall, SECONDED Director Kruyt,:

1. That the "Regional District of Nanaimo District 69 Community Bus Transit Service Amendment Bylaw No. 897.04, 2004" be introduced and given 1st, 2nd and 3rd reading and be forwarded to the Inspector of Municipalities.
2. That the "Regional District of Nanaimo District 69 Custom Transit and Paratransit Local Service Area Amendment Bylaw No. 908.05, 2004" be introduced and given 1st, 2nd and 3rd reading and be forwarded to the Inspector of Municipalities.

CARRIED

Regional Library Board.

Director Krall noted that Director Bibby has been selected to sit on the Regional Library Board Executive Committee for the coming year.

IN CAMERA

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

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 7:52 PM

CHAIRPERSON

be achieved given the required approach during the Request for Proposal Process to compare bids to the District 69 Arena Twinned Arena concept. The District 69 Arena concept did not include sound baffling but was smaller in scale and the existing arena did not have baffling but did have an old interior insulation system that provided for some sound absorption. With the specifications confirmed at the time of the agreement to the design and construction of the facility for the price of \$8.02 million, the magnitude of the lack of sound baffling could not be measured and there was no additional funding provided for its inclusion in the project.

In January, staff retained a sound system consultant from MC2 Systems Design Group to provide recommendations on acoustical treatment for the facility. The consultant's report found there to be reverberation times (RT) at 8 seconds at 1kHz in the Howie Meeker Arena. The maximum RT required for this arena should be 2.5 seconds in order for a sound system to deliver good speech clearness and reasonable music reproduction. In the Victor Kraatz Arena the RT level was found to be at 7.5 RT when an acceptable level would be at 3 RT and a preferred level at 2.5 RT.

Based on these findings the consultant first estimated the required acoustical treatment would cost \$75,000 for the Meeker Arena and between \$45,000 and \$58,500 for the Kraatz Arena. Since the report was issued, the consultant further reviewed acoustical costs with suppliers and indicated to staff that \$60,000 for the Meeker Arena and \$50,000 for the Kraatz would be sufficient to fund these improvements should a proposal call be made at this time.

Based on the directive of the Regional Board from the February 17, 2004 meeting, staff contacted RG Properties to advise them that the Performance Specifications of the Design-Build Contract required that the sound system be designed to a standard that was expected of a first class arena facility. The May 21, 2002 Partnering Agreement provided for the construction of a first class arena facility and the November 8, 2002 Design/Build Contract performance specifications required, among other things, that the "sound system be designed to deliver clear, intelligible sound to the entire floor area..."

To date, there has been no official response from RG Construction (Parksville) Ltd. on the matter.

ALTERNATIVES

1. At the February 12, 2004 Regular Meeting of the District 69 Recreation Commission, the consultant's report was received and the following motion was approved:

That the 2004 Budget and Five Year Financial Plan for Oceanside Place be approved with the addition that the capital budget include \$110,000 for acoustical treatments for the Howie Meeker Arena and Victor Kraatz Arena in 2004, funded in part by an increase in the tax requisition for this provision.

2. To fund the acoustical treatment estimated at \$60,000 in the Howie Meeker Arena in 2004 from prior year surplus and then implement acoustical treatment for Victor Kraatz Arena in 2005, estimated at \$50,000.
3. To refer the matter to the arbitration process as specified in the Design-Build Contract to seek final resolution on the matter of the requirement for the sound system to be designed to deliver clear, intelligible sound to the entire floor area.

FINANCIAL IMPLICATIONS:

1. Based on the estimated costs for acoustical treatment, \$110,000 would be required of which \$85,000 could be utilized from the 2003 Prior Year Surplus and \$25,000 would be required from an increase in taxation. *Appendix 1* details the changes required in the Five Year Financial Plan for this option. Cost savings may be achieved by issuing a proposal call for acoustical treatment of both arenas at the same time.
2. It is estimated that it would cost \$60,000 for acoustical treatment of the Howie Meeker Arena and \$50,000 for the Victor Kraatz Arena. \$60,000 would be funded from the 2003 Prior Year surplus with no increase in tax requisition and, in 2005, \$50,000 would be applied to acoustical treatment for the Kraatz Arena. *Appendix 2* details the changes required in the Five Year Financial Plan for this option.
3. For the matter to go to arbitration, legal costs would be funded by the Arena Function's prior year surplus.

CITIZEN IMPLICATIONS:

A resolution to this matter is required. The two arenas are open for normal use, as the acoustics do not affect the day-to-day operations. The performance of the arenas is however affected as the excessive reverberation impacts users and visitors on a daily basis. Aside from the acoustical matter, the building is functioning very well and is now hosting events on a Provincial and National scale. From February 27th to 29th, the facility hosted sports for the BC Winter Games, and in the spring will host a Provincial Midget Hockey Tournament and a National figure skating competition. The reverberation in the arenas will impact these events by varying degrees. Aside from the upcoming Home, Garden and Auto Show in May, RG Facilities (Parksville) Ltd. has not secured any other commercial events for the facility as per the Management Services Agreement with the Regional District.

SUMMARY

Oceanside Place has been in operation since October of 2003. Since the opening date, the building that was designed and built by RG Construction (Parksville) Ltd. has been hampered by poor acoustics in the two main arenas.

The design of the building, which did not include acoustical treatment, has created problems for every day operations at the facility due to excessive sound reverberation caused by the solid material of which the two arenas were constructed.

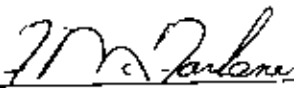
A report from an acoustical sound consultant, estimates that the acoustical treatment required to alleviate excessive reverberation would cost approximately \$60,000 for the Howie Meeker Arena and \$50,000 for the Victor Kraatz Arena should a proposal call be made at this time.

Based on the February 17, 2004 directive of the Regional Board, staff have contacted RG Properties to advise them that the Performance Specifications of the Design-Build Contract required that the sound system be designed to deliver clear, intelligible sound to the entire floor area that was expected of a first class arena facility.

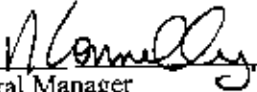
To date, there has been no official response from RG Construction (Parksville) Ltd. on the matter. Staff are pursuing a response and have outlined recommended adjustments to the 2004 Budget and Financial Plan that would allow for acoustical improvements to be undertaken in the Meeker Arena, without adding to the tax requisition.

RECOMMENDATIONS:

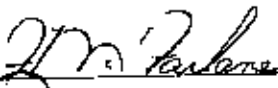
1. That allowances be made in the 2004 budget for acoustical treatment, estimated at \$60,000 in the Howie Meeker Arena, funded from the prior year surplus and that the Victor Kraatz Arena acoustical treatment estimated at \$50,000 be implemented in 2005, as outlined in the adjusted Five Year Financial Plan (Appendix 2).
2. That the acoustical matter be further reviewed with RG Construction (Parksville) Ltd. to come to an agreement on acoustical improvements in the two arenas at Oceanside Place.



Report Writer



General Manager



Manager



Chief Administrative Officer

COMMENTS:

Appendix 1 - Funding Acoustical Treatment for Howie Meeker Arena and Victor Kraatz Arena in 2004

Oceanside Place	2004	2005	2006	2007	2008	2009	SubTotal
Revenues							
Property taxes	(1,233,740)	(1,292,246)	(1,126,630)	(1,084,163)	(1,105,846)	(1,127,963)	(6,970,588)
Operating revenues	(8,052)	(8,180)	(8,180)	(8,180)	(8,180)	(8,180)	(48,952)
Recreation fees	(21,350)	(21,777)	(22,104)	(22,436)	(22,773)	(23,115)	(133,555)
Recreation facility rentals	(291,575)	(340,612)	(355,940)	(371,957)	(388,695)	(406,186)	(2,154,965)
Recreation vending sales	(11,750)	(11,750)	(11,750)	(11,750)	(11,750)	(11,750)	(70,500)
Recreation concession	(8,220)	(8,220)	(8,220)	(8,220)	(8,220)	(8,220)	(49,320)
Recreation - other	(58,153)	(64,061)	(65,342)	(66,649)	(71,182)	(72,606)	(397,993)
Interdepartmental recoveries	(21,000)	(21,000)	(21,000)	(21,000)	(21,000)	(21,000)	(126,000)
Miscellaneous	(7,300)	(7,300)	(7,300)	(7,300)	(7,300)	(7,300)	(43,800)
Prior year (surplus)deficit	(186,450)	(1,468)	(25,184)	(56,207)	(43,967)	(26,819)	(340,095)
Total Revenues	(1,847,590)	(1,776,614)	(1,651,650)	(1,657,862)	(1,688,913)	(1,713,139)	(10,335,768)
Expenditures							
Administration	64,990	64,990	64,990	64,990	64,990	64,990	389,940
Legislative	500	500	500	500	500	500	3,000
Professional fees	660	18,160	660	660	660	660	21,460
Building Ops	266,395	266,395	270,391	274,447	277,191	279,963	1,634,782
Veh & Equip ops	67,535	67,535	67,535	67,535	117,535	50,535	438,210
Operating Costs	93,710	21,710	21,710	21,710	21,710	21,710	202,260
Program Costs	12,470	12,470	12,470	12,470	12,470	12,470	74,820
Wages & Benefits	610,407	622,615	635,067	647,768	660,723	673,937	3,850,517
Transfer to other govt/org	0	0	0	0	0	0	0
Debt financing	611,980	673,000	0	503,510	503,510	503,510	2,795,510
Contributions to reserve funds	305	305	305	305	305	50,305	51,930
Capital	117,170	3,750	18,305	20,000	2,500	15,350	177,075
SubTotal	1,846,122	1,751,430	1,091,933	1,613,895	1,662,094	1,673,930	9,639,404
New debt	0	503,510	0	0	0	0	503,510
Total expenditures	1,846,122	1,751,430	1,595,443	1,613,895	1,662,094	1,673,930	10,142,914
(Surplus)/deficit	(1,468)	(25,184)	(56,207)	(43,967)	(26,819)	(39,209)	(192,854)

Appendix 2 - Funding Acoustical Treatment for Mecker Arena in 2004 and Kraatz Arena in 2005

Oceanside Place	2004	2005	2006	2007	2008	2009	SubTotal
Revenues							
Property taxes	(1,208,740)	(1,314,371)	(1,139,087)	(1,096,869)	(1,118,806)	(1,141,182)	(7,019,055)
Operating revenues	(8,052)	(8,180)	(8,180)	(8,180)	(8,180)	(8,180)	(48,952)
Recreation fees	(21,350)	(21,777)	(22,104)	(22,436)	(22,773)	(23,115)	(133,555)
Recreation facility rentals	(291,575)	(340,612)	(355,940)	(371,957)	(388,695)	(406,186)	(2,154,965)
Recreation vending sales	(11,750)	(11,750)	(11,750)	(11,750)	(11,750)	(11,750)	(70,500)
Recreation concession	(8,220)	(8,220)	(8,220)	(8,220)	(8,220)	(8,220)	(49,320)
Recreation - other	(58,153)	(64,061)	(65,342)	(66,649)	(71,182)	(72,606)	(397,993)
Interdepartmental recoveries	(21,000)	(21,000)	(21,000)	(21,000)	(21,000)	(21,000)	(126,000)
Transfer from reserves	0	0	0	0	0	0	0
Miscellaneous	(7,300)	(7,300)	(7,300)	(7,300)	(7,300)	(7,300)	(43,800)
Prior year (surplus)/deficit	(186,450)	(26,468)	(22,309)	(65,789)	(66,255)	(62,067)	(429,338)
Total Revenues	(1,822,590)	(1,823,739)	(1,661,232)	(1,680,150)	(1,724,161)	(1,761,606)	(10,473,478)

Expenditures	2004	2005	2006	2007	2008	2009	SubTotal
Administration	64,990	64,990	64,990	64,990	64,990	64,990	389,940
Community grants	0	0	0	0	0	0	0
Legislative	500	500	500	500	500	500	3,000
Professional fees	660	660	660	660	660	660	21,460
Building Ops	266,395	266,395	270,391	274,447	277,191	279,963	1,634,782
Veh & Equip ops	67,535	67,535	67,535	67,535	117,535	50,535	438,210
Operating Costs	93,710	21,710	21,710	21,710	21,710	21,710	202,260
Program Costs	12,470	12,470	12,470	12,470	12,470	12,470	74,820
Wages & Benefits	610,407	622,615	635,067	647,768	660,723	673,937	3,850,517
Transfer to other govt/org	0	0	0	0	0	0	0
Debt financing	611,980	673,000	0	503,510	503,510	503,510	2,795,510
Contributions to reserve funds	305	305	305	305	305	50,305	51,830
Capital	67,170	53,750	18,305	20,000	2,500	15,350	177,075
SubTotal	1,796,122	1,801,430	1,091,933	1,613,895	1,662,094	1,673,930	9,639,404
New debt	0	0	503,510	0	0	0	503,510
Total expenditures	1,796,122	1,801,430	1,595,443	1,613,895	1,662,094	1,673,930	10,142,914
(Surplus)/deficit	(26,468)	(22,309)	(65,789)	(66,255)	(62,067)	(67,676)	(330,564)



REGIONAL DISTRICT OF NANAIMO	
MAR - 1 2004	
CHAIR	GMCrS
CAO	GMDS
GMCmS	GMES
DATE:	

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

DATE: February 26, 2004

FILE: 3360 30 0307

PURPOSE

To receive the Report of the Public Hearing containing the Summary of the Minutes and Submissions held February 25, 2004 on "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003", and further, to consider Bylaw No. 1285.01 for 3rd reading.

BACKGROUND

The Electoral Area 'F' Zoning Bylaw process has been underway since June of 2003. Recent actions on this project include the following:

- The Regional Board granted 1st and 2nd reading to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2002" at its regular meeting on December 9, 2003.
- A public hearing was held pursuant to the *Local Government Act* on January 7, 2004. These minutes were submitted to the Regional Board at the January 13, 2004 Regular Board Meeting.
- Prior to the January 7, 2004 public hearing, the Bylaw was referred to the Ministry of Transportation, Agricultural Land Reserve Commission, Town of Qualicum Beach, City of Parksville, City of Nanaimo, District of Lantzville, Vancouver Island Regional Health Authority, Ministry of Water, Land and Air Protection, and Federal Fisheries and Oceans. Referral comments were received from the Agricultural Land Commission, Vancouver Island Regional Health Authority, and the Ministry of Transportation. These comments were forwarded to the Regional Board at their January 13, 2004 meeting together with the minutes from the January 7, 2004 Public Hearing.
- Based on submissions made at that January 7, 2004 public hearing, Bylaw No. 1285.01 was amended and reintroduced at 1st and 2nd reading by the Regional Board of Directors on February 10, 2004.

- A second public hearing was held on February 25, 2004. No further referrals were made as the amendments to the Bylaw were not significant enough (*see Attachment No. 1 for the Report of the Public Hearing containing the Summary of the Minutes and Submissions*).

ALTERNATIVES

1. To receive the Report of the Public Hearing on Bylaw No. 1285.01, 2003, grant 3rd reading to Bylaw No. 1285.01, 2003 and to refer the Bylaw to the Ministry of Transportation for consideration of approval.
2. To receive the Report of the Public Hearing on Bylaw No. 1285.01, 2003 and not grant 3rd reading of Bylaw No. 1285.01, 2003.

PUBLIC CONSULTATION IMPLICATIONS

This 'Finetuning' process began in the summer of 2003 when three newsletters were mailed directly to all property owners in Electoral Area 'F' informing property owners of the bylaw review. A site office was also opened at the Pine Tree Centre for two weeks from September 22 to October 3, 2003. As a result, 125 requests for site specific zoning were received. Property owners that made requests and who did not submit adequate supporting documentation were contacted by mail and phoned to advise them that additional information was required.

Notification of the Public Hearing on the proposed amendment bylaw was completed in accordance with the requirements of the *Local Government Act*. In addition, the Public Notice and Bylaw No. 1285.01 was posted on the RDN website.

At the February 25, 2004 Public Hearing, there were approximately 17 persons in attendance. The Minutes from the Public Hearing along with all written submissions received at the Public Hearing are included in *Attachment No. 1*.

Referral comments were received on the first version of Bylaw No. 1285.01 and where possible, these comments were incorporated into the Bylaw. These comments were attached in the staff report submitted to the Regional Board at their January 13, 2004 regular meeting.

LEGAL IMPLICATIONS

The process to draft and adopt "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003 is consistent with the requirements of the *Local Government Act*.

The Bylaw is consistent with the policies and objectives of the Electoral Area 'F' Official Community Plan Bylaw No. 1152, 1999.

VOTING

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

SUMMARY

The Regional Board granted 1st and 2nd reading to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285.01, 2003" at its regular meeting on December 9, 2003. A Public Hearing was held on January 7, 2004 and these minutes were submitted to the Regional Board at their January 13, 2004. Based on submissions made at that public hearing, Bylaw No. 1285.01 was amended and reintroduced at 1st and 2nd reading by the Regional Board of Directors on February 10, 2004.

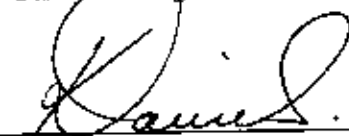
A second public hearing was held on February 25, 2004. The minutes and submissions are attached for information. Once the minutes are received "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285.01, 2003" may be considered for 3rd reading and referred to the Ministry of Transportation.

RECOMMENDATIONS

1. That the Report of the Public Hearing containing the Summary of the Minutes of the Public Hearing held Wednesday, February 25, 2004 at 7:00 pm, together with all written submissions to the Public Hearing on the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003" be received.
2. That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003" be given 3rd reading.
3. That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003" be forwarded to the Ministry of Transportation for consideration of approval prior to the Board's consideration of adoption of the Bylaw.



Report Writer


General Manager Concurrence

CAO Concurrence

COMMENTS:

devisis/reports/2004/3360 30 0307/jc brd EA F 3rd reading reintroduction

Attachment No. 1

Summary of Minutes and Submissions of the Public Hearing

**REPORT OF THE PUBLIC HEARING HELD WEDNESDAY,
FEBRUARY 25, 2004 AT 7:00 PM AT BRADLEY CENTRE 975 SHEARME ROAD TO
CONSIDER "REGIONAL DISTRICT OF NANAIMO ELECTORAL AREA 'F' ZONING
AND SUBDIVISION BYLAW AMENDMENT
BYLAW NO. 1285.01, 2003"**

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

Present:

L. Biggemann	Chair	Director, Electoral Area 'F'
Pauline Bibby		Director, Electoral Area 'E'
David Bartram		Director, Electoral Area 'H'
Larry McNabb		Deputy Chair
R. Lapham		General Manager, Development Services
B. Reynolds		Senior Planner

There were approximately 17 people in attendance.

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

The Chairperson called the Hearing to order at 7:04 pm, introduced those present at the head table, and outlined the procedures to be followed during the Hearing.

Brigid Reynolds, read the list of people submitting written submissions, which are attached to and form part of these minutes.

The Chairperson called for formal submissions with respect to Bylaw No. 1285.01, 2003.

Stephen Stahley, 1040 Virginia Road, read a written submission for the record, which is attached to the minutes.

Trevor Wicks, 1246 Middlegate Road, read a written submission for the record, which is attached to the minutes.

Robert Lapham, RDN General Manager of Development Services, provided clarification regarding 2nd dwelling units in the ALR and the ALR application process.

The Chair called for further submissions a first time.

The Chair called for further submissions a second time and a third time. Their being no further submissions, the Chairperson adjourned the Hearing at 7:19 pm.

Certified true and accurate this 26th day of February 2004.

Brigid Reynolds

Recording Secretary

Director Electoral Area 'F'

Submissions of the Public Hearing
Bylaw Amendment Bylaw 1285.01

2004 08:50

Qualicum Stat:Art:Craft

250 752 1668 P.01

Attention: Bridgette
Dept of Planning

~~Fax 390-6511~~

~~755-4483~~

RDN: ~~(755-4483)~~ Feb 18 2004
(250-390-7511)

Last meeting our property at 3702 Tralce is Whiskey Creek, was listed as one house + one cottage.

Yesterdays paper now has us listed as one unit and one - one bedroom unit (1.2) A big change since last meeting! What happened?? We are trying hard to be in compliance - with all your new rules and regulations. It is very frustrating to magically have things change from one meeting to the next!

I do have a "cottage" it does measure $20\frac{1}{2}' \times 24\frac{1}{2}'$ but it has 2 levels which is approx 1000 sq ft. It already has 2 bedrooms / 1 LRM / 1 kitchen / 1 1/2 bathrooms which have been there from the beginning. So I am already bigger than your one bedroom unit you have me listed as! Please change your paperwork back to the original one house + one cottage or at least list my "cottage" as a second house.

I have been to almost every meeting you have had, and I find it very frustrating that you can magically change things from one meeting to another, and make it so we are no longer in compliance.

We are just a family trying hard to follow your new rules, but always seem to be one step behind, because of changes you are making!!

Please give us some peace of mind by getting your paperwork straight. I was hoping to live here until I die, but if I'm not in compliance + my house burns down, WHERE HAVE YOU PUT ME?? WITHOUT A HOME!!

THANK-YOU

*Please copy to all
Directors, as per Directors Stanhope.*

Trevor and Eileen Wicks
P.O. Box 196 Errington
V0R 1V0
250 248 9824
Feb 23rd 2004

Regional District of Nanaimo
Planning Dept.

Roger Cheetham
Provincial Agricultural Land Commission
133-4940 Canada Way
Burnaby, BC
(Canada) V5G 4K6

Re: RDN Zoning Bylaw no.1285 and The second residence on ALR land issue:

Further to discussions with Roger Cheetham, and Ron Wallace of the Agricultural Land Commission, and several members of the Regional District of Nanaimo staff and Directors, I have formulated the following Draft proposal.

The zoning of ALR land in Area 'F' will not be satisfactory until the issue of a second residence is resolved.

I have spoken to a number of close neighbours in the last few days, who were shocked and upset when they found out that their properties will be deemed non-conforming under the new Bylaw 1285.

The following DRAFT would in effect provide the ALC a means to grandfather the established residences, and maintain the new bylaws for future land uses.

Please could the two levels of Government arrange to convene a meeting with representatives of the community to work out a strategy to resolve this issue?

As Time is of the Essence, I look forward to your reply.

Trevor Wicks on behalf of area residents.

Application to the Agricultural Land Commission by a Land Owner

For the approval of existing second residence on ALR land under Specific and Limited Circumstances

DRAFT PROPOSAL

Background:

- *Electoral Area 'F' in the Regional District of Nanaimo (RDN) has had no zoning or enforced land use regulations until the 25th of June 2002 when the Zoning Bylaw no. 1285 was approved.*
- *An estimated two hundred, second residences, were constructed in the area on ALR Land because the area has been advertised and considered un-zoned.*
- *An objective of the Electoral Area 'F' Official Community Plan and Zoning process was to grandfather and zone as many existing land uses as possible.*
- *The Regional District of Nanaimo zoning bylaws allow two dwellings per lot providing that one of the dwelling units is a 'manufactured' home. Also Accessory Buildings and Structures and Home Based Businesses are allowed under the Bylaw.*
- *Because most of the parcels of land with two residences have changed hands at least once since the Act was implemented. Many property owners are unaware that the second (not manufactured) residence is now illegal and non-conforming under the new zoning bylaws.*
- *The RDN cannot legally remove the word 'manufactured' from the A1 Agricultural zoning classification for existing second residences.*
- *This application would legitimize the existing second residence and allow the property to conform to the zoning bylaw. This will in turn prevent hardship to the property owner with reduced property value and by possibly making an insurance claim invalid because the second residence was not manufactured.*

Conditions and limitations:

- This application will only apply to one residence in addition to the primary residence
- The parcel of land is located within Electoral Area 'F' in the Regional District of Nanaimo.
- The second dwelling was constructed before the 25th of June 2002
- The second dwelling is less than 140 sq. meters or 1500 sq. feet in size
- This application does not precede an application to subdivide or remove lands from within the Agricultural Land Reserve

Requirements:

The following information will be required by the Regional District of Nanaimo and the Agricultural Land Commission.

1. Applicant and ownership information
2. Land location and legal description
3. Site plan or sketch showing specific information about the property
4. At least two photographs of the primary and secondary residences
5. Proof that both residences were constructed before 25th of June 2002
6. A processing fee of \$75 dollars must be enclosed

Box 328, Coombs, BC V0R 1M0
Phone/Fax (250) 954-1944

Stephen Stahley Fishing

February 25, 2004

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

To whom it may concern

This letter is my third attempt to inform you that changes still need to be made to the proposed zoning for my property that I own in Area F. The Area F Zoning and Subdivision Amendment Bylaw #1285.01, 2003 document still does not properly represent the current usage of the property and needs to be changed.

I have spoken numerous times to RDN Planning personal on the telephone, written letters, visited the site office at the Pine Tree Centre in Errington and attended a public meeting where I made an oral presentation. After this a slight modification was made to reflect the existence of the second residence but no change was made to reflect other usages as outlined.

1140 Virginia Road is now zoned R1.22, which permits 2 dwellings only. This does not suit the commercial rental and retail sales usages in existence on the property. These are not new usages and I have made you aware of this over the past 3 years.

Since you have chosen not to believe me and adjust the zoning to reflect the usages I have provided information on, this leads me to feel you must think I am not telling you the truth. Can I suggest you "check up" on me within the community? Feel free to contact the Coombs Hilliers Volunteer Fire Department, The Arrowmith Community Enhancement Society, Oceanside Minor Hockey, or French Creek Community School to get the "goods" on me. You are undoubtedly aware of the danger of making assumptions about people so do a little homework. You might be surprised to find that people in Area F are long on character and perhaps a trifle short on patience when it comes to dealing with your agency. This little lesson in life could help you in future dealings with the people in our community.

I do not wish to see this property classified as "non-conforming use" because of improper zoning. Please inform me as soon as possible when the changes have been made regarding my property to properly reflect their actual use.


Stephen Stahley
Cc. Barbara Day Sort, Barrister & Solicitor

Featuring Wild Sockeye - Taste the Best!



REGIONAL DISTRICT OF NANAIMO	
MAR - 3 2004	
CHAIR	GMCrs
CAO	GMDS
GmCmS	GMES
E-911	

MEMORANDUM

TO: C. Mason
General Manager, Corporate Services

DATE: March 3, 2004

FROM: N. Avery
Manager, Financial Services

FILE:

SUBJECT: Agreement to Operate Consolidated 911 Service

PURPOSE:

To obtain Board approval to enter into a new agreement for the operations of the E-911 service for School District 68.

BACKGROUND:

This report is being forwarded directly to the Board in order to accommodate timelines for the consolidation of the fire dispatch centers for the 911 service. Staffing agreements and equipment purchasing will proceed once all parties have agreed to the terms and cost sharing principles in the agreement.

The agreement for the E-911 service was originally executed by the Cowichan Valley Regional District (CVRD), the City of Nanaimo (City) and the School District 68 portion of the Regional District of Nanaimo (RDN) in 1994. The agreement has automatically renewed until this year as provided for under the *Local Government Act* prior to its most recent amendments. The original agreement covered the operations of the call answer center located in the RCMP building in the City of Nanaimo (PSAP). Calls are received by the RCMP dispatch center and handed off to the BC Ambulance Service in Victoria, the fire dispatch center for the CVRD in Duncan or to the fire dispatch center for the City and RDN, to the City of Nanaimo firehall. To summarize, the E-911 dispatch system consisted of a primary answer point in the City and two secondary dispatch centers for fire departments, one in the City and one in the CVRD.

The cost sharing formula for the RCMP call answer center split costs 50% for the CVRD, 39.5% for the City and 10.5% for the RDN, using the number of trunk lines required to bring calls to the RCMP building. Each party funded the costs of *fire dispatch* separately and over and above their share of costs for the RCMP call answer center.

As reported in December, the CVRD and the City have determined that consolidating the fire dispatch services for their two jurisdictions will result in a more cost effective operation for the next long term period. The consolidation is driven by radio system upgrades required by the federal government and growth demands necessitating more computerized dispatch software to manage incident reporting. A new dispatch center will be constructed in the City of Nanaimo firehall and all fire departments will be dispatched from this new location. Finally, depending on the long term future of the RCMP in the Central Island, the new City dispatch center could be capable of taking all E-911 calls and operating as a full primary answer center.

A new agreement is proposed which will cover the changes outlined above – specifically that the E-911 service funded by the three parties includes any type of emergency dispatch, although fire dispatch is the only service provided at this time.

Generally, the terms and conditions of the prior agreement are unchanged except to amend the definitions of the service and to bring into the agreement all equipment associated with the dispatch center in the City. The cost sharing formula has also been updated. Prior to 1999 property taxes were the only source of revenue for E-911 costs. More recently 911 service providers have been permitted to have a levy collected through individual telephone lines for the purposes of funding primary (RCMP based) call answer centers. When that option became available, the parties agreed to allocate those costs on the basis of telephone lines since that represented the potential demand for service. Fire dispatch centers were not permitted to be covered under that particular levy option and therefore continued to be funded through separate property tax levies in each jurisdiction. With the consolidation of fire dispatch into a single center staff believe that the telephone line formula is an appropriate cost sharing methodology. Telephone lines are a reasonable proxy for the potential demand for service, are easy to obtain from the telephone providers and are relatively stable from year to year. While call volumes for fire dispatch could be used, they are more variable and if the center eventually takes over all call answering, would no longer be an appropriate proxy for demand.

ALTERNATIVES:

1. Approve the agreement and authorize the Chairperson and General Manager to execute the agreement for the Regional District.
2. Do not approve the new agreement.

FINANCIAL IMPLICATIONS:

As reported in December, staff became aware that regardless of the consolidation, the costs of providing fire dispatch by the City would be rising significantly by 2005 simply due to staffing for increased volumes. The consolidation will actually reduce somewhat the long term costs for property owners in the RDN.

The cost sharing formula will change as follows:

	Prior cost sharing	Revised cost sharing
CVRD	50%	43%
City	39.5%	50%
RDN	10.5%	7%

There will be no change to the 2004 budgeted requisition of \$43,650. Staff project tax requisitions for the next three years as follows:

2004	\$43,650
2005	\$54,500
2006	\$67,500

The financial plan will be amended this fall as the costs become clearer and once the consolidation is complete.


SUMMARY/CONCLUSIONS:

A new E-911 operating agreement has been drafted to recognize some key changes to the system operations. Under the original operating agreement the CVRD, the City and the RDN agreed to operate a single primary call answer center at the RCMP location in the City. Fire dispatch services were operated and funded separately by the CVRD and the City/RDN. Fire dispatch services are being consolidated into a single dispatch location in the City and the agreement needs to be amended to recognize that all dispatch operations fall within the operating and funding arrangements between all three parties. The cost sharing formula is proposed to be revised to use telephone landlines as a reasonable measure of system demand. This measure is already being used with regard to the RCMP call answer center as a consequence of 911 providers being allowed to collect a levy for this purpose on telephone bills since 1999. The terms and conditions of the agreement are otherwise largely unchanged.


The cost of fire dispatch services will increase over the next two years whether consolidation occurs or not. Staff reported in December that the range is expected to be about \$66,000 per year and this is consistent with more recent information. There is however no change required for 2004. The financial plan will be amended in the fall once the consolidated operating costs can be more precisely budgeted.

RECOMMENDATION:

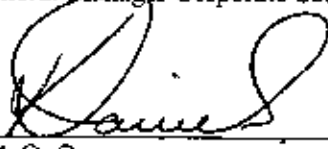
That the Chairperson and General Manager of Corporate Services be authorized to execute the revised E-911 operating agreement between the Cowichan Valley Regional District, the City of Nanaimo and the Regional District of Nanaimo.



Report Writer



General Manager Corporate Services



C.A.G. Concurrence

COMMENTS: