

REGIONAL DISTRICT OF NANAIMO

**BOARD MEETING
TUESDAY, OCTOBER 14, 2003
7:00 PM**

(RDN Board Chambers)

A G E N D A

PAGES

1. **CALL TO ORDER**
2. **DELEGATIONS**
3. **BOARD MINUTES**
12-24 Minutes of the Board meeting held on September 9, 2003 and the Special Board meeting held September 30, 2003.
4. **BUSINESS ARISING FROM THE MINUTES**
5. **COMMUNICATIONS/CORRESPONDENCE**
25-26 **M. Brown, Town of Qualicum Beach, re Glengarry Golf Links.**
6. **UNFINISHED BUSINESS**
Public Hearing.
27-37 Report of the Public Hearing held October 7, 2003 with respect to the Covenant Amendment Proposal for Culverden Holdings (Arbutus Meadows) -- 1515 Island Highway East -- Area E. (Electoral Area Directors except EA 'B' -- One Vote)
BYLAWS
For Adoption.
Bylaw No. 1125.01 - Morningstar Water I.S.A Boundary Amendment Bylaw. (All Directors -- One Vote)
7. **STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS**
7.1 **ELECTORAL AREA PLANNING STANDING COMMITTEE**
38-42 Minutes of the Electoral Area Planning Committee meeting held September 30, 2003. (for information)

COMMUNICATIONS/CORRESPONDENCE

Helen Sims, re ZA0310 – Green Choice Energy Limited – Peterson Road – Area F. (All Directors – One Vote)

That the correspondence from Helen Sims with respect to Zoning Amendment Application 0310, be received.

Eric Pattison, re DP No. 60347 – Oughtred/Sims – McFeely Drive – Area G. (All Directors - One Vote)

That the correspondence from Eric Pattison with respect to Development Permit Application No. 60347, be received.

PLANNING

AMENDMENT APPLICATIONS

ZA0310 – Green Choice Energy Limited – Peterson Road – Area F. (Electoral Area Directors except EA 'B' - One Vote)

1. *That the minutes from the Public Information Meeting be received.*
2. *That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.03, 2003" submitted by Fern Road Consulting Ltd. on behalf of H. & F. Ventures and Green Choice Energy Ltd. to rezone the 21.1 ha property legally described as Lot A, District Lot 182, Nanoose District, Plan VIP65017 from A-1 (Agricultural 1) to Comprehensive Development 14 – 2570 Peterson Road, be approved subject to the conditions as outlined in amended Schedule 1, Schedules 2, 3 and 4 and that the bylaw be given 1st and 2nd reading.*
3. *That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.03, 2003" proceed to Public Hearing.*
4. *That the Public Hearing on "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.03, 2003" be delegated to Director Biggemann or his alternate.*

DEVELOPMENT PERMIT APPLICATIONS

DP Application No. 60344 – Sullivan – Maxey & Newfield Roads –Area D. (Electoral Area Directors except EA 'B' – One Vote)

That Development Permit Application No. 60344 as submitted by Larry Sullivan and legally described as that Part of Lot 2 lying south of Maxey Road, Plan 6930, Section 17, Range 5, Mountain Land District to permit the placement of fill, to facilitate the establishment of a building envelope a minimum of 15.0 metres from the natural boundary, and to permit the siting of a well a minimum of 14.0 metres from the natural boundary of the Millstone River within the Natural Hazard Development Permit Area, be approved subject to the conditions as outlined in Schedule Nos. 1, 2 and 3.

DP Application No. 60346 – D. Friesen on behalf of Ming's Stores Ltd. Inc. – 1694 Cedar Road – Area A. (Electoral Area Directors except EA 'B' – One Vote)

That Development Permit Application No. 60346, submitted by Friesen's Rentals and Hardware on behalf of Ming's Stores Ltd. Inc., to recognize the siting of the recently constructed addition by relaxing the minimum setback requirement from the other lot line from 5.0 metres to 4.8 metres within the Cedar Village and Cedar Commercial/Industrial Properties Development Permit Area No. 3 for Lot A, Sections 15 and 16, Range 8, Cranberry District, Plan VIP71569, be approved subject to the conditions outlined in Schedule Nos. 1, 2 and 3 of the corresponding staff report and to the notification requirements of the Local Government Act.

DP Application No. 60347 – Oughtred/Sims – McFeely Drive – Area G. (Electoral Area Directors except EA 'B' – One Vote)

That Development Permit Application No. 60347, submitted by Helen Sims of Fern Road Consulting Ltd. on behalf of Robert and Adele Oughtred to permit the construction of a dwelling unit and detached garage within the 'Environmentally Sensitive Areas and Hazard Lands' Development Permit Areas and to vary the maximum dwelling unit height from 8.0 metres to 8.6 metres on the subject property legally described as Lot 3, District Lot 9, Newcastle District, Plan VIP69413 be approved, subject to the requirements outlined in Schedule Nos. 1, 2, 3 and 4 and subject to notification requirements pursuant to the Local Government Act.

DP Application No. 60348 – Symington – 857 Flamingo Drive – Area G. (Electoral Area Directors except EA 'B' – One Vote)

That Development Permit Application No. 60348, submitted by Fern Road Consulting, Agent, on behalf of Wilfred Symington and Alan Symington, to facilitate the removal of an existing dwelling unit and construction of a new dwelling unit, and to vary the maximum dwelling unit height within the Residential 2 (RS2) zone from 8.0 metres to 9.0 metres for the property legally described as Lot 15, District Lot 10, Newcastle District, Plan 10115, be approved subject to the conditions outlined in Schedule No. 1 and subject to the notification requirements pursuant to the Local Government Act.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

DVP Application No. 90317 & Request for Relaxation of the Minimum 10% Frontage Requirement – RK Brown & Associates on behalf of W. Roine – Farrar, Yellow Point and McQuarrie Roads – Area A. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak.

That the request, submitted by RK Brown, on behalf of Wayne Roine to relax the minimum 10% frontage requirement for the Proposed Lots 2, 3 and 4, as shown on the 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 relax the minimum setback requirement from 8.0 metres to 5.3 metres to allow the siting of an existing dwelling unit from a lot line (adjacent to Farrar Road) proposed to be created by subdivision, be approved subject to Schedule No. 1 and the notification requirements pursuant to the Local Government Act.

DVP Application No. 90318 – Kehoe & Adams Freeman – 3475 Cambridge Road – Area E. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak.

That Development Variance Permit Application No. 90318 to vary the minimum setback requirements of the Residential 1 (RS1) zone from 8.0 metres to 0.0 metres for the front lot line and from 5.0 metres to 0.0 metres from the other lot line to legalize the siting of a recently constructed retaining wall on the property legally described as Lot 31, District Lot 78, Nanoose District, Plan VIP51603 be approved, subject to the requirements outlined in Schedule Nos. 1, 2 and 3 and subject to notification requirements pursuant to the Local Government Act.

DVP No. 90319 – Smith & Tomei – 2476 Nuttal Drive – Area E. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak.

That Development Variance Permit Application No. 90319 submitted by Anthony Smith, to vary the minimum setback of 15.0 metres from the natural boundary of the retention pond and from the natural boundary of the drainage ditch to 5.0 metres and to approve a building envelope to facilitate the construction of a dwelling unit and attached garage on the property legally described as Lot 8, District Lot 52, Nanoose District, Plan VIS4626 be approved subject to the requirements outlined in Schedule Nos. 1, 2 3 and 4 and subject to notification requirements pursuant to the Local Government Act.

FRONTAGE RELAXATION

Request for Acceptance of Cash in-lieu-of Park Land Dedication & Relaxation of the Minimum 10% Frontage Requirement – Fern Road Consulting Ltd. on behalf of Windward Development (2002) Ltd. Inc. No. 640334 – Arrowsmith Way & Wembley Road – Area G. (Electoral Area Directors except EA 'B' – One Vote)

That the request, submitted by Fern Road Consulting Ltd., on behalf of Windward Development (2002) Ltd. Inc. No. 640334 for cash in-lieu-of park land dedication be accepted.

That the request, submitted by Fern Road Consulting Ltd., on behalf of Windward Development (2002) Ltd. Inc. No. 640334 to relax the minimum 10% frontage requirement for proposed Lots 6 and 8, as shown on the plan of subdivision of Lot 2, District 29, Nanoose District, Plan 41955, Except Part in VIP72574, be approved.

Request for Acceptance of Park Land Dedication & Relaxation of the Minimum 10% Frontage Requirement – Koers & Associates on behalf of 3170497 Canada Inc., commonly known as Fairwinds Development – Carmichael Road – Area E. (Electoral Area Directors except EA 'B' – One Vote)

That the request from Koers & Associates, on behalf of 3170497 Canada Inc., commonly known as Fairwinds Development, to relax the minimum 10% perimeter frontage requirement for Proposed Lots 2, 3, 4, 6 and 7 as shown on the Plan of Proposed Subdivision of Phase 9A be approved and the offer to dedicate park land in the location and amount as shown on the Plan of Proposed

Subdivision of Phase 9A be accepted subject to Schedule No. 1 of the corresponding staff report.

Request for Relaxation of the Minimum 10% Frontage Requirement – K. vanWesten – Whiting Way – Area A. (Electoral Area Directors except EA 'B' - One Vote)

That the request, submitted by K vanWesten to relax the minimum 10% frontage requirement for proposed Lot 1 of the proposed subdivision of the Remainder of Lot 1, Section 1, Range 6, Cedar District, Plan VIP68894 as shown on the plan of subdivision be approved.

OTHER

Eagle Nest Tree Development Permit Areas. (Electoral Area Directors except EA 'B' - One Vote)

That the staff report to establish development permit areas and guidelines to protect eagle nest trees and possibly the nesting trees of other endangered birds by proceeding with a Public Consultation Strategy, be received for information.

That staff be directed to proceed with the Public Consultation Strategy as outlined in Attachment No. 1. to the corresponding staff report.

That the Regional Board request that the Minister of Water, Land and Air Protection consider amendments to the Wildlife Act to include a buffer area around eagle nest trees and added protection for other endangered species.

That the Regional Board request that the Minister of Agriculture consider amendments to the Right to Farm Act or the incorporation of policies to provide buffer protection for eagle nest trees.

That the Regional Board encourage each member municipality to begin a public consultation process to introduce a regional standard of bylaw to protect eagle nest trees and a buffer around the trees.

That staff prepare a report on the feasibility and value of providing site specific Development Permit Areas based on qualified bird experts' advice, as an option to the minimum-standard specifications under current legislation.

7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE

43-49

Minutes of the regular Committee of the Whole meeting held September 30, 2003. (for information)

COMMUNICATIONS/CORRESPONDENCE

Alastair Kenning, City of Nanaimo, re RDN Drinking Water Initiative. (All Directors – One Vote)

That the correspondence from the City of Nanaimo with respect to the RDN's drinking water initiative, be received.

Gillian Trumper, MLA, re West Coast General Hospital. (All Directors – One Vote)

That the correspondence from Gillian Trumper, MLA, with respect to the Local Governments meeting held September 15, 2003, be received.

UNFINISHED BUSINESS

From the Committee of the Whole meeting held August 26, 2003.

Drinking Water Protection. (All Directors – One Vote)

50-53

Drinking Water Protection Initiative Workshop Provincial Government Funding. (All Directors – One Vote)

1. *That the Board direct staff to organize a workshop that will assist the RDN in defining its role in drinking water protection.*
2. *That the Board direct staff to make application for a Local Government Infrastructure Planning Grant or a Smart Development Partnership to cover or offset the costs of a workshop.*
3. *That the Drinking Water Protection Workshop Terms of Reference be approved.*
4. *That, after the workshop, staff report back to the Board on the results of the workshop and with recommendations and specific cost implications and allocations regarding a drinking water protection strategy for the Regional District.*

COMMUNITY SERVICES

REGIONAL GROWTH MANAGEMENT

Intergovernmental Advisory Committee Terms of Reference. (All Directors – One Vote)

That the "Intergovernmental Advisory Committee Terms of Reference Update 2003" be approved.

Town of Qualicum Beach Request to Extend Community Sewer Service to Six Properties – Environmental or Public Health Reasons. (All Directors – One Vote)

1. *That the Town of Qualicum Beach request for community sewer services for six properties for environmental or public health reasons be approved for:*
 - a) *Subject Properties 1, 2, 3 and 4 (Lot 5, DL 112, Nanoose District, Plan 2663; Lot 6, DL 112, Nanoose District, Plan 2663; Lot B, DL 112, Nanoose District, Plan 68732; and Lot 1, DL 112, Nanoose District, Plan 42665), subject to the owners of the properties paying their share of the full capital, operating and connection costs for community sewer service and the registration of restrictive covenants on the properties to limit the development of the properties to the maximum level specified for land designated by the Regional Growth Strategy as Rural Residential in Policy 3A of the Regional Growth Strategy;*

- b) *Subject Property 5 (Lot A, DL 124, Nanoose District, Plan 42665), subject to the owner of the property paying their share of the full capital and operating and connection costs for community sewer service to the Regional Growth Strategy Industrial designated property;*
- c) *Subject Property 6 (Lot B, DL 88, Nanoose District, Plan VIP71580), subject to the approval of the incorporation of the property into the Town of Qualicum Beach, the owner of the property paying their share of the full capital, operating and connection costs for community sewer service, and the registration of a restrictive covenant on the property to limit the development of the property to the maximum level specified for land designated by the Regional Growth Strategy as Resource Lands and Open Space in Policy 3A of the Regional Growth Strategy.*
2. *That staff be directed to bring forward a report and amendments to the Northern Community Sewer Local Service Area Development Cost Charge Area Bylaw and the Municipal Benefiting Area Bylaw to include the Subject Properties.*

CORPORATE SERVICES

FINANCE

District 69 Ice Arena Conversion Bylaw No. 1358.

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

That the Ice Arena conversion bylaw incorporate taxation limits as the greater of \$1,292,050 or a tax rate of 80.35 per \$1,000 of assessment.

(All Directors – One Vote)

That "Regional District of Nanaimo District 69 Ice Arena Conversion Bylaw No. 1358, 2003", as amended, be introduced for first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

DEVELOPMENT SERVICES

BUILDING INSPECTION

Section 700 Filings. (All Directors – One Vote)

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

- (a) *Lot 2, Section 12, Range 5, Cedar Land District, Plan VIP57855, 2030 Pace Road, Electoral Area 'A', owned by T. Hawthornthwaite;*
- (b) *Parcel E (DD4013781) of Section 21, Gabriola Island, Nanaimo Land District, 371 Berry Point Road, Electoral Area 'B', owned by B & K Shopping Centre.*

ENVIRONMENTAL SERVICES

LIQUID WASTE

Environmental Management Systems Implementation Plan. (All Directors – One Vote)

That the Environmental Management Systems Implementation Plan for the Liquid Waste Department be approved.

That staff be directed to apply for funding assistance opportunities under the Green Municipal Enabling Fund and Local Government Infrastructure Planning Grant programs.

SOLID WASTE

Terms of Reference for the Regional Landfill Site Liaison Committee. (All Directors – One Vote)

That the terms of reference dated September 2003 for the Regional Landfill Site Liaison Committee be approved.

That the terms of reference be amended to increase the number of residents to be appointed to the Regional Landfill Site Liaison Committee from two to three.

UTILITIES

Reserve Fund Establishing Bylaws – Surfside Water Service Area Reserve Fund Bylaw No. 1360 and Arbutus Park Estates Water Service Area Reserve Fund Bylaw No. 1359. (All Directors – 2/3)

- 1. That "Surfside Water Service Area Reserve Fund Bylaw No. 1360, 2003" be introduced for first three readings.*
- 2. That "Surfside Water Service Area Reserve Fund Bylaw No. 1360, 2003" having received three readings be adopted.*
- 3. That "Arbutus Park Estates Water Service Area Reserve Fund Bylaw No. 1359, 2003" be introduced for first three readings.*
- 4. That "Arbutus Park Estates Water Service Area Reserve Fund Bylaw No. 1359, 2003" having received three readings be adopted.*

Rural Streetlighting LSA Boundary Amendment Bylaw No. 791.09. (All Directors – One Vote)

That "Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.09, 2003" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

COMMISSION, ADVISORY & SELECT COMMITTEE

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

That the minutes of the Electoral Area 'A' Parks and Open Space Advisory Committee meeting held June 19, 2003 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 meetings held June 23 and September 8, 2003 be received for information.

Transit Business Plan Update Select Committee. (All Directors – One Vote)

That the minutes of the Transit Business Plan Update Select Committee meeting held September 10, 2003 be received for information.

That Community Services staff be authorized to meet with representatives of School Districts 68 and 69 to discuss areas of possible service integration and that the CUPE Union locals representing both employee groups be invited to be present in those discussions.

District 69 Recreation Commission.

(All Directors – One Vote)

That the minutes of the District 69 Recreation Commission meeting held September 11, 2003 be received for information.

(All Directors – Weighted Vote)

That the Regional District of Nanaimo approve the Sublease with the Parksville Curling Club Society for the use of the District 69 Arena for the term of October 1, 2003 to March 31, 2008.

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

That the minutes of the Regional Waste Advisory Committee meeting held September 11, 2003 be received for information.

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

West Coast General Hospital. (All Directors – One Vote)

That the Regional District of Nanaimo write to the Vancouver Island Health Association to request that the proposed bed closures at the West Coast General Hospital be reconsidered until further consultation is undertaken.

NEW BUSINESS

Interface Forest Fires. (All Directors – One Vote)

That with a view towards the protection of life, property and the environment from interface forest fires in the RDN, staff be directed to prepare a report on interface fire mitigation techniques and make recommendations that, if approved by the Board, would be included in the Regional Growth Management Strategy and Official Community Plans as part of the RDN's future land development strategy; and further that a copy of all information with respect to interface fire mitigation techniques be forwarded to the Emergency Planning Committee for their information and input.

7.3 EXECUTIVE STANDING COMMITTEE

7.4 COMMISSIONS

7.5.1 SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

Intergovernmental Advisory Committee.

54-56 Minutes of the Intergovernmental Advisory Committee meeting held September 17, 2003. (for information)

Regional Growth Monitoring Advisory Committee/State of Sustainability Project.

57 Minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meeting held September 16, 2003. (for information)

Health Capital Finance Select Committee.

58-60 Minutes of the Health Capital Finance Select Committee meeting held September 16, 2003. (for information)

Community Bonds Select Committee.

Minutes of the Community Bonds Select Committee meeting held September 18, 2003. (for information)

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

That the Board abandon a community bond initiative and consider other alternatives which could reduce overall borrowing costs including using short term MFA financing and the proposal from the Town of Qualicum Beach to prepay or loan their portion of the project to the RDN.

8. ADMINISTRATOR'S REPORT

62-64 RDN Structure Removal Bylaw No. 1362 – 4025 West Island Highway – Area G. (All Directors - One Vote)

9. **ADDENDUM**
10. **BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**
11. **NEW BUSINESS**
12. **BOARD INFORMATION** (Separate enclosure on blue paper)
13. **ADJOURNMENT**
14. **IN CAMERA**

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

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE REGULAR MEETING OF THE BOARD
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, SEPTEMBER 9, 2003, AT 7:00 PM IN THE
RDN BOARD CHAMBERS

Present:

Director J. Stanhope	Chairperson
Director H. Kreiberg	Electoral Area A
Alternate	
Director B. Sperling	Electoral Area B
Director E. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
Director P. Bibby	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H
Director R. Longmuit	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
Alternate	
Director D. Tyndall	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
D. Trudeau	Manager of Liquid Waste
B. Lapham	Gen. Mgr. of Development Services
N. Connelly	Gen. Mgr. of Community Services
C. Mason	Gen. Mgr. of Corporate Services
M. Pearse	Manager of Administrative Services

CALL TO ORDER

The Chairperson welcomed Alternate Directors Sperling and Tyndall to the meeting.

DELEGATIONS

MOVED Director Krall, SECONDED Director Westbroek, that the late delegations be permitted to address the Board.

CARRIED

Rob Bau, re Amendment Application No. ZA0309 - Culverden Holdings (Arbutus Meadows) - 1515 E. Island Highway - Area E.

Mr. Bau advised that he had no further comments on the above noted amendment application.

Barbara Terry, SD 69 Chairperson, re Town of Qualicum Beach Municipal Boundary Extension Request.

Ms. Terry spoke in support of the proposed extension of the Qualicum Beach boundaries and stressed the School Board's need to have this land available as a school bus depot.

BOARD MINUTES

MOVED Director Westbrook, SECONDED Director McNabb, that the minutes of the regular Board meeting held on August 12, 2003 be adopted.

COMMUNICATIONS/CORRESPONDENCE CARRIED

Jean Fensome, re DP 60339 - Thompson - Lot 21, Miller Road - Area G.

MOVED Director Krall, SECONDED Director McNabb, that the correspondence from Ms. Fensome outlining her concerns with DP Application No. 60339 be received.

UNFINISHED BUSINESS CARRIED

BYLAWS

Bylaw No. 791.08.

MOVED Director Westbrook, SECONDED Director Cantelon, that "Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.08, 2003" be adopted.

Bylaw No. 921.02. CARRIED

MOVED Director Krall, SECONDED Director Biggemann, that "Official Regional Park Plan Designation Amendment Bylaw No. 921.02, 2003" be adopted.

Bylaw No. 975.29. CARRIED

MOVED Director Westbrook, SECONDED Director Cantelon, that "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.29, 2003" be adopted.

ELECTORAL AREA PLANNING STANDING COMMITTEE CARRIED

MOVED Director Hamilton, SECONDED Director Krall, that the minutes of the Electoral Area Planning Committee meeting held August 26, 2003 be received for information.

PLANNING CARRIED

AMENDMENT APPLICATIONS

ZA0309 - Culverden Holdings (Arbutus Meadows) - 1515 E. Island Highway - Area E.

MOVED Director Hamilton, SECONDED Director Bibby, that the minutes from the Public Information Meeting be received.

CARRIED

MOVED Director Hamilton, SECONDED Director Bibby, that Amendment Application No. 0309 submitted by Robert Bau on behalf of Samuel Bau to amend a Restrictive Covenant for the property legally described as District Lot 56, Nanoose District, Except Parts in Plans 466R, 950R, 351RW, 6761, 22727, 25734 and 39893 to permit the expansion of the existing public assembly use to include non-equestrian related events proceed to Public Hearing.

CARRIED

MOVED Director Hamilton, SECONDED Director Bibby, that the Public Hearing on the proposed Covenant amendment be delegated to Director Bibby or her alternate.

CARRIED

MOVED Director Bibby, SECONDED Director Hamilton, that any approval to permit expanded public assembly events be approved subject to the conditions outlined in Schedule No. 1 with the following amendments:

Item No. 2 – to only permit the following indoor public assembly events except that other public assembly events may be allowed with the written approval of the Regional District:

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

Item No. 4 – to only restrict the installation of a permanent or temporary ice surface.

Item No. 5 – to add that except that the hours may be extended with the written approval of the Regional District.

and subject to public notification pursuant to the Local Government Act.

DEVELOPMENT PERMIT APPLICATIONS

CARRIED

DP Application No. 60338 – Griffin – Strata Lot 3, Miller Road – Area G.

MOVED Director Hamilton, SECONDED Director D. Haime, that Development Permit Application No. 60338 submitted by Henry and Heather Griffin, to construct a single bay garage in a Sensitive Lands Development Permit Area pursuant to the "Regional District of Nanaimo French Creek Official Community Plan Bylaw No. 1115, 1998" and to vary the maximum permitted height for an accessory building from 6.0 metres to 8.2 metres for the property legally described as Strata Lot 3, District Lot 28, Nanoose District, Plan VIS4363 be approved, subject to the conditions outlined in Schedule Nos. 1 to 5 of the corresponding staff report and notification requirements pursuant to the Local Government Act.

CARRIED

DP Application No. 60339 – Thompson – Lot 21, Miller Road – Area G.

MOVED Director Hamilton, SECONDED Director D. Haime, that Development Permit Application No. 60339, submitted by K.G. Kyler, Agent, on behalf of Audrey Thompson and Dale Thompson, to facilitate the development of a single dwelling unit, accessory building and retaining wall, and vary the maximum height of buildings and minimum setback requirements within the Residential 1 (RS1) zone as set out in Schedule Nos. 1, 2 and 3 of this staff report, for the property legally described as Lot 21, District Lot 28, Nanoose District, Plan 26472, be approved as submitted subject to the notification requirements of the Local Government Act.

The General Manager of Development Services addressed the concerns outlined in the correspondence from Jean Fensome.

The question was called on the motion.

The motion CARRIED.

DP Application No. 60340 – Astrakan/Kyler & Myrfield – Widgeon Road – Area H.

MOVED Director Hamilton, SECONDED Director Bartram, that Development Permit Application No. 60340 submitted by Kyler & Myrfield Geomatics Ltd., on behalf of Y & I. Astrakhan for a 2-lot subdivision within the Environmentally Sensitive Areas and Hazard Lands Development Permit Areas on the property legally described as Lot 4, District Lot 89, Newcastle District, Plan 1884, be approved, subject to the conditions outlined in Schedules No. 1, 2 and 3 of the corresponding staff report.

CARRIED

DP Application No. 60341 – BC Conservation Foundation – Little Qualicum River Regional Park – Area F.

MOVED Director Hamilton, SECONDED Director Biggemann, that Development Permit Application No. 60341, submitted by the BC Conservation Foundation, to construct fish habitat enhancement structures on the property legally described as Lot 1, Block 359, Newcastle Land District, Plan VIP69346, be issued subject to the requirements outlined in Schedules No. 1, 2, 3 and 4.

CARRIED

MOVED Director Hamilton, SECONDED Director Biggemann, that the RDN enter into an agreement with the BC Conservation Foundation which grants the Association access over the RDN Little Qualicum River Regional Park to construct structures in six separate locations on the Little Qualicum River to improve fish habitat, subject to obtaining the necessary approvals and ensuring that the long-term viability of the structures is maintained and that any liability associated with the failure of these structures is not attributed to the RDN.

CARRIED

DP Application No. 60342 – Sokol – 1558 Madrona Drive – Area E.

MOVED Director Hamilton, SECONDED Director Bibby, that Development Permit Application No. 60342, submitted by Al Benwell, Agent, on behalf of Scott Sokol and Carol Sokol, to legalize an existing deck structure and recognize the siting of the legal non-conforming dwelling unit and accessory building, and vary the minimum setback requirements for a coastal watercourse within the Residential 1 (RS1) zone for the property legally described as Lot 52, District Lot 68, Nanoose District, Plan 26680, be approved as submitted subject the requirements of Schedule Nos. 1 and 2 and to notification requirements pursuant to the Local Government Act.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS**DVP Application No. 90316 – Ballance – 2830 Benson View Road – Area D.**

MOVED Director Hamilton, SECONDED Director D. Haime, That Development Variance Permit Application No. 90316 by Stanley Neville Ballance to amend Development Variance Permit No. 0306 to allow for modifications to the design of the garage/loft to facilitate the inclusion of a balcony, sliding glass door and 4 attic dormers for the proposed garage/loft for the property legally described as Lot 8, Sections 9 and 10, Range 4, Mountain District, Plan 36191 be approved, subject to Schedules No. 1, 2 and 3 and to the notification requirements pursuant to the Local Government Act.

CARRIED

COMMITTEE OF THE WHOLE STANDING COMMITTEE

MOVED Director Krall, SECONDED Director Hamilton, that the minutes of the regular Committee of the Whole meeting held August 26, 2003 be received for information.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Sandra Keddy, Town of Qualicum Beach, re Proposed Boundary Extension.

MOVED Director Westbrook, SECONDED Director Biggemann, that the correspondence from the Town of Qualicum Beach with respect to a proposed boundary extension for Qualicum Beach, be received.

CARRIED

Jack Peake, AVICC President & Chief Alphonse, Cowichan Tribes, re Formation of the Vancouver Island Foundation.

MOVED Director Westbrook, SECONDED Director Biggemann, that the correspondence from AVICC and the Cowichan Tribes with respect to the formation of the Vancouver Island Foundation, be received.

CARRIED

Lanny Seaton, Acting Mayor, District of Langford, re Vancouver Island Foundation/E & N.

MOVED Director Westbrook, SECONDED Director Biggemann, that the correspondence from the District of Langford with respect to the formation of the Vancouver Island Foundation, be received.

CARRIED

Shirley Hine, City of Parksville, re Vancouver Island Railway.

MOVED Director Westbrook, SECONDED Director Biggemann, that the correspondence from the City of Parksville with respect to the establishment of a local government controlled foundation to own the E & N Railway and corridor, be received.

CARRIED

COMMUNITY SERVICES

REGIONAL GROWTH

Implementation Agreements – Urban Containment and Rural Protection.

MOVED Director Westbrook, SECONDED Director Hamilton,:

That the Terms of Reference for the Urban Containment Implementation Agreement Update and the Rural Protection Implementation Agreement be approved.

That the Terms of Reference be amended to allow for public input in the proposed agreement after Stage 4.

That staff be instructed to investigate the possibility of differentiating between rural containment areas internally contained compared to rural containment areas which border on municipal jurisdiction.

CARRIED

Regional Growth Strategy Implementation Progress Report 2001/2002.

MOVED Director Cantelon, SECONDED Director Westbrook, that the report regarding Regional Growth Strategy Implementation Progress for 2001 and 2002 be received.

CARRIED

RECREATION & PARKS

Cranberry Fire Department's Request for Regional Park Land Use.

MOVED Director Kreiberg, SECONDED Director Hamilton, that the Regional District grant permission to the Cranberry District Fire Department to develop a water well and associated structures, as described at Nanaimo River Regional Park subject to the CDFD entering into an agreement with the Regional District and meeting all regulations.

CARRIED

CORPORATE SERVICES

ADMINISTRATION

Vancouver Island Railway.

MOVED Director Cantelon, SECONDED Director Holdom, that the Board approve an amount of \$6,139.12 as the Regional District of Nanaimo's share of the consultant's report. The source of funding to be general administration.

CARRIED

MOVED Director Cantelon, SECONDED Director Bartram, that the Board approve in principle the creation of a Foundation to own and manage the railway corridor on Vancouver Island.

CARRIED

MOVED Director Cantelon, SECONDED Director Krall, that the Board participate in the next phase of discussions with the understanding that:

- (i) any further consultant or study costs be brought to the Board for approval.
- (ii) any final decision on our participation in the Foundation would be made upon receipt of the final Foundation documents, appraisals and environmental studies, and the business plan.

CARRIED

MOVED Director Cantelon, SECONDED Director Krall, that the Chairperson appoint a representative from the Board to work on the creation of the Foundation.

FINANCE

CARRIED

Operating Results to June 30, 2003.

MOVED Director Westbrook, SECONDED Director D. Haime, that the Transit budget items be referred to the Transit Business Plan Select Committee with a report to come forward to the September Committee of the Whole meeting.

CARRIED

MOVED Director Westbrook, SECONDED Director Bibby, that the summary report of financial results from operations to June 30th, 2003 be received for information.

CARRIED

DEVELOPMENT SERVICES

BUILDING INSPECTION

Section 700 Filings.

The Chairperson advised that the following filing was being removed and referred to the In Camera meeting:

Lot 8, Section 18, Gabriola Island, Nanaimo Land District, Plan VIP51655, 573 Horseshoe Road, Electoral Area 'B', owned by G. and H. Marsh.

MOVED Director Westbrook, SECONDED Director Biggemann, that a notice be filed against the title of the property listed, pursuant to Section 700 of the Local Government Act and that if the infractions are not rectified within ninety (90) days, legal action may be pursued:

- (a) Lot 2, Section 20, Gabriola Island, Nanaimo Land District, Plan 26041, 510 South Road, Electoral Area 'B', owned by Lockinvar Enterprises Inc.;

PLANNING

CARRIED

Closure of Victoria Land Title Office.

MOVED Director Krall, SECONDED Director C. Haime, that the staff report on the closure of the Victoria Land Title Office be received for information.

CARRIED

MOVED Director Krall, SECONDED Director Longmuir, that staff be directed to write a letter to the Honourable Stan Hagan, Minister of Sustainable Resource Management, requesting that the decision to close the Land Title Office in Victoria be reconsidered due to the importance of this office to local governments, the development community and the citizens of Vancouver Island.

CARRIED

ENVIRONMENTAL SERVICES

LIQUID WASTE

Pump & Haul Amendment Bylaw No. 975.30.

MOVED Director Westbrook, SECONDED Director Cantelon, that the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to include Area 'G'.

CARRIED

MOVED Director Westbrook, SECONDED Director Cantelon, that the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to include 796 Miller Road, Parksville (Weldon).

CARRIED

MOVED Director Westbrook, SECONDED Director Sperling, that the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to include 1169 McGillvary Avenue, Gabriola Island (Labelle).

CARRIED

MOVED Director Bartram, SECONDED Director Westbrook, that consideration of including Lot 3, Seaview Drive, Bowser (Melvyn) into the pump and haul function be deferred for one month.

CARRIED

MOVED Director Biggemann, SECONDED Director Bibby, that "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.30, 2003" be read three times as amended and forwarded to the Inspector of Municipalities for approval.

SOLID WASTE

CARRIED

Waste Stream Management Licensing – Progress Report.

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

Product Stewardship Developments.

CARRIED

MOVED Director Westbrook, SECONDED Director Cantelon, that the Board send a letter to the BC Premier, copied to the Minister of Water, Land and Air Protection and UBCM supporting the four principles of the product stewardship business plan emphasizing the principle that the revised regulation support the producer and consumer as the responsible parties for product stewardship materials, and rejecting the shared responsibility model.

Dairy Industry Product Stewardship Proposal.

CARRIED

MOVED Director Westbrook, SECONDED Director Cantelon, that the Board send a letter to the BC Premier, copied to the Minister of Water, Land and Air Protection, BC Dairy Council, UBCM and all regional districts supporting the Regional District of Kootenay Boundary position that milk containers be included in the deposit refund system and that the Board request all RDN municipalities to send similar letters.

COMMISSION, ADVISORY AND SELECT COMMITTEES

CARRIED

Regional Waste Advisory Committee.

MOVED Director Krall, SECONDED Director Biggemann, that the minutes of the Regional Waste Advisory Committee meeting held July 3, 2003 be received for information.

Regional Library Board.

CARRIED

MOVED Director Krall, SECONDED Director Cantelon, that the Board endorse the Vancouver Island Regional Library Board's recommendations as a way of responding to the UBCM Library Task Force's request for input into the Strategic Plan for BC Public Libraries.

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

CARRIED

Mount Benson Property.

MOVED Director Cantelon, SECONDED Director Holdom, that staff be directed to prepare a report with respect to Nanaimo Area Land Trust's request for financial support to carry out professional timber and real estate appraisals for the 523 acre property at the top of Mount Benson.

Town of Qualicum Beach Proposed Boundary Extension.

CARRIED

MOVED Director Westbrook, SECONDED Director C. Haime, that staff be directed to prepare a report on Qualicum Beach's proposed boundary extension for the next Committee of the Whole meeting.

CARRIED

Ethical Purchasing Policies.

MOVED Director Holdom, SECONDED Director Krall, that staff be instructed to prepare a report respecting ethical purchasing and that staff prepare a statement of principle for purchasing.

NEW BUSINESS

CARRIED

Director Lund, re Bill C-325 – An Act to Amend the Income Tax Act.

MOVED Director Sperling, SECONDED Director Hamilton, that correspondence be sent to all Members of Parliament in the region and to Member of Parliament, R. Casson, supporting Bill C-325.

CARRIED

SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

BOARD SELECTION COMMITTEE

Grants-in-Aid Committee.

MOVED Director Hamilton, SECONDED Director D. Haime, that Sandra Selfjord be appointed to the Grants-in-Aid Committee for a term ending December 31, 2004.

ADMINISTRATOR'S REPORT

CARRIED

Descanso Bay Emergency Wharf – Gabriola Island Update Report.

MOVED Director Sperling, SECONDED Director Longmuir, that this information update report on the Gabriola Emergency Wharf initiative be received.

CARRIED

MOVED Director Sperling, SECONDED Director Bartram, that the "Regional District of Nanaimo Bylaw No. 1357, 2003" be introduced, given three readings and proceed to referendum on November 1, 2003 to obtain voter assent.

CARRIED

MOVED Director Sperling, SECONDED Director Westbroek, that the following question be brought forward to the electorate:

"Are you in favour of the Regional District of Nanaimo adopting:

Descanso Bay Wharf Service Bylaw No. 1357, 2003, which would:

- Create a service for the establishment, construction, operation and maintenance of wharf facilities in Electoral Area 'B' (Gabriola Island); and
- Impose an annual tax requisition within the Service Area as follows:
 - i) in the first year following the establishment of the service, the greater of \$70,515 or \$15.20 per \$100,000 of assessment (\$0.152 per \$1,000) applied to the net taxable value of land and improvements; and
 - ii) in the second and subsequent years after adoption of the Bylaw the greater of \$7,880 or \$1.70 per \$100,000 of assessment (\$0.017 per \$1,000) applied to the net taxable value of land and improvements?"

CARRIED

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

CARRIED

Request for Funding to Develop Strategy for the Management of Invasive Plants.

MOVED Director McNabb, SECONDED Director Korpan, that the Regional District of Nanaimo provide \$1,500 to the Fraser Basin Council to assist in the development of a province wide strategy for the management of invasive plants.

CARRIED

Nanaimo Area Land Trust Request for Funding.

MOVED Director McNabb, SECONDED Director Holdom, that the Regional District provide \$5,545 to the Nanaimo Area Land Trust to respond to their request for financial support to carry out professional timber and real estate appraisals for a property on Mount Benson.

CARRIED

Town of Qualicum Beach Municipal Boundary Extension to Include Four Electoral Area 'G' Properties in Town.

MOVED Director Westbrook, SECONDED Director McNabb, that the comments listed in Schedule No. 1, regarding the Town of Qualicum Beach proposal to incorporate four properties currently within Electoral Area 'G' into the Town, be forwarded to the Town and to the Minister of Community, Aboriginal and Women's Services.

CARRIED

2004-2008 Financial Plan Review Process – Presentation.

The Chief Administrative Officer provided an overview of the upcoming Financial Plan Review Process.

Public Consultation on Financial Plan.

MOVED Director Holdom, SECONDED Director Cantelon,:

That the 2004 annual budget and five year financial plan be considered at regularly constituted public meetings of the Board and/or Committee of the Whole.

That the budget meeting timetable be prominently displayed on the Regional District website, at Regional District office locations and advertised two weeks in advance in the primary newspapers circulated in the Regional District.

That public information meetings be held at selected locations throughout the Regional District.

CARRIED

RISE & REPORT (From the In Camera Board Meeting)

Morningstar Creek Water LSA Amendment Bylaw No. 1125.01.

MOVED Director Westbrook, SECONDED Director Krall, that "Morningstar Creek Water Local Service Area Amendment Bylaw No. 1125.01, 2003" to remove Lot 1, Plan VIP62528, DL 28, Nanoose Land District from the Morningstar Creek Water Local Service Area be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

ADJOURNMENT

CARRIED

MOVED Director Tyndall, SECONDED Director Cantelon, that this meeting be adjourned to allow for an In Camera meeting.

TIME: 8:15 PM

CARRIED

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE SPECIAL BOARD MEETING
HELD ON TUESDAY, SEPTEMBER 30, 2003, AT 8:49 PM
RDN BOARD CHAMBERS**

Present:

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

Also in Attendance:

B. Lapham	General Manager of Development Services
C. Mason	General Manager of Corporate Services
N. Connelly	General Manager of Community Services
P. Shaw	Manager of Community Planning
S. Schopp	Manager of Inspection and Enforcement
N. Tonn	Recording Secretary

ELECUTIVE COMMITTEE

BC Ferry Authority.

MOVED Director McNabb, SECONDED Director Korpan, that the Regional District of Nanaimo nominate Thomas W. Harris and James J. Kemp to be considered by the BC Ferry Authority Board for appointment as Director from the Central Vancouver Island & Georgia Strait Appointment Area.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 8:50 PM

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES



TOWN OF QUALICUM BEACH

INCORPORATED 1942

201 - 660 Primrose St.
P.O. Box 130
Qualicum Beach, B.C.
V9K 1S7

Telephone: (250) 752-6921
Fax: (250) 752-1243
E-mail: qbtown@qualicumbeach.com
Website: www.qualicumbeach.com

September 29, 2003

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

Attention: Kelly Daniels, Administrator

Dear Mr. Daniels

Re: Glengarry Golf Links

REGIONAL DISTRICT OF NANAIMO			
OCT - 2 2003			
CHAIR	<i>[Signature]</i>	GMCrs	
CAO	<i>[Signature]</i>	GMDS	
GMCrs	<i>[Signature]</i>	GMES	
<i>Bob Carr</i>			

The Glengarry Golf Links has applied to the Agricultural Land Commission (ALC) for exclusion from the Agricultural Land Reserve (ALR). Glengarry Golf Links has provided a letter to the Town of Qualicum Beach stating that Glengarry will apply to have the Property included within the boundaries of the Town immediately upon the Property being excluded from the ALR.

The Town has corresponded with the ALC stating that if the ALC wishes to exclude the land from the ALR, the exclusion be conditional that the development is serviced with a community water and sewer system because of the potential health and environmental hazards, including impact to the aquifer that supplies the Town's drinking water.

On July 14th, 2003, Council of the Town of Qualicum Beach adopted a motion that states in part "... that the Town advise the RDN that if the Glengarry Golf Course application to remove land from the ALR is successful, the Town proposes to designate the property as a "Municipal Boundary Extension Candidate Area", under section 3.5 of the Urban Containment and Fringe Areas Management Implementation agreement, thereby bringing into effect section 4.5 of the same agreement."

Yours truly

M.D. (Mark) Brown
Chief Administrative Officer
Town of Qualicum Beach

File: 596D-20-GLEN
F: Letters/03/rdn.glengarry.mb

encls

AGE
[Stamp]



Glengarry GOLF LINKS

September 28, 2003

To: Mayor and Council
Town of Qualicum Beach

Reference: Glengarry Golf Links Development Project

The principals of Glengarry Golf Links (Glengarry) hereby give their undertaking and covenant to request the Glengarry property (Property) be included within the boundaries of the Town of Qualicum Beach (Town) immediately upon the removal of said property from the Agricultural Land Reserve (ALR). This undertaking by Glengarry is subject to an understanding and mutual agreement between Glengarry and the Town and based upon the conversation between Glengarry and the Mayor and Councilor Avis on September 28, 2003.

The essence of the understanding between Glengarry and the Town is:
Glengarry will apply to have the Property included within the boundaries of the Town immediately upon the Property being excluded from the ALR.

Glengarry appreciates the Town's efforts to date, the cooperation of the Town and the Town's commitment to ensuring an economically viable long-term development project within the Town of Qualicum Beach.

We look forward to the successful conclusion of the project and to officially becoming part of the Town of Qualicum Beach and its future.

Sincerely yours,

PER 

W. Craig Dutton LL.b,
Vice-President Clan Oil Inc.
Glengarry Golf Links is a wholly owned subsidiary of Clan Oil Inc.

a division of Clan Oil Inc.

1025 Qualicum Road, Qualicum Beach, B.C. V9K 1M5
Tel: (250) 752-8786 • Fax: (250) 752-6681 • e-mail: mail@glengarrygolf.com

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26



REGIONAL DISTRICT OF NANAIMO			
OCT - 8 2003			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
		<i>Bib</i>	<i>z</i>

MEMORANDUM

TO: Pamela Shaw
Manager, Community Planning

DATE: October 8, 2003

FROM: Keeva Kehler
Planner

FILE: 3360 30 0310

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

PURPOSE

To receive the Report of the Public Hearing containing the Summary of the Minutes and Submissions of the Public Hearing held on Tuesday, October 7, 2003, and further, to consider the proposed Covenant amendments to facilitate expanded public assembly uses on the subject property.

BACKGROUND

The Board considered the proposal to amend the land use Covenant and permit the expansion of public assembly events at Arbutus Meadows Equestrian Centre at its September 9, 2003 regular Board meeting and passed the following resolution:

MOVED Director Hamilton, SECONDED Director Bibby, that the minutes from the Public Information Meeting be received.

CARRIED

MOVED Director Hamilton, SECONDED Director Bibby, that Amendment Application No. 0309 submitted by Rob Bau on behalf of Samuel Bau to amend a Restrictive Covenant for the property legally described as Remainder District Lot 56, Nanoose District Except Parts in Plan 466R, 950R, 351 RW, 6761, 18519, 22727, 25734, 39893 to permit the expansion of the existing public assembly use to include non-equestrian related events to proceed to Public Hearing.

CARRIED

MOVED Director Hamilton, SECONDED Director Bibby, that the Public Hearing on the proposed Covenant amendment be delegated to Director Bibby or her alternate.

CARRIED

MOVED Director Bibby, SECONDED Director Hamilton, that any approval to permit expanded public assembly events be approved subject to the conditions outlined in Schedule No. 1 with the following amendments:

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

Item No. 4 - to only restrict the installation of a permanent or temporary ice surface.

Item No. 5 - to add that except that the hours may be extended with the written approval of the Regional District

And subject to public notification pursuant to the Local Government Act.

CARRIED

The Public Hearing was held on October 7, 2003. The summary of the minutes is attached for the Board's consideration (*see Attachment No. 2*).

As part of the development proposal, the applicant is in concurrence to meet a number of conditions of development that are recommended to be secured by Covenant prior to finalizing the approval. These conditions are outlined in Schedule No. 1 of this report (*see Schedule No. 1*).

ALTERNATIVES

1. To receive the Report of the Public Hearing and approve the requested expansion of non-equestrian related public assembly events as outlined in Schedule No. 1 and the draft Covenant document.
2. To receive the Report of the Public Hearing and not approve the requested expansion of non-equestrian related public assembly events.

INTERGOVERNMENTAL IMPLICATIONS

Referrals were sent to the Ministry of Health, Ministry of Transportation, City of Parksville, Provincial Planning Branch, Agricultural Land Commission, the and Nanoose Volunteer Fire Department.

Comments received to date include:

Ministry of Health: - the applicants will be required to obtain a health permit for each special event.

Ministry of Transportation - the applicants were required to construct an access lane and intersection improvements during the original approval for the equestrian centre. MOT has no objection to the proposal, subject to compliance with the ALC and RDN regulations. MOT believes that there is ample parking onsite and states there will be no impact on the Island Highway, provided there is adequate on-site traffic control/ marshalling during events.

Land Reserve Commission - no objection to expanded non-agricultural public assembly events provided these events total less than 50% of the events held at the equestrian facility.

Nanoose Volunteer Fire Department - the applicant discussed the proposal with Doug Penny, Fire Chief, and due to the location of a large reservoir on site that provides ample water for fire fighting purposes, no concerns were expressed. The conditions of approval incorporate the comments from the Fire Department at the time of the original construction of the arena facility.

PUBLIC CONSULTATION IMPLICATIONS

Pursuant to the *Local Government Act*, notification was mailed to all landowners within 200 metres of the subject property, public hearing notices were placed in the September 26th and September 30, 2003 editions of the P/Q News. In addition, the public hearing notice was placed on the RDN website notifying residents of the Public Hearing. The Public Hearing was held on October 7, 2003. Comments received at

the Public Hearing included a concern expressed by an employee of the adjacent Weyerhaeuser property with respect to parking on the private logging road during the special events. Two written submissions were received (see Attachments No. 3 and 4). In total, three people spoke at the meeting and support was expressed for the expanded public assembly events.

LEGAL IMPLICATIONS

The RDN solicitor has been consulted on the contents of the proposed Covenant document. Draft Terms of Instrument for the proposed Covenant document are attached (see Schedule No. 2). If the Regional Board finalizes the approval, the applicant will be required to prepare and register the Covenant on the Title of the subject property.

VOTING

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

SUMMARY

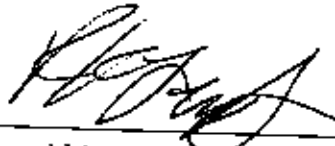
The purpose of the land use Covenant amendment proposal is to facilitate the expansion of non-equestrian related public assembly events at the Arbutus Meadows Equestrian Centre on the property legally described as District Lot 56, Nanoose District Except Parts in Plan 466R, 950R, 351 RW, 6761, 18519, 22727, 25734, 39893. A Public Hearing was held on the application on October 7, 2003. A number of conditions (as outlined in Schedules No. 1 and 2) are proposed; should these conditions be secured, it is recommended that the application could proceed to approval by the RDN Board.

RECOMMENDATIONS


1. That the Report of the Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held on October 7, 2003 be received.
2. That the proposal to amend the land use Covenant in order to facilitate expanded public assembly events on the subject property be approved subject to the conditions outlined in Schedules No. 1 and 2.
3. That staff be directed to secure the conditions as outlined in Schedule No. 1 prior to final approval by the RDN Board.



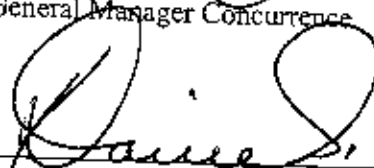
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devr:\reports\2003\3360_30_0309 Culverden Holdings (Arbutus Meadows).doc

SCHEDULE NO. 1

Application No. 3360 30 0309

Land Use Covenant Amendment

Culverden Holdings (Arbutus Meadows)

Conditions for Approval

The following conditions must be completed as part of the approval process for the proposed Covenant amendment.

1. All public assembly events and associated accessory uses, such as concessions and retail facilities shall be contained within the horse-riding arena.
2. The following public assembly events shall be permitted:
 - Arenacross (indoor motorcycles)
 - Paintball Tournaments
 - Indoor Soccer Tournaments
 - BMX Race/ Events
 - Dog and Cat Shows

Other public assembly events may be allowed with the written approval of the Regional District.

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

Schedule No. 2 (Page 1 of 2)
Proposed Covenant Amendments
Application No. 3360 30 0309

The applicant has agreed to enter into this agreement securing all conditions listed below and to register it against the title to the Land as a covenant and indemnity under section 219 of the *Land Title Act* prior to the final approval of the land use covenant amendment facilitating the expansion of non-equestrian related public assembly events.

COVENANTS RUNNING WITH THE LAND

The applicant agrees that all requirements set out in these conditions must be fulfilled prior to final approval of subdivision of any portion of the land. All covenants are to be prepared and registered by the applicant to the satisfaction of the Regional District.

TERMS OF INSTRUMENT – PART 2

WHEREAS:

A) The Grantor is the registered owner in fee simple of

PID: 004-918-487

District Lot 56, Nanoose District, Except Parts in Plan 466R, 950R, 351 RW, 6761, 18519, 22727, 25734, 39893

(hereinafter called the "Land").

B) The Grantee is the Regional District of Nanaimo (the "Regional District")

C) The Grantor has agreed to enter into this agreement and to register it against the title to the Land as a Covenant and indemnity under section 219 of the *Land Title Act*.

NOW THEREFORE IN CONSIDERATION of the premises and the covenants herein contained and the sum of \$10.00 paid by the Grantee to the Grantor and for other valuable consideration, receipt and sufficiency of which is hereby acknowledged by the parties, the parties hereto covenant and agree with each other as follows:

1. The Grantor as registered owner in fee simple of the Land agrees that the Land shall be built upon and used only in accordance with this covenant and agreement.
2. For the purposes of this agreement the following definition applies:
"Public Assembly Events" means Arenacross/ Indoor Motorcycle Events, Paintball Tournaments, Indoor Soccer Tournaments, BMX Races and Events, Go-Kart Races and Events and Dog and Cat Shows.

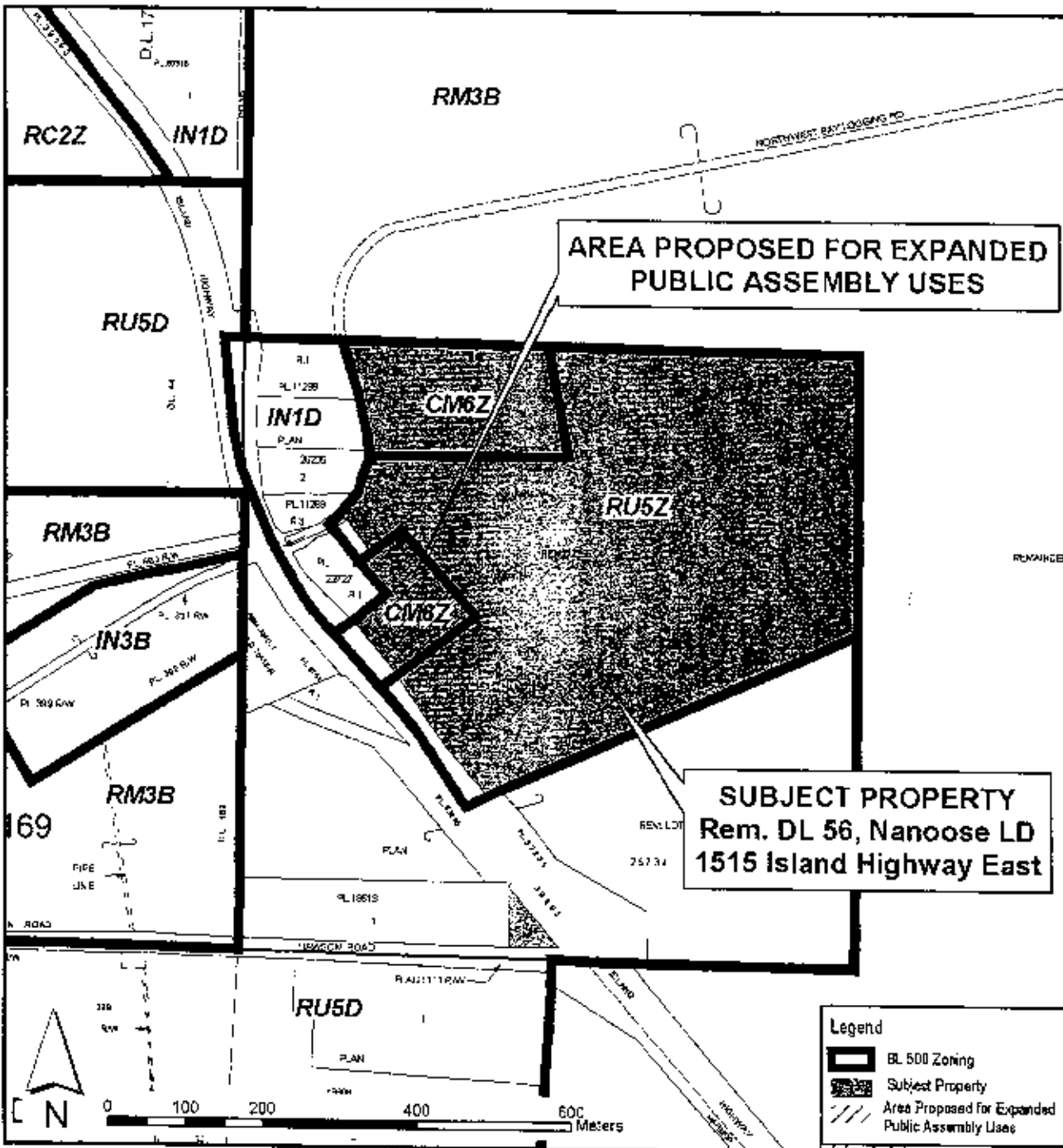
Schedule No. 2 (Page 1 of 2)
Proposed Covenant Amendments
Application No. 3360 30 0309

3. The Grantor may not use the Land except for the following purposes subject to the Grantor obtaining all necessary approvals in order to provide the following services (herein called "services and uses"):
- a) An Equestrian Riding Arena and Outdoor Jumping, Show and Rodeo Rings ("the Equestrian Facilities") and such uses as are accessory to and contained within such Equestrian Facilities;
 - b) Concessions, restaurants, tack and souvenir stores related to the permitted uses of the Land;
 - c) A guest ranch for the provision of accommodation to guests on a temporary basis, ancillary outdoor recreational facilities, and such uses as are accessory to and contained within the guest ranch;
 - d) Administration, operational and ancillary facilities required for the operation of the Equestrian Facilities and the guest ranch including facilities for staff, students and employees accessory to and contained within the Equestrian Riding Arena and buildings associated with the Equestrian Riding Arena.
 - e) Public Assembly Events and such uses considered accessory to these Events, including temporary concessions, retail and souvenir stores wholly contained within the Equestrian Riding Arena, except that other events may be permitted with the written approval of the Regional District of Nanaimo.
4. Notwithstanding any of the foregoing, the Grantor covenants and agrees that the Grantor shall not:
- a) Build or use or permit to be used on the Land more than 75 hotel units for temporary guest accommodation on the Land;
 - b) Subdivide the land into strata lots pursuant to the *Strata Property Act*, as amended from time to time or any Act or legislation in substitution therefore;
 - c) Use the Equestrian Facilities for horse racing or pari-mutuel betting;
 - d) Construct, or develop campground facilities on the Land or construct or develop hook-up facilities for campground use on the Land or use or permit the use of the Land for camping or use by recreational vehicles;
 - e) Permit more than 50% of the events in the Equestrian Riding Arena to be non-agricultural or non-equestrian events;
 - f) Alter the Equestrian Riding Arena by installing a permanent or temporary ice surface or use or permit the use of the Equestrian Riding Arena as an ice surface;
 - g) Allow a Public Assembly Event to commence prior to 8:00 a.m. or continue past 10:00 p.m. without written approval from the Regional District of Nanaimo;
 - h) Allow fuel to be stored or fuel to be dispensed for the purpose of Public Assembly Events unless the fuel is contained, stored and dispensed from a containment facility located on a curbed, non-permeable surface capable of containing any potential spills and preventing any discharge to the ground.
5. This Covenant and agreement runs with the Land.

6. This Covenant and agreement may be amended or modified by the agreement of both parties hereto from time to time in writing.
7. The Grantor shall release, indemnify and save the Grantee harmless from and against all actions, causes of actions, loss, damage, costs and demands whatsoever by any person, arising out of, or in any way due to the granting of or the Grantor's breach of, this covenant and agreement.
8. This Covenant and agreement enures to the benefit of and is binding on the parties and their respective successors.
9. Every reference in this agreement to the Grantor or the Grantee includes the officers and employees of each party.
10. Whenever the singular or masculine is used in this Covenant and agreement the same is deemed to include the plural or body corporate as the context requires.
11. Waiver of any default by the Grantee shall not be deemed to be a waiver or any subsequent default.

IN WITNESS WHEREOF the parties hereto hereby acknowledge that this Agreement has been duly executed and delivered by the parties executing Form C (pages**) attached hereto.

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



**ATTACHMENT NO. 2
REGIONAL DISTRICT OF NANAIMO
REPORT OF THE PUBLIC HEARING
HELD TUESDAY, OCTOBER 7 2003 AT 7:30 PM
IN THE NANOOSE LIBRARY
2489 NANOOSE ROAD, BC
TO CONSIDER LAND USE COVENANT AMENDMENT
SUMMARY OF THE MINUTES AND SUBMISSIONS**

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:

Pauline Bibby Director, Electoral Area 'E'

Keeva Kehler Planner

There were approximately 6 persons in attendance.

The Chairperson called the Hearing to order at 7:35 p.m., introduced those present at the head table and outlined the procedures to be followed during the Hearing.

The Planner provided an outline of the proposal including the background and a summary of the proposed events and associated development covenants.

The Chairperson called for formal submissions with respect to the land use Covenant amendment application.

John Eden, Operations Manager, Weyerhaeuser stated that he has no objection to the proposal to expand the public assembly uses to include non-equestrian events, but he was concerned about traffic control and parking during the events. Weyerhaeuser has a private logging road adjacent to the subject property with industrial traffic. At a recent swap meet participants used this private road to access the property and for parking. There are safety concerns with the public using this private access.

Elaine Smith stated that they had a derby show jumping event on the property this summer that was a great success. During this event parking areas were indicated using signage. Ms. Smith was supportive of the proposal.

Rob Galey stated that the lower field has been graveled and grassed over and is suitable for parking during events. Mr. Galey did not feel that parking would be an issue in the future.

The Chairperson called for further submissions a second time.

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

There being no further submissions, the Chairperson adjourned the Hearing at 7.50 p.m.

Certified true and accurate this 8th day October 2003.

Keeva Kehler
Recording Secretary

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ATTACHMENT NO. 3

SUBMISSIONS

South Island Timber Lands (Northwest Bay and Cowhican Operations)



South Island Timberlands
Northwest Bay Operation
1420 E. Island Highway
Nanaimo Bay, B.C.
Tel: 250-468-8813
Fax: 250-468-5843
Cel: 250-248-7830
E-Mail: john.eden@weyerhaeuser.com

October 7, 2003

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

Subject: Arbutus Meadows

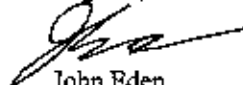
Attention: Planning Department

Weyerhaeuser has no objections to Arbutus Meadows seeking rezoning that would allow them to hold different events on their property. We do want to voice our concerns regarding traffic and traffic control. When the highway was upgraded to four lanes in the late 1970's we made an agreement with the Ministry of Highways to allow two land owners (Hub City RV and the old Baban Logging Rebuild shop) access to their property via our Private Logging Road. When Arbutus Meadows applied for rezoning in the late 1980's we were very adamant that access to the development was not to be via our logging road because of our concerns with safety and liability. We did allow Arbutus Meadows to connect to the Baban road during construction, but were very clear that this was only a temporary access and they must use their own access across from Dawson Road.

Over time our road has become the main access to the property with horse trailers coming and going, not only the short section off the highway but also our haul road down to Northwest Bay, at all times of the day. A few weeks ago when a Swap Meet was held, we had vehicles parked all along our road in signed no parking areas. I must stress again that our road is a private road and we run unlicensed oversized equipment on it as part of our business. If Arbutus Meadows is to receive approval to conduct large events then they must address the access issue.

We have had a good relationship with Arbutus Meadows and have a license with them that allows them to run Horse back trail rides on our lands.

Regards,



John Eden,
Operation Engineer

Cc Ministry of Transportation

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ATTACHMENT NO. 3

SUBMISSIONS

To: Pauline Barber

With regards to the Arbutus Meadows
facilities I believe the structure
with the indoor arena has huge potential
for a wide range of activities

not only for the facilities

I believe it provides opportunities
I also believe that the event space
could be used to attract
many families

In closing my only concern
how many activities will be
available to the community
with such activities in mind

I do apologise for the inconvenience

Thank you and hopefully to hear
the next meeting

Sincerely,

David Ford

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, SEPTEMBER 30, 2003, 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
Director L. Sherry	City of Nanaimo

Also in Attendance:

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

MINUTES

MOVED Director Bartram, SECONDED Director Bibby, that the minutes of the Electoral Area Planning Committee meeting held August 26, 2003 be adopted.

COMMUNICATIONS/CORRESPONDENCE

CARRIED

Helen Sims, re ZA0310 – Green Choice Energy Limited – Peterson Road – Area F.

MOVED Director Bartram, SECONDED Director Biggemann, that the correspondence from Helen Sims with respect to Zoning Amendment Application 0310, be received.

Eric Pattison, re DP No. 60347 – Oughtred/Sims – McFeely Drive – Area G.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, that the correspondence from Eric Pattison with respect to Development Permit Application No. 60347, be received.

PLANNING

CARRIED

AMENDMENT APPLICATIONS

ZA0310 – Green Choice Energy Limited – Peterson Road – Area F.

The Manager of Development Services noted proposed amendments to Schedule 1 of the staff report.

MOVED Director Biggemann, SECONDED Director Stanhope,:

1. That the minutes from the Public Information Meeting be received.

2. That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.03, 2003" submitted by Fern Road Consulting Ltd. on behalf of H. & F. Ventures and Green Choice Energy Ltd. to rezone the 21.1 ha property legally described as Lot A, District Lot 182, Nanoose District, Plan VIP65017 from A-1 (Agricultural 1) to Comprehensive Development 14 - 2570 Peterson Road, be approved subject to the conditions as outlined in amended Schedule 1, Schedules 2, 3 and 4 and that the bylaw be given 1st and 2nd reading.
3. That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.03, 2003" proceed to Public Hearing.
4. That the Public Hearing on "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Amendment Bylaw No. 1285.03, 2003" be delegated to Director Biggemann or his alternate.

DEVELOPMENT PERMIT APPLICATIONS

CARRIED

DP Application No. 60344 - Sullivan - Maxey & Newfield Roads - Area D.

MOVED Director Jepson, SECONDED Director Bartram, that Development Permit Application No. 60344 as submitted by Larry Sullivan and legally described as that Part of Lot 2 lying south of Maxey Road, Plan 6930, Section 17, Range 5, Mountain Land District to permit the placement of fill, to facilitate the establishment of a building envelope a minimum of 15.0 metres from the natural boundary, and to permit the siting of a well a minimum of 14.0 metres from the natural boundary of the Millstone River within the Natural Hazard Development Permit Area, be approved subject to the conditions as outlined in Schedule Nos. 1, 2 and 3.

CARRIED

DP Application No. 60346 - D. Friesen on behalf of Ming's Stores Ltd. Inc. - 1694 Cedar Road - Area A.

MOVED Director Kreiberg, SECONDED Director Bartram, that Development Permit Application No. 60346, submitted by Friesen's Rentals and Hardware on behalf of Ming's Stores Ltd. Inc., to recognize the siting of the recently constructed addition by relaxing the minimum setback requirement from the other lot line from 5.0 metres to 4.8 metres within the Cedar Village and Cedar Commercial/Industrial Properties Development Permit Area No. 3 for Lot A, Sections 15 and 16, Range 8, Cranberry District, Plan VIP71569, be approved subject to the conditions outlined in Schedule Nos. 1, 2 and 3 of the corresponding staff report and to the notification requirements of the *Local Government Act*.

CARRIED

DP Application No. 60347 - Oughtred/Sims - McFeely Drive - Area G.

MOVED Director Stanhope, SECONDED Director Bibby, that Development Permit Application No. 60347, submitted by Helen Sims of Fern Road Consulting Ltd. on behalf of Robert and Adele Oughtred to permit the construction of a dwelling unit and detached garage within the 'Environmentally Sensitive Areas and Hazard Lands' Development Permit Areas and to vary the maximum dwelling unit height from 8.0 metres to 8.6 metres on the subject property legally described as Lot 3, District Lot 9, Newcastle District, Plan VIP69413 be approved, subject to the requirements outlined in Schedule Nos. 1, 2, 3 and 4 and subject to notification requirements pursuant to the *Local Government Act*.

CARRIED

DP Application No. 60348 – Symington – 857 Flamingo Drive – Area G.

MOVED Director Stanhope, SECONDED Director Biggemann, that Development Permit Application No. 60348, submitted by Fern Road Consulting, Agent, on behalf of Wilfred Symington and Alan Symington, to facilitate the removal of an existing dwelling unit and construction of a new dwelling unit, and to vary the maximum dwelling unit height within the Residential 2 (RS2) zone from 8.0 metres to 9.0 metres for the property legally described as Lot 15, District Lot 10, Newcastle District, Plan 10115, be approved subject to the conditions outlined in Schedule No. 1 and subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

DVP Application No. 90317 & Request for Relaxation of the Minimum 10% Frontage Requirement – RK Brown & Associates on behalf of W. Roine – Farrar, Yellow Point and McQuarrie Roads – Area A.

MOVED Director Kreiberg, SECONDED Director Biggemann, that the request, submitted by RK Brown, on behalf of Wayne Roine to relax the minimum 10% frontage requirement for the Proposed Lots 2, 3 and 4, as shown on the 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 relax the minimum setback requirement from 8.0 metres to 5.3 metres to allow the siting of an existing dwelling unit from a lot line (adjacent to Farrar Road) proposed to be created by subdivision, be approved subject to Schedule No. 1 and the notification requirements pursuant to the *Local Government Act*.

CARRIED

DVP Application No. 90318 – Kehoe & Adams Freeman – 3475 Cambridge Road – Area E.

MOVED Director Bibby, SECONDED Director Stanhope, that Development Variance Permit Application No. 90318 to vary the minimum setback requirements of the Residential 1 (RS1) zone from 8.0 metres to 0.0 metres for the front lot line and from 5.0 metres to 0.0 metres from the other lot line to legalize the siting of a recently constructed retaining wall on the property legally described as Lot 31, District Lot 78, Nanoose District, Plan VIP51603 be approved, subject to the requirements outlined in Schedule Nos. 1, 2 and 3 and subject to notification requirements pursuant to the *Local Government Act*.

CARRIED

DVP No. 90319 – Smith & Tomei – 2476 Nuttal Drive – Area E.

MOVED Director Bibby, SECONDED Director Biggemann, that Development Variance Permit Application No. 90319 submitted by Anthony Smith, to vary the minimum setback of 15.0 metres from the natural boundary of the retention pond and from the natural boundary of the drainage ditch to 5.0 metres and to approve a building envelope to facilitate the construction of a dwelling unit and attached garage on the property legally described as Lot 8, District Lot 52, Nanoose District, Plan VIS4626 be approved subject to the requirements outlined in Schedule Nos. 1, 2 3 and 4 and subject to notification requirements pursuant to the *Local Government Act*.

CARRIED

FRONTAGE RELAXATION

Request for Acceptance of Cash in-lieu-of Park Land Dedication & Relaxation of the Minimum 10% Frontage Requirement – Fern Road Consulting Ltd. on behalf of Windward Development (2002) Ltd. Inc. No. 640334 – Arrowsmith Way & Wembley Road – Area G.

MOVED Director Stanhope, SECONDED Director Barram,:

1. That the request, submitted by Fern Road Consulting Ltd., on behalf of Windward Development (2002) Ltd. Inc. No. 640334 for cash in-lieu-of park land dedication be accepted.

2. That the request, submitted by Fern Road Consulting Ltd., on behalf of Windward Development (2002) Ltd. Inc. No. 640334 to relax the minimum 10% frontage requirement for proposed Lots 6 and 8, as shown on the plan of subdivision of Lot 2, District 29, Nanoose District, Plan 41955, Except Part in VIP72574, be approved.

CARRIED

Request for Acceptance of Park Land Dedication & Relaxation of the Minimum 10% Frontage Requirement - Koers & Associates on behalf of 3170497 Canada Inc., commonly known as Fairwinds Development - Carmichael Road - Area E.

MOVED Director Bibby, SECONDED Director Biggemann, that the request from Koers & Associates, on behalf of 3170497 Canada Inc., commonly known as Fairwinds Development, to relax the minimum 10% perimeter frontage requirement for Proposed Lots 2, 3, 4, 6 and 7 as shown on the Plan of Proposed Subdivision of Phase 9A be approved and the offer to dedicate park land in the location and amount as shown on the Plan of Proposed Subdivision of Phase 9A be accepted subject to Schedule No. 1 of the corresponding staff report.

CARRIED

Request for Relaxation of the Minimum 10% Frontage Requirement - K. vanWesten - Whiting Way - Area A.

MOVED Director Kreiberg, SECONDED Director Stanhope, that the request, submitted by K vanWesten to relax the minimum 10% frontage requirement for proposed Lot 1 of the proposed subdivision of the Remainder of Lot 1, Section 1, Range 6, Cedar District, Plan VIP68894 as shown on the plan of subdivision be approved.

CARRIED

OTHER

Eagle Nest Tree Development Permit Areas.

MOVED Director Bartram, SECONDED Director Stanhope,:

1. That the staff report to establish development permit areas and guidelines to protect eagle nest trees and possibly the nesting trees of other endangered birds by proceeding with a Public Consultation Strategy, be received for information.
2. That staff be directed to proceed with the Public Consultation Strategy as outlined in Attachment No. 1. to the corresponding staff report.
3. That the Regional Board request that the Minister of Water, Land and Air Protection consider amendments to the *Wildlife Act* to include a buffer area around eagle nest trees and added protection for other endangered species.
4. That the Regional Board request that the Minister of Agriculture consider amendments to the *Right to Farm Act* or the incorporation of policies to provide buffer protection for eagle nest trees.
5. That the Regional Board encourage each member municipality to begin a public consultation process to introduce a regional standard of bylaw to protect eagle nest trees and a buffer around the trees.

MOVED Director Kreiberg, SECONDED Director Stanhope, that the motion be amended to include the following:

6. That staff prepare a report on the feasibility and value of providing site specific Development Permit Areas based on qualified bird experts' advice, as an option to the minimum-standard specifications under current legislation.

CARRIED

The question was called on the motion as amended.

The motion CARRIED.

ADJOURNMENT

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

CARRIED

TIME: 6:55 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE COMMITTEE OF THE WHOLE
MEETING HELD ON TUESDAY, SEPTEMBER 30, 2003, AT 7:00 PM
IN THE RDN BOARD CHAMBERS

Present:

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

Also in Attendance:

B. Lapham	General Manager of Development Services
C. Mason	General Manager of Corporate Services
N. Connelly	General Manager of Community Services
P. Shaw	Manager of Community Planning
S. Schopp	Manager of Inspection & Enforcement
D. Trudeau	Manager of Liquid Waste
C. McIver	Manager of Solid Waste
N. Tom	Recording Secretary

DELEGATIONS

Jeannie & Derek Wardleworth, & Ute Hofmann, re Land Use Contravention – 2401 Northwest Bay Road – Area E.

Mrs. Wardleworth distributed written background information to the Committee members and raised her concerns with the existing cutting and coring business located at 2401 Northwest Bay. Mrs. Wardleworth asked that the Board seek an order that this business vacate its present site and move to a more suitable industrial site. Mrs. Hofmann provided information on a contravention previously served on her property and asked that the Board address the cutting and coring business contravention as aggressively.

LATE DELEGATION

MOVED Director Sherry, SECONDED Director Westbroek, that a late delegation be permitted to address the Committee.

Jim Young, re Terms of Reference for the Regional Landfill Site Liaison Committee.

Mr. Young provided background information with respect to previous proposals to close the Regional Landfill and asked that a third resident member be added under the Membership Criteria/Selection heading within the Terms of Reference of the Regional Landfill Site Liaison Committee.

MINUTES

MOVED Director Sherry, SECONDED Director Westbrook, that the minutes of the regular Committee of the Whole meeting held August 26, 2003, be adopted.

COMMUNICATIONS/CORRESPONDENCE

CARRIED

Alastair Kenning, City of Nanaimo, re RDN Drinking Water Initiative.

MOVED Director Krall, SECONDED Director Bartram, that the correspondence from the City of Nanaimo with respect to the RDN's drinking water initiative, be received.

Gillian Trumper, MLA, re West Coast General Hospital.

CARRIED

MOVED Director Krall, SECONDED Director Bartram, that the correspondence from Gillian Trumper, MLA, with respect to the Local Governments meeting held September 15, 2003, be received.

UNFINISHED BUSINESS

CARRIED

From the Committee of the Whole meeting held August 26, 2003.

Drinking Water Protection.

MOVED Director Bartram, SECONDED Director Westbrook,:

1. That the Board direct staff to organize a workshop that will assist the RDN in defining its role in drinking water protection.
2. That the Board direct staff to make application for a Local Government Infrastructure Planning Grant or a Smart Development Partnership to cover or offset the costs of a workshop.
3. That the Drinking Water Protection Workshop Terms of Reference be approved.
4. That, after the workshop, staff report back to the Board on the results of the workshop and with recommendations regarding a drinking water protection strategy for the Regional District.

MOVED Director Cantelon, SECONDED Director Westbrook, that this item be tabled until such time as the Vancouver Island Health Authority has been approached to understand their new role in water protection initiatives.

DEFEATED

MOVED Director Krall, SECONDED Director McNabb, that item No. 4 be amended to insert the words "and specific cost implications and allocations" between the words "recommendations" and "regarding".

The question was called on the main motion as amended.

CARRIED

The motion CARRIED.

COMMUNITY SERVICES

REGIONAL GROWTH MANAGEMENT

Intergovernmental Advisory Committee Terms of Reference.

MOVED Director Sherry, SECONDED Director Bartram, that the "Intergovernmental Advisory Committee Terms of Reference Update 2003" be approved.

CARRIED

Town of Qualicum Beach Request to Extend Community Sewer Service to Six Properties – Environmental or Public Health Reasons.

MOVED Director Westbrook, SECONDED Director Bartram:

1. That the Town of Qualicum Beach request for community sewer services for six properties for environmental or public health reasons be approved for:
 - a) Subject Properties 1, 2, 3 and 4 (Lot 5, DL 112, Nanoose District, Plan 2663; Lot 6, DL 112, Nanoose District, Plan 2663; Lot B, DL 112, Nanoose District, Plan 68732; and Lot 1, DL 112, Nanoose District, Plan 42665), subject to the owners of the properties paying their share of the full capital, operating and connection costs for community sewer service and the registration of restrictive covenants on the properties to limit the development of the properties to the maximum level specified for land designated by the Regional Growth Strategy as Rural Residential in Policy 3A of the Regional Growth Strategy;
 - b) Subject Property 5 (Lot A, DL 124, Nanoose District, Plan 42665), subject to the owner of the property paying their share of the full capital and operating and connection costs for community sewer service to the Regional Growth Strategy Industrial designated property;
 - c) Subject Property 6 (Lot B, DL 88, Nanoose District, Plan VIP71580), subject to the approval of the incorporation of the property into the Town of Qualicum Beach, the owner of the property paying their share of the full capital, operating and connection costs for community sewer service, and the registration of a restrictive covenant on the property to limit the development of the property to the maximum level specified for land designated by the Regional Growth Strategy as Resource Lands and Open Space in Policy 3A of the Regional Growth Strategy.
2. That staff be directed to bring forward a report and amendments to the Northern Community Sewer Local Service Area Development Cost Charge Area Bylaw and the Municipal Benefiting Area Bylaw to include the Subject Properties.

CARRIED

CORPORATE SERVICES

FINANCE

District 69 Ice Arena Conversion Bylaw No. 1358.

MOVED Director Bibby, SECONDED Director Westbrook,:

1. That the Ice Arena conversion bylaw incorporate taxation limits as the greater of \$1,292,050 or a tax rate of \$0.35 per \$1,000 of assessment.

2. That "Regional District of Nanaimo District 69 Ice Arena Conversion Bylaw No. 1358, 2003", as amended, be introduced for first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services for approval.

CARRIED

DEVELOPMENT SERVICES

BUILDING INSPECTION

Section 700 Filings.

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

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

- (a) Lot 2, Section 12, Range 5, Cedar Land District, Plan VIP57855, 2030 Pace Road, Electoral Area 'A', owned by T. Hawthornthwaite;
- (b) Parcel E (DD4013781) of Section 21, Gabriola Island, Nanaimo Land District, 371 Berry Point Road, Electoral Area 'B', owned by B & K Shopping Centre.

CARRIED

ENVIRONMENTAL SERVICES

LIQUID WASTE

Environmental Management Systems Implementation Plan.

MOVED Director Sherry, SECONDED Director McNabb,:

1. That the Environmental Management Systems Implementation Plan for the Liquid Waste Department be approved.
2. That staff be directed to apply for funding assistance opportunities under the Green Municipal Enabling Fund and Local Government Infrastructure Planning Grant programs.

CARRIED

SOLID WASTE

Terms of Reference for the Regional Landfill Site Liaison Committee.

MOVED Director Sherry, SECONDED Director Holdom, that the terms of reference dated September 2003 for the Regional Landfill Site Liaison Committee be approved.

MOVED Director Sherry, SECONDED Director Cantelon, that the terms of reference be amended to increase the number of residents to be appointed to the Regional Landfill Site Liaison Committee from two to three.

CARRIED

The question was called on the main motion as amended.

The motion CARRIED.

UTILITIES

Reserve Fund Establishing Bylaws – Surfside Water Service Area Reserve Fund Bylaw No. 1360 and Arbutus Park Estates Water Service Area Reserve Fund Bylaw No. 1359.

MOVED Director Longmuir, SECONDED Director C. Haime,:

1. That "Surfside Water Service Area Reserve Fund Bylaw No. 1360, 2003" be introduced for first three readings.
2. That "Surfside Water Service Area Reserve Fund Bylaw No. 1360, 2003" having received three readings be adopted.
3. That "Arbutus Park Estates Water Service Area Reserve Fund Bylaw No. 1359, 2003" be introduced for first three readings.
4. That "Arbutus Park Estates Water Service Area Reserve Fund Bylaw No. 1359, 2003" having received three readings be adopted.

CARRIED

Rural Streetlighting LSA Boundary Amendment Bylaw No. 791.09.

MOVED Director Westbrook, SECONDED Director Hamilton, that "Rural Streetlighting Local Service Area Boundary Amendment Bylaw No. 791.09, 2003" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

Electoral Area 'A' Parks and Open Space Advisory Committee.

MOVED Director Kreiberg, SECONDED Director McNabb, that the minutes of the Electoral Area 'A' Parks and Open Space Advisory Committee meeting held June 19, 2003 be received for information.

CARRIED

Nanoose Bay Parks & Open Space Advisory Committee.

MOVED Director Bibby, SECONDED Director McNabb, that the minutes of the Nanoose Bay Parks & Open Space Advisory Committee meetings held June 23 and September 8, 2003 be received for information.

CARRIED

Transit Business Plan Update Select Committee.

Director Krall, Chairperson of the Transit Business Plan Update Select Committee, updated Board members on the progress of the Committee.

MOVED Director Krall, SECONDED Director Westbrook, that the minutes of the Transit Business Plan Update Select Committee meeting held September 10, 2003 be received for information.

CARRIED

MOVED Director Krall, SECONDED Director Holdom, that Community Services staff be authorized to meet with representatives of School Districts 68 and 69 to discuss areas of possible service integration and that the CUPE Union locals representing both employee groups be invited to be present in those discussions.

CARRIED

District 69 Recreation Commission.

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

CARRIED

MOVED Director Bartram, SECONDED Director Westbrook, that the Regional District of Nanaimo approve the Sublease with the Parksville Curling Club Society for the use of the District 69 Arena for the term of October 1, 2003 to March 31, 2008.

CARRIED

Regional Waste Advisory Committee.

MOVED Director Sherry, SECONDED Director McNabb, that the minutes of the Regional Waste Advisory Committee meeting held September 11, 2003 be received for information.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

West Coast General Hospital.

MOVED Director Korpan, SECONDED Director Westbrook, that the Regional District of Nanaimo write to the Vancouver Island Health Association to request that the proposed bed closures at the West Coast General Hospital be reconsidered until further consultation is undertaken.

The motion CARRIED UNANIMOUSLY.

NEW BUSINESS

Interface Forest Fires.

MOVED Director Bartram, SECONDED Director Bibby, that with a view towards the protection of life, property and the environment from interface forest fires in the RDN, staff be directed to prepare a report on interface fire mitigation techniques and make recommendations that, if approved by the Board, would be included in the Regional Growth Management Strategy and Official Community Plans as part of the RDN's future land development strategy; and further that a copy of all information with respect to interface fire mitigation techniques be forwarded to the Emergency Planning Committee for their information and input.

CARRIED

Nanaimo Conference Centre.

Director Korpan thanked the Regional Board members and local MLAs for their support in the recent discussions taking place on the conference centre initiative.

IN CAMERA

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

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 8:13 PM

CHAIRPERSON

TO: Neil Connelly
General Manager, Community Services

DATE: October 7, 2003

FROM: Christina Thomas
Senior Planner, Community Services

FILE: 6780 50 RDWP

SUBJECT: DRINKING WATER PROTECTION INITIATIVE WORKSHOP
PROVINCIAL GOVERNMENT FUNDING

PURPOSE

The purpose of this report is to provide information about provincial government funding for the Drinking Water Protection Initiative Workshop.

BACKGROUND

On September 30, 2003, the Committee of the Whole approved Terms of Reference for the Drinking Water Protection Initiative Workshop, and directed staff to apply to the Province for a grant to cover the costs of the Workshop. Additional information regarding the likelihood that the Province would fund the Workshop was also requested.

RDN staff met with staff from the Ministry of Health Planning and the Ministry of Community, Aboriginal and Women's Services on October 2, 2003 to determine the Province's interest and ability to assist the RDN Drinking Water Protection Initiative Workshop. It was acknowledged that the RDN and the Province share a common interest in safe adequate drinking water supplies for residents. To that end, one of the Province's current key projects is the implementation of the new *Drinking Water Protection Act*. The Ministry of Health Planning has agreed to fund the full \$14,000 for the RDN to conduct the Drinking Water Protection Initiative Workshop (*Attachment #1*). Provincial government staff have also committed to assist with other aspects of the Workshop, such as recommending and or providing appropriate speakers, and assistance in the development of the discussion paper.

Additional information has also been obtained regarding funding as it relates to the Province's implementation of the *Drinking Water Protection Act*. The Province is allocating \$2,000,000 amongst the five health authorities in the Province to support the implementation of the *Act* based on the number of water systems in each health region, according to staff from the Ministry of Health Planning. This money is intended to be used by each health authority to hire a drinking water officer with the authority to investigate complaints, require testing and assessment, perform inspections, co-ordinate source protection, issues orders and take other steps to ensure water safety. Each health authority has some discretion regarding the use of its allocated money. Staff from the Vancouver Island Health Authority indicate that the \$300,000 allocated to it will likely be used to hire a drinking water protection officer, and a public health engineer as well as provide for clerical, administrative and office expenses for these positions.

The *Drinking Water Protection Act* only focuses on water quality issues and not water quantity issues; water quantity uses as they relate to development and future demands are the responsibility of other

parties, such as local governments. Much like the Province's role in liquid waste management and the corresponding role for local governments to provide community sewer service, there will still be a role for local government in the provision of water service. It would also appear that given the resource level the Province has allocated to *Drinking Water Protection Act* implementation (\$300,000 for the whole island) there will most likely be a need for local governments to assume some responsibility for water quality issues as well, through their development approval capabilities and other roles.

Infrastructure Planning Grant and or Smart Development partnership financial support may be available from the Ministry of Community, Aboriginal and Women's Services for drinking water protection initiative work beyond the initial exploratory workshop currently proposed.

ALTERNATIVES

1. Receive the report for information.
2. Receive the report for information and give additional direction to staff.

FINANCIAL IMPLICATIONS

The Ministry of Health contribution of \$14,000 will cover the total budgeted cost of the RDN Drinking Water Protection Initiative Workshop.

STRATEGIC PLAN IMPLICATIONS

The Drinking Water Protection Initiative Workshop will help fulfill Strategic Priority #3 of the RDN Board's strategic plan -Watershed/Drinking Water Protection.

GROWTH MANAGEMENT IMPLICATIONS

A safe, long term drinking water supply of sufficient quality and quantity is necessary to accommodate the current and projected population of the region. Little information is presently available about the quantity of water available in the region and whether it is sufficient to provide for the needs and wants of the current and projected future population of the region. Further compounding this issue is the fact that responsibility for water supply quantity and quality management is diffused among many different levels of government and the public, and there is a trend towards shifting provincial government responsibilities related to drinking water towards local governments, individuals and self-policing professional organizations. The proposed project will provide an opportunity for the Board to consider whether and how it might most appropriately respond to these issues.

PUBLIC CONSULTATION IMPLICATIONS

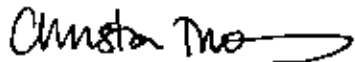
The quantity and quality of drinking water in the region has become an issue of key interest and concern among residents in the region. The proposed project will provide an opportunity for the Board to undertake explore the issue with the involvement of interested residents, key stakeholders and governmental representatives. It will also provide opportunities to raise public awareness about the challenges faced in securing and providing drinking water in the region, and to involve the public in the development of solutions to respond to these challenges.

SUMMARY

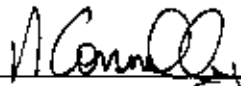
Information regarding Provincial government funding for the Drinking Water Protection Initiative Workshop was requested by the Committee of the Whole on September 30, 2003. Confirmation has been received that the Ministry of Health Planning will contribute \$14,000 to the RDN for the Workshop.

RECOMMENDATION

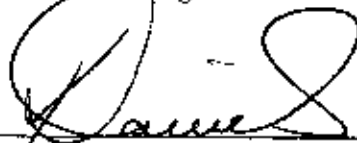
That the report "Drinking Water Protection Initiative Workshop- Provincial Government Funding" be received for information.



Report Writer



General Manager Concurrence



CAO Concurrence

ATTACHMENT 1

CONFIRMATION OF MINISTRY OF HEALTH PLANNING FUNDING FOR DRINKING
WATER PROTECTION INITIATIVE WORKSHOP

Thomas, Christina

From: Johnston, Kersteen HLTH:EX [Kersteen.Johnston@gems5.gov.bc.ca]
Sent: Tuesday, October 07, 2003 7:43 AM
To: Thomas, Christina; McFarlane, Florence
Cc: Rounds, Rod CAWS:EX; LeFevre, Allan CAWS EX; Boeltger, Barry HLTH:EX
Subject: Regional District of Nanaimo

Thank you for meeting with us on Thursday October 2 to discuss your proposal for a Drinking Water Protection Initiative Workshop and Consultation Plan.

As discussed the workshop and consultation process you outline are consistent with a number of initiatives under the Action Plan for Safe Drinking Water in British Columbia.

I am happy to advise you that the Ministry of Health Planning will fund the full \$14,000 for hard costs, as itemized in your proposal, for this project. Planning Grant or Smart Development partnership financial support for taking this project beyond the initial phase may also be available and should be addressed separately with MCAWS.

Additionally, I have asked my staff to support you in drafting the discussion paper and supporting the public workshop as their schedules allow.

Cheers!!

Kersteen Johnston
Executive Director, Health Protection
1515 Blanshard Street, Victoria BC V8W 3C8
Phone: 952-3335 Fax: 952-1713
Email: Kersteen.Johnston@gems5.gov.bc.ca

**Minutes for the Meeting held:
Wednesday, September 17, 2003 @ 1:30 PM
Regional District of Nanaimo – Committee Room
6300 Hammond Bay Road, Nanaimo, BC**

Present:

Neil Connelly, RDN
Christina Thomas, RDN
Bob Lapham, RDN
John Finnic, RDN
Brian McHaffey, Nanaimo
Paul Butler, Qualicum Beach

Bob Weir, Qualicum Beach
Cheryl Wirsz, Parksville
Ian Howatt, Lantzville
Roger Cheetham, LRC
Sharon Erickson, MWLAP
Allan Lefevre, MCWAS

Absent:

Gilbert Richir, MF
Wayne Haddow, MA
Dave Edgar, MT
David Coombe, VIHA

Item

1. Call to order.

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

2. Minutes from the Last Meeting (July 30, 2003).

The minutes from the last meeting were received as presented.

3. Old Business – Quick Updates

a) *City of Nanaimo Urban Containment Boundary and Regional Context Statement Change*

C. Thomas indicated that the RDN Board supported the City of Nanaimo request to move the Urban Containment Boundary to include two properties in north Nanaimo inside the Boundary.

B. McHaffey indicated that the City of Nanaimo had granted 1st and 2nd reading to the bylaws regarding the Boundary change, that a public hearing had been held, and that Council would soon be considering 3rd reading of the bylaw.

b) *State of Sustainability Project*

C. Thomas indicated that the first meeting of the committee that will be working with staff on the project, the Regional Growth Monitoring Advisory Committee, was held on September 16, 2003. The Committee will be meeting monthly. The purpose of the Project is to assess the sustainability of the region, and to involve residents of the region in that assessment. The first project deliverable is a public workshop to be held in January or February of 2004, to discuss with the public what they think the region would be like if it was sustainable and how they'd like the region to be in 20 years. Minutes of the Committee meetings will be provided to the RDN Board for consideration of receipt, and will be available on the RDN web site in the Board meeting agendas.

c) *2001 – 2002 Regional Growth Strategy Implementation Progress Report*

C. Thomas indicated that a report that summarizes key achievements and challenges faced in the implementation of the regional growth strategy in 2001 and 2002 was received by the RDN Board on September 9, 2003. Information for the report was obtained from the municipal and electoral area planning representatives on the IAC.

d) *Implementation Agreements – Urban Containment and Rural Protection*

C. Thomas indicated that on September 9, 2003 the RDN Board approved terms of reference for the review and development of implementation agreements concerning urban containment, from area

management and rural protection. It was noted that, pursuant to the terms of reference, the RDN would prepare materials about this matter for discussion with the municipalities and the IAC.

e) *Vancouver Island Highway Implementation Agreement*

C. Thomas indicated that RDN staff had met with Mike Proudfoot, Regional Manager, Ministry of Transportation, to have a preliminary discussion regarding the Vancouver Island Highway Implementation Agreement, and issues related to the coordination of decisions and actions as identified in the Agreement. A meeting of the Highway Liaison Committee is being arranged for November of 2003, so that the parties to the Agreement can review and discuss the specific actions of each party in relation to the objectives of the Agreement, and so that the parties can discuss whether there is a need to review the Agreement. (November 12, 2003 was proposed as the meeting date). Specific issues identified to date include the provincial initiative to establish commercial opportunities at rest stops adjacent to the highway, signage programs for the highway, the enforcement of signage regulation in the highway right of way, information about surplus Crown lands in the highway corridor and the disposition of these lands, and the maintenance of lands in the corridor.

4. **New Business**

a) *Report to IAC re: Draft Updated Terms of Reference for IAC*

C. Thomas provided an overview of the report circulated to the IAC about the draft updated terms of reference for the IAC, and invited comments about the draft terms of reference.

A. LeFevre stated that he had surveyed provincial government representatives on the Committee regarding their ability to participate in Committee work, and that the approach proposed in the draft updated terms of reference corresponds with the feedback he obtained. It was suggested that provision be made to conduct one annual meeting of all the members of the committee to review previous year achievements and to discuss the work program for the next year.

B. Mehaffey stated that the City's concern regarding the IAC focused more around the characterization of IAC recommendations in RDN staff reports when one or more municipalities might have a differing perspective about an issue than the majority of the committee.

b) *Report to IAC re: Criteria Regarding the Provision of Servicing to Address Environmental or Public Health Threats Pursuant to Policy 7B- Qualicum Beach Request & General Discussion*

N. Connelly provided an overview of the report circulated to the IAC about the Town of Qualicum Beach request to the RDN to provide community sewer service to six properties outside the Urban Containment Boundary to address environmental or public health threats, and invited comments about the approach that should be taken regarding the provision of services to land in these situations.

There was substantial discussion regarding the relationship between the provision of services to a property and the development expectations for the property, the need to ensure that additional development is not facilitated by the provision of services to address environmental or public health threats, the development of criteria for the provision of services to land for environmental or public health reasons, and the potential impacts of giving each party to the Regional Growth Strategy the ability to make decisions regarding what land should be serviced for environmental or public health reasons.

The Committee acknowledged the rationale for sewer services to be provided to the Subject Properties for environmental or public health reasons, but expressed concern that sewer service provision to the Subject Property 6 should be conditional upon its incorporation into the Town.

In regard to the development and implementation of criteria for the provision of services to respond to environmental or public health issues generally, one approach proposed would provide for criteria to be jointly developed and agreed upon, then each jurisdiction would take responsibility for

determining which property in its jurisdiction meets the criteria, and ensuring that development is limited on properties provided services for environmental or public health reasons to the level specified in the Regional Growth Strategy.

c) *Regional Context Statements – General Discussion Regarding Content and Format*


C. Thomas distributed copies of the Regional Context Statements presently included in municipal and electoral area official community plans so that the Committee could review the different approaches taken to the statements and the differences in terms of format and level of detail of the information provided in each statement. It was decided that the Committee would discuss the topic in more detail at the next meeting.

5. **Next Meeting.**

The next meeting was set for **Wednesday, October 29, 2003** at 1:30 PM at the RDN offices. The key topics anticipated to be discussed at the meeting include the urban containment and rural protection implementation agreements, provisions regarding servicing land designated Rural Residential and Resource Lands and Open Space for the purpose of addressing environmental or public health problems, and Regional Context Statement level of detail and format.

6. **Adjournment.**

N. Connelly adjourned the meeting at approximately 4:00 PM.



Chair, Neil Connelly

**Minutes for the Meeting held:
Tuesday, September 16, 2003 @ 6:45 PM
Regional District of Nanaimo - Committee Room
6300 Hammond Bay Road, Nanaimo, BC**

Present:

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

Director Bill Holdom, Committee Chair
Director Dave Bartram, Committee Deputy Chair
Director Joe Stanhope, Board Chair

Staff Resources:

Christina Thomas, Senior Planner, Community Services
Neil Connelly, General Manager, Community Services

Item

1. Call to order

RDN Board Chair, Director Joe Stanhope, called the meeting to order at 6:45 PM, thanked the Committee for their interest in the Regional District and the State of Sustainability Project, and indicated that the Project will help the Regional District to better understand its progress towards the more sustainable future envisioned by the Regional Growth Strategy. Director Stanhope then turned the Chair over to the Committee Chair, Director Bill Holdom.

Committee Chair, Director Bill Holdom, welcomed the Committee and spoke to the importance of sustainability and the role of the Regional Growth Strategy in achieving sustainability.

2. Introductions

The Committee members introduced themselves and summarized their interest in the Project.

3. Orientation Session

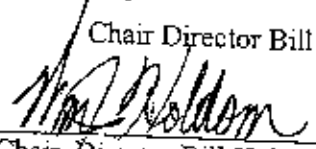
C. Thomas and N. Connelly delivered a PowerPoint presentation to orient the Committee to the State of Sustainability Project, the Committee roles and responsibilities, the Regional District of Nanaimo, the Regional District role in advancing sustainability, the Regional Growth Strategy, and sustainability assessment.

4. Next Meeting

The next Committee meetings were set for the evenings of Oct. 21st and then for the first Tuesday of each month starting on Nov. 4th.

5. Adjournment.

Chair Director Bill Holdom adjourned the meeting at approximately 8:30 PM.


Chair, Director Bill Holdom

REGIONAL DISTRICT OF NANAIMO
MINUTES OF HEALTH CAPITAL FINANCE SELECT COMMITTEE
MEETING HELD ON TUESDAY, SEPTEMBER 16, 2003 AT 2:00 PM
IN THE RDN COMMITTEE ROOM

Present:

Director J. Stanhope	Chairperson
Director E. Hamilton	Electoral Area C
Director T. Krall	City of Nanaimo

Also in Attendance:

K. Daniels	Chief Administrative Officer
C. Mason	Gen. Mgr. of Corporate Services
N. Avery	Manager of Financial Services

ADMINISTRATION

Regional Hospital District Cost Sharing Review.

The Manager of Financial Services provided an overview of the Ministry of Health Services' Regional Hospital District Cost Sharing Review.

MOVED Director Hamilton, SECONDED Director Krall, that the report be received and forwarded to the Board.

Cost Sharing for Health Care Facilities. CARRIED

The General Manager of Corporate Services introduced the cost sharing report and the Manager of Financial Services provided an overview.

MOVED Director Krall, SECONDED Director Hamilton, that the Health Capital Finance Select Committee meet again to refine the report and finalize cost sharing and a proposed strategy for presenting the report to other Regional Hospital Districts.

ADJOURNMENT CARRIED

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

CARRIED

TIME: 3:35 PM

CHAIRPERSON _____



REGIONAL DISTRICT OF NANAIMO		
SEP 11 2003		
CHAIR		GMCFS
CAO		GMDS
GMCS		GMES

MEMORANDUM

TO: C. Mason
General Manager, Corporate Services

DATE: September 11, 2003

FROM: N. Avery
Manager, Financial Services

FILE:

SUBJECT: Report on Regional Hospital District Cost Sharing Review

PURPOSE:

To provide summary comments on the Province of B.C.'s Ministry of Health Services, Regional Hospital District Cost Sharing Review.

BACKGROUND:

The Province undertook to review the capital planning processes and health capital cost sharing between Regional Hospital District's and the Province, under the new Health Authority model. The intent was to identify impediments to the flow of information between Health Authorities and Regional Hospital District's and constraints and concerns about capital funding.

The attached report summarizes the variety of issues and concerns expressed by Regional Hospital Districts, including governance and accountability, transparency, timeliness of information for budgeting purposes and planning for capital projects. The report recommends that the Province implement a specific capital planning process which includes milestones that involve communicating plans to Regional Hospital District's in a timeframe which will meet their budgeting requirements. The recent Memorandum of Understanding among Vancouver Island Regional Hospital District's and the Vancouver Island Health Authority (VIHA) incorporates the steps recommended in the report and so the report offers no new process in that regard. Of note is the recognition by the consultants on Page 9 of the Issues Summary section of the report, that :

" Despite being out of scope for this project, all of the Health Authorities and approximately 30% of the Hospital Districts indicated a desire for the RHDs to be eliminated. The reasons given by RHDs ... were that the current capital planning process did not provide sufficient opportunity for the RHDs to participate... and that RHDs did not have the technical capacity to evaluate options and provide meaningful input."

With regards to cost sharing, the report recommends that Health Authority and Hospital District legislation be amended to allow cost sharing to be negotiated between a Health Authority and a Regional Hospital District. In practical terms this means that if an RHD was unable or unwilling to cost share a specific project that the Health Authority would be able to proceed if it could find alternate sources of funding. The current legislation does not prohibit this approach and a recent example of support beyond the Provincial and Regional Hospital District shares has already occurred in our Regional District. Staff

refer to the Hospital Foundation support for the construction of the obstetrics wing of the Phase II expansion project at NRGH, in the amount of about \$3 million dollars, beyond the original budget.

ALTERNATIVES:

1. Receive the report for information.
2. Provide alternative direction to staff.

FINANCIAL IMPLICATIONS:

Not applicable.

SUMMARY/CONCLUSIONS:


A review initiated by the Province into concerns expressed by Regional Hospital District's and Health Authorities over reporting and financial accountability is complete and the report has been circulated to Committee members. The report recommends that a specific and consistent planning cycle be implemented, which will focus the parties on when and what will be communicated about the Health Authority plans. It also recommends that Health Authorities and RHD legislation be amended to incorporate broader definitions of capital and allow more flexible capital cost sharing arrangements between Health Authorities and RHDs.

Vancouver Island Regional Hospital Districts have recently entered into a Memorandum of Understanding with VIHA which largely covers the report recommendations for capital planning and so the report offers nothing new in this regard.

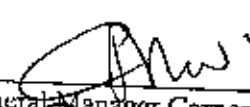
With regard to capital cost sharing, alternative approaches have already occurred in this health region (MRI building at NRGH) albeit with some reluctance by the parties because of the lack of direction and support from the Province. The report offers no new approach in this regard.

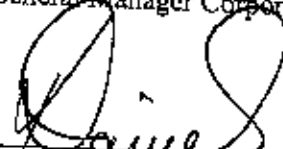
RECOMMENDATION:

That the "Regional Hospital District Cost Sharing Review" report be received for information.



Report Writer



General Manager Corporate Services


C.A.O. Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE COMMUNITY BONDS SELECT COMMITTEE
MEETING HELD ON THURSDAY, SEPTEMBER 18, 2003 AT 2:30 PM
IN THE RDN COMMITTEE ROOM

Present:

Director P. Bibby	Electoral Area E
Director R. Longmuir	City of Parksville
Director T. Westbrook	Town of Qualicum Beach

Also in Attendance:

Director D. Bartram	Electoral Area H
F. Manson	Treasurer, City of Parksville
J. Marsh	Treasurer, Town of Qualicum Beach
C. Mason	Gen. Mgr. of Corporate Services
N. Avery	Manager of Financial Services

CHAIRPERSON

MOVED Director Westbrook, SECONDED Director Longmuir, that Director Bibby chair the meeting in the absence of Director Stanhope.

ADMINISTRATION

CARRIED

Community Bonds Financing for Multiplex.

The Manager of Financial Services provided an overview of the updated analysis regarding community bond financing for the Arena Multiplex.

Discussion was held with respect to the challenges faced in issuing a community bond for this particular project including investments, the volumes necessary to make a community bond viable and the need for significant personal involvement either by RDN Board or staff, or other professional assistance.

MOVED Director Westbrook, SECONDED Director Longmuir, that the Board abandon a community bond initiative and consider other alternatives which could reduce overall borrowing costs including using short term MFA financing and the proposal from the Town of Qualicum Beach to prepay or loan their portion of the project to the RDN.

ADJOURNMENT

CARRIED

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

CARRIED

TIME: 3:22 PM

CHAIRPERSON _____

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REGIONAL DISTRICT OF NANAIMO			
OCT - 8 2003			
CHAIR		GMCS	
CAO		GMDS	
GMCS		GMES	
		<i>D.H.</i>	<input checked="" type="checkbox"/>

MEMORANDUM

TO: Stan Schopp
 Manager, Building Inspection and Enforcement

DATE: October 8, 2003

FROM: Tom Armet
 Bylaw Enforcement Officer

FILE: 03G058

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

PURPOSE

To obtain Board direction regarding the unsafe/dangerous structure on the above property.

BACKGROUND

Property: 4025 West Island Highway, Qualicum Beach, BC

Legal: Lot 1, Plan V1164106, District Lot 80, Newcastle District

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

Regional District staff received a complaint concerning the unsafe condition of the old Little Qualicum School House located on the above property. Concern was expressed that the overall condition of the building posed potential safety risks should persons trespass onto the property. The building, which had been constructed several decades ago, was sold by School District No. 69 to a numbered company in 1996. The building has not been used for several years.

A staff inspection of the two-story building was carried out. All windows and doors were broken and there had been extensive vandalism to the interior of the building. The property, which fronts the Island Highway, was fenced and the gate was locked at the time of the initial inspection. The owner was contacted and advised of the condition of the building and requested to properly secure the building to prevent public access. The owner initially advised that the building would be demolished, however, failed to respond to our requests to make the building secure. Staff continued to monitor the condition and use of the building.

Staff recently noted an increased amount of activity on the property. The gate had been forced open, walls and fixtures had been smashed further and there was evidence of fires having been started. During one inspection, a staff member surprised two males in the process of stealing fixtures from the building. Considerable art work/graffiti is now present indicating that unknown persons have been spending a considerable amount of time inside the building.

The Chief Building Inspector conducted a comprehensive inspection and concluded as follows:

“There are numerous health and safety concerns including broken glass, boards with nails protruding, water leaks in the roof which may cause sections of plaster on the ceiling to fall, holes and soft areas in floor, stair guards and handrails that are missing or in unserviceable condition, and apparent loose bricks on the chimney. The overall maintenance and condition of the building has been let go to a point where it is unsafe for occupancy.”

extent that it would be cost prohibitive to resurrect the structure to any productive use. As the building and site are currently unsecured there is a risk to any public entering. There is evidence of vandalism and access by the public and the owner needs to immediately secure the building or demolish the structure. An additional health concern is that the entire building is covered in mould on the interior and many areas of the exterior. Recommend proceeding with swift action to secure building. If owner does not cooperate I would support a demolition bylaw."

ALTERNATIVES

1. To proceed with action to order the removal of the unsafe/dangerous building, pursuant to Section 698 of the *Local Government Act*.
2. To take no further action.

FINANCIAL IMPLICATIONS

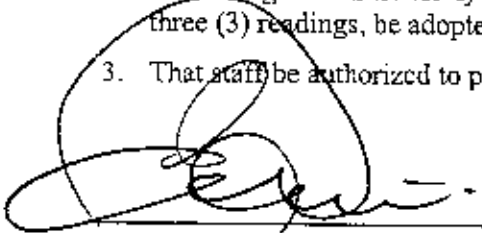
There are no initial financial implications involved as all costs incurred in a Section 698 action are charged back to the property owner, pursuant to the *Local Government Act* and *Rural Taxation Act*. However, if the property owner enters into an appeal to the Section 698 bylaw, then legal costs can quickly escalate. If the action ultimately results in the need to apply for a Court Order, costs including disbursements are estimated at \$3,000.

SUMMARY/CONCLUSIONS

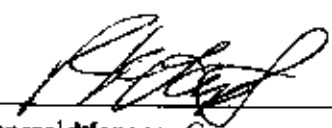
The recent elevated activity and advanced deterioration of the building would dictate some urgency in eliminating the risks associated with the condition and use of the property. Staff is of the opinion that the condition of the building has deteriorated to the extent that it is no longer serviceable and it would be cost prohibitive to bring it up to standard. Public trespassing and vandalism will no doubt continue until some action is taken to address the dangerous condition of this building. Unfortunately, the owner who lives in Calgary is not responsive to this concern.

RECOMMENDATIONS

1. That "Regional District of Nanaimo Structure Removal Bylaw No. 1362, 2003" be introduced and given three (3) readings.
2. That "Regional District of Nanaimo Structure Removal Bylaw No. 1362, 2003", having received three (3) readings, be adopted.
3. That staff be authorized to proceed with legal action if necessary to ensure compliance.



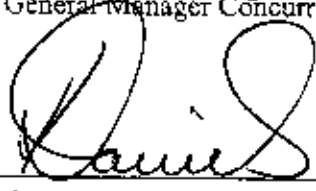
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

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REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1362, 2003

A BYLAW TO AUTHORIZE THE REMOVAL OF AN UNSAFE STRUCTURE

WHEREAS Section 791(1)(b) of the Local Government Act authorizes the Regional Board to exercise the power contained in Section 698 of the Local Government Act, namely to authorize by bylaw the demolition, removal or bringing up to a standard specified in the bylaw of a building, structure or thing, in whole or in part that contravenes a bylaw, or that the Regional Board believes is in an unsafe condition;

AND WHEREAS the building situated at Lot 1, Plan VIP64106, District Lot 80, Newcastle District, hereinafter called "the land", is in the opinion of the Regional Board, in an unsafe condition;

AND WHEREAS Section 794(5) and Section 269 of the Local Government Act empowers the Regional Board to recover the expense of itself doing any work in default of a person or persons directed to do that work, together with costs and interest at the rate prescribed under Section 11(3) of the Taxation (Rural) Act, in the same manner as municipal taxes;

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

1. This bylaw may be cited as "*Regional District of Nanaimo Structure Removal Bylaw No. 1362, 2003*".
2. The building, which is situated on "the land" is hereby declared to be in an unsafe condition, and the owner, pursuant to this bylaw, is hereby directed to demolish or remove the building from the land.
3. The Board shall give 30 days notice of its intention to carry out the action contemplated by this bylaw by sending to the owner, tenant and occupier of the land by double registered mail at the known address of each person, a copy of this bylaw and a copy of Section 698 of the Local Government Act in order to inform the owner of the right of appeal against this bylaw.
4. At the expiration of 30 days notice, if no appeal has been filed and the owner has failed to carry out the work directed to be done by this bylaw, the Board of the Regional District of Nanaimo is authorized to enter upon the land and to carry out the work by itself or by others at its direction, and the expense of the work, if unpaid by December 31st in the year in which the work was done, shall be added to and form that part of the taxes payable on the land designated in the notice.

Introduced and read three times this 14th day of October, 2003.

Adopted this 14th day of October, 2003.

Chairperson

General Manager Corporate Services

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