

Burgoyne, Linda

From: Robin Cole [rocket_cole@yahoo.com]
Sent: Wednesday, June 13, 2001 1:34 PM
To: corpsrv@rdn.bc.ca
Subject: C Mason

To whom it may concern:

We would like to request an opportunity to present some issues to the Development Service Committee that have arisen in our neighborhood. These issues involve quality of water, safety, excessive noise, air quality and industrial traffic in a residential area. Niel Christensen and myself will be representing our neighbors.

It is understood we will be permitted 10 min on the 19th of June. If there is any additional information, or to confirm our attendance please contact us at this e-mail address rocket_cole@yahoo.com or call Neil at 954-1655 or Robin Cole at 954-0317.

Many thank for your attention to this matter

Sincerely

Robin Cole

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE DEVELOPMENT SERVICES COMMITTEE
MEETING HELD ON TUESDAY, SEPTEMBER 18, 2001, AT 7:30 PM
IN THE CITY OF NANAIMO COUNCIL CHAMBERS,
455 WALLACE STREET, NANAIMO, BC

Present:

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

Also in Attendance:

K. Daniels	Chief Administrative Officer
B. Lapham	General Manager of Development Services
N. Connelly	General Manager of Community Services
P. Shaw	Manager of Community Planning
S. Schopp	Manager of Inspection & Enforcement
N. Tonn	Recording Secretary

Director Holme asked for a minute of silence in respect for the tragedy in the United States on September 11, 2001.

MINUTES

MOVED Director Rispin, SECONDED Director Sherry, that the minutes of the regular Development Services Committee meeting held August 28, 2001, be approved.

CARRIED

CORRESPONDENCE/COMMUNICATIONS

Oceanside Development & Construction Association, re Bylaw No. 500.268 – Amendments to Subdivision Districts – Area E.

MOVED Director Elliott, SECONDED Director Holme, that the correspondence received from Oceanside Development & Construction Association with respect to clarification of the status of Bylaw No. 500.268, be received for information.

CARRIED

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 Holme, SECONDED Director Sherry, 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 will be pursued:

- (a) Lot 3, Section 11, Range 7, Plan 3163, Cranberry Land District, 2180 South Wellington Road, Electoral Area 'A', owned by R. Soderstrom;
- (b) Lot B, Section 19, Plan 33183, Gabriola Island, Nanaimo Land District, 900 Bertha Avenue, Electoral Area 'B', owned by C. and D. Guest;
- (c) That part of Lot 1, Block 4, District Lot 27G (formerly known as District Lot 27), Plan 6756, Lying to the south of a boundary extending at right angles to the easterly boundary of said lot, from a point in the said easterly boundary distant 140 feet from the north easterly corner of said Lot 1, except that part in Plan 7960, Wellington Land District, 7022 Lavender Road, Electoral Area 'D', owned by M. and K. Monteiro;
- (d) Lot 5, Section 16, Range 3, Plan 30151, Mountain Land District, 3126 West Road, Electoral Area 'D', owned by R. and L. Easthom.

CARRIED

PLANNING

DEVELOPMENT VARIANCE PERMIT

Application No. 0107- Pearce and Doricich - 2945 Ingram Road - Area A.

MOVED Director Elliott, SECONDED Director Stanhope, that Development Variance Permit Application No. 0107, submitted by David Pearce and Lesley Doricich, to facilitate the development of a two-car detached garage and vary the minimum setback requirement for a building or structure within a Rural 4 zone from 8.0 metres (26.3 feet) to 6.0 metres (19.7 feet) for the exterior side lot line located along Ingram Road, and from 8.0 metres (26.3 feet) to 2.0 metres (6.6 feet) for the rear lot line located along the south boundary of the subject property for the property legally described as Lot B, Section 10, Range 4, Cedar District, Plan VIP66286, be approved as submitted subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

OTHER

Application No. FLR 0105 - McGarrigle - Munroe Road - Area D.

MOVED Director Haime, SECONDED Director Sherry, that the Board of the Regional District of Nanaimo support the application for inclusion into the Forest Land Reserve for the property legally described as The West 20 Acres of Section 15, Range 5, Mountain District, the East 20 Acres of the West 40 Acres of Section 15, Range 5, Mountain District, Parcel B (DD 8669N) of Section 15, Range 5, Mountain District.

CARRIED

MOVED Director Haime, SECONDED Director Sherry, that the application be referred to the Growth Management Review Process as a potential amendment for consideration subject to the approval of the inclusion by the Land Reserve Commission.

CARRIED

Zoning Amendment – Valentim – 2651 Island Highway – Area A.

MOVED Director Holme, SECONDED Director Korpan,:

1. That Amendment Application No. 0105 submitted by John and Rhonda Valentim, to rezone the subject property legally described as Lot 3, Section 6, Range 7, Cranberry District, Plan 10423 Except Parcel A (DDG95323), from Rural 4 (RU4) to Comprehensive Development 10 (CD10) be advanced to a public hearing subject to the conditions outlined in Schedule No. 1.
2. That “Regional District of Nanaimo Land Use and Subdivision Amendment Bylaw No. 500.278, 2001” be given 1st and 2nd reading and proceed to Public Hearing.
3. That the Public Hearing on “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.278, 2001” be delegated to Director Elliott or his alternate.

MOVED Director Elliott, SECONDED Director McLean, that Schedule No. 4, Section 6.4.108.5, item 3 be amended to allow for the placement of “For Sale” signs in vehicles to distinguish them from repair vehicles.

CARRIED

The question was called on the main motion as amended.

The motion CARRIED.

Manufactured Homes in RS1 Zone – Columbia Beach – Area G.

MOVED Director Stanhope, SECONDED Director Macdonald, that the staff report outlining options with respect to restricting the siting of mobile homes or manufactured dwelling units in the Columbia Beach neighbourhood of Electoral Area ‘G’, be received for information and that the RS1 zoning regulations not be amended.

CARRIED

Liquor License Increased Occupancy Capacity Applications – Areas A & G.

MOVED Director McLean, SECONDED Director McNabb, that the Board of the Regional District of Nanaimo recommend that the applications for increases in occupancy capacity, as submitted by Timberland Pub, legally described as R. 1, Plan 29967, District Lot 15, Bright Land District Except that Part in Plan 38105, and French Creek House Resort, legally described as Lot 1, Plan 58358, District Lot 28, Nanoose Land District, be supported, subject to the applicants meeting all zoning, building inspection and official community plan bylaw requirements.

CARRIED

LATE ITEMS

ADMINISTRATOR’S REPORT

Green’s Landing Wharf – Gabriola Island.

MOVED Director Westbroek, SECONDED Director Sperling, that given the community’s interests in the Green’s Landing Wharf and the dire ramification to residents on Gabriola Island and Mudge Island if the Federal Government proceeds with plans for wharf demolition after the expiry of the Regional District’s current short term lease at the end of September, Public and Government Services Canada and BC Assets and Lands Corporation be urged to complete a transfer or long term lease arrangement for Green’s Landing Wharf with the Regional District of Nanaimo.

CARRIED

AVICC TAC Meeting at UBCM

Director Hamilton has received an invitation to a Joint TAC meeting with members from Vancouver Island and the Sunshine Coast during UBCM and requested the Board's direction.

MOVED Director McNabb, SECONDED Director Rispin, that Director Hamilton attend the Joint TAC meeting during UBCM provided that the members in attendance be made aware of the RDN Board's policy position with respect to treaty negotiations and the Board's resolution of August 14, 2001.

CARRIED

IN CAMERA

MOVED Director Holme, SECONDED Director Sherry, that pursuant to Section 242.2(I)(f) of the *Local Government Act* the Committee proceed to an In Camera Development Services Committee Meeting to consider a matter of litigation or potential litigation affecting the Local Government.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 8:02 PM

CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO			
OCT 11 2001			
CHAIR		GMCrS	
CAO		GMDS	
GMCrS		GMES	
DSE			
		DATE:	

MEMORANDUM

TO: Pamela Shaw
 Manager, Community Planning

DATE: October 10, 2001

FROM: Deborah Jensen
 Planner

FILE: 6635 07 0104

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

PURPOSE

To provide direction for the reconsideration of an application for a soil conservation permit for land within the Agricultural Land Reserve.

BACKGROUND

The Board of the Regional District of Nanaimo, at its regular meeting held on September 11, 2001, approved the following resolutions:

MOVED Director McNabb, SECONDED Director Pullen, that the application for a Soil Conservation Permit under the Soil Conservation Act for Lot 3, District Lot 8, Cameron District, Plan 1981, be approved for the removal of up to 4000 m³ of material from the area specified and approved by the Land Reserve Commission and other agencies to facilitate the construction of a riding ring, and provided that any material extracted be used for the purpose of road construction as authorized by Permission to Construct Works in Crown Land and not for off-site sales.

CARRIED

MOVED Director McNabb, SECONDED Director Rispin, that a \$1000 performance bond be required of the applicant to ensure that the extracted materials are not sold off-site.

CARRIED

In a letter dated September 17, 2001, Mr. Champoux, acting as agent for the applicant, was notified of the Board resolution and informed that a \$1000 performance bond was required to be submitted to the Regional District prior to issuance of the approved Soil Permit. This bond has not been received from the applicant and, therefore, the Soil Permit has not been issued.

At the October 9, 2001 meeting of the Board of the Regional District of Nanaimo, Mr. Champoux attended as a delegation to request that the requirements for the soil permit be relaxed. Mr. Champoux indicated that construction of the proposed road would only require approximately 1000 m³ of material, and if he is required to utilize all of the material, this would result in removal of trees and development of a larger road. Therefore, Mr. Champoux is requesting the removal of the entire 4000 m³, utilizing a portion of this material for road construction, and disposing of the remaining material. Mr. Champoux has offered to abide by additional conditions to the permit including restricting the on site sale of any the material, limiting the timeline for the removal to 60 days as required by the Ministry of Energy and Mines and carrying out the work during business hours.

The Board subsequently recommended the application be referred back to the Development Services Committee. It is noted that Section 27 (3) of the "Regional District of Nanaimo Board Procedure Bylaw No. 1199, 2000" dictates that a motion to reconsider requires two-thirds majority of the votes cast to pass. A motion to reconsider may only be made by a member who was absent from the meeting at which the vote was taken or by a member who voted in the majority on the resolution. If the Board wishes to reconsider the terms of the Soil Conservation Permit Application it will require consideration of the following recommendations:

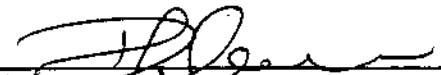
RECOMMENDATIONS

(All Directors – 2/3 Vote)

1. That the resolutions of September 11, 2001 regarding the Soil Conservaton Permit Application No. 0104 be reconsidered.


(All Directors Except Electoral Area B – One Vote)

2. That the application for a Soil Conservation Permit under the Soil Conservation Act for Lot 3, District Lot 8, Cameron District, Plan 1981, be approved for the removal of up to 4000 m³ of material from the area specified and approved by the Land Reserve Commission and other agencies to facilitate the construction of a riding ring, and provided that any material extracted be used for the purpose of road construction as authorized by Permission to Construct Works in Crown Land and not for off-site sales.
3. That a \$1000 performance bond be required of the applicant to ensure that the extracted materials are not sold off-site.


Report Writer


Manager Concurrence


General Manager Concurrence


CAO Concurrence

COMMENTS:

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MEMORANDUM

TO: Kelly Daniels
Chief Administrative Officer

DATE: September 5, 2001

FROM: Robert Lapham
General Manager, Development Services

FILE: 6635 07 0104

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

PURPOSE

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

BACKGROUND

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

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

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

Subject Property

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

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

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

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

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

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

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

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

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

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

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

ALTERNATIVES

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

GROWTH MANAGEMENT PLAN IMPLICATIONS

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

OFFICIAL COMMUNITY PLAN IMPLICATIONS

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

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

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

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

ENVIRONMENTAL IMPLICATIONS

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

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

PUBLIC CONSULTATION IMPLICATIONS

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

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

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

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

SUMMARY/CONCLUSIONS

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

Conditional approvals have been issued by the LRC, the Ministry of Energy and Mines, and the Ministry of Water, Land and Air Protection. Prior to works being initiated, the applicant requires a soil conservation permit be issued by the RDN. Staff recommends that, given the stated intentions of the applicant, a permit be approved for the removal of up to 4000 m³ of material (only from the area

specified and approved by the Land Reserve Commission and other agencies) to facilitate the construction of a riding ring, and provided that any material extracted be used for the purpose of road construction as authorized by Permission to Construct Works in Crown Land. Excess material would have to remain on site and be used in accordance with other agencies' approval. Further, staff proposes that a \$1000 performance bond be required of the applicant as a condition of the permit to ensure that materials are used only for the intention stated by the applicant and to ensure that the impacts of the extraction on area residents are minimized.

RECOMMENDATIONS

1. That the application for a Soil Conservation Permit under the *Soil Conservation Act* for Lot 3, District Lot 8, Cameron District, Plan 1981, be approved for the removal of up to 4000 m³ of material from the area specified and approved by the Land Reserve Commission and other agencies to facilitate the construction of a riding ring, and provided that any material extracted be used for the purpose of road construction as authorized by Permission to Construct Works in Crown Land and not for off-site sales.
2. That a \$1000 performance bond be required of the applicant to ensure that the extracted materials are not sold off-site.

Report Writer

CAO Concurrence

COMMENTS:

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SCHEDULE 1



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

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



Registered Owner(s) Spirit, Alan ^{Clara} Champoux	Agent / Operator Clara + Jim Champoux
Address 3230 Palmer Rd Qualicum Beach	Address 3230 Palmer Rd Qualicum Beach
Tel. (home) (250) (work) 752-8822	Tel. (home) (250) (work) 752-8822 Cell 715-8368



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



Municipality or Regional District Nanaimo RECEIVED LAND RESERVE MAR 15 2001

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



List all existing uses on the subject property

Hobby Farm

Equestrian Facility

Describe all buildings 1 Residence

1 barn


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

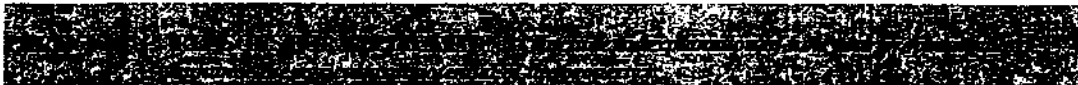
very sandy, fairly flat, sloping away to westland

SCHEDULE 1 (cont'd)



North
 East
 South
 West


 All private Residence and
 small hobby Farms



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

To haul away excessive excavation
 material for riding ring site

see attached letter.

RECEIVED
 LAND RESERVE
 COMMISSION
 MAR 15 2001



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

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

SCHEDULE 1 (cont'd)



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

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

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

Champoux

Oct 23/01

Signature of Owner(s)

Date

The following documents MUST accompany the application:

RECEIVED
LAND RESERVE
COMMISSION
OCT 23 2001

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

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

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

SCHEDULE 2

July 19, 2001

Reply to the attention of Gordon Bednard

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

Attention: Deborah Jensen

Dear Ms. Jensen:

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

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

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

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

CONDITIONS OF APPROVAL

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

SCHEDULE 2 (cont'd)

RDN – July 19/01
Page 2

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

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

Please quote the above application number in all future correspondence.

Yours truly,

LAND RESERVE COMMISSION

per:

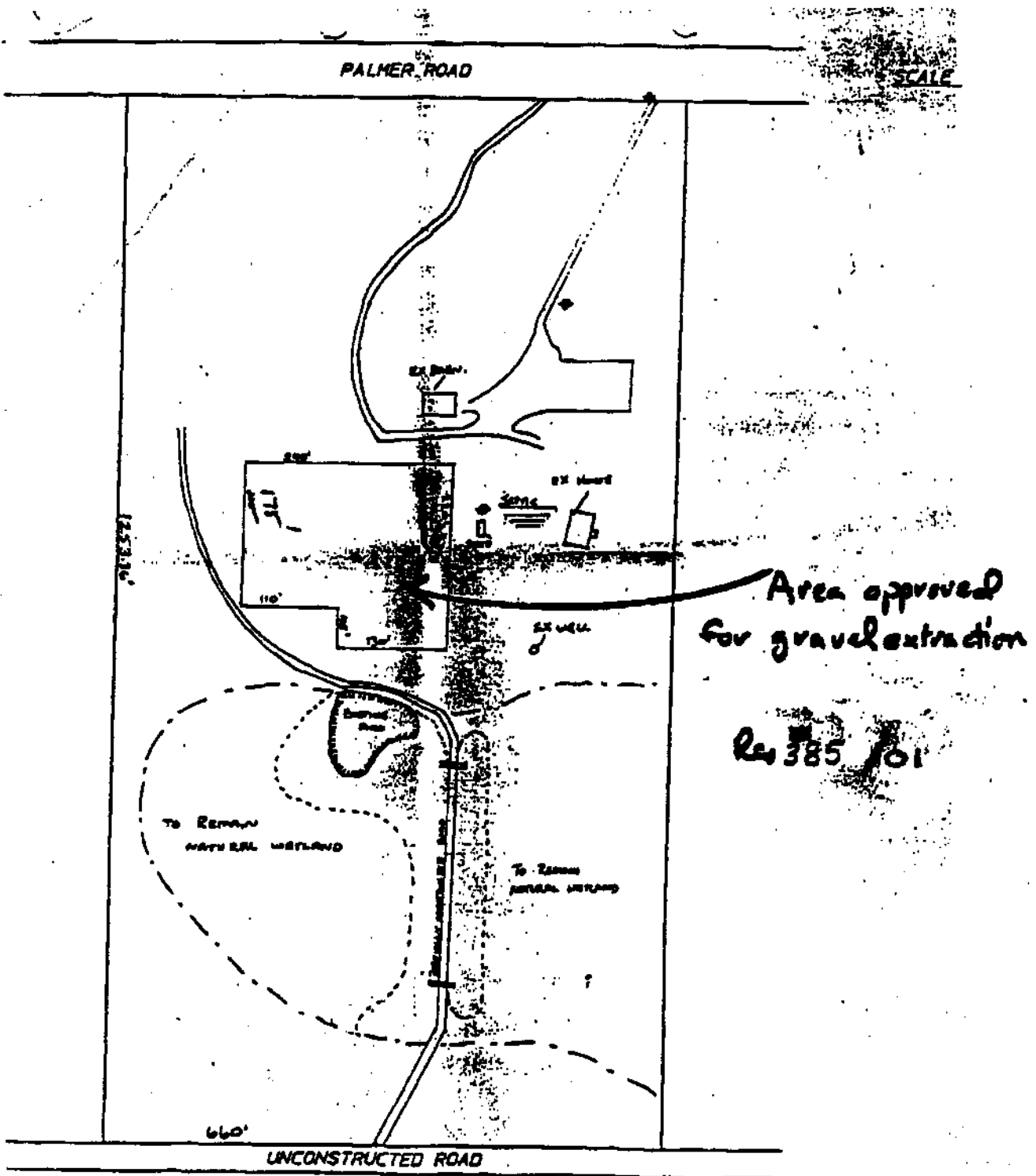


A. Chambers, Chair

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

GB/iv Encl.
I:33837d1.doc

SCHEDULE 2 (cont'd)



SCHEDULE 3



July 24, 2001

14675-30\VI-SG-CHAM

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

Dear Mr and Mrs Champoux:

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

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

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

.../2

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

Ministry of
Energy and Mines

Mines Branch
Energy and Minerals Division

Mailing Address:
2080 s Labieux Road
Nanaimo BC V9T 6J9

Telephone: (250) 751-7240
or (804) 660-9353
Facsimile: (250) 751-7573

SCHEDULE 3 (cont'd)

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

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

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

Sincerely,



Bruce Reid, P. Geo.,
Inspector of Mines

pc: Gordon Bednard, Land Reserve Commission

SCHEDULE 4

BRITISH
COLUMBIA

Water Act

APPROVAL

CHANGES IN AND ABOUT A STREAM

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

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

James L Champoux and Sarah Sidenius

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

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

on or about:

Palmer Swamp on Lot 3, DL 8, Cameron Land District, Plan 1981

APPROVAL CONDITIONS AND SPECIFICATIONS

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

Neil G. Banera

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

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

Issued: February 22, 2001

Approval No.: 1057
Precinct: Nanaimo

PAGE
22

SCHEDULE 4 (cont'd)

390 7511



March 30, 2001

File: A1-1057

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

Dear James Champoux and Sarah Sidenius:

Re: Approval under Section 9 of the Water Act for Changes in and about
Palmer Swamp For Removal of Gravel and Sand Spoil Pile, Reshaping
Bank and Organic Piles on Lot 3, D1 8, Cameron Land District, Plan 1981

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

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

Yours truly,

A handwritten signature in black ink that reads "Neil G. Seners".

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

Attachment

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

Ministry of
Environment,
Lands and Parks

Environment and Lands
Vancouver Island Region

Mailing Address:
2080A Labloux Road
Nanaimo BC V9T 6J9

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

PAGE
23

SCHEDULE 5



BRITISH
COLUMBIA

Ministry of
Transportation
and Highways

FILE COPY

Permit/File Number

CI 23374

District

CENTRAL ISLAND

PERMISSION TO CONSTRUCT WORKS WITHIN CROWN LAND

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

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

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

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

5. (a) ~~The highway must at all times be kept open to traffic. The roadway must be completely restored for traffic as soon as possible. At all times the permittee must safeguard the traveling public.~~
- (b) ~~That, unless with the consent of the Regional Director, Highways, no more than forty-five (45) metres of pipe-track or other excavation in any public highway is to be kept open at one time.~~
- (c) ~~All trenches and excavations shall be shored, if necessary, according to the Workers' Compensation requirements. Care shall be taken to protect adjacent property.~~
- (d) ~~That all excavations shall be carefully back-filled with suitable material, which is to be tamped into place, and that the permittee shall restore the surface of the road and shoulders and ditches at his own expense. All surplus material is to be removed from the Provincial Crown lands, or deposited where and as required by the District Official of the Ministry of Transportation and Highways. The permittee is financially responsible for any maintenance works required on said ditch for a period of one year. The Ministry will carry out the necessary remedial work and invoice the permittee monthly.~~
- (e) ~~The pipeline casing installation is to be placed by drilling and (or) jacking in such a manner as to afford minimum grade settlement. No water-jetting will be permitted. That where, in the opinion of the District Official, an excavation or opening for a pipeline casing installation could be made which would not be detrimental to the highway or its users, permission will be granted for said works. On throughways, freeways, and main highways no open cuts will be allowed.~~
- (f) ~~That all pipelines in excess of a nominal diameter of 5 cm, whether gas, oil, water, pressure sewer, conduit, etc., shall be installed where indicated by the District Official, encased in a steel casing pipe or conduit pipe of sufficient strength to withstand all stresses and strains resulting from the location, such casing to extend the full width of the highway right of way if deemed necessary to the District Official. The ends of the casing pipe shall be suitably sealed and, if required, properly vented above the ground with vent pipes not less than 5 cm in diameter, and extending not less than 1.2 metres above ground surface. Vent pipes shall be connected 30 cm from the ends of the casing pipe, and the top of each vent shall be fitted with a turn-down elbow, properly screened and equipped with identification markers. All pipelines of non-rigid material, i.e., plastic or copper, of any diameter, shall be cased, or embedded in sand. The inside diameter of the casing pipe shall be at least 25 percent larger than the outside diameter of the pipeline. The casing pipe shall be installed with an even bearing throughout its length, and in such a manner as to prevent leakage, except through the vents. The top of the casing pipe, or the pipeline where casing is not required, shall be located as directed by the District Official, and shall in no case be less than 1.2 metres below the surface of the highway and not less than 75 cm below the highway ditches. Pipelines must not obstruct drainage structures or ditches or interfere with traffic on the highway or with highway maintenance.~~

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

SCHEDULE 5 (cont'd)



BRITISH COLUMBIA

Ministry of
 Transportation
 and Highways

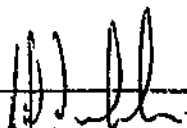
Permit/File Number

CI 23374

District

CENTRAL ISLAND

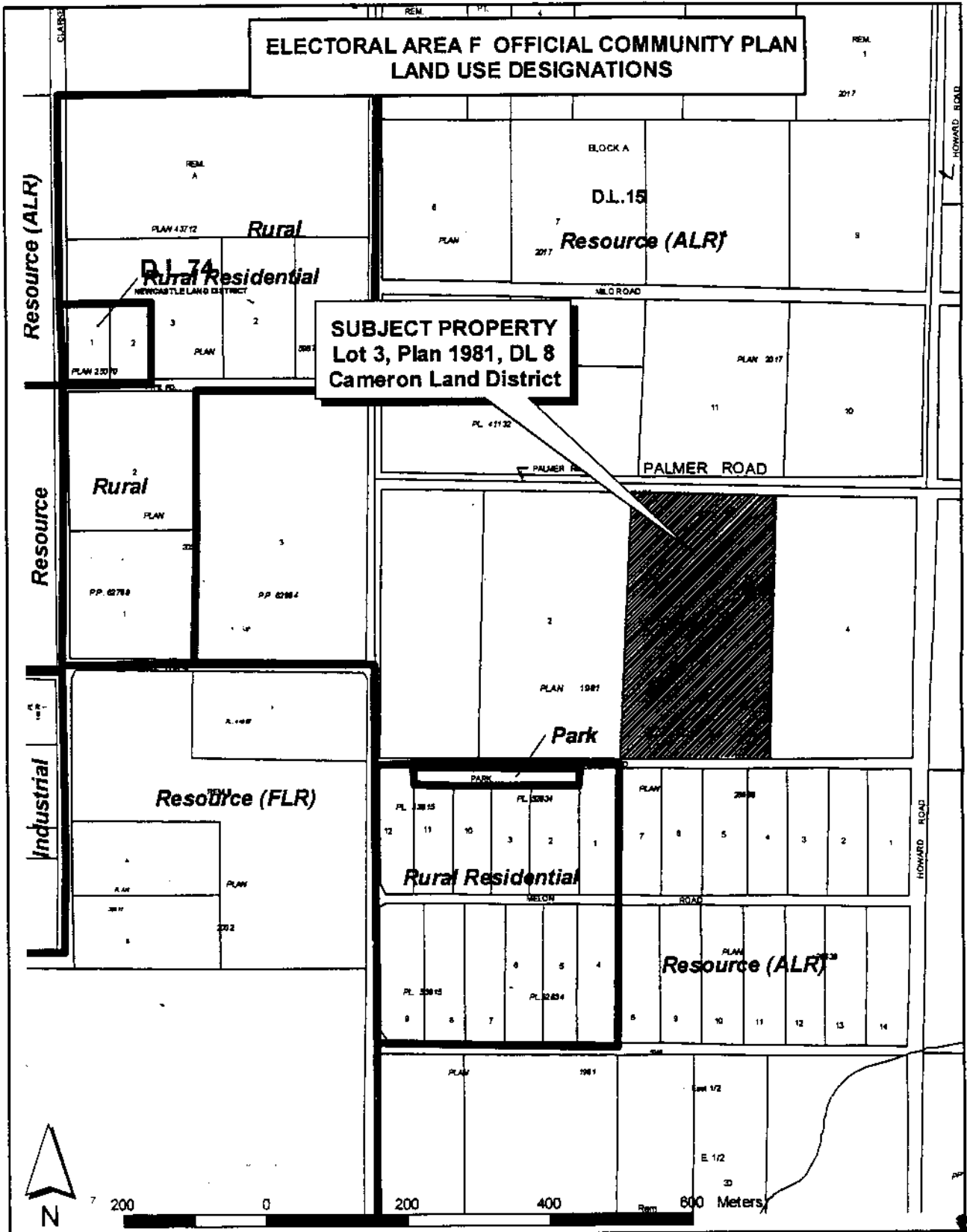
26. District Highways Manager to be notified 24 hours prior to commencement of work, at 390-6100.
27. All existing drainage courses and culverts to be respected. No relocation or redirection of natural drainage course will be permitted without the prior written consent of the Ministry of Environment – Water Management Branch.
28. Our Ministry will not be responsible for locating any property lines.
29. Should survey pins or monuments be removed or damaged, they will be replaced at the permittee's expense by a BC Land Surveyor.
30. The contractor is to be supplied with a copy of the permit.
31. Where detours are available, they must be adequately designated with proper signs.
32. Applicant to provide adequate signs, barriers, flares, etc. to ensure the safety of the public and traffic at all times.
33. ~~All merchantable timber to be sold, decked and disposed of by whatever means determined by Ministry of Forests. Applicant to contact Forestry prior to commencement of works.~~
34. All stumps and debris are to be removed, to the satisfaction of the District Highways Manager.
35. ~~All works to be completed to the satisfaction of the District Highways Manager prior to approval for any pole installation.~~
36. Applicant or contractor to provide proof of one million dollar liability insurance.
37. ~~This clearing is for "hydro-utility use only" and the flagged right of way is to be cleared.~~
38. This permit does not give the applicant authorization to cut or dispose of timber. If the cutting of timber is required, the applicant must fill in the attached License to Cut application and send it to the Ministry of Forests office located at South Island Forest District, 4885 Cherry Creek Road, Port Alberni, BC V9Y 8E9 or send it via fax (731-3010). (Tele: 731-3000) Attn: Ed Klyweel.
39. No gate will be allowed on road right-of-way.
40. Ministry of Environment – Fish & Wildlife Branch approval is required prior to commencement of any works in or around the wetted perimeter of the swamp if any portion encroaches on road right-of-way.

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

SCHEDULE 6



ATTACHMENT 1



ATTACHMENT NO. 2

January 23, 2001

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

RECEIVED
LAND RESERVE
COMMISSION
MAR 15 2001

Attention Gordon Bednard;

Re: 3230 Palmer Rd. Qualicum Beach - Champoux

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

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

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

COMMONLY MISCONSTRUED CONCEPTIONS REGARDING OUR PROPERTY

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

This is false.

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

RECEIVED
LAND RESERVE
COMMISSION
MAR 15 2001

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

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

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

This is absolutely false.

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

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

RECEIVED
LAND RESERVE COMMISSION
MAR 15 2001

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

Again this is an absolutely untrue statement.

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

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

4. We are running an illegal topsoil company.

This is false.

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

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

This is false.

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

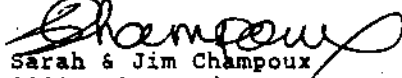
We hope that we have addressed the concerns that have been brought to our attention. We are not trying to pull some "scam" or ruin our property. We simply envision a beautiful equestrian facility that we can be proud of. We have tried to appease our neighbours as best we can however some people are just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

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

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

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

Yours Sincerely;



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

April 05, 2001

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

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

PLANNING DEPT.
-04- 17 2001
RECEIVED

~~Attention: Debra Jensen~~

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

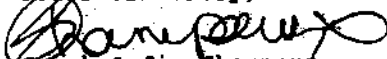
At an on site meeting with the Dept. of Transportation on April 03, 2001 we were given verbal permission to build a road to the back portion of our property that is landlocked (appendix A). Our plan is to clear this area and develop it into pasture for some beef cows and chickens. Some of the materials that we have requested to export can be used for the construction of this road.

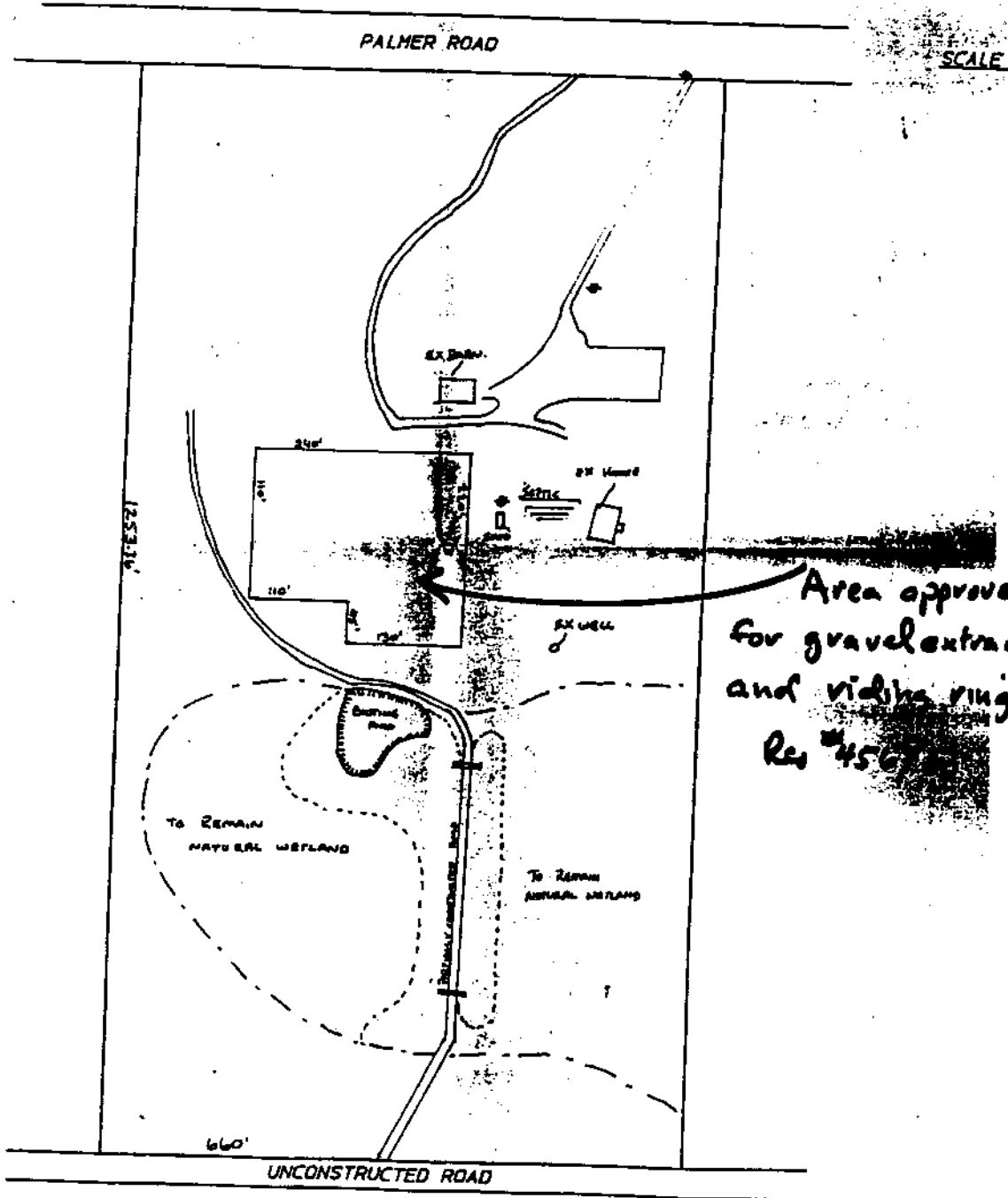
To date we have been granted approvals from all the necessary agencies to develop our property as desired. Our dream is within reach and our application made to the RDM is our final application. We would like to reiterate that we have not made this application for any financial gains but for property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

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

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

Yours Sincerely;


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



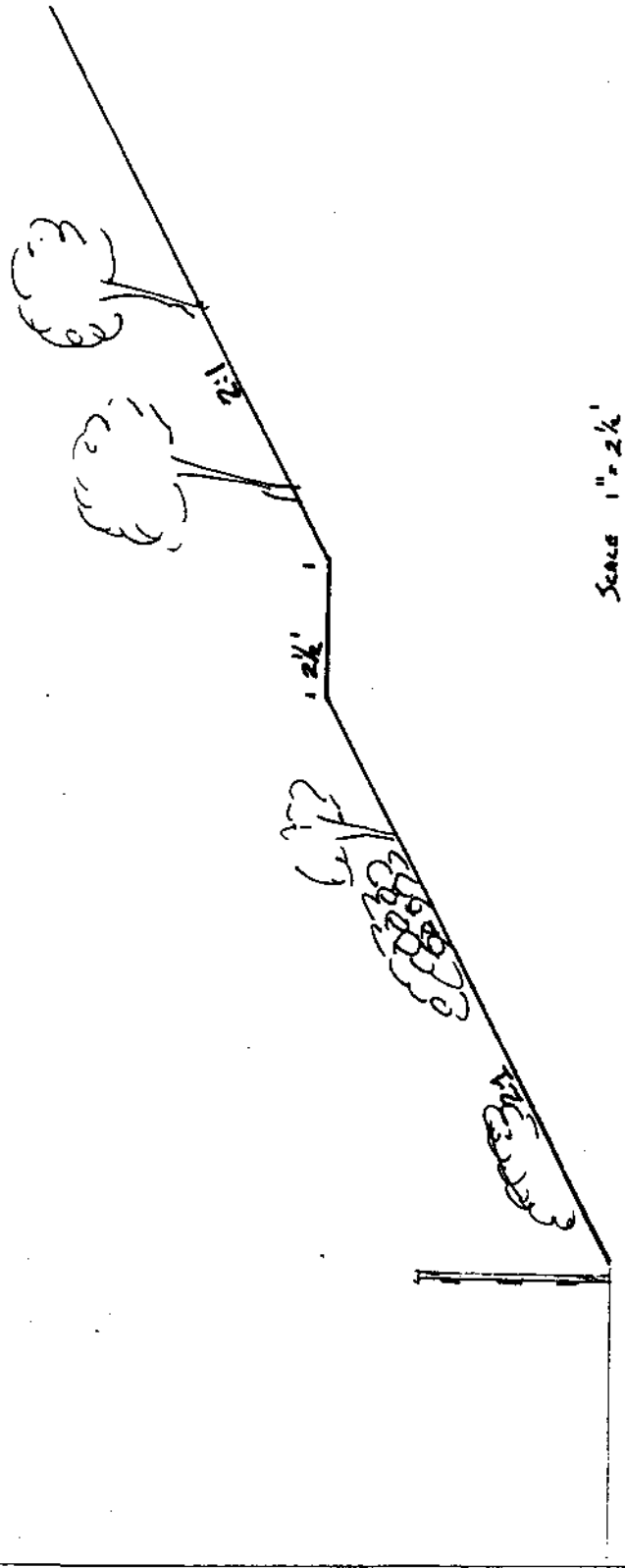
SCALE

Area approved
for gravel extraction
and vehicle rings
Res #456

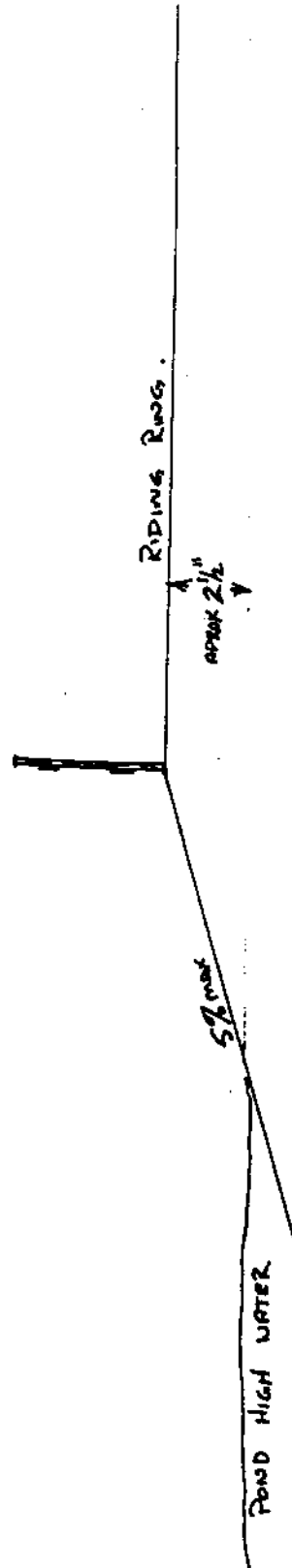




- NOTE:
- NORTH & EAST SLOPES WILL AVERAGE 10 FT IN DEPTH WITH A 2:1 VEGETATED SLOPE
 - RIDING AREA WILL BE FENCED WITH 3 FT FENCING



- RIDING RINGS WILL BE AN AVERAGE OF 2 1/2 FT. ABOVE HIGH WATER
- GRADES FROM THE EDGE OF THE RIDING RING TO THE SOUTH WILL BE A MAXIMUM OF 5%.



July 31, 2001

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

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

Attention Debra Jensen;

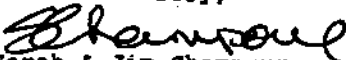
Please find attached a copy of all the approvals that have been granted to date: Ministry of Mines; Ministry of Environment; Ministry of Transportation; and the ALC.

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

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

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

Yours Sincerely;


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



REGIONAL DISTRICT OF NANAIMO	
OCT 9 2001	
CHAIR	GMCrS
CAO	GMDS
GMCmS	GMES
DSC ✓	

MEMORANDUM

TO: Stan Schopp
Manager, Building Inspection Services

DATE: October 5, 2001

FROM: Allan Dick
Senior Building Inspector

FILE: 3810-20

SUBJECT: Local Government Act - Section 700 - Contravention of Bylaw
Meeting Date – October 18, 2001

PURPOSE

To provide for the Committee's review, proposed Section 700 filings on properties which have outstanding occupancy or safety issues that contravene Building Bylaw No. 1250.

BACKGROUND

The individual area inspectors have worked closely with the property owners to resolve outstanding issues prior to the sending of letters. A minimum of two letters addressing deficiencies has been sent to the registered property owners. Where required, the Manager and/or the Senior Building Inspector have been involved with proposed resolutions. At this time we are unable to approve construction at the indicated addresses.

SUMMARY OF INDIVIDUAL INFRACTIONS

Electoral Area 'A'

- Owners Name:** Edward and Diane Howe

Legal Description: Lot 8, Section 11, Range 2, Cedar District, Plan 26222

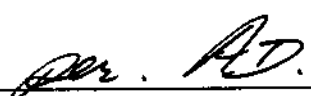
Street Address: 2108 Grieve Road

Summary of Infraction: July 31, 2001 – Notice posted; building permit required
 August 2, 2001 – letter sent certified mail; permit required
 August 9, 2001 – verification of certified mail received
 August 20, 2001 – contacted Mrs. Howe by phone informing her permit is required for construction of deck. She stated they will not apply for a permit
 August 20, 2001 – second notice sent certified mail
 August 31, 2001 – verification of certified mail received
 September 10, 2001 – no response from owners
 October 4, 2001 – owners refuse to apply for a permit

2. Owners Name: Ken Dyck and Nichole Robertson
Legal Description: Lot 4, Section 15, Range 8, Cranberry District, Plan 23666
Street Address: 1716 Cedar Road
Summary of Infraction: February 2, 2000 – letter sent; occupancy required
May 9, 2001 – left phone message for owner to contact office; SFD occupied without an occupancy permit
May 25, 2001 – letter sent; occupancy required
June 11, 2001 – left phone message for owner to contact office
June 13, 2001 – no response from owner
June 22, 2001 – letter sent informing owner of potential enforcement action
July 23, 2001 – house for sale (foreclosure)
September 6, 2001 – contacted agent; new owner will apply for permit to complete after transfer of ownership
September 21, 2001 – ownership transferred; agent informed new owner of permit requirements
October 4, 2001 – owners not responding to phone calls.
3. Owners Name: Darlene Dorman
Legal Description: Lot 1, Section 10, Range 2, Cedar District, Plan 26245
Street Address: 2220 Cedar Road
Summary of Infraction: August 21, 2001 – building permit application received to locate mobile home
September 7, 2001 – Senior inspector informed owner that property is too small for second dwelling. Owner proceeds with locating mobile.
September 20, 2001 – Stop Work Order posted
September 27, 2001 – letter sent certified mail re stop work
October 5, 2001 – no response by owner

RECOMMENDATION

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 will be pursued.



Report Writer



Manager Concurrence



General Manager Concurrence



C.A.O. Concurrence

COMMENTS:

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REGIONAL DISTRICT OF NANAIMO			
OCT 9 2001			
CHAIR		GMCrS	
CAO		GMDS	
GMCrS		GMES	
		DSC	✓

MEMORANDUM

TO: Pamela Shaw Manager of Community Planning DATE: October 5, 2001

FROM: Susan Cormie Senior Planner FILE: 3320 20 21681

SUBJECT: Request for Acceptance of Cash-in-Lieu-of Park Land and Relaxation of the Minimum 10% Perimeter Requirement - WR Hutchinson, BCLS Woobank, Morland & Storey Roads - Electoral Area 'A'

PURPOSE

To consider requests to pay cash-in-lieu-of dedication of park land and to relax the minimum 10% perimeter frontage requirement as part of a proposed nine-lot subdivision development.

BACKGROUND

The applicant's agent, WR Hutchinson, BCLS, has requested that cash be paid in-lieu-of dedicating park land for the nine-lot subdivision proposal located at Woobank, Morland, and Storey Roads within Electoral Area 'A' and legally described as Lot 2, Section 12, Range 2, Plan 53334, Cedar District, with Exceptions (see Attachment No. 1 for location). The applicant's agent is also requesting that the minimum 10% perimeter frontage requirement be relaxed for 2 of the proposed parcels within the subdivision.

The subject property is currently zoned Residential 2 (RS2) and is within Subdivision District 'M' pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". At this time, the applicant is proposing to subdivide the parent parcel into nine lots, all 2000 m^2 or greater in size, therefore meeting the minimum parcel size requirements of Bylaw No. 500 (see Attachment No. 2 for proposed subdivision). The parcels are proposed to be serviced by individual private septic disposal systems and community water supplied by the North Cedar Improvement District.

Park Land Requirements

Pursuant to Section 941 of the Local Government Act, the owner of the subject property has the option of:

- a. providing 5% of the gross site area as park land; or
b. paying cash in-lieu-of providing park land; or
c. providing a combination of both park land with the balance of 5% given in cash.

Where an official community plan contains policies and designations respecting the location and type of future parks, the local government may determine whether the owner must provide land or cash. In this case, the Electoral Area 'A' Official Community Plan Bylaw No. 1116, 1999 specifies that park land dedication may be considered at the time of subdivision subject to meeting the policies set out in the Plan. The maximum amount of park land that the Regional District may request for this property is 5% or 913 m^2 of the total site area.

Minimum 10% Perimeter Frontage Requirements

Lot 7 is proposed to have a frontage of 8.9 metres or 3.0% of the perimeter and Lot 8 is proposed to have a frontage of 9.61 metres or 4.5% of the perimeter. Therefore, as these proposed lots do not meet the minimum 10% parcel frontage requirement pursuant to Section 944 of the *Local Government Act*, approval of the Regional Board of Directors is required.

ALTERNATIVES

1. To accept the request by the applicant for cash-in-lieu-of park land and approve the request for the relaxation of the minimum 10% frontage requirement for proposed Lots 7 and 8.
2. To deny the requests for cash in-lieu-of dedication of park land and relaxation of the minimum 10% frontage requirement.

DEVELOPMENT IMPLICATIONS

Official Community Plan Implications

Where the official community plan contains policies and designations respecting the location and type of future parks, the local government may determine whether the owner must provide land or cash. In this case, Electoral Area 'A' the Official Community Plan Bylaw No. 1116, 1999, contains park land related policies which stipulates that park land only be taken in cases where waterfront development is proposed. Because the subject property does not contain a watercourse or is adjacent to waterfront, the OCP supports cash in-lieu-of park land.

Area 'A' Parks, Recreation and Green Space Advisory Committee Implications

Electoral Area 'A' has a Parks, Recreation and Green Space Committee to advise the Regional Board on park related matters including the acquisition of park land subject to the policies set out in the OCP. As the subject property does not contain a watercourse or is adjacent to the waterfront and therefore not considered to be a potential park land acquisition area, the application has not been referred to this Committee.

Lot Configuration Implications

Proposed Lots 7 and 8 are situated in the southwest portion of the subject property where the site is restricted by the existing road pattern. As a result, the Ministry of Transportation does not want a short cul-de-sac off Woobank Road, as originally proposed, due to traffic safety issues. Instead, the Ministry has recommended the proposed parcels be reconfigured as a panhandle lot (Lot 7) and a reduced frontage lot (Lot 8). As a result of this direction, the applicant reconfigured the subject property to satisfy the Ministry's request.

Environmentally Sensitive Areas Atlas

The Regional District of Nanaimo Environmentally Sensitive Areas Atlas indicates that there are no environmentally sensitive areas within the subject property.

FINANCIAL IMPLICATIONS

The subject property has an assessed value of \$226,000 according to the 2001 authenticated assessment roll. The valuation of the property for 5% cash-in-lieu of park land charges will be based on a certified


appraisal of the land at the time of preliminary subdivision approval (PLA). Therefore, it is anticipated that the appraised market value may result in \$11,300.00 or higher contribution to Electoral Area 'A' community parks fund.

SUMMARY

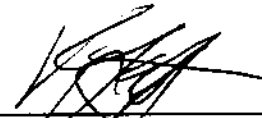
This is a request to provide cash-in-lieu-of park land pursuant to Section 941 of the *Local Government Act* as part of a nine-lot subdivision development and to relax of the minimum 10% perimeter frontage requirement. Based on the Ministry of Transportation's recommendations, the proposed parcels were reconfigured to include the reduced frontage parcels in order to provide a safer traffic situation on Woobank Road. With respect to the park land requirement, the current OCP for Electoral Area 'A' consider parcels with waterfront for potential park land dedication only. In this case, the subject property does not meet the OCP policies pertaining for requesting park land at subdivision time. As the OCP does not specifically target this subject property for park land dedication and the Ministry of Transportation supports the lot configuration for proposed Lots 7 and 8, staff recommend Alternative No. 1 that the requests to provide cash-in-lieu-of park land be accepted and to relax of the minimum 10% frontage requirements be approved.

RECOMMENDATION

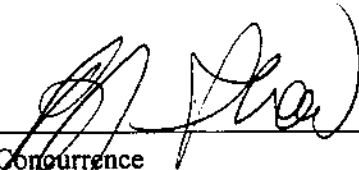
That the requests, submitted by WR Hutchinson, BCLS, on behalf of Dragonwyke Enterprises Ltd. and 426187 BC Ltd., for cash-in-lieu of park land dedication be accepted and to relax the minimum 10% frontage requirement for proposed Lots 7 and 8, as shown on the plan of subdivision of Lot 2, Section 12, Range 2, Cedar District, Plan VIP53334, Except Part in Plan VIP64754, be approved.



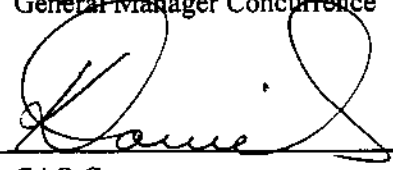
Report Writer



General Manager Concurrence



Manager Concurrence

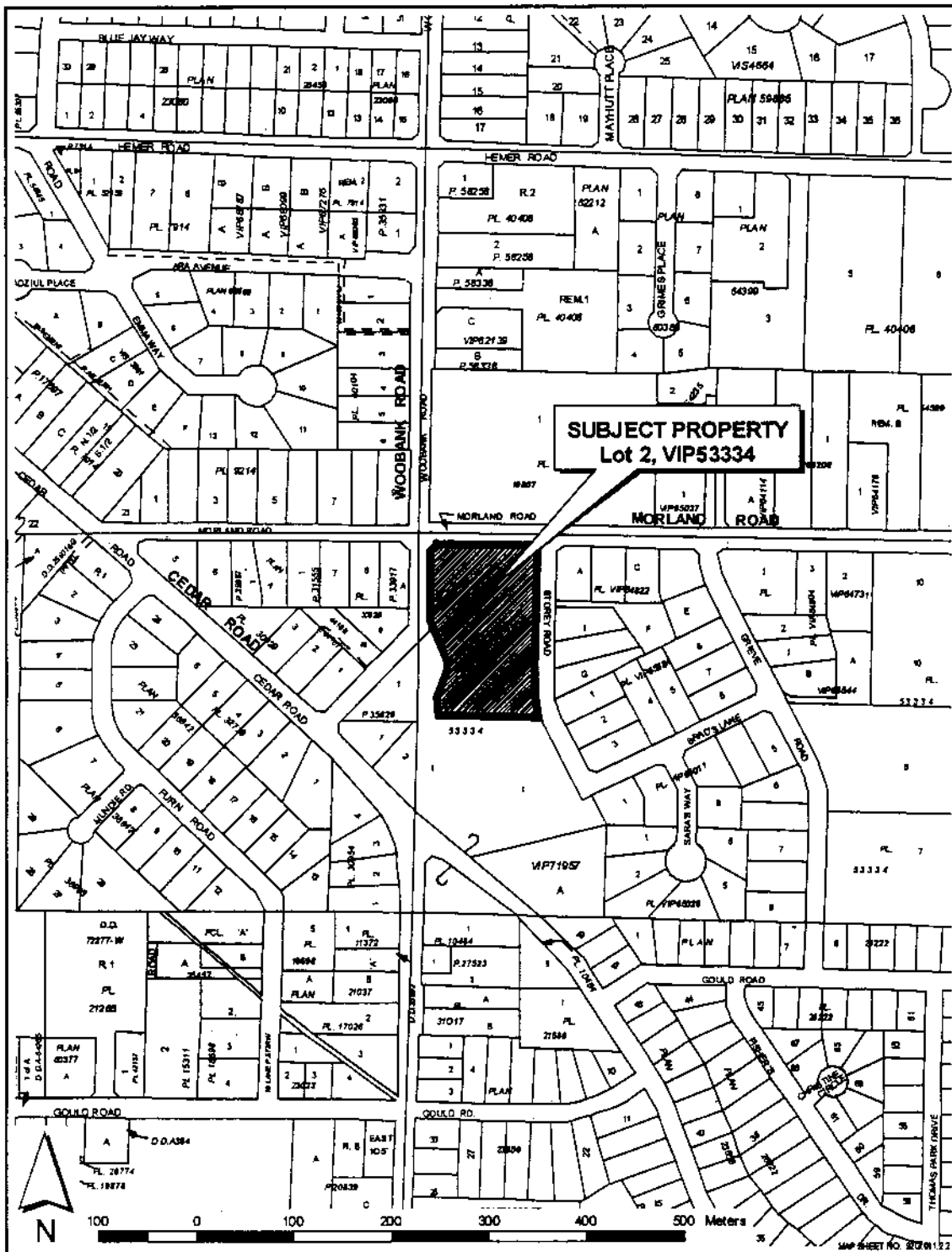


CAO Concurrence

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ATTACHMENT NO. 1

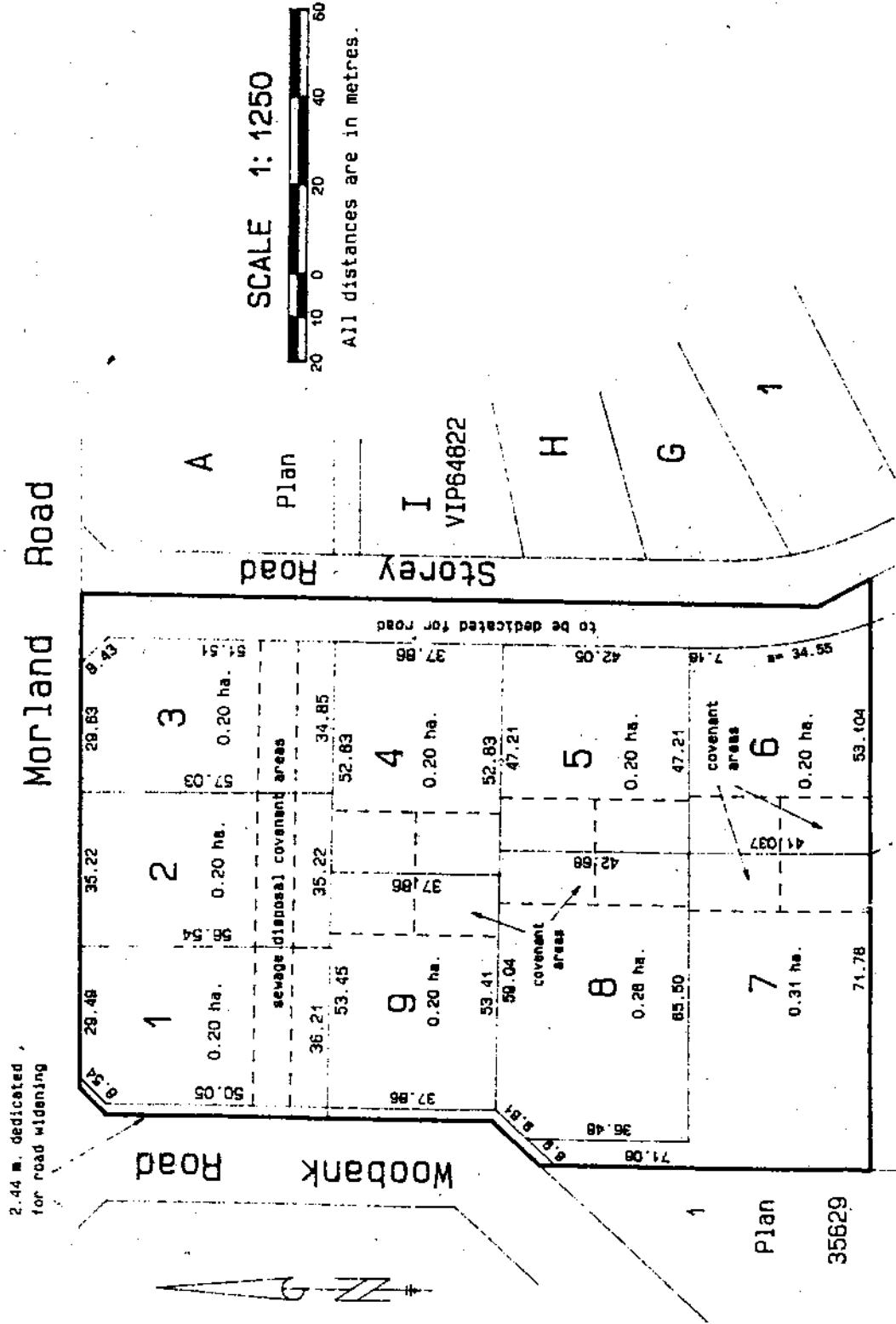
LOCATION OF SUBJECT PROPERTY



ATTACHMENT NO. 2

PROPOSED PLAN OF SUBDIVISION AS SUBMITTED BY APPLICANT

Plan of Proposed Subdivision of Lot 1,
 Section 12, Range 2, Cedar District, Plan VIP533334.





REGIONAL DISTRICT OF NANAIMO			
OCT 11 2001			
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CAO		GMDS	
GMCrs		GMES	
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MEMORANDUM

TO: Pamela Shaw
 Manager of Community Planning

DATE: October 9, 2001

FROM: Geoff Garbutt
 Senior Planner

FILE: 3900 20 1155 EAF

SUBJECT: Electoral Area 'F' Draft Zoning and Subdivision Bylaw
 Bylaw No. 1155, 2001

PURPOSE

To receive a summary of the issues and staff recommendations from the consultation process for the draft Electoral Area 'F' Zoning and Subdivision Bylaw and, further, to consider introducing the Zoning and Subdivision Bylaw for 1st and 2nd reading and refer the bylaw to a public hearing.

BACKGROUND

Community planning was initiated in Area 'F' in 1997 with the adoption of the Growth Management Plan (GMP) and followed in 1999 with the adoption of the Area 'F' Official Community Plan (OCP). Following the adoption of the OCP, the RDN Board instructed staff to consult with the residents and property owners of Area 'F' to develop a zoning bylaw that is consistent with the OCP yet fits the broad range of uses that are located in Area 'F'. This directions is set out in OCP policies as follows:

The objective of the future zoning bylaw will be to zone existing land uses as conforming, to the fullest extent that is reasonably possible. Non-conforming zoning status will only be considered for land uses that cannot meet the criteria outlined below:

1. The use is compatible with surrounding land uses and the character of the area;
2. Has no negative impact on groundwater, surface water or the natural environment;
3. Has an adequate and approved means of sewage disposal; and
4. Meets all requirements of the jurisdictions having authority over the lands or use.

Other OCP objectives and policies encourage the protection of the natural environment and direct future mixed-use development into Village Centres and the Rural Separation Boundary areas. As well, the plan supports the protection of rural/residential uses outside the Boundaries. Recognized codes of practice and the mitigation of industrial impacts are supported for industrial areas. The Electoral Area 'F' Zoning and Subdivision Bylaw is attached for the Board's consideration.

ALTERNATIVES

1. To receive the Electoral Area 'F' Zoning and Subdivision Bylaw Report and recommend that the Board introduce "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1155, 2001" at 1st and 2nd reading and proceed to public hearing.
2. To receive the Electoral Area 'F' Zoning and Subdivision Bylaw Report and amend the Draft Bylaw as directed by the Committee and recommend that the Board introduce "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1155, 2001" as amended at 1st and 2nd reading and proceed to public hearing

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3. To receive the Electoral Area 'F' Zoning and Subdivision Bylaw Report, appoint a Select Committee of Regional Board Directors to investigate issue areas identified in the Report and bring forward a Committee Report on those issues. Once those issues have been addressed, introduce "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1155, 2001" at 1st and 2nd reading and proceed to public hearing.
4. To receive the Electoral Area 'F' Zoning and Subdivision Bylaw and refer it back to staff with direction to prepare a comprehensive consultation strategy and report back with detailed recommendations on approaches to improve the Draft Bylaw.

PUBLIC CONSULTATION IMPLICATIONS

A Public Consultation Framework was prepared and reviewed by the Regional Board to effectively engage the public, landowners, adjacent municipalities and government agencies in creation of a zoning bylaw (*see Attachment No.1*). To implement this framework, staff conducted telephone surveys of more than 150 property owners in Area 'F' to establish existing uses. A draft bylaw was then developed and a newsletter was direct mailed to property owners that provided an overview of the draft zoning bylaw (*see Attachment No.2*). Copies of the Draft Zoning Bylaw were made available to the public at various locations and on the RDN website. A site office was opened in the Pinetree Centre in Electoral Area F and staff met with over 350 property owners representing over 850 properties and visited sites at the request of landowners. Staff also met with 3 community groups at their request.

A summary of the key issues raised during this portion of the public consultation process is attached (*see Attachment No.3*). Minutes from stakeholder meetings have been included for review as *Attachment No. 4*. All other correspondence received during the public consultation is included as *Attachment No. 5*.

Presentations were also made to the Councils of Parksville and Qualicum Beach as part of the referral of the draft zoning bylaw to adjacent municipalities, Ministry of Highways, Central Vancouver Island Health Unit and the Oceanside Construction and Development Association. The comments received from these referrals are included as *Attachment No. 6*.

Based on the feedback received from the public, adjacent municipalities and government agencies, clear issue areas were identified and the proposed bylaw was amended to address these concerns. With the amendments completed, it is staff's assessment that the draft Bylaw is at a stage where it may now proceed to the Development Services Committee and the Board for consideration.

GROWTH MANAGEMENT PLAN/OFFICIAL COMMUNITY PLAN IMPLICATIONS

The Growth Management Plan defines growth centres (to be contained by urban boundaries and in some cases identified as Village Centres, Nodes or Urban Areas) and also designates areas to be maintained for rural and resource uses. The OCP implements the GMP by identifying Village Centre and Rural Separation Boundaries as Urban Boundaries and provides for mixed use development and growth within these areas. The Zoning Bylaw sets out general land use categories to implement the GMP policies and zoning classifications to mirror the OCP land use designations. The proposed zoning for Electoral Area 'F' directs more intense residential, commercial and industrial development to the Village Centres and Rural Separation Boundaries and balances the rural integrity of the area by restricting the density and scope of development in the rural and rural residential portions of the community. The Zoning Bylaw recognizes existing uses and manages future development in keeping with both the GMP principles and OCP policies for the area.

ZONING IMPLICATIONS

As noted above, a number of key issue areas were identified by the public, adjacent municipalities and government agencies in the review of the bylaw. These issues are:

1. Groundwater Protection and Industrial Land Use

Lands in the Church Road are proposed to be zoned Industrial to recognise existing and future industrial land uses. During the consultation process, adjacent municipalities and residents raised the issue of groundwater protection and the potential impact that industrial uses may have on recharge areas. Recognizing the importance of this issue, the Bylaw has been amended to include three industrial zones with different intensities of land uses (General Industrial (I-1), Mixed Industrial (I-2) and Resource Industrial (I-3)).

In addition to the expanded industrial zones, the Bylaw has been amended to include regulations to protect against groundwater contamination. The regulations prohibit a range of uses and processes such as chemical manufacturing and treatment in all industrial and commercial zones, and include runoff control provisions for site development and restrictions on discharge of potential groundwater contaminants.

To assess the impact of the proposed industrial zoning on groundwater and potential aquifer recharge areas and to assess our proposed zoning regulations, the RDN engaged EBA Engineering (under the direction of Dr. Gilles Wendling, a specialist in hydrogeological engineering and groundwater assessment). EBA reviewed existing groundwater studies previously commissioned for the area and expanded on this information by analyzing the soil strata in the Church Road Industrial area. EBA's assessment found that the soil strata includes a significant layer of 'till' material located above the major aquifer in the area and that aquifer recharge is restricted to the mountain slopes in the vicinity of Mt. Arrowsmith. The 'till layer' over the area acts as an impervious barrier generally ranging from 5m to 30m thick. In some locations the till layer is not as thick, 3m to 5m, and in some very isolated locations the till layer is absent, therefore there is still a need for groundwater protection measures. In relative terms it would take approximately 50 years for a drop of water to travel 1m through a till layer.

In addition, the report states that the aquifer in the Church Road area is distinct and separated from the aquifer that supplies the City of Parksville's wells. Provincial monitoring wells show distinctive seasonal differences between the Parksville well field and well fields in the vicinity of Church Road although it is noted that the regional recharge area is likely common on the slopes in the vicinity of Mt. Arrowsmith. Finally, the report indicates that the regulations proposed for this area are reasonably expected to protect groundwater from contamination. The EBA report is included as *Attachment No. 7*.

2. Comprehensive development zones

The Bylaw proposes 11 Comprehensive Development (CD) zones- these are zones established for a unique use or a mix of existing uses on a specific parcel (and each applies to only one parcel). Previous delegations and correspondence to the Committee and Board have identified issues with several of these parcels. It is anticipated that the designation of some of these uses as CD zones may be controversial; however, given that the uses predate the zoning bylaw, and given that the regulations have been drafted to limit the incompatibility of the use with surrounding parcels, the proposed CD zones provide a workable method for recognizing these land uses within the draft Bylaw.

3. Zoning regulations in the Agricultural Land Reserve (ALR)

Approximately 20% of the land base in Electoral Area 'F' is located in the ALR. During the consultation process, concerns were raised that there should not be an additional level of government regulations imposed on these lands through zoning as ALR land use regulations are sufficient. In addition, since the adoption of the OCP, the Area Director has maintained that the minimum parcel size for land in the ALR zoned A-1, should be 2 ha.

In response to these concerns and to ensure clarity in the interpretation of the bylaw, the Bylaw proposes to zone all lands in the ALR as A-1: these lands would be fully subject to existing ALR regulations and the *Right to Farm* legislation. It intended that the Land Reserve Commission and Ministry of Agriculture would interpret what constitutes a farm or agricultural use. Landowners, therefore, will not be subject to an additional level of regulation; instead the zoning will support the legislation that already exists to protect land uses on these properties. This will also ensure that uses approved by Special Use Permits, including Agri-tourism and Accommodation, will be permitted in the A-1 zone. Minimum parcel sizes for the Area 'F' Zoning Bylaw were established based on the OCP and as a result the minimum parcel size for all A-1 lands has been maintained at 4 ha.

Following the adoption of a Zoning Bylaw for Electoral Area 'F', RDN staff have committed to working with ALR landowners to discuss issues with the intention of approaching the Land Reserve Commission with amendments to the ALR regulations for parcels in Area 'F'.

4. Nuisance Regulations

During the consultation process, staff received a variety of comments about two specific areas of concern: outdoor storage of tires and outdoor storage of unlicensed vehicles.

Unattended outdoor storage of tires has been identified as a significant environmental risk and high fire hazard for area firefighters. However, area farmers have indicated that they rely on used tires for various purposes. Specific reference to tire storage has been removed from the bylaw however where outdoor storage of old or unused tires is identified as trash or refuse it is restricted as a prohibited use of the site for waste disposal. In addition, the outdoor storage of derelict vehicles has been identified as a significant environmental issue and the intent of this regulation is to prohibit large-scale storage of un-roadworthy vehicles, except on parcels zoned for salvage and wrecking. The Bylaw proposes a limit of 5 unlicensed vehicles to be stored outside of a building (other than on parcels without appropriate zoning) and also clearly states that farm vehicles are exempt.

5. Density of Future Development in Qualicum River Estates

The developer of Qualicum River Estates is requesting that the proposed R-2 zoning for the area be amended to 2 dwellings per 1 ha to reflect the existing building scheme on currently subdivided lots. However, the draft Bylaw proposes zoning at 1 dwelling unit per 1 ha, which is pattern of land use in the rest of the Electoral Area. This density is supported in the draft Bylaw due to the potential environmental and traffic impacts which would result with a doubling in density and potential for cumulative negative impacts on groundwater.

6. Engineering Standards

The proposed Bylaw includes a number of subdivision and development control regulations (including engineering specifications for roads, community water and community sewer) that have been reviewed

by both the public and referral agencies. In the proposed Bylaw, references are made to the Master Municipal Construction Document as providing the construction detail for community water and community sewer works and services. To respond to new engineering best practices and to provide a common framework for developers and engineering firms to service development in the region, it is the RDN's intention to adopt subdivision works and servicing standards that will apply to all electoral areas in the Regional District. When this Bylaw has been drafted the Electoral Area 'F' Zoning and Subdivision Bylaw and the Regional District of Nanaimo Zoning and Subdivision Bylaw No. 500, will be amended to refer to the engineering standards in this new bylaw.

These and other issues have been addressed in *Attachment No. 8*, which outlines public, member municipalities and agency issues and the proposed Bylaw's response. In addition, several 'housekeeping' amendments will be required to existing bylaws; these amendments are outlined in *Schedule No. 1*.

LEGAL IMPLICATIONS

The proposed zoning bylaw is a regulatory bylaw that will establish permitted uses, site regulations and subdivision standards for individual parcels of land. It should be noted that, despite the adoption of the bylaw, existing uses predating the adoption of the bylaw may be maintained as legal nonconforming uses; however, these parcels may be subject to standards as they are further developed or subdivided.

FINANCIAL IMPLICATIONS

No new costs beyond those already budgeted for would be incurred by the consideration of this Zoning Bylaw for 1st and 2nd reading however it is noted that additional bylaw enforcement resources are anticipated.

RESOLUTION OF ISSUES

If a Select Committee is appointed as outlined in Alternative No. 3, staff anticipate that the focus of the Committee will be on the perceived capacity for future industrial and commercial development within the Bellevue Church Road Rural Separation Area as raised by member municipalities during the referral process. Staff have met with municipal planners and various planning tools (such as split zoning, limits on parcel coverage, community servicing provisions, and specified permitted uses) have been used to orient the capacity for commercial development to local needs. In addition, however, staff have recognized that the level of industrial development proposed for this area is regional in scope and is proposed to support the GMP's designation of this location as a Regional Industrial Area in consideration of the Industrial Land Study and Economic Planning Strategy. Staff are of the opinion that issues related to groundwater protection have been answered and the proposed combination of runoff control measures and restrictions on uses and discharges provide best approach other than to reconsider the regional designation of this area for industrial use.

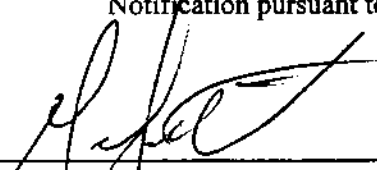
SUMMARY/ CONCLUSIONS

Since the zoning project was initiated, comments have been received from over 475 area landowners representing an interest in over 850 properties. Residents were engaged using a mail out newsletter, a phone survey of 150 properties and the Area 'F' Site Office located in Area 'F' for six weeks in May and June of 2001. A Draft Bylaw and summary of the public consultation issues was also referred pursuant to the consultation framework to the City of Parksville, Town of Qualicum Beach, City of Nanaimo, Central Vancouver Island Health Region, and Ministry of Transportation.

Following a review of comments received from land owners, local governments, provincial agencies and the public, staff identified a number of amendments and technical refinements. The attached Electoral Area 'F' Zoning and Subdivision Bylaw No. 1155, 2001 is the result of this review (see Attachment No.9). The proposed Bylaw is now presented to the Development Services Committee for consideration and to recommend to the Board that the bylaw be introduced, and given 1st and 2nd reading and referred to a public hearing.

RECOMMENDATIONS

1. That the staff report and supporting documentation to Electoral Area F Zoning and Subdivision bylaw be received.
2. That the proposed "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1155, 2001" (Attachment No.9), be received.
3. That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1155, 2001" be introduced and given 1st and 2nd reading.
4. That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1155, 2001" proceed to Public Hearing.
5. That the holding of the Public Hearing with respect to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1155, 2001" be delegated to Director McLean or his alternate.
6. That "Regional District of Nanaimo Planning Services Fees and Charges Bylaw No. 1259, 2001" be introduced and given 1st, 2nd and 3rd reading.
7. That "Regional District of Nanaimo Board of Variance Bylaw No. 1260, 2001" be introduced and given 1st, 2nd and 3rd reading.
8. That "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1261, 2001" be introduced and given 1st, 2nd and 3rd reading.
9. That "Regional District of Nanaimo Impact Assessment Bylaw No. 1165, 1999" be introduced and given 1st, 2nd and 3rd reading.
10. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.276, 2001" be introduced and given 1st, 2nd and the Public Hearing be waived pursuant to Section 890(4) of the *Local Government Act* and the Bylaw be referred to Public Notification pursuant to the *Local Government Act*.


Report Writer


Manager Concurrence


General Manager Concurrence


CAO Concurrence

COMMENTS:

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Schedule No. 1

ADMINISTRATIVE BYLAWS

The following outlines the amendments to existing Regional District of Nanaimo administrative bylaws as well as the establishment of new bylaws, which are required to administer the Electoral Area 'F' Zoning Bylaw:

1. Adopt "Regional District of Nanaimo Planning Services Fees and Charges Bylaw No. 1259, 2001".
2. Adopt "Regional District of Nanaimo Board of Variance Bylaw No. 1260, 2001".
3. Adopt "Regional District of Nanaimo Development Approval Procedures and Notification Bylaw No. 1261, 2001".
4. Amend "Regional District of Nanaimo Impact Assessment Bylaw No. 1165, 1999" to establish applying the requirements of this bylaw to zoning amendment applications for Area 'F' ("Regional District of Nanaimo Impact Assessment Bylaw Amendment Bylaw No. 1165.02, 2001").
5. Repeal "Regional District of Nanaimo Subdivision Application Fee Bylaw No. 901, 1993" ("Regional District of Nanaimo Subdivision Application Fee Bylaw Amendment Bylaw No. 901.01, 2001").
6. Amend "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" delete references to fees and applications, Board of Variance, amendment procedures, and development permit and development variance permit procedures ("Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.276, 2001").



REGIONAL DISTRICT OF NANAIMO			
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MEMORANDUM

TO: Kelly Daniels
Chief Administrative Officer

DATE: October 11, 2001

FROM: Robert Lapham
General Manager, Development Services

FILE: 0470 50 SD69

SUBJECT: School Sites Acquisition Agreement Amendment– School District No. 69

PURPOSE

To reconsider the July 10, 2001 Board report on amending the current School District No. 69 School Sites Acquisition Agreement charge.

BACKGROUND

This report is presented as follow-up to the July 10, 2001 Board motion that the report on the School District No. 69 School Sites Acquisition Agreement charge be referred back to the Development Services Committee for discussion. At issue is a change in the method of collecting a school site acquisition charge in accordance with new legislation, moving to a flat rate charge of \$26 per development unit from the current method of using a site specific 5% dedication or valuation approach.

The Regional District approved a School Sites Acquisition Agreement with School District No. 69 in October 1996. Since the implementation of the agreement, contributions from new development have been collected to share in the cost of acquiring new school sites within District No. 69. In addition to raising funds, the agreement resulted in the outright dedication of a future school sites in the Qualicum River area. The City of Parksville and Town of Qualicum Beach also approved agreements with School District No. 69 at the same time as the Regional District, in a coordinated effort to address future school site requirements.

Recent amendments to the *Local Government Act* will result in a change in the approach used to collect school site acquisition charges. The new provisions of the *Act* still require School Districts to calculate future school site requirements based on projected enrollment; however, instead of using the site specific 5% dedication or valuation approach, a flat rate charge, similar to a Development Cost Charge, is being implemented. This will be calculated by dividing the number of projected development units into a percentage of the projected capital cost of acquiring new sites and because of a reduction in capital requirements for school site acquisition, will result in a significant reduction in the amount collected per development unit (*see report attached*).

As a result of the significant reduction in development costs, the Board directed staff to investigate the method of determining capital cost used by the School District and to request that other site development costs including playing field development costs be considered for inclusion in the charge. The Secretary Treasurer for School District No. 69 has investigated the possibility of a more inclusive capital charge

with their consultants and representatives of the Ministry of Education and has been advised that this approach is not acceptable to the Ministry in accordance with the intent of the legislation.

Pursuant to the new legislation, School District No. 69 has calculated and obtained approval for a new charge of \$26.00 per development unit based on the need for future school sites and anticipated number of new development units within the District.

The process to implement the charge requires the local governments participating within the District accept the charge, after which the School Board will introduce a Bylaw and adopt the charge. The Regional District may reject the charge, however after the unsuccessful investigation of options to expand the charge to include other capital components of school site development, there does not appear to be any reason to subject the proposal to a dispute resolution process. Representatives of School District No. 69 have worked closely with RDN staff (as well as the staff from the City of Parksville and Town of Qualicum Beach) and would likely support the RDN's efforts to seek an expanded application of the charge by directly approaching the Ministry of Education or bringing the matter forward for legislative changes if necessary.

ALTERNATIVES

1. To approve the Eligible School Sites Proposal adopted by the Board of School District No. 69.
2. To not approve the Eligible School Sites Proposal.

FINANCIAL IMPLICATIONS

There are no direct financial implications for the Regional District. There is a significant direct cost savings for new development within multi-lot or multi-unit small lot development proposals. Subdivisions of less than 3 lots, or subdivisions which create new lots greater than 2.0 hectares, will continue to be exempt from the charges.

LEGAL IMPLICATIONS

School District No. 69 staff have investigated the Regional District's request to consider adding other capital components of school site development to the Eligible School Sites Proposal. However, they have been advised by their consultants and the Ministry that these amount may not be included as part of the proposal. If the Regional District wishes to pursue this matter and seek an expanded application of the charge it is recommended that correspondence be forwarded directly to the Ministry of Education or that the request be brought forward by a resolution to the AVICC and UBCM.

SUMMARY/CONCLUSIONS

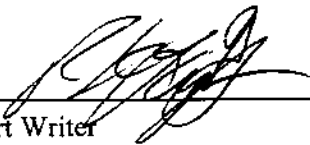
The Regional District and municipalities within School District No. 69 approved School Site Acquisition Agreements in October 1996 that provided for the collection of charges or sites for future schools. As a result of changes to the method of calculating school site acquisition charges in accordance with amendments to the *Local Government Act*, a new Eligible School Site Proposal has been prepared and accepted by the Board of School District No. 69 and approved by the Ministry of Education. The new

proposal will result in a significant reduction in the individual unit charge currently paid by developers and is calculated by dividing the total future site capital requirements for new school sites by the eligible number of development units.


Given that there are no apparent opportunities to expand the charge to include other capital components associated with school site development, staff recommend that the revised School District No. 69 Eligible School Sites Proposal be accepted.

RECOMMENDATION

That the Regional District of Nanaimo accept the revised School District No. 69 Eligible School Sites Proposal as submitted.



Report Writer



CAO Concurrence

COMMENTS:

reports/devsvs/2001/0470 50 sd69 oc agreemt amend.doc



ELIGIBLE SCHOOL SITES PROPOSAL

SCHOOL DISTRICT 69 (QUALICUM)

Revised August 2001

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1. INTRODUCTION

1.1 THE SCHOOL SITES ACQUISITION CHARGE

The School Sites Acquisition Charge (SSAC) is a charge per dwelling unit to be paid by residential developers. The charge will be collected by local government and transferred to school boards. The money collected will be used to help pay for new school sites needed as a result of new residential development.

The *SSAC Implementation Guide* outlines the principles underlying the SSAC legislation, highlights those developments that are exempt from the charge, and provides a framework for the process to be followed by school boards and their local governments. It also describes the fourteen steps to follow in the process of setting SSAC.

This document, the *Eligible School Sites Proposal*, encompasses Steps 1 to 3 of the process for implementing SSAC in School District 69 (Qualicum). Step 1 is to estimate the number of eligible residential development units that will be built in School District 69 over the next ten years. Step 2 is to estimate the number of students that are expected to live in the new eligible development units by 2010, the end of the ten-year period.

Step 3 is the preparation of this document, the *Eligible School Sites Proposal*. Step 3 incorporates all the information required to calculate SSAC for School District 69 including:

- ▶ Enrolment estimates to 2010.
- ▶ The definition of new schools and new school sites required in response to anticipated enrolment growth.
- ▶ Estimates of the cost of new land for new school sites.

To receive the entire *Implementation Guide*, visit the Ministry of Education's website at <http://www.bced.gov.bc.ca/capitalplanning/resources.htm>.

1.2 CONSULTANT TEAM

Matrix Planning Associates is a consulting firm with considerable background in the planning of educational facilities and services. One of our previous projects was the preparation of the *SSAC Implementation Guide*. For more information about Matrix, visit our website at www.matrixplanning.bc.ca.

1.3 STRUCTURE OF DOCUMENT

In addition to the introduction, the document is organized into three sections:

- ▶ Section 2, Enrolment Forecast, outlines the previous enrolment forecasts by the School District and the Ministry of Education and compares them to the forecast based on residential development.
- ▶ Section 3, Long-Term Facilities Plan, summarizes the existing facilities and the new facilities identified in the current Capital Plan. Section 3 also outlines the impact on facilities of the new enrolment forecast based on residential development.
- ▶ Section 4, Preliminary SSAC Calculations, presents the five tables required to calculate the school site acquisition charge.



2. ENROLMENT FORECAST

2.1 CONTEXT

The municipalities within the boundaries of School District 69 have the capacity to accommodate significant growth. It is clear that, in the future, there will be many more people living in School District 69. It is much less certain how fast the growth will occur. It is also less certain how many school-aged children there will be in the future.

Growth that was predicted a few years ago has not materialized. This could be blamed largely on BC's relatively poor economic performance over the past few years. The prospects for future economic recovery are good but not certain. Population and enrolment forecasts for the area depend heavily on assumptions about the economy. We have adopted a moderately optimistic view of the next ten years.

2.2 PREVIOUS ENROLMENT FORECASTS

The latest forecasts by both the Ministry of Education and School District 69 were based on enrolments as of September 1999. As indicated in Figures 1 and 2, the Ministry of Education forecast showed the enrolment declining slightly over the next ten years. The actual enrolment as of September 2000 was 5,528 — exactly the same as the Ministry estimate and very close to the School District estimate.

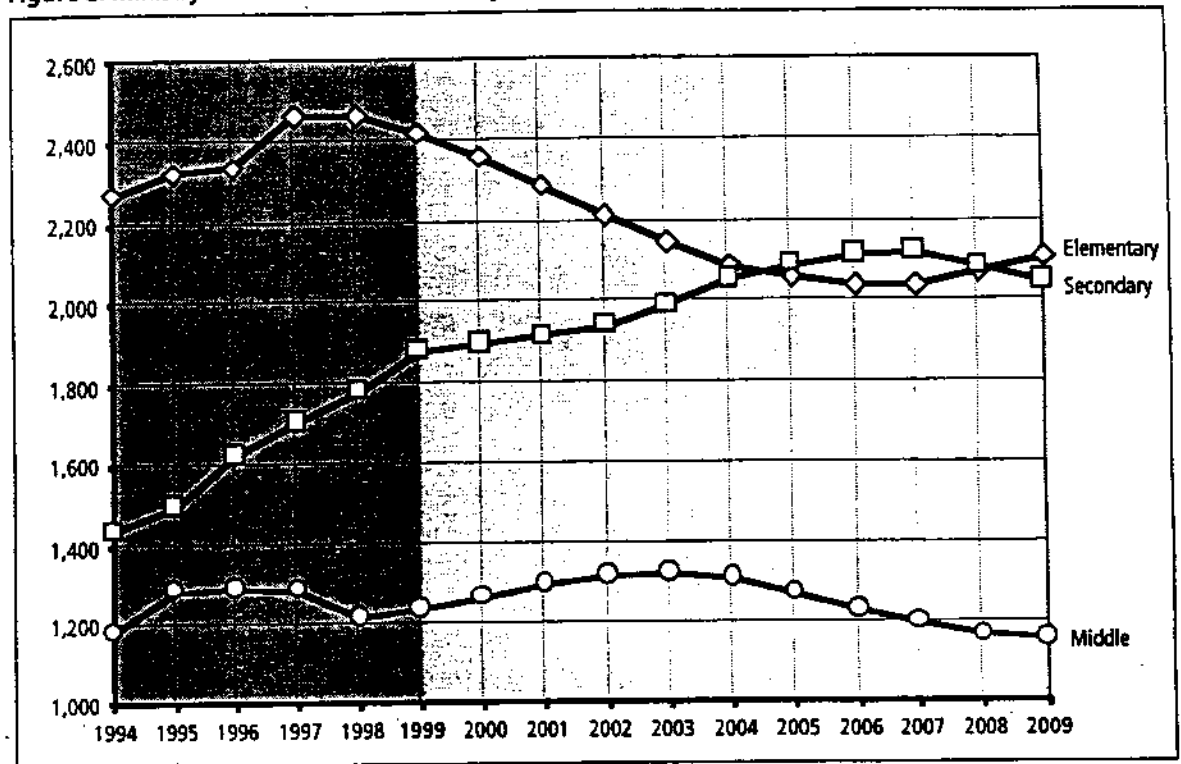
Figure 1: Ministry of Education Enrolment Forecast

Grade	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
Kindergarten	397	363	389	400	378	332	319	308	292	295	290	294	300	307	313	321
Grade 1	364	414	377	407	416	393	362	351	341	324	328	323	327	335	343	350
Grade 2	372	394	434	393	409	411	393	365	356	347	330	335	329	333	341	350
Grade 3	339	399	389	446	415	412	410	395	370	362	353	336	340	336	341	350
Grade 4	381	362	386	413	442	424	412	411	398	375	368	359	342	348	344	349
Grade 5	420	393	367	410	408	457	468	457	458	445	420	412	402	385	392	388
Grade 6	409	436	405	376	408	415	428	441	432	434	422	399	392	385	370	376
Grade 7	408	425	455	428	370	436	435	451	466	457	459	446	423	417	409	394
Grade 8	365	426	432	481	442	385	401	403	420	433	427	428	417	397	391	385
Grade 9	389	403	464	483	496	488	488	508	514	535	551	544	546	533	509	502
Grade 10	370	381	395	466	482	507	501	500	522	529	550	567	561	564	552	528
Grade 11	350	384	423	434	487	497	500	495	495	516	523	543	561	558	561	551
Grade 12	325	330	347	322	319	391	411	414	410	411	428	435	451	466	464	466
Elementary	2,273	2,325	2,342	2,469	2,468	2,429	2,364	2,287	2,215	2,148	2,089	2,059	2,040	2,044	2,074	2,108
Middle	1,182	1,287	1,292	1,285	1,220	1,236	1,264	1,295	1,318	1,324	1,308	1,273	1,232	1,199	1,170	1,155
Secondary	1,434	1,498	1,629	1,705	1,784	1,883	1,900	1,917	1,941	1,991	2,052	2,089	2,119	2,121	2,086	2,047
Total	4,889	5,110	5,263	5,459	5,472	5,548	5,528	5,499	5,474	5,463	5,449	5,421	5,391	5,364	5,330	5,310

As shown in Figure 2, the School District's latest enrolment forecast parallels the estimates provided by the Ministry of Education except that by 2009 the School District's are 3.5% higher. The School District's enrolment forecast is based on population projections by BC Statistics. The Ministry of Education forecast shows a total 2009 enrolment of 5,310 compared with 5,494 for the estimates by School District 69. Home school students are excluded from both totals.



Figure 2: Ministry of Education Enrolment by Grades



2.3 NEW RESIDENTIAL DEVELOPMENT

Qualicum Beach

Municipal planners expect only about 150 residential units to be constructed in Qualicum Beach over the next ten years.

If the Boundary Extension area becomes part of the Town of Qualicum Beach, the number of new units will increase. These units are counted as part the Regional District of Nanaimo.

Parksville

As part of the development of Springwood Middle School, an arrangement was made to jointly redevelop the site of the former Parksville Middle School with the City of Parksville. This property is located directly across the street from Parksville Elementary School.

In addition to the provision of a new Parksville Civic and Technology Centre complex, a portion of the site will be subdivided for construction of nearly 400 housing units. In the interim, the area around Winchelsea Elementary continues to be the highest residential growth area in Parksville, with a substantial number of lots approved for development.

Figure 3 summarizes the estimated number of residential units expected to be built in Parksville over the next ten years. Most of the new housing is likely to be considered Eligible Development Units (EDU) for purposes of SSAC calculation.



Figure 3: Estimated Residential Development in Parksville to 2010

Type of Housing	Total	Owned	Rented
Single Detached House	850	595	255
Apartment in Low Building	320	96	224
Mobile Dwelling	95	95	0
Other Dwelling Types	60	42	18
Totals	1,325	828	497

Regional District of Nanaimo

The following summarizes the expectations for new residential development in the parts of School District 69 that are not within Qualicum Beach and Parksville boundaries:

- ▶ **Nanoose (Electoral Area E)**
 More than 2,000 new units are expected for this area, including 1,800 units at Fairwinds. Currently, the Fairwinds development is being built at approximately 50 to 100 units a year. This will accelerate to 100 to 200 units a year.
- ▶ **Coombs (Electoral Area F)**
 Close to 1,000 units is proposed for this area. The development will be distributed throughout the area with a considerable amount being mobile home park and multi-unit development.
- ▶ **French Creek (Electoral Area G)**
 The proposed new development is more than 1,300 units divided into four or five holdings. These being Morningstar (300 units), Lee Road (300 units), French Creek Estates (300 units), and residential/commercial development (200 to 300 units).
- ▶ **Bowser (Electoral Area H)**
 More than 900 units are expected with some as in-fill, although the Regional District has indicated that they are trying to curb the in-fill development in this area.

Figure 4 summarizes the exact number of residential units to be built in the Regional District of Nanaimo over the next ten years. The table also shows that most (98%) of the anticipated development will be considered Eligible Development Units for purposes of calculating SSAC.

Figure 4: Estimated Residential Development in the RDN to 2010

Area	Total	EDU	%
Nanoose	2,041	2,000	98%
Coombs	958	930	97%
French Creek	1,336	1,330	100%
Bowser	920	875	95%
Total	5,255	5,135	98%

2.4 SSAC METHOD

We asked each local government in School District 69 to estimate the number of eligible residential development units that would be built over the next ten years to 2010. The results are presented in Figure 5 and summarized in Table 1 in Section 4.



Figure 5: Estimates of Eligible Residential Units to 2010

Local Government	Type of Housing	Total	Owned	Rented
Town of Qualicum Beach	Apartment in Low Building	50	40	10
	Other Dwelling Types	100	80	20
	Totals	150	120	30
Regional District of Nanaimo	Single Detached House	3,150	2,850	300
	Apartment in Low Building	1,300	1,100	200
	Mobile Dwelling	190	190	0
	Other Dwelling Types	495	395	100
	Totals	5,135	4,535	600
City of Parksville	Single Detached House	850	595	255
	Apartment in Low Building	320	96	224
	Mobile Dwelling	95	95	0
	Other Dwelling Types	60	42	18
	Totals	1,325	828	497
School District Total	Single Detached House	4,000	3,445	555
	Apartment in Low Building	1,670	1,236	434
	Mobile Dwelling	285	285	0
	Other Dwelling Types	655	517	138
	School District Totals	6,610	5,483	1,127

Next, we used information from local government to colour the basic Statistics Canada data on Yield Factors. We reduced those Yield Factors to correspond to the 88% participation rate in School District 69. The participation rate is calculated by dividing the September 2000 enrolment (5,528) by the estimated number of people between 5 and 18 years of age in School District 69 (6,307). We further reduced the yield rates in anticipation of continuing trends towards much of the new housing being aimed at people without children.

We then applied those modified Yield Factors to estimate the number of students that were likely to live in the new residential units. The results are presented in Figure 6.

Figure 6: Estimating Yield Factors

Housing Type	Ownership	Stats Can Rate	Participation Rate	Calculated Yield Rate	Selected Yield Rate
Single detached house	Both	42.7%	87.6%	37.4%	0.28
Mobile home	Both	28.1%	87.6%	24.6%	0.13
Other dwelling types	Both	17.3%	87.6%	15.2%	0.11
Other dwelling types	Owned	7.5%	87.6%	6.6%	0.04
Other dwelling types	Rented	27.6%	87.6%	24.2%	0.15

As outlined in Section 4, we estimate that there will be a total of 1,344 students living in new eligible residential development by 2010. If we add this number to the enrolment as of September 2000 of 5,528 students, the total enrolment in School District 69 by 2010 would be 6,872 students.

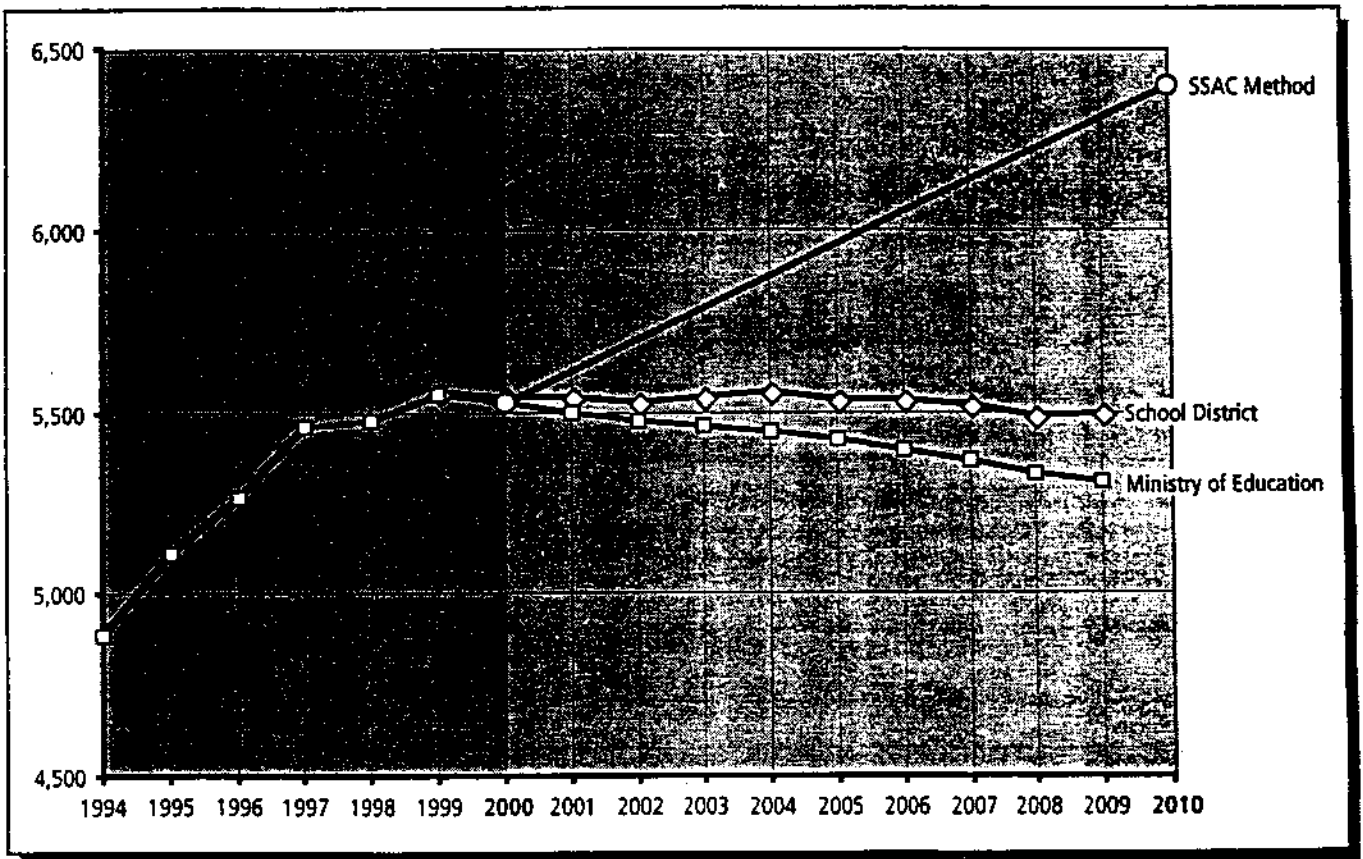
After consultation with the Ministry of Education, our client thought that the estimate of nearly 6,900 students by 2010 was too high. As a result, we applied an



8% discount to the existing enrolment. The rationale for this discount is that we expect that the number of school aged children from existing housing will decrease over the next ten years. This is in keeping with the rising age profile for the Qualicum and Parksville areas. In addition, we hypothesized that most new residential units in School District 69 will be in larger developments that qualify as 'eligible' (four or more units) for both School Site Acquisition Charges and Development Cost Charges

Our best estimate was that there will be 6,400 students in School District 69 in 2010. Figure 7 illustrates total enrolment estimates for the three forecasts — the Ministry of Education, School District 69, and our estimate using the 'SSAC Method'.

Figure 7: Comparison of Enrolment Forecasts





3. LONG-TERM FACILITIES PLAN

3.1 EXISTING SCHOOLS

The schools in School District 69 are organized into elementary, middle, and secondary schools. The district is divided into three zones according to the catchment areas of the three middle schools. There are two secondary schools.

Figure 8 outlines the nominal and operating capacities of the schools in School District 69. Nominal Capacities are in modules of 25 students per class, whereas Operating Capacities acknowledge the negotiated maximum class sizes for kindergarten and primary grades.

Figure 8: Existing Schools, September 2000

Zone	School	Grade Level	Nominal Capacity			Operating Capacity		
			Kinder-garten	Grades 1 to 12	Total	Kinder-garten	Grades 1 to 12	Total
North	Bowser Elementary	K to 5	40	200	240	36	166	202
	Qualicum Beach Elementary	K to 5	80	250	330	72	208	280
	Qualicum Beach Middle	6 to 8	0	375	375	0	375	375
	Kwalikum Secondary	9 to 12	0	425	425	0	425	425
Central	Arrowview Elementary	K to 5	80	300	380	72	250	322
	Errington Elementary	K to 5	80	300	380	72	250	322
	Winchelsea Elementary	K to 5	80	275	355	72	229	301
	French Creek Elementary	K to 5	40	100	140	36	83	119
	Oceanside Middle	6 to 8	0	450	450	0	450	450
South	Parksville Elementary	K to 5	80	300	380	72	250	322
	Nanoose Bay Elementary	K to 5	80	325	405	72	270	342
	Springwood Middle	6 to 8	0	450	450	0	450	450
	Ballenas Secondary	9 to 12	0	575	575	0	575	575
Total Capacity			560	4,325	4,885	504	3,981	4,485
Zones	North Subtotal		120	1,250	1,370	108	1,174	1,282
	Central Subtotal		280	1,425	1,705	252	1,262	1,514
	South Subtotal		160	1,650	1,810	144	1,545	1,689

Figure 8 does not include False Bay School on Lasqueti Island. The False Bay School serves fewer than 50 students from Kindergarten to Grade 10 on Lasqueti Island. Similarly, Figure 6 does not include alternative programs.

3.2 PROGRAM DIRECTIONS

There is no plan to change the grade configurations of schools in School District 69. The district maintains a strong commitment to the middle school model.

A major study of Parksville area schools completed nearly ten years ago confirmed the District's intent to retain a grade configuration model based on K-5 elementary schools, 6-8 middle schools, and 9-12 secondary schools. This has been reinforced by subsequent decisions to:

- ▶ Replace the former Parksville Middle School with the new Springwood Middle School.
- ▶ Replace the existing Qualicum Beach Middle School.



- ▶ Construct a new Oceanside Middle School.
- ▶ Expand both Kwalikum and Ballenas Secondary Schools.

3.3 CURRENT CAPITAL PROJECTS

The capital projects currently identified for School District 69 reflect the District's latest enrolment forecasts as presented in Figure 7. Since the latest District enrolment forecast indicates a decline in enrolment, the latest capital plan focused on addressing substantial pent-up demand. As indicated in Table 3, pent-up demand is estimated at more than 1,000 students.

There are only two areas of the District that will be problematic without the provision of additional new spaces. Residential growth in both the Regional District and Parksville are both expected to generate enrolment demand in excess of existing area school capacities.

We present this capital plan as a starting point in determining the impact of the substantially increased enrolment based on the SSAC calculations.

In the 2001/2002 Capital Plan for School District 69 has identified the following five major capital projects:

- ▶ **New Dashwood/Shaw Hill Elementary**
Build a new elementary school on a new site in the Dashwood/Shaw Hill area at the northern end of the District in response to increased demand. Target completion is 2007.
- ▶ **New Parksville West Elementary**
Build a new elementary school on a new site in the southern end of the District in response to increased demand. The site currently shared by Winchelsea and Ballenas is too small for future expansion of the elementary school. Target completion is 2003.
- ▶ **Qualicum Beach Middle Replacement**
Replace the existing Qualicum Beach Middle School with a new and larger school on a new and larger site. The current plan is to increase the capacity from 375 to 500 students. The new site has already been acquired. Target completion is 2002.
- ▶ **Kwalikum Secondary Expansion**
Expand Kwalikum Secondary School from 425 to 900 spaces. Target completion is 2002.
- ▶ **Ballenas Secondary Expansion**
Expand Ballenas Secondary School from 575 to 950 spaces. Target completion is 2002.

3.4 PLANNED SCHOOL CAPACITIES IN 2009

Figure 9 summarizes the total aggregated capacities of schools in School District 69 in 2009 after the current Capital Plan has been implemented. The summaries at the bottom of Figure 9 show that, if all the projects in the Capital Plan are implemented, the total operating capacity for the schools in School District 69 will increase by 1,644 spaces.

The capacities for alternative programs are not included in Figures 8 or 9.



Figure 9: Summary of School Capacities in 2009

Zone	School and Project	Grade Level	Nominal Capacity			Operating Capacity		
			Kinder-garten	Grades 1 to 12	Total	Kinder-garten	Grades 1 to 12	Total
North	Bowser Elementary	K to 5	40	200	240	36	166	202
	Qualicum Beach Elementary Expansion	K to 5	80	350	430	72	291	363
	New Dashwood/Shaw Hill Elementary	K to 5	80	200	280	72	166	238
	Qualicum Beach Middle Replacement	6 to 8	0	500	500	0	500	500
	Kwalikum Secondary Expansion	9 to 12	0	900	900	0	900	900
Central	Arrowview Elementary Expansion	K to 5	80	400	480	72	333	405
	Errington Elementary Expansion	K to 5	80	400	480	72	333	405
	Winchelsea Elementary	K to 5	80	275	355	72	229	301
	French Creek Elementary	K to 5	40	100	140	36	83	119
	Oceanside Middle	6 to 8	0	450	450	0	450	450
South	Parksville Elementary	K to 5	80	300	380	72	250	322
	Nanoose Bay Elementary	K to 5	80	325	405	72	270	342
	New Parksville West Elementary	K to 5	40	175	215	36	146	182
	Springwood Middle	6 to 8	0	450	450	0	450	450
	Ballenas Secondary Expansion	9 to 12	0	950	950	0	950	950
Total Capacity			680	5,975	6,655	612	5,517	6,129
Zones	North Subtotal		200	2,150	2,350	180	2,023	2,203
	Central Subtotal		280	1,625	1,905	252	1,428	1,680
	South Subtotal		200	2,200	2,400	180	2,066	2,246
Grades	Elementary		680	2,725	3,405	612	2,267	2,879
	Middle		0	1,400	1,400	0	1,400	1,400
	Secondary		0	1,850	1,850	0	1,850	1,850
Total Increase in Capacity from 2000			120	1,650	1,770	108	1,536	1,644

Site Acquisition for Proposed New Capital Projects

There are two sites from the current capital plan that qualify for consideration as part of the SSAC calculation:

- ▶ The proposed new elementary school in the Dashwood/Shaw Hill area. The developer of the new Little Qualicum River Estates project in the north end of the District has already dedicated a site within the project for a new elementary school. As a result, for purposes of estimating SSAC, the cost of this property is shown as zero.
- ▶ The proposed new Parksville West Elementary in the southern end of the District. For purposes of estimating SSAC, we have assumed that the land acquired for this school will be purchased from a private owner.

The size of the sites for each school is based on the anticipated 'build out' or long term maximum capacity of each school. This, in turn, has been used to determine the required site areas for each school, based on Ministry of Education guidelines.

3.5 DEVELOPMENT SCENARIOS

There are two elementary schools in the vicinity of the proposed new Parksville West Area Elementary. The existing Parksville Elementary has a nominal capacity of 300 students in Grades 1 to 5, in line with District guidelines, and an operating capacity of 250. The September 1999 enrolment was 372, representing a shortfall of 122 spaces.



Over the next ten years, the enrolment demand for grades 1 to 5 is projected to only decline slightly, to 365 students.

Winchelsea Elementary has a nominal capacity of 275 students in Grades 1 to 5, and an operating capacity of 229. In September 1999 the enrolment was 350, representing a shortfall of 121 spaces. By 2009 the enrolment is expected to decline to 269, decreasing the shortfall to 40 spaces. The school is co-sited with Ballenas Secondary.

Parksville Elementary School has already reached its limit in terms of desirable enrolment capacity, and any growth would be limited by site constraints. Winchelsea Elementary recently was expanded to its current capacity. With the planned increase in capacity of Ballenas Secondary from 575 to 950, the existing site could not support any further additions to Winchelsea Elementary.

The proposed new Parksville West Area Elementary is required to accommodate anticipated residential growth over the next ten years, as well as to address anticipated ongoing space shortfalls at both Parksville and Winchelsea Elementary Schools.

There are no available District-owned properties in the area that could accommodate the required new elementary school.

3.6 ENROLMENT AND CAPACITIES IN 2010

Figure 10 summarizes the forecast demand for school spaces by 2010, as well as the anticipated available operating capacity. It assumes that all of the proposed interim expansion projects, as well as the proposed new or replacement projects have been approved and implemented by 2010. The enrolment and capacity numbers both include kindergarten.

Figure 10: Anticipated Net Shortfall in 2010

Grade Level	2010 Enrolment	Planned Capacity	Shortfall
Elementary	2,954	2,879	75
Middle	1,477	1,400	77
Secondary	1,969	1,850	119
Total	6,400	6,129	271

The analysis in Figure 10 illustrates that expanded facilities will be required for schools at each of the three levels.

To meet this shortfall, we make the following preliminary proposals:

- ▶ Expand existing elementary schools through the use of portables until such time as a new elementary school is justified. Possible future new schools would be located in the southern and central parts of the District.
- ▶ Both Springwood and Oceanside could be expanded by up to 150 spaces each. Each of these schools is designed to accommodate expansion to 600 students. Before any permanent physical expansion is implemented, however, we suggest the use of portables.



- ▶ Expand Qualikum Secondary School incrementally using portables in response to increased enrolment. The site of Ballenas Secondary School allows for very little additional capacity. Consider a third secondary school in the future when enrolment warrants.

These proposals are preliminary and will require more study before they are incorporated into the District's capital plan submission.



4. PRELIMINARY SSAC CALCULATIONS

4.1 STUDENTS FROM NEW RESIDENTIAL DEVELOPMENT

Table 1 shows the results of Steps 1 and 2 in the process to establish the SSAC. The background analysis for the calculation of the Eligible Development Units and the Students from those units is discussed in Section 2. 'Other housing types' includes row houses, apartments, and semi-detached homes.

Table 1: Estimate of Eligible Development Units and EDU Students

Eligible Development Units (EDU)			Yield	EDU
Type of Housing	Ownership	Units	Factors	Students
Single detached house	Both	4,000	0.28	1120.0
Apartment in low building	Rented	434	0.15	65.1
Apartment in low building	Owned	1,236	0.04	49.4
Mobile home	Both	285	0.13	37.1
Other dwelling types	Both	655	0.11	72.1
Total		6,610	0.20	1,344

The following notes clarify or qualify the material presented in Table 1:

- ▶ We choose to apply different Yield Factors to rented and owned apartments only since there was little evidence of noticeable differences for the other housing types.
- ▶ The average Yield Factor of 0.20 is lower than the average Yield Factor from the 1996 Census of 0.38 (after adjusting for participation rate). The decrease could be explained by the fact that many new residents will be older and without dependent children.

4.2 COST OF NEW SCHOOL SITES

Table 2 presents our preliminary analysis of the cost to acquire all the sites needs to meet the estimate student demand by 2010.

The land costs are very preliminary and are based on the following guidelines for the purchase of raw land in various parts of School District 69 plus an allowance to provide servicing to the property:

Element	Purchase	Service	Total	Total
Unit Cost	\$/acre	\$/acre	\$/acre	\$/ha
North	130,000	110,000	240,000	593,000
Central	100,000	110,000	210,000	519,000
South	120,000	110,000	230,000	568,000

As the majority of school sites considered will be in or adjacent to residential developments, major off-site sewer, power, and water services will be in place. On-site servicing costs are estimated in the \$100,000 to \$120,000 per acre range, assuming a level development site with few impediments to construction. These costs would be in addition to any Development Cost Charges levied by individual planning jurisdictions.



In recognition of the preliminary nature of the estimates, all costs in Table 2 are rounded to the nearest thousand dollars.

Table 2: Future Capital Projects Requiring New Sites

Name of School	Basis of Cost	Grade Level	Long Term Capacity	Size of Site (ha)	Cost per hectare	Cost of New Property
Dashwood/Shaw Hill	Actual	Elementary	350	1.90	n/a	0
Parksville West	Estimate	Elementary	350	1.90	568,000	1,079,000
Total			700	3.80		1,079,000

Both sites listed in Table 2 are in the current Capital Plan. Property for the proposed Dashwood/Shaw Hill Elementary School is already owned by School District 69. The developer of the residential area dedicated the site.

4.3 PENT-UP AND FUTURE DEMAND

Table 3 presents the basic method of calculating pent-up demand for School District 69 as of September 2000. The total enrolment for September 2000 was outlined in Section 2.3. The current capacity of all schools in the District was presented in Section 3.1.

Table 3: Estimate of Pent-up Demand

Current Enrolment	5,528
Current Capacity	4,485
Pent-up Demand	1,043

Table 4 presents the overall estimate of increased enrolment for School District 69.

Table 4: Enrolment Forecast for School District

Current Year	2000
Current Enrolment	5,528
Year Ten	2010
Year Ten Enrolment	6,400
Ten-Year Increase	872

4.4 SSAC CALCULATIONS

Table 5 outlines the calculations necessary to establish the average SSAC per eligible residential unit. All of the data in Table 5 are from earlier tables in the SSAC Calculator.



Table 5: Estimate of New Development Share of New School Facilities

Factor	Estimate
1 Ten-Year Enrolment Increase	872
2 Plus Pent-up Demand	1,043
3 Net Increase Requiring New Facilities	1,915
4 Students from Eligible Development Units	1,344
5 Enrolment Increase Proportion	46%
6 New Development Proportion	46%
7 Estimated Net Cost of New Property	1,079,000
8 Attributable to Eligible Development Units	491,325
9 Proportion to be Paid through SSAC	35%
10 Estimated Share to be Paid through SSAC	171,964
11 Total Eligible Development Units	6,610
12 Average Charge per Unit	26

Table 6 outlines the preliminary calculation of the actual SSAC, as it would be applied to each type of dwelling unit. All calculations of SSAC are rounded to the nearest dollar.

Table 6: School Site Acquisition Charge Calculation

Density	Factor	Unit Charge	Maximum Charge
Low	1.250	\$33	\$1,000
Medium low	1.125	\$29	\$900
Medium	1.000	\$26	\$800
Medium high	0.875	\$23	\$700
High	0.750	\$20	\$600
Base Rate		\$26	