

REGIONAL DISTRICT OF NANAIMO

DEVELOPMENT SERVICES COMMITTEE ENVIRONMENTAL SERVICES COMMITTEE, AND CORPORATE & COMMUNITY SERVICES COMMITTEE MEETING TUESDAY, JULY 24, 2001 7:30 PM

(Nanaimo City Council Chambers)

A G E N D A

PAGES

CALL TO ORDER

DELEGATIONS

- 6-8 **Tony Ransom**, re Relocation of Royal LePage Realty Office, Andover Road - Fairwinds Development Corporation - Area E.
- 9 **Patrick Hrushowy, Enviroco Energy Recovery Ltd.**, re Biomass Energy Facility Proposal.
- 10 **Andrew Speed, Deputy Fire Chief, Errington Fire Department**, re Vehicle Acquisition Proposal.
- George Klemm, Captain, Errington Fire Department**, re Vehicle Acquisition Proposal.

DEVELOPMENT SERVICES COMMITTEE

MINUTES

- 11-14 Minutes of the regular Development Services Committee meeting held on June 19, 2001.

BUSINESS ARISING FROM THE MINUTES

CORRESPONDENCE/COMMUNICATIONS

- 15-16 **Marie Crawford, UBCM**, re Premature Building Envelope Failure.

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

- 17-22 Application No. 0115 - McGarrigle/Sims - Admiral Tryon Boulevard - Area G.

FRONTAGE RELAXATION

- 23-26 Request for Relaxation of the Minimum 10% Perimeter Requirement - Leigh Millan on behalf of Lorraine & Clifford Haslam - 3026 Adshead Road and 2974 Haslam Road - Area A.

- 27-30 Request for Relaxation of the Minimum 10% Perimeter Requirement - Dave Wallace on behalf of 565832 BC Ltd. - off West Road - Area D.

OTHER

- 31-38 Building Strata Conversion Application - Philip Sopow - 2525 Myles Lake Road - Area C.
- 39-46 Temporary Commercial Use Permit No. 0103 & Development Permit No. 0117 - Fairwinds Development Corporation - Real Estate Office - Andover Road - Area E.

ENVIRONMENTAL SERVICES COMMITTEE

MINUTES

- 47-49 Minutes of the Environmental Services Committee meeting held on Tuesday, June 26, 2001.

BUSINESS ARISING FROM THE MINUTES

LIQUID WASTE/UTILITIES

- 50-52 Surfside Sewer LSA Reserve Fund Establishment Bylaw No. 1252.
- 53-55 Pacific Shores LSA Reserve Fund Establishment Bylaw No. 1253.
- 56-61 Pump & Haul LSA Amendment Bylaw No. 975.23 - Darryl & Julianne Danner - 1926 Sea Otter Place - Area E.
- 62-63 French Creek Pollution Control Centre Annual Report on Odour Control. (information included as separate enclosure)
- 64-67 Funding Request from Green Communities Nanaimo - Residential Source Control & Volume Reduction Education.

OTHER

- 68-106 Security Issuing Bylaws - Nanoose Bay Bulk Water Supply and French Creek Bulk Water Supply.

CORPORATE & COMMUNITY SERVICES COMMITTEE

MINUTES

- 107-111 Minutes of the Corporate & Community Services Committee meeting held on June 5, 2001.

BUSINESS ARISING FROM THE MINUTES

CORRESPONDENCE/COMMUNICATIONS

- 112-113 **Marie Crawford, UBCM, re Rescue Services on Rural Highways.**
- 114-115 **G.R.Peterson, Northwest Nanoose Residents Association, re Waterfront and Beach Access Issue - Parks and Open Space Plan.**
- 116-118 **Mike Gray, Northwest Nanoose Residents Association, re Nanoose Parks and Open Space Plan.**

UNFINISHED BUSINESS

From the Board Meeting held July 10, 2001.

- 119-120 **Errington Fire Department - Vehicle Acquisition Proposal. (Report attached for information)**

ADMINISTRATION

- Treaty Negotiations Update - B. Sperling. (Verbal presentation)
- 121-123 **Application for Temporary Change to Liquor Licence - Cassidy Inn - 2954 Trans Canada Highway - Area A.**

RECREATION AND PARKS

- 124-127 **Vancouver Island Recreational Corridor.**
- 128-131 **Qualicum Bay Lions Club Lease of Community Centre and Lighthouse Community Park - Area H.**
- 132-133 **Regional Parks Act - Request for Additional Power Under Section 901 of the Local Government Act.**

SPECIAL EVENT/SPECIAL OCCASION APPLICATIONS

- 134-135 **Status Reports. (for information)**
- 136-139 **Special Event Permit Application - Unicorn Farm, 1430 Errington Road - September 8, 2001 - Area F.**
- 140-142 **Special Occasion License - Unicorn Farm, 1430 Errington Road - September 8, 2001 - Area F.**

TRANSIT

- 143-145 Special Event Application - Royal Canadian Legion's 75th Anniversary Celebrations - September 8, 2001 - Request for Bus Service.

COMMISSION, ADVISORY & SELECT COMMITTEE

Lantzville Parks & Open Space Committee.

- 146-147 Minutes from the Lantzville Parks & Open Space Committee meeting held June 25, 2001. (for information)

Gabriola Island Parks and Recreation Commission.

- 148-150 Minutes from the Gabriola Island Parks and Recreation Commission meeting held June 18, 2001. (for information)

- (1) That the staff report on the proposed development of a Gabriola Island Community recreation Association be received for information.*
- (2) That the Regional District, through the Commission, work with the Community to provide for the establishment of a non-profit society (Gabriola Island Community Recreation Association) to deliver recreation services on the Island starting in January 2002.*
- (3) That staff initiate the development of an agreement to advance funding and other arrangements with a society established to provide for the delivery of recreational services on Gabriola Island.*

- 151-152 Minutes from the Gabriola Island Parks and Recreation Commission meeting held July 16, 2001. (for information)

- (1) That the Commission continues with the use of Grants-in-Aid for the provision of recreational services on Gabriola Island for the remainder of 2001.*
- (2) That the creation of a non-profit Recreation Society be put on hold for possible consideration in 2002.*
- (3) That the Commission consider funding existing societies through Grants-in-Aid or Service Agreements in 2002.*

District 69 Recreation Commission

- 153-155 Minutes from the District 69 Recreation Commission meeting held June 21, 2001. (for information)

ADDENDUM

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

NEW BUSINESS

IN CAMERA

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.

ADJOURNMENT

RECEIVED

JUL 13 2001

REGIONAL DISTRICT
of NANAIMO

July 13, 2001

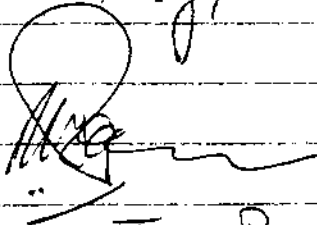
THE BOARD OF DIRECTORS.
RDN.

Dear Members,

I wish to speak as a delegation at the next DSC meeting regarding an application for a permit - see copy of letter attached.

Respectfully submitted

Tony Ransom,



TONY RANSOM

~~2460 +~~ #12-2655 ANDOVER RD.
NANOOSE BAY.
V9P 9G9

TEL. (250) 468-5346.

PLANNING DEPT

-07-13-2001

RECEIVED

PLANNING DEPT

-07-13-2001

RECEIVED

Residents of Andover Road
Nanoose Bay,
July 9, 2001

The Senior Planner
Development Services
Regional District of Nanaimo
6500 Hammond Bay Road
P.O. Box 40
Lantzville. V0R 2H0.

[BY HAND]

PLANNING DEPT

-07- 13 2001

RECEIVED

Attention: Ms Susan Cormie

Dear Ms Cormie,

Re: Relocation of the Royal LePage Realty Office, Fairwinds.

We, the undersigned residents of Andover Road, Nanoose Bay, wish to express our collective concern regarding the proposed relocation of the Royal LePage Realty office, currently situated on 3500 Fairwinds Drive.

It is our understanding that the landowner has a "Temporary Commercial Permit" which allows Royal LePage to conduct business from the office's present position within a zoned residential area. We furthermore understand that this permit has been extended by your Department a number of times over the past ten years since its original issuance, which was only valid for a two-year period. We have been informed that this "Temporary" permit is about to expire and that the landowner no longer will support a renewal application - i.e. the landowner has requested that the office be removed from the site.

It is our further understanding that Royal LePage has been given permission by Fairwinds Development ("Fairwinds") to relocate their office to one of Fairwinds' lots located on Andover Road [Lot #56].

When you met recently with one of the undersigned, you informed him that an application from Royal LePage or Fairwinds for a "Temporary Commercial Permit" for Lot #56 had not yet been received by the RDN. You also informed him that should such an application be received, then the only required procedure for public awareness and information, is to publish a notice in a local newspaper and that there is no formal public forum for affected residents to become fully informed or to express their views or concerns.

In anticipation of you receiving such an application and, considering the expected short timeframe involved for you to evaluate the application, we hereby formally record our concerns:

- We have all invested in Fairwinds for the purpose of enjoying the peaceful and extremely pleasant *residential* neighbourhood;
- Andover Road is a very quiet, seldom-used street. A commercial enterprise such as the real estate office will increase traffic flow, especially to-and-fro past the entrance to Glen Eagle townhomes;

- Currently, our property taxes are based on a residential zoning – issuing this permit would cause all of us to apply for reassessment based on a commercial zoning of our area – even if this permit were to be issued for an initial two-year “temporary” period. The RDN has created its own precedent by renewing the current permit for much longer than the one-time, two-year extension allowed in the bye-laws. We are therefore legitimately concerned that a temporary permit will drag on and will, in effect, **be permanent**;
- Other commercial enterprises (accounting office, hot-dog stands! etc.) may be encouraged to apply for permits - the above-mentioned precedent may make it difficult for the RDN to turn down such applications;

None of us is in favour of retarding the development of our beautiful community. On the contrary, we all strongly support the orderly and progressive development of Fairwinds to the benefit of both the original and new owners, as well as all residents. Such development naturally involves real estate transactions and hence the need for a real estate office. All we ask is that this office not be located within a tranquil residential area. Perhaps an appropriate site would be in a more ‘visible’ location on a road that is traditionally busy with naturally flowing through-traffic. Four such sites in the immediate area come to mind. This will achieve a long-term (**permanent**) solution for Royal LePage and is very much in Royal LePage’s and the owners’ best interest!

Thank you so much for your timely consideration of our concerns.

Yours very truly,

David Milob
Hulit Damer
Mady M. Hill
P.O. Box
Newport
Eugene Nuttall
J. Jones
Ken S. Allen
Edmond

PLANNING DEPT

-07- 13 2001

RECEIVED

Glen Eagle
Strata.

Andover
Resident

Cc: Royal LePage, Fairwinds Office. (Mr. Frank Fairley)
 Fairwinds Development Corporation. (Mr. Geoff Barker)
 Fairwinds Community and Resort. (Mr. Alistair McLean)

John Hand
Norman Venuti
Watson
Cracknell
DF. Damer
Edmond
John Hand
L. Hill
Christopherson
Norothy Christopherson

PAGE

Burgoyne, Linda

From: Pearse, Maureen
Sent: Monday, July 09, 2001 9:32 AM
To: Burgoyne, Linda
Subject: FW: July Environmental Services Committee

-----Original Message-----

From: McIver, Carey
Sent: Monday, July 09, 2001 9:25 AM
To: Pearse, Maureen
Cc: Finnie, John
Subject: July Environmental Services Committee

Hi Maureen,

Patrick Hrushowy of Enviroco Energy Recovery Ltd. would like to make a presentation to the July 24 Environmental Services Committee. The topic will be the biomass energy facility that Enviroco proposes to build in Nanaimo. Please put him on the agenda as a delegation. Thanks.

*Carey McIver
Manager, Solid Waste
Regional District of Nanaimo
(250)-390-6539*

Burgoyne, Linda

From: catton [catton@bcsupernet.com]
Sent: Tuesday, July 17, 2001 7:54 AM
To: Burgoyne, Linda
Subject: Re: Delegation to Committee Meeting

Hi Linda,

I will be a way on the 24th, but my deputy Andrew Speed, and captain George Klemm, will be there to represent the department. If you need to contact Andrew please call him at 248 1348 or 954 1127

Thankyou Colin

----- Original Message -----

From: Burgoyne, Linda
To: 'catton@bcsupernet.com'
Sent: Monday, July 16, 2001 4:10 PM
Subject: Delegation to Committee Meeting

I understand that you have been asked to appear as a delegation before the Corporate and Community Services Committee meeting being held on July 24, 2001. The meeting will be held at the City of Nanaimo Council Chambers at 455 Wallace Street, beginning at 7:30 pm. Would you please let me know if you will be the only person speaking or if there will be others as I need to note the names on the agenda. Feel free to e-mail, fax or phone me - whichever you prefer.

Thank you.

Linda Burgoyne
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2
Phone: 390-4111 / 1-877-607-4111
Fax: 390-0853

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE DEVELOPMENT SERVICES COMMITTEE
MEETING HELD ON TUESDAY, JUNE 19, 2001, AT 7:30 PM
IN THE CITY OF NANAIMO COUNCIL CHAMBERS,
455 WALLACE STREET, NANAIMO, BC**

Present:

Director B. Holdom	Chairperson
Director L. Elliott	Electoral Area A
Director B. Sperling	Electoral Area B
Alternate	
Director M. Young	Electoral Area C
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. Westbroek	Town of Qualicum Beach
Director L. Sherry	City of Nanaimo
Director T. Krall	City of Nanaimo
Director G. Korpan	City of Nanaimo
Director D. Rispin	City of Nanaimo
Alternate	
Director T. Beech	City of Nanaimo

Also in Attendance:

K. Daniels	Chief Administrative Officer
B. Lapham	General Manager, Development Services
P. Shaw	Manager, Community Planning
F. McFarlane	Recording Secretary

DELEGATIONS

K. Van Westen, re Land Use Contravention - 3460 Whiting Way - Area A.

Mr. Van Westen spoke regarding the present land use of lots 4 and 5. He requested that the Board allow him time to take out a building permit that would allow him to build two modest single family residences on these lots, bringing them into line with the present land use requirements of Bylaw 500.

Helga Schmitt, re Home Based Business Bylaw.

Ms. Schmitt noted the May 8th petition signed by 129 residents of Morello Road who are opposed to the Home Based Business Draft Bylaw. The residents want to maintain their quality of life and home based hobby farms and would like the area to be designated as RS1.

Robin Cole & Neil Christensen, re Water, Safety, Noise, Air Quality and Industrial Traffic Issues.

Ms. Cole expressed the very serious concerns of area residents about the proposed industrial development in Area 'F' on Allsbrook Road. Residents feel that this could adversely affect their water supply and create other health issues.

LATE DELEGATIONS

MOVED Director Stanhope, SECONDED Director Sherry that the late delegations, Mary Jane Puckrin and Matt MacLeod, be allowed to address the Committee.

CARRIED

Mary Jane Puckrin, re Home Based Business Review.

Ms. Puckrin noted that since the petition received from Morello Road residents is entitled "Zoning Change", it should be considered in this instance and not as an amendment to the proposed home based regulations. She also requested consideration to allow the use of accessory buildings for home based businesses.

Matt MacLeod, re Frontage Relaxation – 2403 Nanoose Road – Area E.

Mr. MacLeod stated that he had first made application to subdivide his property six years ago. He again requested that the Board reconsider his request for frontage relaxation in order to facilitate a 2-lot subdivision.

MINUTES

MOVED Director Sherry, SECONDED Director Rispin, that the minutes of the regular Development Services Committee meeting held May 15, 2001, be approved.

CARRIED

UNFINISHED BUSINESS

From June 12, 2001 Board Meeting:

Matt MacLeod – 2403 Nanoose Road – Area E.

MOVED Director Westbroek, SECONDED Director Stanhope, that the request from Matt MacLeod, on behalf of Matt MacLeod and Candace MacLeod, to relax the minimum 10% perimeter frontage requirement for proposed parcels, as shown on the Plan of Proposed Subdivision of Lot 2, District Lot 130, Nanoose District, Plan VIP62561, be approved and that a letter indicating Mr. MacLeod's support for inclusion within the sewer boundary be accepted in support of the decision to approve the frontage relaxation.

CARRIED

CORRESPONDENCE/COMMUNICATIONS

Oceanside Development & Construction Association, re Amendment to Section 879 of the Local Government Act.

MOVED Director Rispin, SECONDED Director Krall, that the correspondence from Oceanside Development & Construction Association, re Amendment to Section 879 of the *Local Government Act*, be received.

CARRIED

MOVED Director Westbroek, SECONDED Director Stanhope, that Oceanside Development & Construction Association be recognized by the Regional District as a referral organization and that a letter to this effect be sent to them.

CARRIED

Joseph Calenda, City of Colwood, re Bylaw Courts.

MOVED Director Rispin, SECONDED Director Krall, that the correspondence from Joseph Calenda, City of Colwood, re Bylaw Courts, be received.

CARRIED

Sandra Keddy, Town of Qualicum Beach, re Home Based Business Review.

MOVED Director Stanhope, SECONDED Director Sherry, that the correspondence from Sandra Keddy, Town of Qualicum Beach, re Home Based Business Review, be received.

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 Krall, 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 1, Section 18, Range 3, Cedar District, Plan 24306, except parts in Plans 30692, 44695, and VIP5589, owned by Donna MacNaughton;
- (b) Lot 4, District Lot 67, Plan 29941, Nanoose District, owned by Steven Gaucher.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATION

Application No. 0109 – Barclay/Sims, Lot 1, DL 110, Nanoose District, Plan 17536, Electoral Area 'E' – 1389 Dorcas Point Road.

MOVED Director Holme, SECONDED Director Stanhope, that Development Permit Application No. 0109, to permit the construction of a boat launch rail system within the Watercourse Protection Development Permit Area on the property legally described as Lot 1, DL 110, Nanoose District, Plan 17536, be approved subject to the conditions outlined in *Schedule No. 1* and that the ramp must be kept in good repair or must be removed.

CARRIED

DEVELOPMENT VARIANCE PERMIT

Application No. 0105 - Kambic - 2347 South Wellington - Area A.

MOVED Director Elliott, SECONDED Director Krall, that Development Variance Permit No. 0105, submitted by Joseph and Shirley Kambic, to legalize two existing accessory buildings by varying the minimum setback requirement for a rear lot line within the Residential 2 (RS2) zone from 2.0 metres (6.6 feet) to 0.0 metres (0.0 feet) and the other lot line located along Michener Avenue from 5.0 metres (16.4 feet) to 0.0 metres (0.0 feet) for the property legally described as Lot C (DD EG114354), Block 10, Section 9, Range 7, Cranberry District, Plan 2055, be approved as submitted subject to *Schedule 1* of the staff report and notification requirements pursuant to the *Local Government Act*.

CARRIED

OTHER

Home Based Business Review - Land Use & Subdivision Amendment Bylaw No. 500.270 and Land Use and Subdivision Amendment Bylaw No. 500.272 - Electoral Areas A, C, D, E, G & H.

MOVED Director Stanhope, SECONDED Director Quittenton,:

1. That the staff report, minutes from the meetings on the Home Based Business Draft Strategy and written submissions from the public and referral agencies be received for information.
2. That staff be directed to investigate noise bylaws for Electoral Areas 'D' and 'H'.
3. That Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.270, 2001 be given 1st and 2nd reading and proceed to a public hearing (amendments to Home Based Business Regulations).
4. That Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.272, 2001 be given 1st and 2nd reading and proceed to a public hearing (amendments to accessory building size provisions).
5. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.270, 2001" and "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.272, 2001" be delegated to Director Holme or his alternate.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Robin Cole & Neil Christensen, re Water, Safety, Noise, Air Quality and Industrial Traffic Issues.

MOVED Director Krall, SECONDED Director Stanhope, that staff consider the concerns and issues raised by the owners/residents of Allsbrook Road and report back to the Development Services Committee with recommendations on how to potentially address these concerns.

CARRIED

IN CAMERA

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

CARRIED

ADJOURNMENT

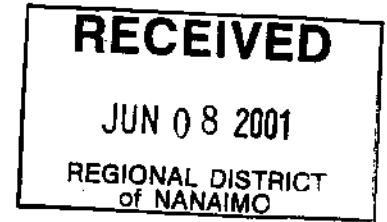
MOVED Director Stanhope, SECONDED Director Sherry, that this meeting terminate.

CARRIED

TIME: 8:35 PM

CHAIRPERSON

UNION OF
BRITISH
COLUMBIA
MUNICIPALITIES



May 31, 2001

Suite 15
10551 Shellbridge Way
Richmond
British Columbia
Canada V6X 2W9
(604) 270-8226
Fax (604) 270-9116
Email: ubcm@civicnet.gov.bc.ca

PRESIDENT
DIRECTOR
JIM ABRAM

EXECUTIVE DIRECTOR
RICHARD TAYLOR

Maureen Pearse
Manager of Administrative Services
Regional District of Nanaimo
Box 40
Lantzville, BC
V0R 2H0

Maureen
Dear Ms. Pearse:

Attached is a copy of the provincial response to the 2000 resolution(s) put forward by your Board that was endorsed at the UBCM Convention.

B43 Premature Building Envelope Failure

Please note that the responses were prepared prior to the provincial election. I trust this information is of assistance.

Yours truly,

Marie Crawford
Marie Crawford
Assistant Executive Director

Encl.



PAGE
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B43 Premature Building Envelope Failure

WHEREAS some regional districts have received requests for financial assistance in the form of waived solid waste tipping fees for building repairs from the strata owners of a condominium building that has experienced premature building envelope failure (leaky building);

AND WHEREAS it is recognized that there are an undetermined number of buildings throughout the Province that could potentially experience premature building envelope failure and the cost to local government in providing financial assistance by waiving solid waste tipping fees cannot be determined at this time;

AND WHEREAS local waste management service areas do not have adequate funding mechanisms to address these requests for financial assistance;

AND WHEREAS the Provincial and/or Federal Governments are the appropriate bodies to resolve and provide financial assistance in this matter:

THEREFORE BE IT RESOLVED that the Provincial Government proceed and implement the necessary legislation and policies to create a provincially funded financial assistance program for residents of the Province who have been financially affected by the premature building envelope failure (leaky building) crisis.

RESPONSE OF: MINISTRY OF SOCIAL DEVELOPMENT AND ECONOMIC SECURITY

The provincial government has implemented two programs through the Homeowner Protection Office (HPO) to provide financial assistance to homeowners affected by the leaky condo crisis.

The Homeowner's Reconstruction Loan Program provides no-interest loans to owners of leaky condominiums, leaky housing co-operatives and other homes who do not have sufficient savings or investments to pay for repairs and cannot qualify for a conventional loan. As of January 15, 2001, the HPO had approved 4,859 loans totalling \$103.9 million.

The PST Relief Grant Program provides a grant equivalent to the provincial sales tax that owners pay on the cost of repairs. Grants totalling \$1.4 million had been paid to 88 strata corporations as of December 31, 2000.

The Province is continuing to explore measures that could provide further assistance to owners who are still experiencing difficulties.



REGIONAL DISTRICT OF NANAIMO			
JUL 17 2001			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
USC ✓			
			DATE:
Services			

MEMORANDUM

TO: Pamela Shaw
Manager of Community Services

DATE: July 16, 2001

FROM: Brigid Reynolds
Planner

FILE: 3060 30 0115

SUBJECT: Development Permit Application No. 0115 – McGarrigle/Sims
Lot 18, District Lot 28, Nanoose District, Plan VIP62528
Electoral Area 'G' – Admiral Tryon Boulevard

PURPOSE

This is an application to vary:

- the 'other' lot line setback from 5.0 metres to .5 metres and the minimum setback from the natural boundary from 8.0 metres to 7.5 metres pursuant to the RDN's Land Use and Subdivision Bylaw No. 500, 1987;
- the Watercourse Protection Development Permit Area setback of 15.0 metres from the natural boundary to 3.0 metres to permit the construction of a retaining wall to provide for flood protection purposes; and
- the Watercourse Protection Development Permit Area setback from 15.0 metres to 7.5 metres from the natural boundary

to permit the construction of a single dwelling unit within a Sensitive Lands Development Permit Area.

BACKGROUND

This is an application to vary the 'other' lot line setback and the natural boundary setback pursuant to Bylaw No. 500 and the Watercourse DPA setback pursuant to the French Creek OCP to permit the siting of a dwelling unit in a Sensitive Lands DPA in the Columbia Beach area of Electoral Area G (see Attachment 1).

The subject property is zoned Residential (RS1) pursuant to Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. The minimum setback requirements for buildings and structures in this zone are 5.0 metres from the 'other' lot line and 8.0 metres from the natural boundary. The applicant is requesting to vary the side yard setback adjacent to a public walk way to 0.5 metres and to vary the setback to the natural boundary to 7.5 metres.

The property is also situated within a Sensitive Lands Development Permit Area and there is a Watercourse Protection Development Permit Area designated for the foreshore and French Creek pursuant to Regional District of Nanaimo French Creek Official Community Plan Bylaw No. 1115, 1998. The minimum setback for the Watercourse Protection DPA is 15.0 metres from the natural boundary and the applicant is requesting a variance of 12.0 metres to permit the construction of a retaining wall and a variance of 7.5 metres to permit the construction of a dwelling unit (see Schedule No. 2 for a site plan).

There is a covenant on title delineating a setback for buildings and structures measured 15.0 m from the present natural boundary for flood protection purposes. In addition, the covenant states no removal of vegetation is permitted within 7.5 m from the present natural boundary for environmental protection

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purposes. Written permission from the Regional Water Manager and Regional Fish and Wildlife Manager with the Ministry of Water, Land and Air Protection have been received to relax the covenant setbacks.

The total parcel size is 2,360 m² of which 1,412 m² is a spit of land reaching into the Strait. This spit area is fish habitat and the covenant covers the entire spit; given this habitat value, the property owner has stated their commitment to return the spit portion of the parcel to the Crown.

ALTERNATIVES

1. To approve the requested variances subject to the conditions as outlined in Schedule No. 1.
2. To deny the requested variance.

LAND USE AND DEVELOPMENT IMPLICATIONS

Approval of the requested variance would permit the construction of a dwelling unit and placement of a retaining wall. Reducing the 'other' lot line setback from 5.0 m to 0.5 metres is unlikely to impact the adjacent property owners because this setback is adjacent to a 5.0 m public access walkway.

Reducing the setback to the foreshore from 8.0 metres for Bylaw No. 500 and from 15.0 m for the Watercourse Protection Development Permit Area to 7.5 metres would permit the placement of the dwelling unit in front of adjacent dwelling units. Water Management Branch has agreed to relax the covenant from 15.0 m to 7.5 m from the present natural boundary. This covenant was put on the title for flood protection purposes.

ENVIRONMENTAL IMPLICATIONS

The parcel is situated in the French Creek floodplain and is bordered by the Strait of Georgia and French Creek. The spit on this parcel is deemed fish habitat by Fisheries and Oceans Canada. In addition, the Ministry of Water, Land and Air Protection (MWLP) hold a covenant that does not permit the removal of vegetation within 7.5 metres of the present natural boundary. This covenant covers the entire area of the spit. As a result, no removal of vegetation or alteration of land is permitted. MWLP, DFO, and RDN staff concur that the spit should be returned to Crown. The applicant has submitted a letter of undertaking agreeing to return the spit to the Crown.

On the northeast corner of the parcel adjacent to the Strait of Georgia, the rip-rap retaining wall is proposed to be placed 3.0 metres from the present natural boundary. MWLP, Regional Fish and Wildlife Manager have given written permission to modify the terms of the covenant for the retaining wall. Schedule No. 2 is the site plan, which shows the proposed location of the wall. No further placement of fill or rip-rap shall be supported. The location of the rip-rap retaining wall is in line with existing retaining walls on adjacent properties. Water Management Branch requires that the rip-rap wall is to be designed by a suitably qualified professional engineer.

This parcel is uniquely located between marine and fresh water environments. As a result, protecting these environments from the introduction of sediment caused by erosion is necessary. Schedule No. 1 outlines methods that should be undertaken as part of this development.

PUBLIC CONSULTATION IMPLICATIONS

This lot is one of the remaining lots to be developed on Admiral Tryon Boulevard. Property owners in the area have constructed retaining walls in addition to dwelling units. As part of this application there is a request to vary setbacks pursuant to both the zoning on the property and the OCP development permit area requirements. Should this application proceed, parcels within 50.0 metres of this parcel shall be informed of the variances pursuant to the notification requirements of the **Local Government Act**.

SUMMARY/CONCLUSIONS

This is an application to vary:

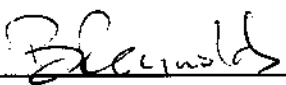
- ❑ the 'other' lot line setback from 5.0 metres to .5 metres and the minimum setback from the natural boundary from 8.0 metres to 7.5 metres pursuant to the RDN's Land Use and Subdivision Bylaw No. 500, 1987;
- ❑ the Watercourse Protection Development Permit Area setback of 15.0 metres from the natural boundary to 3.0 metres to permit the construction of a retaining wall to provide for flood protection purposes; and
- ❑ the Watercourse Protection Development Permit Area setback from 15.0 metres to 7.5 metres from the natural boundary

to permit the construction of a single dwelling unit within a Sensitive Lands Development Permit Area.


This lot is one of the remaining lots to be developed on the foreshore side of Admiral Tyron Boulevard. Many adjacent property owners have constructed retaining walls in addition to dwelling units. In addition, the parcel contains a spit of land considered fish habitat by Fisheries and Oceans Canada. The applicant has submitted a letter of undertaking agreeing to return the spit to the Crown.

RECOMMENDATION

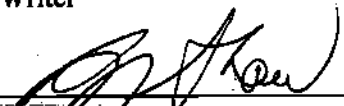
That Development Permit Application No. 0115 to vary the minimum 'other' lot line setback for the Residential 1 (RS1) zone from 5.0 metres to 0.5 metres and to vary the minimum setback from the natural boundary requirements from 8.0 metres to 7.5 metres pursuant to the RDN's Land Use and Subdivision Bylaw No. 500, 1987; and to vary the Watercourse Protection Development Permit Area setback from the natural boundary pursuant to the French Creek Official Community Plan Bylaw No. 1115, 1998 from 15.0 metres to 3.0 metres to permit the construction of a retaining wall, and to vary the DPA setback from 15.0 metres to 7.5 metres to permit the siting of the dwelling unit for the property legally described as Lot 18, District Lot 28, Nanoose District, Plan VIP62528, be approved subject to the requirements outlined in Schedule '1' and subject to the notification requirements pursuant to the *Local Government Act*.



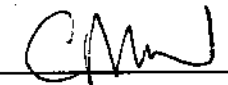
Report Writer



A/General Manager Concurrence



Manager Concurrence.



A/CAO Concurrence

COMMENTS:

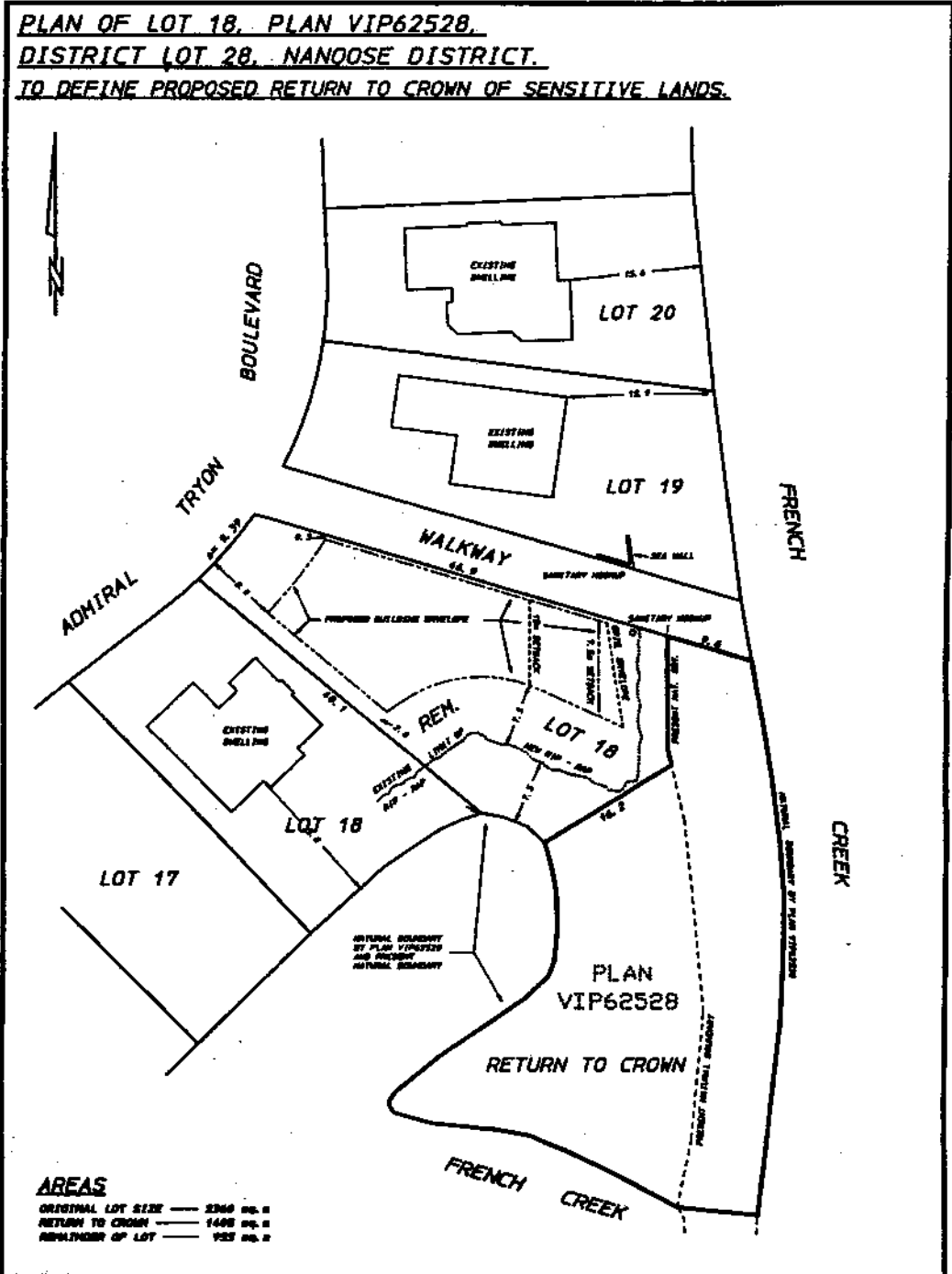
devsvs/reports/2000/dp_ju 3060 30 0115 McGarrigle Sims

Schedule No. 1
Conditions of Approval
Development Permit No. 0115

1. Rock used for the rip-rap wall should be angular blast rock, clean and free of fines. The rock should be of a size that will not move and require maintenance. The rip-rap wall is to be designed by a suitably qualified professional engineer.
2. Planting of native vegetation interspersed in rip-rap wall.
3. The rock wall should have a mechanism to drain soils from the upland through the rock without allowing for the loss of upland soils to the freshwater or marine environment. A filter fabric barrier to restrain upland soils is recommended.
4. Machinery should be in good working condition and no fuels, lubricants or construction wastes are permitted to enter the marine or fresh water environments. No refueling of machinery is to be conducted within 100 m of the watercourse. Machinery should operate from the upland only.
5. Prior to any construction commencing install temporary fencing (snow or 'hi-vis' fence) to delineate the toe of the rip-rap wall as indicated on Schedule No. 2.
6. A spill kit should be on-site to prevent the introduction of any fuels in the event of a spill. If a spill occurs, the Provincial Emergency Program must be contacted.
7. Sediment and erosion control measures must be utilized to control sediment during construction and land clearing works and to stabilize the site after construction is complete. These methods and materials are necessary to prevent sedimentation from entering the marine and fresh water environments. These measure must include:
 - a. Tarps, sand bags, poly plastic sheeting, and/or filter fabric are required to be onsite.
 - b. Direct run off flows away from the marine and fresh water environments using swales or low berms.
 - c. It is your responsibility to have and utilize all appropriate sediment and erosion control materials on-site for use during and after construction to ensure sediments do not enter the marine and fresh water environments.
 - d. Exposed soils must be seeded immediately after disturbance. Soil surfaces to be treated should be roughened.
 - e. Cover temporary fills or soil stock piles with polyethylene or tarps.
8. Any excavated materials must be placed upland such that there is no potential for introduction into French Creek or onto the foreshore.
9. Concrete poured on-site must be fully contained in forms. Concrete, concrete fines, concrete wash, concrete dust or other concrete materials are not permitted to enter any watercourse as these concrete materials are extremely toxic to fish and other freshwater organisms when uncured. It is your responsibility to ensure that materials necessary to ensure that concrete materials are contained and prohibited from entering the watercourse will be on-site for use during and after construction.
10. The sewer line shall be constructed at a low tide and the disturbance shall be as minimal as possible. Installation shall ensure that the area is returned to its preconstruction or natural state in both grade and composition of beach materials.
11. Remove fill piles located outside the permitted wall as shown on Schedule No. 2 and replant the areas on the foreshore that have been disturbed by the placement and removal of fill.

Schedule 2
 Site Plan
 Development Permit No. 0115

PLAN OF LOT 18, PLAN VIP62528,
DISTRICT LOT 28, NANOOSE DISTRICT,
TO DEFINE PROPOSED RETURN TO CROWN OF SENSITIVE LANDS.



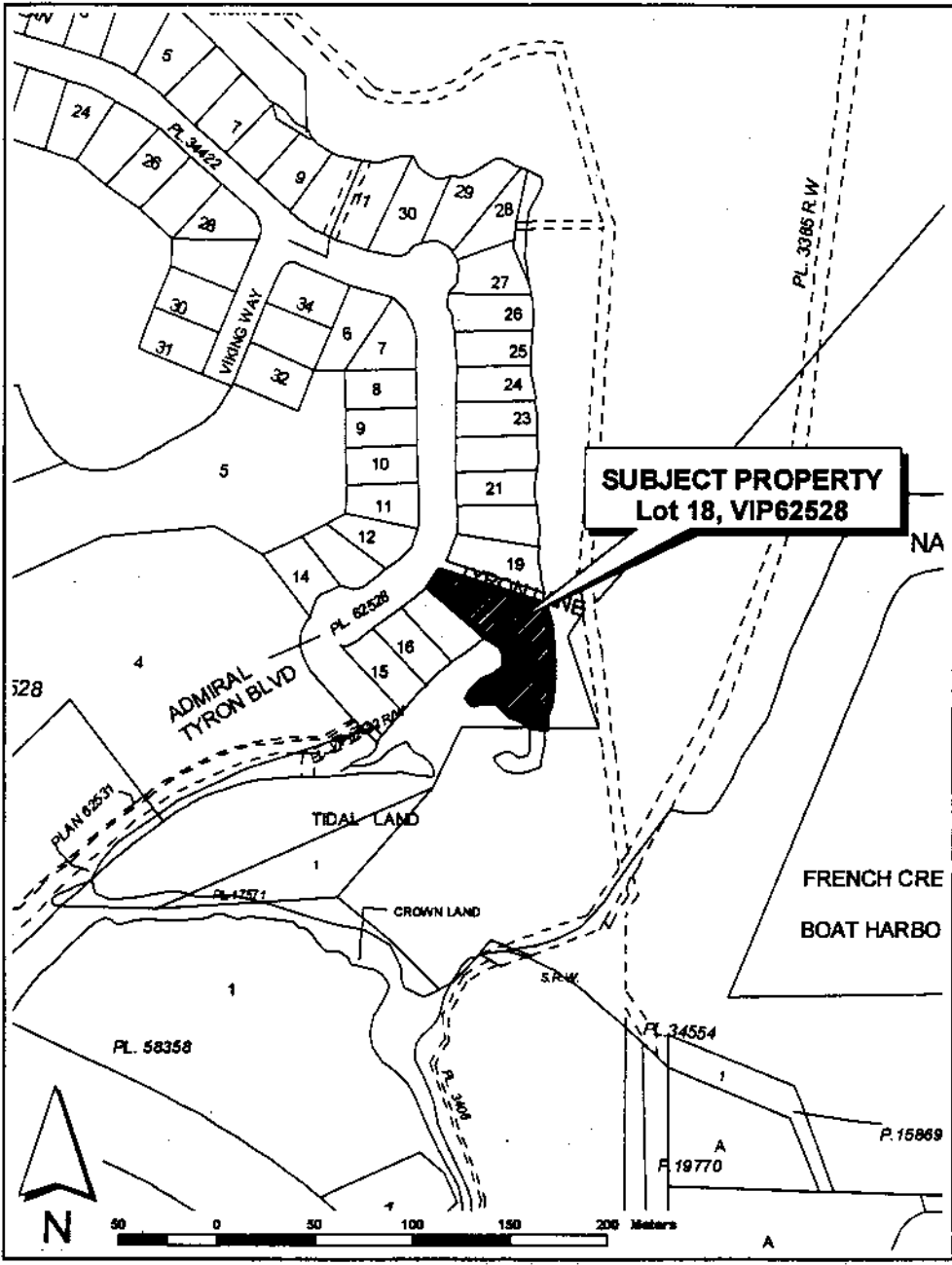
AREAS
 ORIGINAL LOT SIZE ——— 2366 sq. ft.
 RETURN TO CROWN ——— 1408 sq. ft.
 REMAINDER OF LOT ——— 958 sq. ft.

SCALE 1:400
 ALL DISTANCES ARE IN METRES.

DATE: 2001/05/22
 REVISIONS: 2001/06/11
 2001/07/09
 2001/07/13

SIMS ASSOCIATES
 LAND SURVEYOR
 227 FORD ROAD WEST
 NANOOSE BEACH, B.C. V9K 1K6
 PHONE: 250-2127 FAX: 250-2244
 P.L.B. #2-264-01
 C.O.P. #2-2648-01C
 D.L.D. 2001/07/13

Attachment No. 1
Development Permit No. 0115





REGIONAL DISTRICT OF NANAIMO			
JUL 16 2001			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	
DSE ✓			
DATE: July 13, 2001			

MEMORANDUM

TO: Pamela Shaw
Manager of Community Planning

July 13, 2001

FROM: Susan Cormie
Senior Planner

FILE: 3320 20 23433

SUBJECT: Request for Relaxation of the Minimum 10% Perimeter Requirement
3026 Adshead Road and 2974 Haslam Road – Electoral Area ‘A’

PURPOSE

To consider a request to relax the minimum 10% perimeter frontage requirement in order to facilitate the creation of a homesite severance parcel, pursuant to the *Agricultural Land Reserve Act*, and a boundary adjustment subdivision between 2 parcels.

BACKGROUND

The subject properties, which are located on Adshead Road within Electoral Area ‘A’, are zoned Rural 4 (RU4) and are within Subdivision District ‘D’ pursuant to the RDN Land Use and Subdivision Bylaw No. 500, 1987 (see Attachment No. 1 for location).

These properties are also located within the Provincial Agricultural Land Reserve (ALR).

The applicant is proposing to create a parcel, pursuant to the Land Reserve Commission’s Homesite Severance Policy and Section 946 of the *Local Government Act*. Under this legislation, where the requirements can be met, an applicant is exempt from the minimum parcel size requirements of the bylaw and may instead create a parcel, which is smaller. In addition to the proposed homesite severance parcel, the applicant is also proposing a lot line adjustment between the parent parcel, the Remainder of Lot 1 and the adjacent parcel, Lot B. These parcels will meet Bylaw No. 500 standards with respect to minimum parcel size requirements (see Attachment No. 2 for proposal).

The applicant has received approval for septic disposal permits for each proposed parcel and has indicated that private water wells are currently in use for each of the proposed parcels.

The submitted subdivision layout includes the homesite severance parcel (shown as Lot 1 on Attachment No. 2) proposed to be created with a total frontage of 10 metres or 2.7% of the total perimeter. In addition, the Remainder of Lot 1 is proposed to have a frontage of 132.7 metres or 7.0% of the total perimeter. Therefore, the proposed Homesite Severance parcel and the proposed Remainder of Lot 1 will not meet the minimum 10% perimeter frontage requirement pursuant to Section 944 of the *Local Government Act*.

ALTERNATIVES

1. To approve the request to relax the minimum 10% perimeter frontage requirement for the proposed homesite severance parcel and the Remainder of Lot 1.
2. To deny the request to relax the minimum 10% perimeter frontage requirement.

DEVELOPMENT IMPLICATIONS

Ministry of Transportation Implications

Ministry staff has indicated that they have no concerns with respect to this request for relaxation of the minimum 10% frontage.

Agricultural Land Reserve Implications

The Provincial Land Reserve Commission has allowed this application to create a homesite severance lot pursuant to the Commission's Homesite Severance Policy and Section 946 of the *Local Government Act*. In its consideration of this request, the Commission, concerned with ensuring the continuation of the agricultural production of the land, will only permit the existing home and driveway to be subdivided off the parent parcel leaving the portion of the land under agricultural production along Adshead Road severed from Lot 1. In order to avoid isolating this portion of the parcel from the balance of the farm land and to ensure the continuation of agricultural activity, the Commission is requiring, as a condition of approval, that the portion of the parent parcel along Adshead Road be consolidated with the parcel to the north (*shown as proposed Lot 2 on Attachment No. 2*).

Environmentally Sensitive Areas Atlas


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

SUMMARY

This is a request to relax the minimum 10% frontage requirement pursuant to Section 944 of the *Local Government Act* in order to facilitate the creation of a homesite severance parcel and a lot line adjustment between 2 existing parcels. The Provincial Land Reserve Commission approved the request for the homesite severance parcel with the condition that a lot line adjustment subdivision between the parent parcels be created in order to ensure the continuation of agricultural activity. The Ministry of Transportation staff has verbally indicated they have no objection to this request. Given that the Land Reserve Commission has considered and granted approval, the subdivision proposal from an agricultural point of view and the purpose of the application is to provide a separate title for an existing dwelling, staff recommends *Alternative No. 1* to approve the relaxation of the minimum 10% frontage for proposed Homesite Severance parcel and the remainder of Lot 1.

RECOMMENDATION

That the request from Leigh Millan, BCLS, on behalf of Lorraine Haslam and Clifford Haslam, to relax the minimum 10% frontage requirement for the proposed Homesite Severance parcel and the Remainder of Lot 1, Plan VIP69321, as shown on the plan of subdivision prepared by Leigh Millan, be approved.



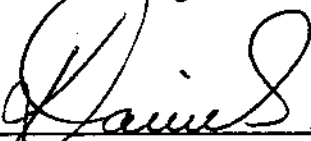
Report Writer



General Manager Concurrence



Manager Concurrence

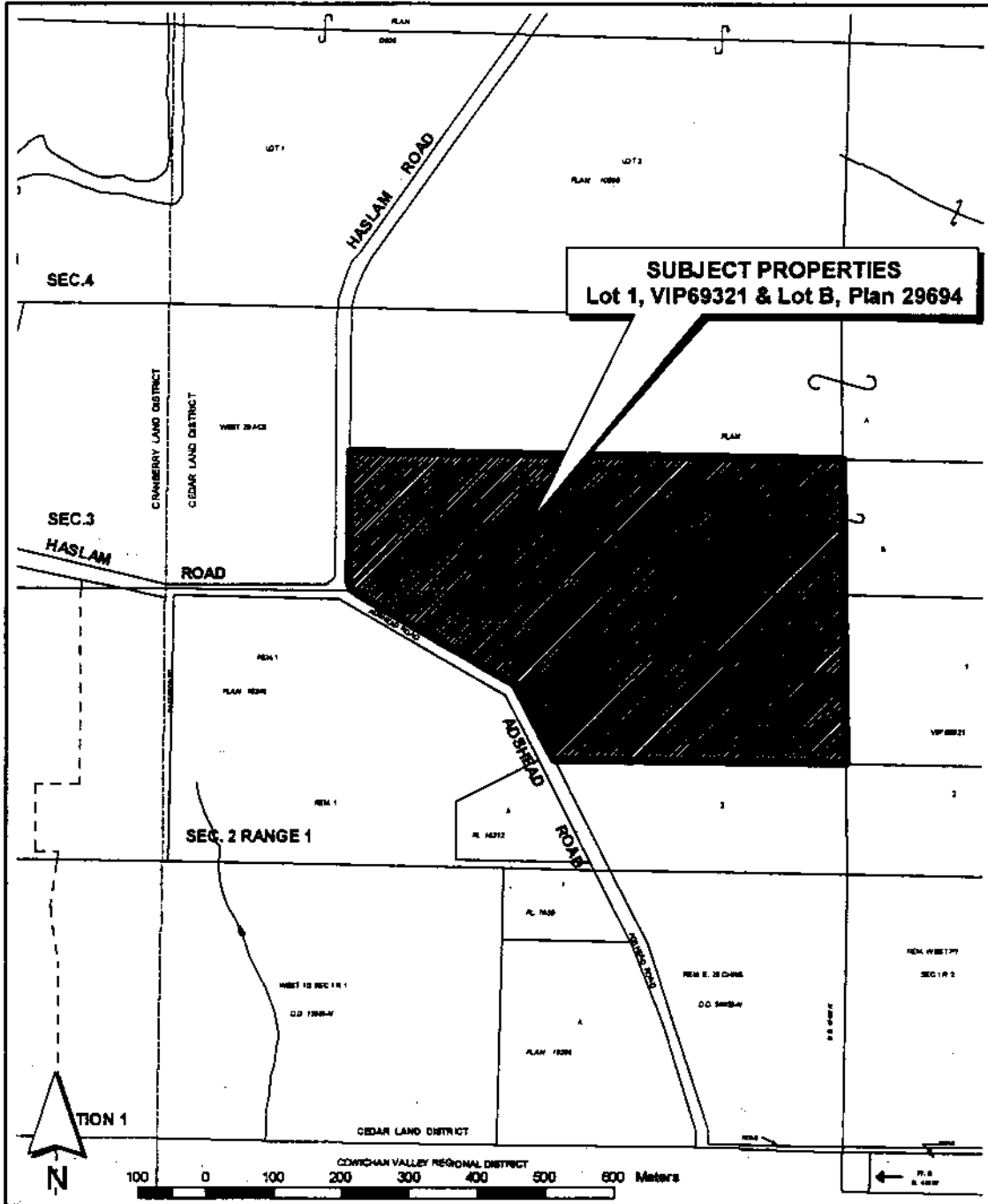


CAO Concurrence

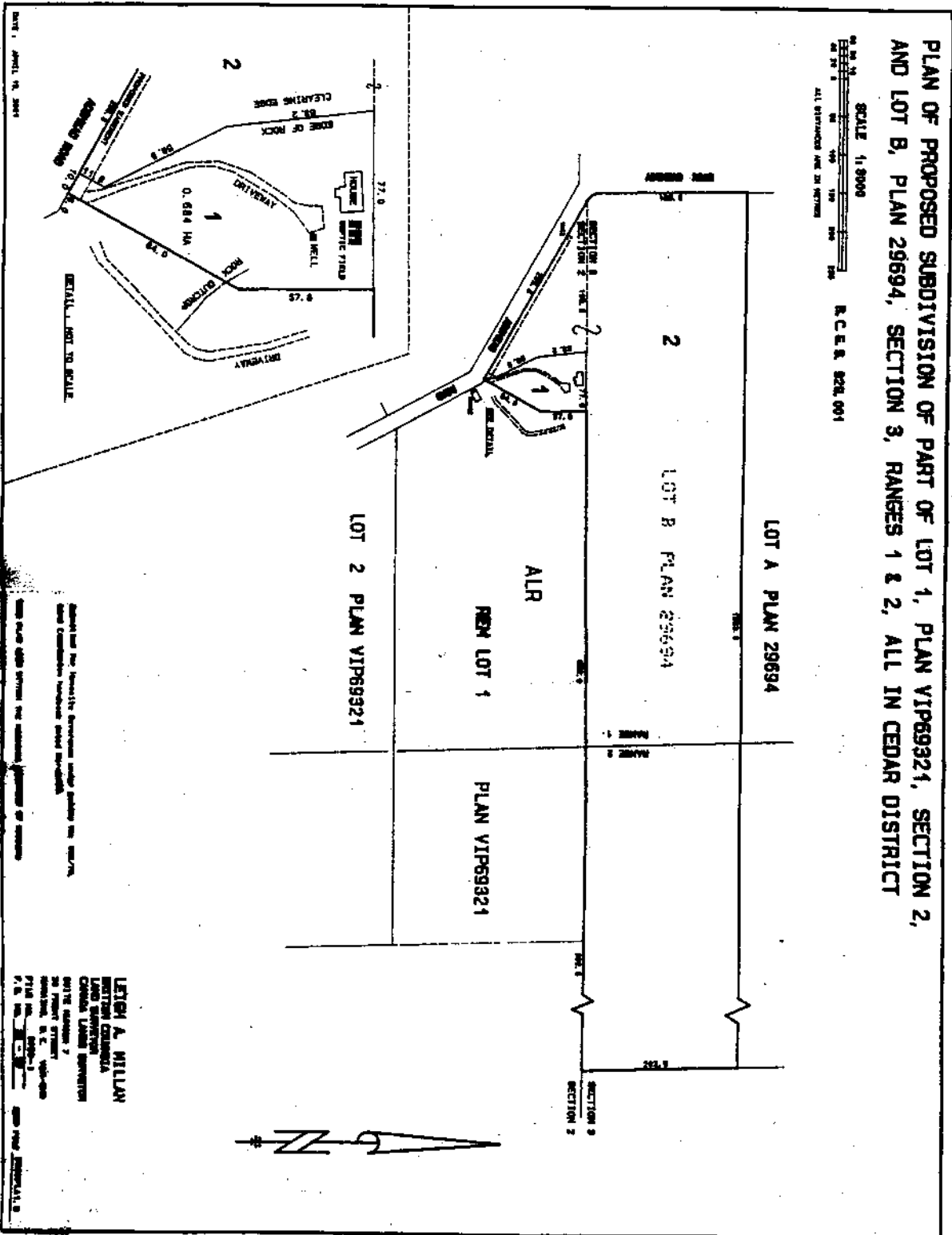
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ATTACHMENT NO. 1



ATTACHMENT NO. 2





REGIONAL DISTRICT OF NANAIMO		
JUL 16 2001		
CHAIR		GMCrS
CAO		GMDS
GMCrS		GMES
DSE ✓		

MEMORANDUM

TO: Pamela Shaw
Manager of Community Planning

DATE: July 12, 2001

FROM: Susan Cormie
Senior Planner

FILE: 3320 20 23526

SUBJECT: Request for Relaxation of the Minimum 10% Perimeter Requirement
Off West Road – Electoral Area ‘D’

PURPOSE

To consider a request for the relaxation of the minimum 10% frontage requirement pursuant to Section 944 of the *Local Government Act* in order to facilitate the second phase of a 9-lot subdivision.

BACKGROUND

The subject property, which is located off West Road within Electoral Area ‘D’, is currently zoned Rural 1 (RU1) and is within Subdivision District ‘D’ pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987 (see Attachment No. 1 for location). The applicant is proposing a phased subdivision to subdivide the parent parcel into a total of 9 lots, all which will meet the minimum required parcel size.

Proposed lots 4 and 5, as shown on the plan of subdivision as submitted by the applicant, are proposed to have frontages of 40.5 metres or 6.6% perimeter frontage and 19.6 metres or 3.4% perimeter frontage respectively (see Attachment No. 2). Therefore, proposed Lots 4 and 5 will not meet the minimum 10% perimeter frontage requirement pursuant to Section 944 of the *Local Government Act*.

Septic disposal approval and prove of potable water are subject to the Regional Approving Officer’s approval at the time of subdivision.

ALTERNATIVES

1. To approve the request to relax the minimum 10% perimeter frontage requirement for proposed Lots 4 and 5.
2. To deny the request to relax the minimum 10% perimeter frontage requirement.

DEVELOPMENT IMPLICATIONS

Ministry of Transportation and Highways Implications

Ministry staff has indicated that they have no concerns with respect to this request for relaxation of the minimum 10% frontage.

Lot Configuration Implications

Due to the configuration of both the parent parcel and the surrounding lands, there is no future access available to Jingle Pot Road and therefore, no need for the Approving Authority to require access to lands beyond pursuant to Section 75(1) of the *Land Title Act*. As a result of the shape of the parent parcel, a cul-de-sac road is the best solution for creating the most efficient lot layout. It is noted that the next phase of this subdivision includes the dedication of a road to lands beyond to the south of the parent parcel.

Environmentally Sensitive Areas Atlas

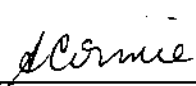
The Regional District of Nanaimo Environmentally Sensitive Areas Atlas indicates that there are no environmentally sensitive features within the subject property.

SUMMARY

This is a request to relax the minimum 10% frontage requirement pursuant to Section 944 of the *Local Government Act* in order to facilitate a phased 9-lot subdivision. The Ministry of Transportation and Highways staff has verbally indicated they have no objection to this request. The Environmentally Sensitive Area Atlas does not indicate the presence of any environmentally sensitive features. Due to the lot configuration of the parent parcel and the surrounding properties, staff recommends Alternative No. 1 to approve the relaxation of the minimum 10% frontage for proposed Lots 4 and 5.

RECOMMENDATION


That the request from Dave Wallace, BCLS, on behalf of 565832 BC Ltd, to relax the minimum 10% frontage requirement for proposed Lots 4 and 5, as shown on the plan of subdivision of Part of Lot 3, Range 3, Mountain District, Plan VIP57411, be approved.




Report Writer



General Manager Concurrence



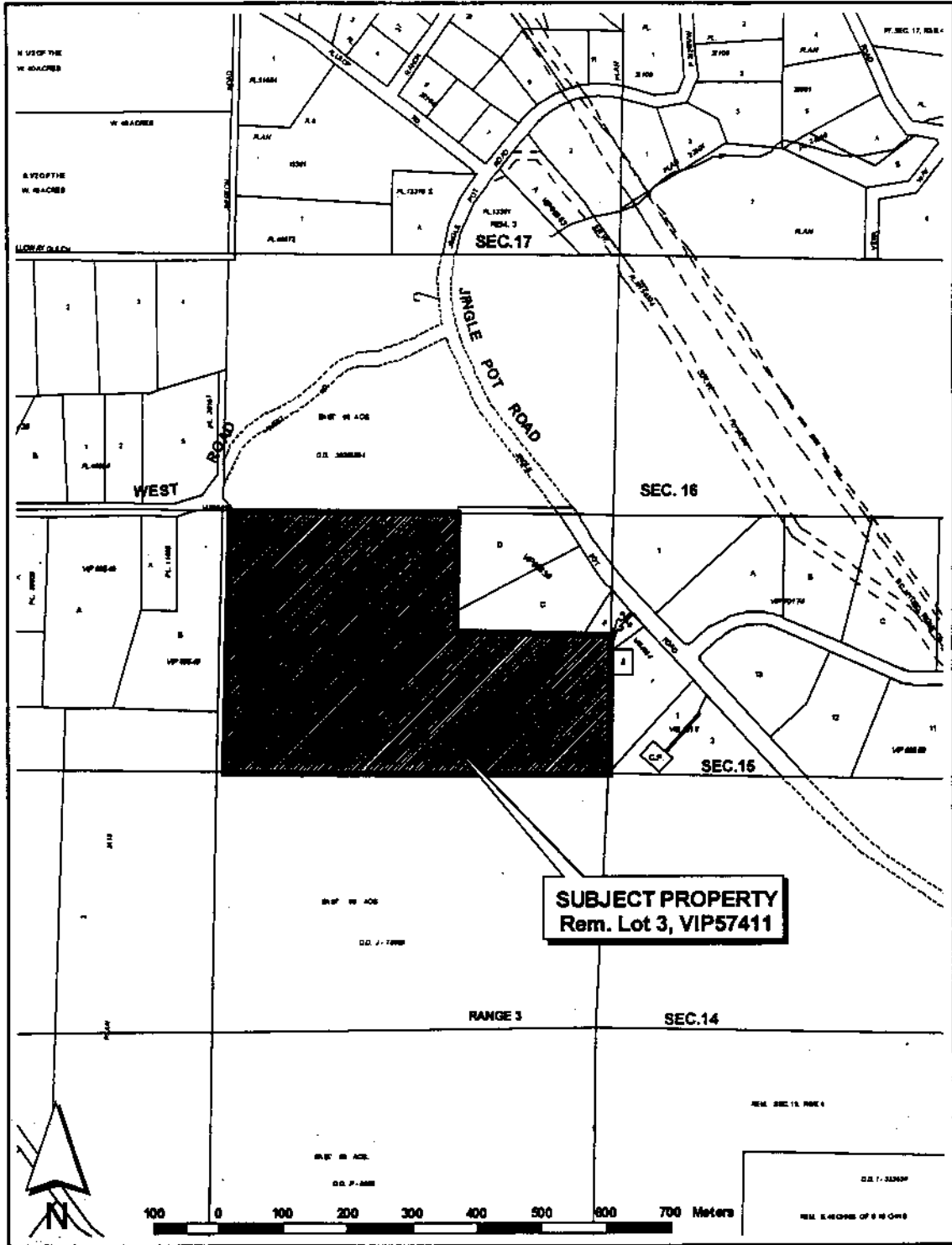
Manager Concurrence



CAO Concurrence

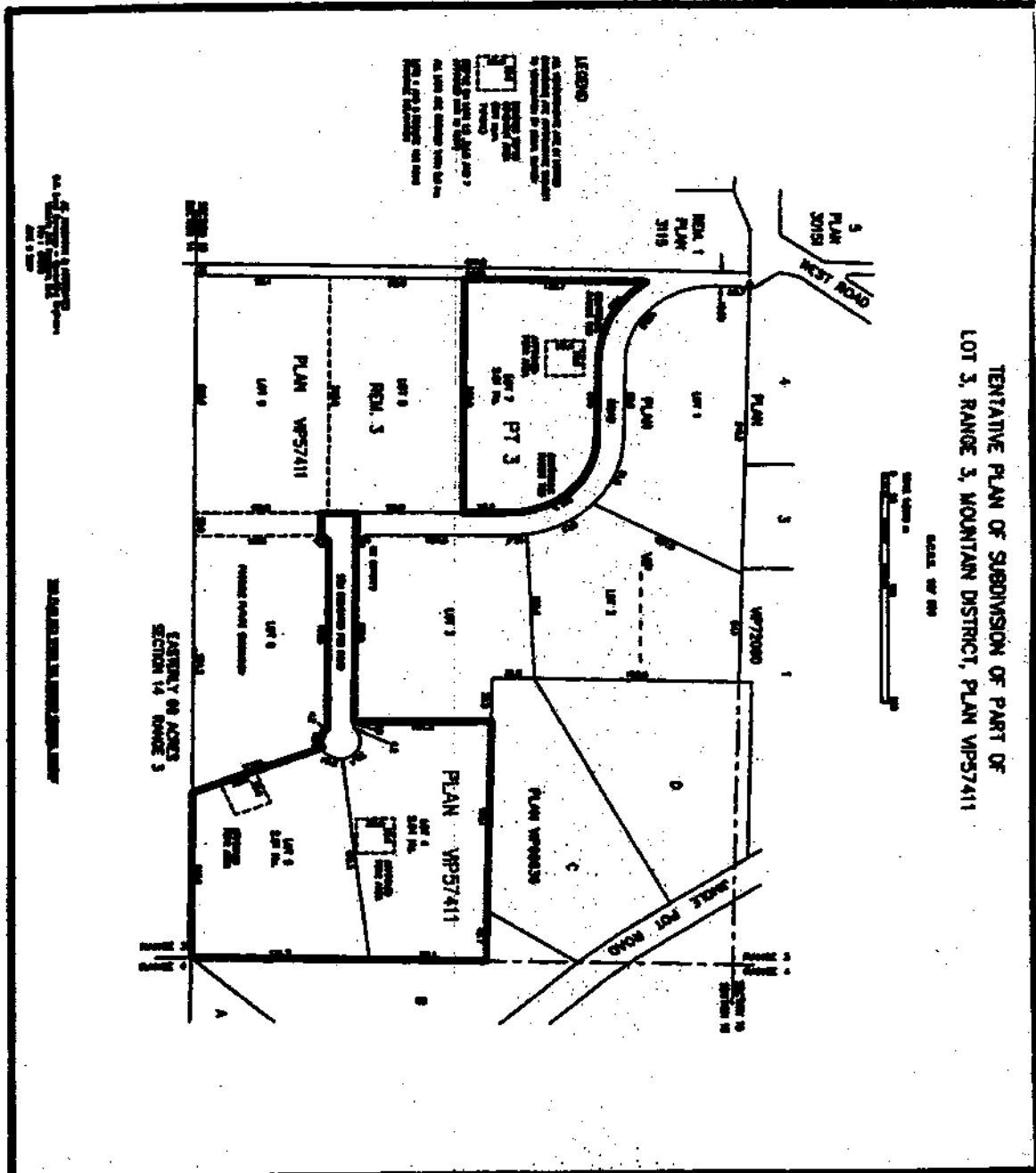
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ATTACHMENT NO. 1



ATTACHMENT NO. 2

Plan of Proposed Subdivision as Submitted by Applicant





REGIONAL DISTRICT OF NANAIMO			
JUL 16 2001			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
		DSC	✓

MEMORANDUM

TO: Pamela Shaw
Manager of Community Planning

DATE: July 12, 2001

FROM: Susan Cormie
Senior Planner

FILE: 3320 00 - 2525 Myles Lake

SUBJECT: Building Strata Conversion Application – Philip Sopow
2525 Myles Lake Road, Electoral Area 'C'

PURPOSE

To consider a request to approve the building strata conversion of a residential development pursuant to Section 242 of the *Strata Property Act* that will result in the creation of 2 residential building strata lots.

BACKGROUND

The subject property is 2.72 ha in size and is located on Myles Lake Road within Electoral Area 'C' (see Attachment No. 1). The applicant is proposing to create 2 building strata lots over one existing single dwelling unit and one proposed dwelling unit (see Attachment No. 2 for proposed building strata subdivision).

Section 242 of the *Strata Property Act* provides for the conversion of previously occupied buildings into strata lots subject to the approval of the approving authority, in this case, the Regional Board. The Regional Board is to ensure that an adequate supply of rental units remains available and that units being converted meet the minimum standard of construction. The *Strata Property Act* specifies that the Regional Board must consider the following criteria in its decision:

1. The priority of rental accommodation over privately owned housing in the area;
2. Any proposals for the relocation of persons occupying a residential building;
3. The life expectancy of the building; and
4. Projected major increases in maintenance costs due to the conditions of the building.

The Board is also required to ensure that the buildings substantially comply with applicable bylaws and the National Building Code of Canada.

In addition to the above required criteria, the Board may also consider "any other matters that, in its opinion, are relevant." Consideration of these other matters enables the request to be refused at the Board's discretion. In order to evaluate an application, the Board approved the *Strata Conversion Policy and Guidelines Policy (No. B1.7)* which establishes criteria to assist an applicant in the preparation of an application and to assist the Regional District in its review and evaluation of an application.

ALTERNATIVES

1. To approve the request for the strata conversion as shown on the plan submitted by the applicant subject to conditions set out in Attachment No. 2.

2. To not approve the request for a building strata conversion.

IMPLICATIONS

Strata Property Act

The request for approval of this proposed building strata conversion appears that it will generally meet the minimum criteria that the Board must consider in approving a building strata conversion. The applicant's professional engineer has stated that the building, subject to some repairs and construction, will be in substantial compliance with the National Building Code of Canada. A listing of the required upgrades are included in Schedule No. 1 of this report.

With respect to the priority of rental accommodation over privately owned housing in the area; the neighbourhood where the subject property is located is characterized by owner-occupied single dwellings situated on residential and rural residential parcels. As a result, the priority of rental accommodation is not considered to be significant.

With respect to the life expectancy of the building, the applicant has submitted a professional engineer's report certifying a 40 to 50-year life expectancy of the building is anticipated.

With respect to the projected major increases in maintenance costs due to the condition of the building, the applicant's engineer has provided a list of projected maintenance costs over a 25-year period. To the best of planning staff's knowledge, there appears to be no major increases in the cost for the maintenance of the building at this time.

Building Strata Conversion Policy Guidelines

The application, as submitted, will meet the requirements of the RDN Building Strata Conversion Policy Guidelines.

Environmentally Sensitive Areas Atlas

The Environmentally Sensitive Areas Atlas indicates the subject property does not contain an environmentally sensitive feature.

Ministry of Transportation and Highways

The Ministry of Transportation have reviewed the proposed strata plan and approved access to the subject property.

Ministry of Health

The Ministry of Health has reviewed the proposed building strata plan and has issued conditional approval.

Proposed Building Unit Implications


The subject property currently supports one dwelling unit. The applicant does not wish to proceed with the construction of the second dwelling unless approval of this application has been granted. The applicant has submitted both a site plan (*see Attachment No. 2*) showing the proposed siting of the second dwelling and house construction plans (*see Attachment No. 3*). It is recommended that if approval for the building strata is granted, approval be subject to subject to the submitted house plans being constructed in the location as shown on the site plan and certified that construction meets the current building code requirements pursuant to the *Strata Property Act* provisions.

SUMMARY/CONCLUSIONS

The applicant is requesting a building strata conversion of the two existing single dwelling units. The application, as submitted, appears that, subject to the applicant completing a number of conditions, it will meet the minimum requirements for the approval of a building strata conversion as set out in the *Strata Property Act*. The Ministry of Health has granted a conditional health permit for septic disposal. The Ministry of Transportation staff has indicated that they have no issues with the proposal. Staff confirm that the technical provisions for stratification pursuant to the *Strata Property Act* will be able to be met subject to the conditions outlined in Schedule No. 1 of this report being completed have been met and that the guidelines set out in the corresponding policy have been met. As a result, staff recommends Alternative No. 1 to approve the request for strata conversion.

RECOMMENDATION


That the request from Philip Sopow, for the building strata conversion as shown on the Sketch Plan of Lot A, Cranberry District, Section 8, Range 3, Plan VIP53510, be approved subject to the conditions being met as set out in Schedule No. 1 of the staff report.



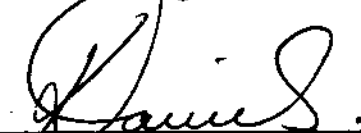
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

Devsys/reports/3300 20 2525 ju Sopow strata conv.doc

SCHEDULE NO. 1

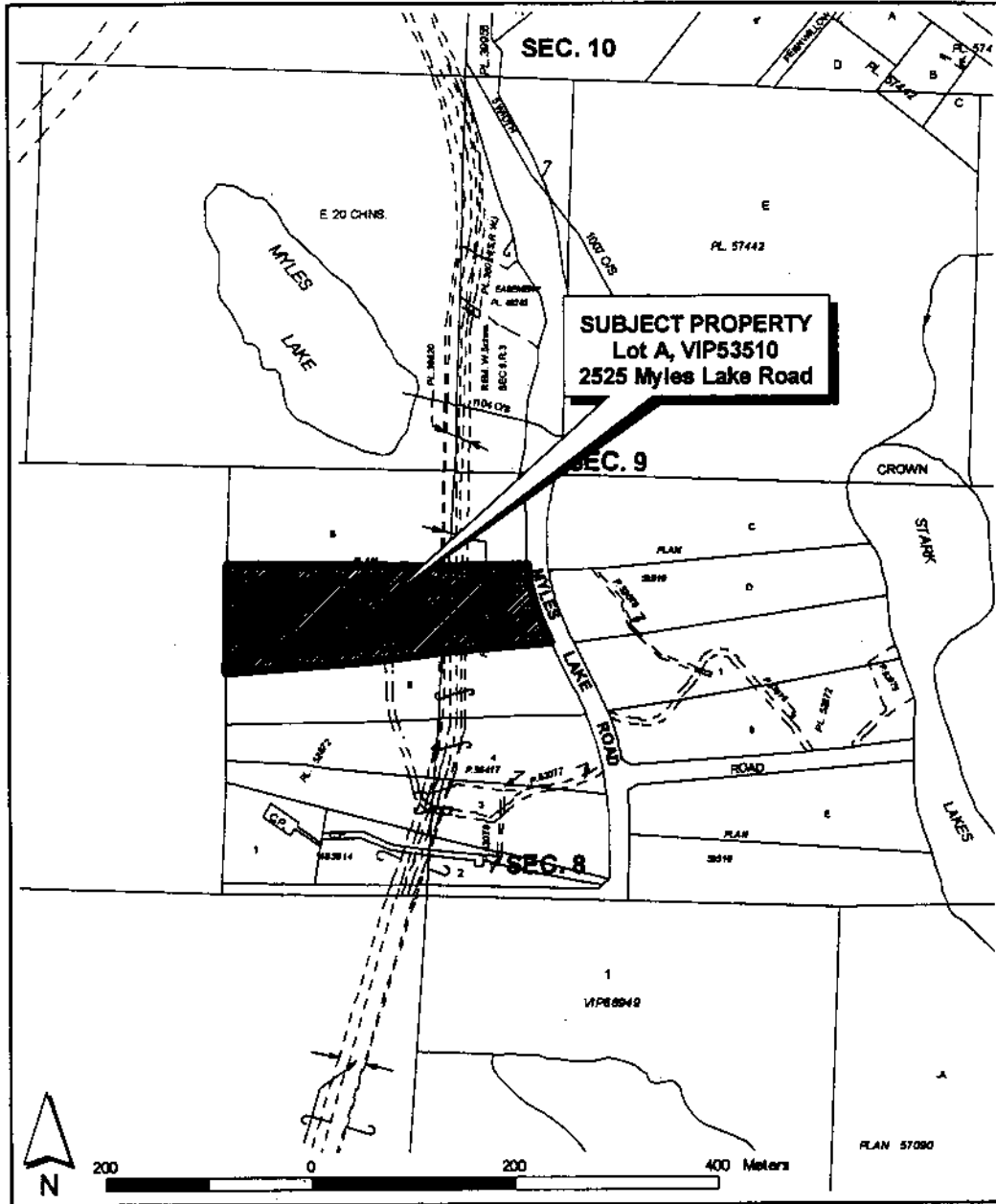
**CONDITIONS ATTACHED TO PROPOSED BUILDING STRATA CONVERSION OF
2525 MYLES LAKE ROAD**

The following conditions are to be completed by the applicant to the satisfaction of the Regional District of Nanaimo.

1. Written confirmation that the Ministry of Health has given final approval of the septic disposal systems for both proposed building strata lots.
2. Written confirmation that the Ministry of Transportation has issued access permits and are completed to the Ministry's satisfaction.
3. New single dwelling to be situated as shown on the submitted site plan and built in accordance with Jenish House Design Limited Plan No. 2.3.574.88.
4. Professional engineer's report certifying that the new building strata has been built to the current code requirements pursuant to section 242 of the *Strata Property Act*.
5. BCLS confirmation that new dwelling unit meets all requirements pursuant to Bylaw No. 500, 1987.
6. Professional engineer's report certifying that the following works on the existing dwelling have been constructed to current code pursuant to section 242 of the *Strata Property Act*:
 - a. **Exterior:**
 - i. Stucco wall cladding to be removed and repaired as per Item 2) a) of engineer's report prepared by Mike Herold, P. Eng. and dated June 6, 2001.
 - ii. Fascia and barge boards to be further investigated and removed and replaced as necessary as per Item 2) e) of report.
 - iii. Backfill heights to be corrected where possible as per Item 2) f) of report.
 - b. **Interior:**
 - i. Handrail on basement stairs to be installed as per Item 1) a) of report.
 - ii. Confirmation that a single winder has minimum 6" run at narrow end as per Item 1) b) of report.
 - iii. Handrail on stairs from basement to garage to be installed as per Item 1) c) of report.
 - iv. Weather stripping and closure of basement door to be installed as per Item 1) d) of report.
 - v. Insulate, install vapour barrier, and cover basement foundation walls with drywall as per Item 1) f) of report.
 - vi. Confirmation that winders have a minimum of 6" run on main floor stairs as per Item No. 2) f) of report.
 - vii. Correct spacing on pickets in guard to 4" maximum spacing as per Item No. 2) g).
 - viii. Install weather stripping and self closer on bonus room door as per Item 2) i) of report.
 - ix. Install weather stripping and self closing device on stair connecting bonus room and garage as per Item No. 2) j) of report.
 - c. **Heating:**
 - i. Provide copy of gas permit for LPG furnace or any other gas appliances within the dwelling unit as per Item No. 1) a) of report.

- ii. Confirm mechanical ventilation system confirms to Part 6, 1987 BC Building Code as per Item No. 2) a) of report.
 - iii. Inspect and confirm no blockage of roof ventilation in attic, between soffits, and roof vents as per Item No. 3) a) of report.
- d. **Plumbing Systems:**
- i. Open some areas of domestic water system to enable confirmation that materials and quality of installation of water distribution system meet current Code requirements as per item 2) a) of report.
 - ii. Open some areas of Drainage and Waste Ventilation (DWV) system to enable inspection and confirmation that materials and quality of DWV system meets current Code requirements as per Item No. 3) a) of report.
- e. **Electrical Systems:**
- i. Provide copy of original electrical permit and declaration from electrician that all works complete or provide explanation of unsigned Electrical Inspector's report dated March 7, 2001 as per Item No. 1) a) of report.
- f. **General:**
- i. Remove sufficient interior or exterior materials so applicant's engineer can verify compliance of construction methods with 1985 BC Building Code requirements.

ATTACHMENT NO. 1



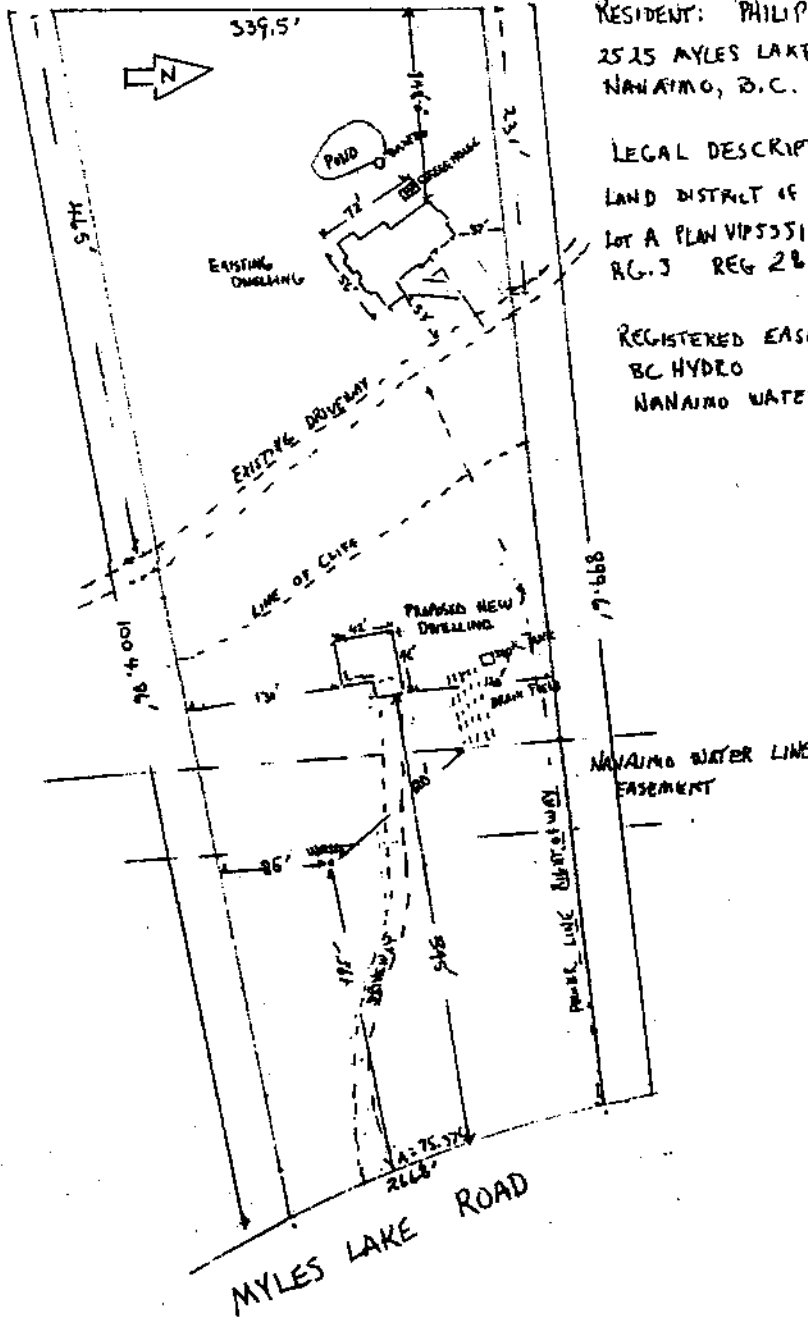
ATTACHMENT NO. 2

(Plan of proposed strata building conversion as submitted by applicant)

PLAN VIPS2872

LOT A 2.609 HA.

SCALE 1/4" = 1'-0"



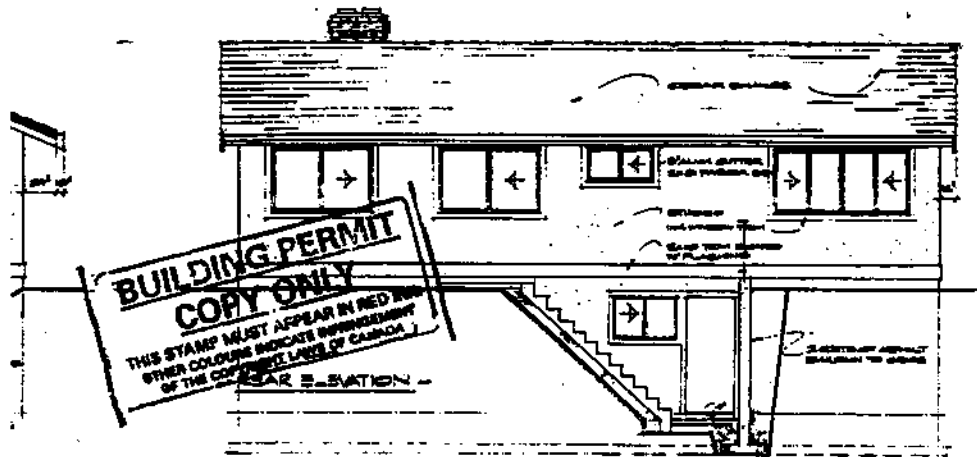
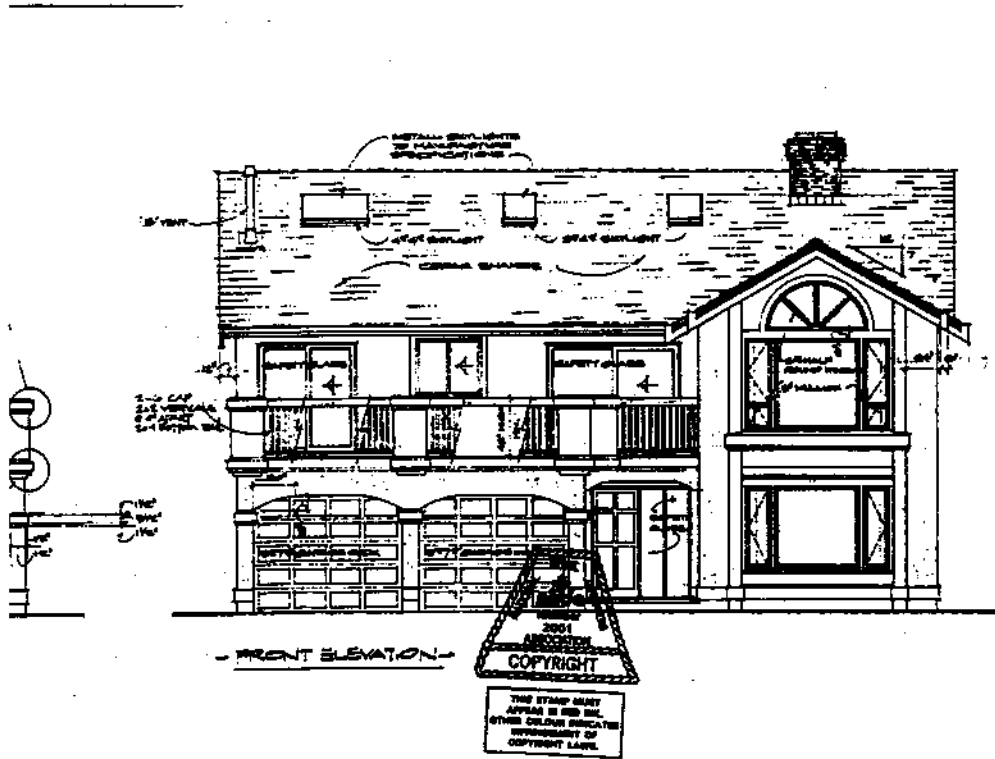
RESIDENT: PHILIP SOPOW
2525 MYLES LAKE ROAD
NANAIMO, B.C.

LEGAL DESCRIPTION:
LAND DISTRICT OF CRANBERRY
LOT A PLAN VIPS551 0 SEC: 8
R.G. 3 REG 283

REGISTERED EASEMENTS:
BC HYDRO
NANAIMO WATER DISTRICT

ATTACHMENT NO. 3

(Proposed dwelling unit plans as submitted by applicant)



IFINISH HUISE DESIGN LIMITED



REGIONAL DISTRICT OF NANAIMO			
JUL 18 2001			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	
DCU			

MEMORANDUM

TO: Pamela Shaw Manager, Community Planning DATE: July 17, 2001

FROM: Lindsay Chase Planner FILE: 3360 50 0103

SUBJECT: Temporary Commercial Use Permit No. 0103 & Development Permit No. 0117 Fairwinds Development Corporation, Andover Drive, Electoral Area 'E'

PURPOSE

To consider applications for a temporary commercial use permit and a development permit for the property located on Andover Drive in the Fairwinds development in Nanoose Bay.

BACKGROUND

The Planning Department has received an application for a temporary commercial use permit for Lot 56, Plan VIP68559 located on Andover Drive within Electoral Area 'E'. The subject property, which is 2.0 ha in size, is zoned Residential 8 (RS8) pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. Pursuant to the Nanoose Bay Official Community Plan Bylaw No. 1118, 1998, the subject property is designated within the Fairwinds Land Use Designation and the Form and Character Development Permit Area (see Attachment No. 1 for location).

The OCP also includes Policy No. 2.2.13, which states that the Regional Board may consider the issuance of a temporary commercial use permit for real estate offices, show homes and construction offices within the Fairwinds area to be located on non-commercially zoned parcels.

The realty office has been in use on its current site at 3500 Fairwinds Drive since 1990, operating under a series of temporary commercial use permits. The latest issued temporary commercial use permit has now expired. The applicant intends to develop the site where the office is currently located; therefore the applicant is proposing to move the realty office to a new location on Andover Drive (see Attachment No. 2 for proposal). As the property does not have commercial zoning, the applicant is applying for a temporary commercial use permit.

The subject property is served with both community water and community sewer.

Pursuant to the Local Government Act, a temporary use permit is valid for a period of 2 years and, at the end of 2 years, the applicant may apply to renew the permit for an additional 2 years.

ALTERNATIVES

1. To consider the applications for a Temporary Commercial Use Permit and a Development Permit to allow the siting of a temporary real estate office subject to the application proceeding to a public information meeting and subject to the notification requirements pursuant to the **Local Government Act**.
2. To deny the application for a Temporary Commercial Use Permit.

DEVELOPMENT IMPLICATIONS

Development Permit Implications

The subject property is designated within the Form and Character Development Permit Area pursuant to the Nanoose Bay Official Community Plan Bylaw No. 1118, 1998 and therefore a development permit is required. The applicant, as part of the proposal, has indicated intentions to upgrade the site including providing additional off-street parking above the minimum bylaw requirements, providing landscaping over a portion of the parcel, retaining the balance of the parcel in its natural state, and providing signage which will be unobtrusive and minimally lit.

With respect to the off-street parking layout, the applicant is proposing the off-street parking area be partially located between the front face of the building and Andover Drive in order to retain the existing natural vegetation. The applicant is in concurrence to provide landscaping between the parking area and Andover Drive. While the landscaping will not completely screen the parking area from the road, this location will avoid removing any additional vegetation, which is in keeping with the Development Permit Area guidelines.

In order to secure the proposed site improvements, staff recommends that a permit, if issued, be subject to meeting the conditions outlined in Schedule No. 1 of this report.

The applicant is required to receive an access permit for the proposed temporary use. As a permit has not yet been received, this is also a recommended condition of approval.

PUBLIC CONSULTATION IMPLICATIONS

Nearby neighbours and property owners have expressed concern with locating the realty office in the proposed location. Issues raised to date include increased traffic in a residential area and the potential for the temporary commercial use permit to be continually renewed, effectively making the use permanent (*see Attachment No. 3*). Due to concerns expressed by the community, and in consultation with the applicant, staff has scheduled a public information meeting for August 2, 2001 at Fairwinds Schooner Cove Resort. The minutes of the public information meeting will be available at the August Board meeting when the Board considers the approval of the temporary commercial use and development permit application.


SUMMARY

This is an application for a Temporary Commercial Use Permit and a Development Permit for a real estate office use on Lot 56, VIP 68559 on Andover Drive in the Fairwinds community in Nanoose Bay. The proposed temporary use meets the applicable OCP policy relating to the placement of temporary uses

in the Fairwinds area. The applicant has indicated that the proposal, which is designated within the Form and Character Development Permit Area, will meet the applicable guidelines of the DPA. Nearby neighbours have raised issues with respect to the siting of a commercial use in this location. As a result, a public information meeting has been scheduled for August 2, 2001. It is staff's assessment that this application has merit to proceed to a public information meeting prior to being considered by the Board. Therefore, staff recommend that the applications proceed to a public information meeting prior to being considered by the Board, subject to the conditions outlined in Schedule No. 1 and the notification requirements pursuant to the *Local Government Act*.

RECOMMENDATION


That Temporary Commercial Use Permit No. 0103 and Development Permit No. 0117, submitted by the Fairwinds Development Corporation Inc. No. 441838 for the property legally described at Lot 56, District Lot 8, Nanoose District, Plan VIP68559, to allow a temporary real estate office use, proceed to a public information meeting prior to the Board's consideration of these permits, subject to the conditions outlined in Schedule No. 1 and the notification requirements pursuant to the *Local Government Act*.



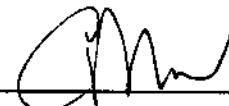
Report Writer



A/General Manager Concurrence



Manager Concurrence



A/CAO Concurrence

COMMENTS:
devsvs/reports/2001/ju3360500103 fairwinds tup.doc

Schedule No. 1

**Conditions Attached to Temporary Commercial Use Permit No. 0103 and
Development Permit No. 0117**

1. Building Development

The buildings shall be sited in accordance with Attachment No. 2 of staff report.

2. Off-Street Parking Spaces and Aisle Ways

- a. A minimum of 10 off street parking spaces shall be provided.
- b. The off-street parking spaces shall be located as indicated on Attachment No. 2.
- c. All parking areas, including aisle ways, shall be constructed to Bylaw No. 500 standard including being clearly delineated through the use of parking stops on a compacted and dust free surface.

3. Signage

- a. A maximum of 1 sign shall be permitted in a location as shown on Attachment No. 2. This sign shall be the sign presently situated at 3500 Fairwinds Drive.

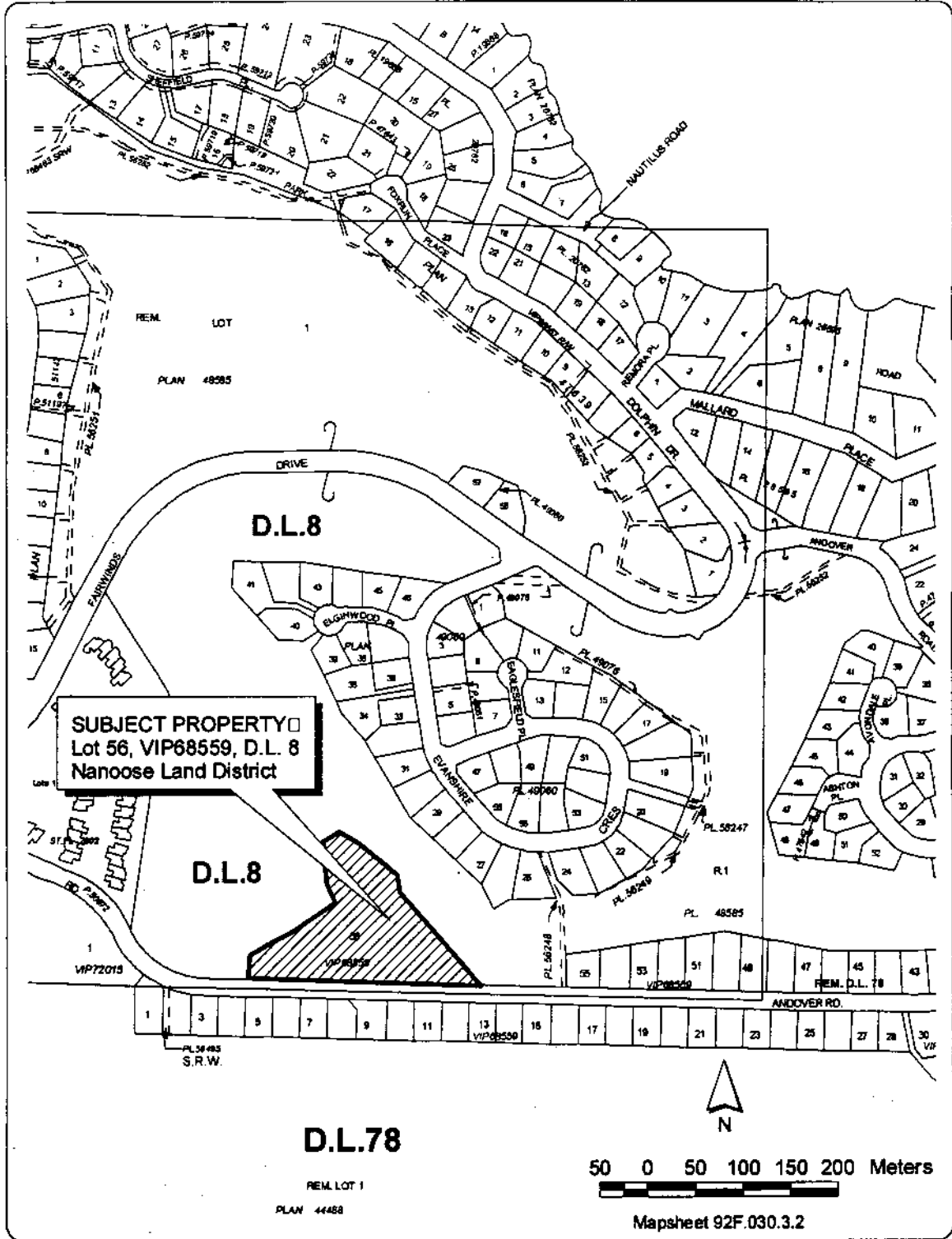
4. Landscaping Provisions

- a. Landscaping shall be provided around off-street parking areas, access point, and sign.
- b. Required landscaping shall be provided and shall, at the minimum, satisfy the following criteria:
 - i. Landscaping shall be totally comprised of biologically diverse and drought resistant plants.
 - ii. Individual plants to be used in the landscaping shall have normal, well developed branches and vigorous, fibrous root systems; such plants shall be healthy, vigorous and free from defects, decay, disfiguring roots, sunscald, injuries, abrasions of the bark, plant diseases, insect pests' eggs, borers and all forms of infestations or objectionable disfigurements.
 - iii. All landscaping shall be permanently maintained in good condition with, at the minimum, the same quality and quantity of landscaping as was initially approved and within alteration of the approved design; the owner shall make provisions for the permanent irrigation works necessary to water the landscaping.
 - iv. The design of landscaping shall be such that the growth of roots, trunks, and branches of natural or introduced vegetation or the location of planted berms shall not conflict with the utilities, structures, necessary access, or required sight triangle.
 - v. All landscaped areas shall be constructed with a permanent curb a minimum of 15 cm in height to protect all landscaped areas from potential vehicular damage.
- c. The balance of the subject property shall be left in its natural state.
- d. Upon removal of the temporary commercial use permit, the subject property is to be reinstated to its original condition.

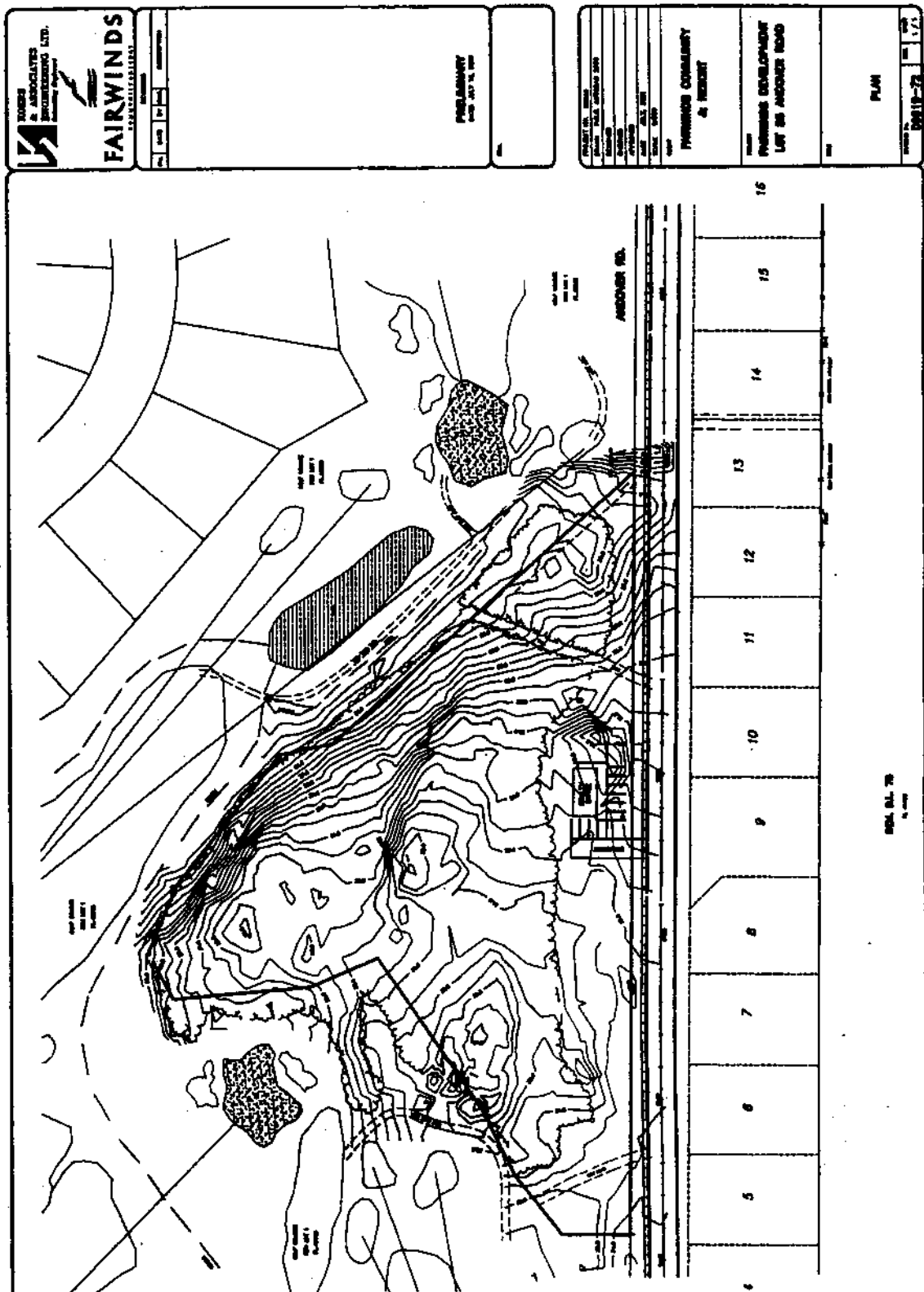
5. Access

- a. An approved access permit issued by the Ministry of Transportation prior to the permit being issued.

Attachment No. 1
Subject Property



Attachment No. 2
 Subject Property Site Plan as Submitted by Applicant



ATTACHMENT NO. 3

Residents of Andover Road
Nanoose Bay.
July 9, 2001

The Senior Planner
Development Services
Regional District of Nanaimo
6500 Hammond Bay Road
P.O. Box 40
Lantzville. V0R 2H0.

[BY HAND]

Attention: Ms Susan Cormie

Dear Ms Cormie,

Re: Relocation of the Royal LePage Realty Office, Fairwinds.

We, the undersigned residents of Andover Road, Nanoose Bay, wish to express our collective concern regarding the proposed relocation of the Royal LePage Realty office, currently situated on 3500 Fairwinds Drive.

It is our understanding that the landowner has a "Temporary Commercial Permit" which allows Royal LePage to conduct business from the office's present position within a zoned residential area. We furthermore understand that this permit has been extended by your Department a number of times over the past ten years since its original issuance, which was only valid for a two-year period. We have been informed that this "Temporary" permit is about to expire and that the landowner no longer will support a renewal application - i.e. the landowner has requested that the office be removed from the site.

It is our further understanding that Royal LePage has been given permission by Fairwinds Development ("Fairwinds") to relocate their office to one of Fairwinds' lots located on Andover Road [Lot #56].

When you met recently with one of the undersigned, you informed him that an application from Royal LePage or Fairwinds for a "Temporary Commercial Permit" for Lot #56 had not yet been received by the RDN. You also informed him that should such an application be received, then the only required procedure for public awareness and information, is to publish a notice in a local newspaper and that there is no formal public forum for affected residents to become fully informed or to express their views or concerns.

In anticipation of you receiving such an application and, considering the expected short timeframe involved for you to evaluate the application, we hereby formally record our concerns:

- We have all invested in Fairwinds for the purpose of enjoying the peaceful and extremely pleasant *residential* neighbourhood;
- Andover Road is a very quiet, seldom-used street. A commercial enterprise such as the real estate office will increase traffic flow, especially to-and-fro past the entrance to Glen Eagle townhomes;

- Currently, our property taxes are based on a residential zoning – issuing this permit would cause all of us to apply for reassessment based on a commercial zoning of our area – even if this permit were to be issued for an initial two-year “temporary” period. The RDN has created its own precedent by renewing the current permit for much longer than the one-time, two-year extension allowed in the bye-laws. We are therefore legitimately concerned that a temporary permit will drag on and will, in effect, be permanent;
- Other commercial enterprises (accounting office, hot-dog stands! etc.) may be encouraged to apply for permits - the above-mentioned precedent may make it difficult for the RDN to turn down such applications;

None of us is in favour of retarding the development of our beautiful community. On the contrary, we all strongly support the orderly and progressive development of Fairwinds to the benefit of both the original and new owners, as well as all residents. Such development naturally involves real estate transactions and hence the need for a real estate office. All we ask is that this office not be located within a tranquil residential area. Perhaps an appropriate site would be in a more ‘visible’ location on a road that is traditionally busy with naturally flowing through-traffic. Four such sites in the immediate area come to mind. This will achieve a long-term (permanent) solution for Royal LePage and is very much in Royal LePage’s and the owners’ best interest!

Thank you so much for your timely consideration of our concerns.

Yours very truly,

David Wilby
Hulst Darius
Mary M. Hill
D.E. Po
C Newport
Eugene Nettler
B. Jones
Skylark
Scott

Glen Eagle
Strata.

Andover
Resident

Edmund A. Bank
Ray

Cc: Royal LePage, Fairwinds Office. (Mr. Frank Fairley)
 Fairwinds Development Corporation. (Mr. Geoff Barker)
 Fairwinds Community and Resort. (Mr. Alistair McLean)

John Hand
L. Hunsken
Harriet Christopherson
Norothy Christopherson
Pracknell
Blunder
DE Anoder

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE ENVIRONMENTAL SERVICES COMMITTEE MEETING
HELD ON TUESDAY, JUNE 26, 2001, AT 7:30 P.M. IN THE
COUNCIL CHAMBERS OF THE CITY OF NANAIMO
455 WALLACE STREET, NANAIMO, B.C.

Present:

Director L. Sherry Alternate	Chairperson
Director H. Kreiberg	Electoral Area A
Director B. Sperling Alternate	Electoral Area B
Director M. Young	Electoral Area C
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 J. Macdonald	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Director G. Korpan Alternate	City of Nanaimo
Director T. Beech	City of Nanaimo
Director D. Rispin	City of Nanaimo
Director T. Krall	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

J. Finnie	General Manager of Environmental Services
A. Stanley	Acting Manager of Liquid Waste
W. Moorman	Manager of Engineering & Utilities
F. McFarlane	Recording Secretary

DELEGATIONS

David Haley, re Quennell Lake Drainage & Flood Control Local Services

MOVED Director Stanhope, SECONDED Director Westbroek, that Mr. Haley be permitted to address the Committee as a late delegation.

CARRIED.

Mr. Haley spoke to the Committee regarding the Quennell Lake drainage issue, specifically the request from residents of the proposed local service area to withdraw the request to have RDN staff negotiate a statutory right-of-way and to establish a local service area. He advised the Committee that the property owner wishes to proceed with the proposed right-of-way agreement as negotiated to date.

MINUTES

MOVED Director Krall, SECONDED Director McLean, that the minutes of the Environmental Services Committee meeting held on Tuesday, May 22, 2001 be adopted.

CARRIED

CORRESPONDENCE/COMMUNICATIONS

Marie Crawford, UBCM, re Provincial response to 2000 Resolution from RDN Board concerning Regional Health Authority Sewage Disposal Applications.

MOVED Director Holme, SECONDED Director Macdonald, that the correspondence from Marie Crawford, UBCM, re Provincial response to 2000 Resolution from RDN Board concerning Regional Health Authority Sewage Disposal Applications be received for information.

CARRIED

LIQUID WASTE/UTILITIES

Southern Community Sewer Local Service Area Development Cost Charge Amendment Bylaw No. 1020.02.

MOVED Director Krall, SECONDED Director Rispin,:

1. That the Development Cost Charges Bylaw for the Southern Community sewer service area be amended.
2. That "Southern Community Sewer Local Service Area Development Cost Charge Amendment Bylaw No. 1020.02,2001" be introduced and read three times, and
3. That "Southern Community Sewer Local Service Area Development Cost Charge Amendment Bylaw No. 1020.02, 2001" having received three readings be forwarded to the Inspector of Municipalities for approval.

CARRIED

Electoral Area A (MacMillan Road School Site) Sewer Local Service Area Rates and Regulations Bylaw No. 1237.

MOVED Director Holdom, SECONDED Director Kreiberg,:

1. That "Electoral Area A (MacMillan Road School Site) Sewer Local Service Area Rates and Regulations Bylaw No. 1237, 2001" be introduced for first three readings.
2. That "Electoral Area A (MacMillan Road School Site) Sewer Local Service Area Rates and Regulations Bylaw No. 1237, 2001" having received three readings be adopted.

CARRIED

SOLID WASTE

Garbage Collection and Recycling Program - Status of Contract Re-Tender.

MOVED Director McLean, SECONDED Director Holme, that the status report on garbage and recycling curbside collection be received by the Board.

CARRIED

Yard Waste Collection Program.

MOVED Director Rispin, SECONDED Director Holme, that the status report on the development and implementation of a curbside yard waste collection program to service urban households throughout the RDN be received for information.

CARRIED

Waste Export Fee - Rate Adjustment Formula.

MOVED Director Krall, SECONDED Director McLean, that the Board request to the GVS&DD that the contract for waste disposal at Cache Creek be amended to change the annual fee adjustment formula from a December index to an Annual Average Index.

CARRIED

Regional Landfill Cell Closure Contract.

MOVED Director Stanhope, SECONDED Director Westbrook, that the "2001 Regional Landfill Cell Closure" contract be awarded to Hazelwood Construction for the tendered price of \$258,766.60.

CARRIED

OTHER

Quennell Lake Drainage & Flood Control Local Services - Abandonment of Initiative.

MOVED Director Westbrook, SECONDED Director Kreiberg, that:

1. In accordance with the residents' request, the Board approves abandoning further attempts to establish a Quennell Lake drainage local service.
2. Staff be directed to advise the residents that if they wish to pursue this drainage issue further, they would need to do so through independent litigation.

CARRIED

IN CAMERA

MOVED Director Holme, SECONDED Director Krall, that pursuant to Section 242.2(1)(h) of the *Local Government Act* the Committee proceed to an In Camera Meeting to consider matters related to litigation or potential litigation affecting the Regional District.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 7:56 PM

CHAIRPERSON



JUL 18 2001

CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMES	

MEMORANDUM

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

DATE: July 16, 2001

FROM: Wayne Moorman, PEng
Manager of Engineering and Utilities

FILE: 5500-20-SR-01

SUBJECT: Utilities
Surfside Sewer Local Service Area
Reserve Fund

PURPOSE

To consider the establishment of a reserve fund for future capital works for the Surfside Sewer Local Service Area.

BACKGROUND

The Surfside Sewer Local Service Area is relatively new with the oldest portion of the system having been constructed in 1999/2000. The infrastructure has not been experiencing any problems and the system continues to be reliable.

Notwithstanding the current status of the infrastructure, staff considers it prudent to set aside a portion of the annual operating surplus in anticipation of system upgrades in the future.

The 2001 operating budget includes an initial contribution to a reserve fund for future sewer system improvements of \$890.00.

Ideally our utilities (sewer and water) should have reserve funds in place for extraordinary repairs and/or major upgrades and replacement of the infrastructure. A typical sewer system may need upgrading or replacement every 20 to 40 years or so. With this time horizon in mind approximately 2.5% to 5% of a system should be upgraded annually. In the case of Surfside the 2001 operating budget is not large and an initial amount of \$890.00 has been allocated for reserve fund. This fund will be added to annually as the budget permits and will lessen the financial impact to the residents when future upgrading is required.

ALTERNATIVES

1. Establish a reserve fund.
2. Do not establish fund at this time.

FINANCIAL IMPLICATIONS

The 2001 operating budget for the Surfside Sewer Local Service Area has funds set aside for the establishment of a reserve fund. A reserve fund established now, and contributed to annually, will make future upgrades, repairs or replacement less of a financial impact to the residents.

SUMMARY/CONCLUSIONS

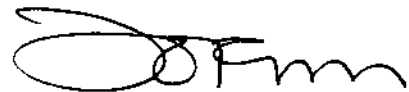
The 2001 operating budget provides for an initial contribution of \$890.00 to a capital reserve fund for the Surfside Sewer Local Service Area. Establishing the reserve fund provides an opportunity to annually set aside modest funds to stabilize the impact of future improvements or repairs to the sewer system. Not establishing a reserve fund may result in a need for increased borrowing when improvements are made to the system in the future and an increase in property taxes at that time.

RECOMMENDATION

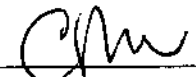
1. That "Surfside Sewer Local Service Area Reserve Fund Establishment Bylaw No. 1252, 2001, be introduced and receive first three readings".
2. That "Surfside Sewer Local Service Area Reserve Fund Establishment Bylaw No. 1252, 2001, having received three readings be adopted.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1252

**A BYLAW TO ESTABLISH A RESERVE FUND
FOR THE PURPOSE OF MAKING IMPROVEMENTS
AND EXPANSIONS TO THE SURFSIDE
SEWER LOCAL SERVICE AREA**

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

1. There is hereby established a reserve fund, pursuant to Section 497 of the *Local Government Act*, to be known as the "Surfside Sewer Local Service Area Reserve Fund".
2. Money from the current revenue of the Surfside Sewer Local Service Area function, to the extent to which it is available, or as otherwise provided in the *Local Government Act*, may from time to time be paid into the reserve fund.
3. The money set aside may be deposited in a separate bank account or invested in the manner provided by the *Local Government Act* until its use is required.
4. Money in the reserve fund may be used for capital improvements, major repairs, system upgrades or expenditures of a like nature for the Surfside Sewer Local Service Area Sewer System.
5. This bylaw may be cited as the "Surfside Sewer Local Service Area Reserve Fund Establishment Bylaw No. 1252, 2001".

Introduced and read three times this 14th day of August, 2001.

Adopted this 14th day of August, 2001.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

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REGIONAL DISTRICT OF NANAIMO			
JUL 18 2001			
CHAIR		GMCrs	
CAO		GMDS	
GMCrs		GMES	

MEMORANDUM

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

FROM: Wayne Moorman, PEng
Manager of Engineering and Utilities

SUBJECT: Utilities
Pacific Shores Sewer Local Service Area
Reserve Fund

BC ✓

DATE:

July 16, 2001

FILE:

5500-20-PS-01

PURPOSE

To consider the establishment of a reserve fund for future capital works for the Pacific Shores Sewer Local Service Area.

BACKGROUND

The Pacific Shores Sewer Local Service Area is relatively new with the oldest portion of the system having been constructed in 1997. The infrastructure has not been experiencing any problems and the system continues to be reliable.

Notwithstanding the current status of the infrastructure, staff considers it prudent to set aside a portion of the annual operating surplus in anticipation of system upgrades in the future.

The 2001 operating budget includes an initial contribution to a reserve fund for future sewer system improvements of \$1,890.00.

Ideally our utilities (sewer and water) should have reserve funds in place for extraordinary repairs and/or major upgrades and replacement of the infrastructure. A typical sewer system may need upgrading or replacement every 20 to 40 years or so. With this time horizon in mind approximately 2.5% to 5% of a system should be upgraded annually. In the case of Pacific Shores the 2001 operating budget is not large and an initial amount of \$1,890.00 has been allocated for reserve fund. This fund will be added to annually as the budget permits and will lessen the financial impact to the residents when future upgrading is required.

ALTERNATIVES

1. Establish a reserve fund.
2. Do not establish fund at this time.

FINANCIAL IMPLICATIONS

The 2001 operating budget for the Pacific Shores Sewer Local Service Area has funds set aside for the establishment of a reserve fund. A reserve fund established now, and contributed to annually, will make future upgrades, repairs or replacement less of a financial impact to the residents.

SUMMARY/CONCLUSIONS

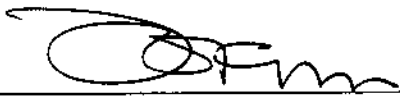
The 2001 operating budget provides for an initial contribution of \$1,890.00 to a capital reserve fund for the Pacific Shores Sewer Local Service Area. Establishing the reserve fund provides an opportunity to annually set aside modest funds to stabilize the impact of future improvements or repairs to the sewer system. Not establishing a reserve fund may result in a need for increased borrowing when improvements are made to the system in the future and an increase in property taxes at that time.

RECOMMENDATION


1. That "Pacific Shores Sewer Local Service Area Reserve Fund Establishment Bylaw No. 1253, 2001, be introduced and receive first three readings".
2. That "Pacific Shores Sewer Local Service Area Reserve Fund Establishment Bylaw No. 1253, 2001, having received three readings be adopted.



Report Writer



General Manager Concurrence



A CAO Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1253

**A BYLAW TO ESTABLISH A RESERVE FUND
FOR THE PURPOSE OF MAKING IMPROVEMENTS
AND EXPANSIONS TO THE PACIFIC SHORES
SEWER LOCAL SERVICE AREA**

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

1. There is hereby established a reserve fund, pursuant to Section 497 of the *Local Government Act*, to be known as the "Pacific Shores Sewer Local Service Area Reserve Fund".
2. Money from the current revenue of the Pacific Shores Sewer Local Service Area function, to the extent to which it is available, or as otherwise provided in the *Local Government Act*, may from time to time be paid into the reserve fund.
3. The money set aside may be deposited in a separate bank account or invested in the manner provided by the *Local Government Act* until its use is required.
4. Money in the reserve fund may be used for capital improvements, major repairs, systems upgrades or expenditures of a like nature for the Pacific Shores Sewer Local Service Area Sewer System.
5. This bylaw may be cited as the "Pacific Shores Sewer Local Service Area Reserve Fund Establishment Bylaw No. 1253, 2001".

Introduced and read three times this 14th day of August, 2001.

Adopted this 14th day of August, 2001.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES



REGIONAL DISTRICT OF NANAIMO			
JUL 17 2001			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	
	EC		✓

MEMORANDUM

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

DATE: July 16, 2001

FROM: Dennis Trudeau
Manager, Liquid Waste

FILE: 4520-20-42

SUBJECT: Liquid Waste
Northern and Southern Communities
Pump and Haul Bylaw Amendment

PURPOSE

To consider an amendment to Bylaw 975 that established the Regional District of Nanaimo Pump and Haul program.

BACKGROUND

The pump and haul service was established to provide a solution for those properties unable to obtain a permit for an on-site septic disposal system. In order to apply for a permit under this bylaw the applicant must have been formally rejected by the Ministry of Health for an on-site system and must meet the conditions imposed in the bylaw. Those conditions include having a parcel greater than 700m² and conforming to zoning bylaws.

Any person wishing to incorporate a property into Pump and Haul must apply to the Regional District of Nanaimo to amend the Pump and Haul Bylaw. A Restrictive Covenant shall be registered against the title to the land in question in accordance with Section 215 of the Land Title Act. The Restrictive Covenant shall require that the owner of the lot maintains a contract at all times with a pump out company and that a current contract is always deposited with the Regional District of Nanaimo.

The following is an application to include a property into this function.

Inclusion into Pump and Haul

- Lot 13, DL 78, Plan 25828, NANOOSE LAND DISTRICT
1926 Sea Otter Place
Darryl and Julianne Danner
Area E

Mr and Mrs Danner have petitioned to be included into the Regional District of Nanaimo Pump and Haul Local Service Area, Bylaw No. 975. A letter from the Central Vancouver Island Health Region Environmental Health Program dated July 19, 2000 indicates that the above noted property does not

meet the requirements of the Health Act Regulations 411/85 for an onsite sewage disposal system and an application for a sewage disposal permit could not be approved. The property is greater than 700m² and conforms to bylaws.

ALTERNATIVES

- 1) Do not accept the application.
- 2) Accept the application.

FINANCIAL IMPLICATIONS

There are no financial implications. The pump and haul program is a user pay service. The applicant pays an application fee and an annual user fee.

SUMMARY/CONCLUSIONS

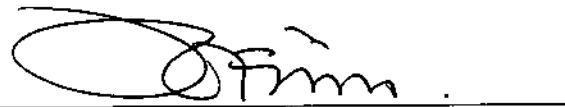
The application meets all requirements for inclusion into the pump and haul function, specifically the parcel is greater than 700m², a community sewer system is not available, a sewage disposal permit cannot be obtained under the Sewage Disposal Regulations, and the property conforms to zoning bylaws.

RECOMMENDATION

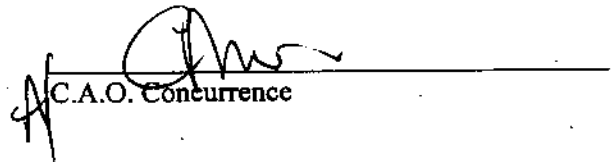
- 1) That the application for inclusion into the pump and haul service be accepted.
- 2) That "Regional District of Nanaimo Pump & Haul Local Service Area Amendment Bylaw No. 975.23, 2001" be read three times and forwarded to the Inspector of Municipalities for approval



Report Writer

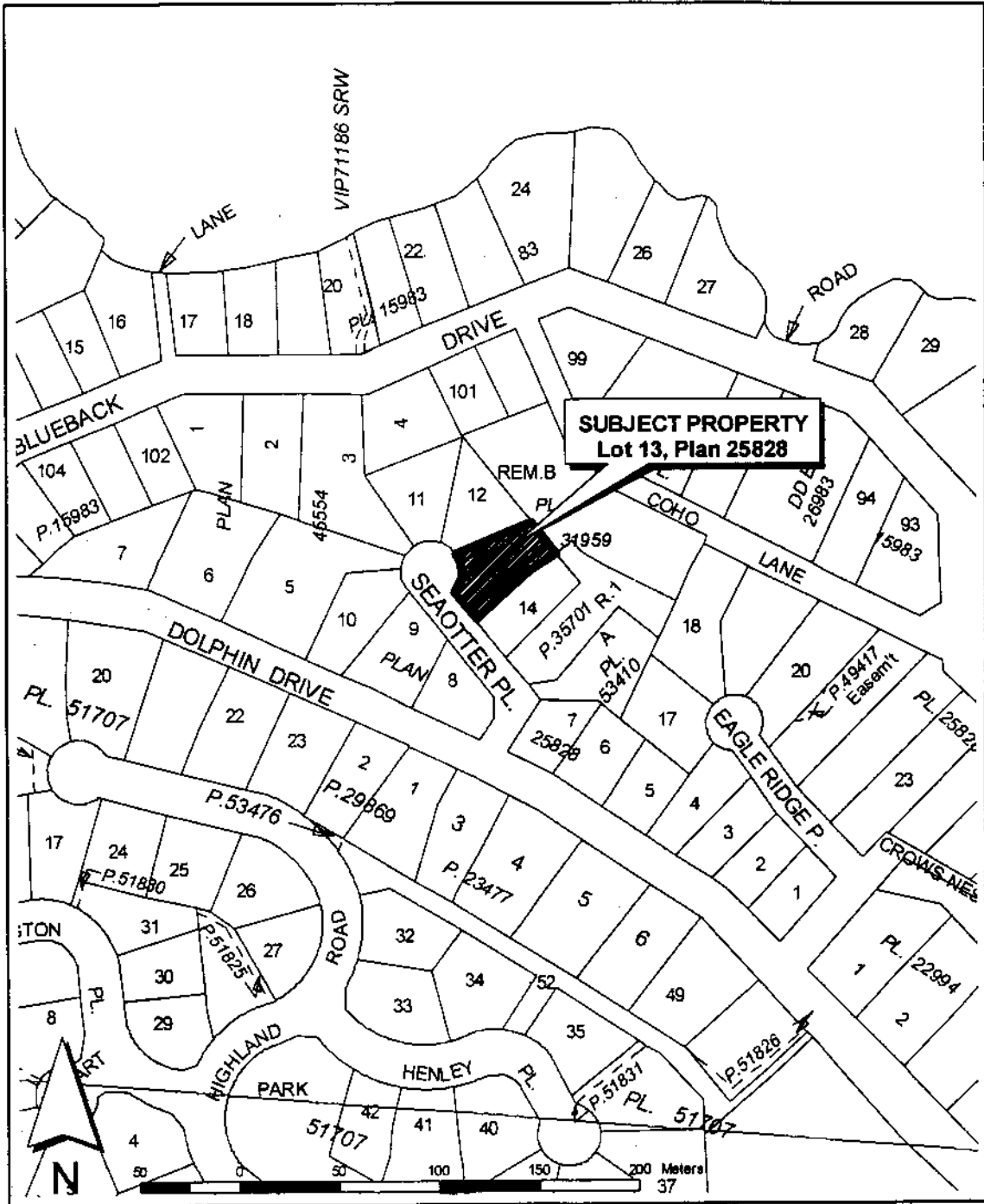


General Manager Concurrence



A.C.A.O. Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 975.23

**A BYLAW TO AMEND THE REGIONAL
DISTRICT OF NANAIMO PUMP AND
HAUL LOCAL SERVICE AREA
ESTABLISHMENT BYLAW NO. 975**

WHEREAS Regional District of Nanaimo Pump and Haul Local Service Area Establishment Bylaw No. 975, as amended, established the pump and haul local service area;

AND WHEREAS the Directors of Electoral Areas 'B', 'D', 'E', 'F', and 'H' have consented, in writing, to the adoption of this bylaw;

AND WHEREAS the Council of the City of Nanaimo has consented, by resolution, to the adoption of Bylaw No. 975.23;

AND WHEREAS the Board has been requested to amend the boundaries of the local service area to include the following properties:

Lot 13, District Lot 78, Plan 25828, Nanoose Land District
(Electoral Area E)

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

1. Schedule 'A' of Bylaw No. 975.22 is hereby repealed and replaced with Schedule 'A' attached hereto and forming part of this bylaw.
2. This bylaw may be cited for all purposes as "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.23, 2001".

Introduced and read three times this 14th day of August, 2001.

Received the approval of the Inspector of Municipalities this ____ day of _____, 2001.

Adopted this ____ day of _____, 2001.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

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Chairperson

General Manager, Corporate Services

BYLAW NO. 975.23

SCHEDULE 'A'

Electoral Area 'B'

1. Lot 108, Section 31, Plan 17658, Nanaimo Land District.
2. Lot 6, Plan 17698, Section 18, Nanaimo Land District.
3. Lot 73, Plan 17658, Section 31, Nanaimo Land District.
4. Lot 24, Plan 19972, Section 5, Nanaimo Land District.
5. Lot 26, Plan 23619, Section 12, Nanaimo Land District.
6. Lot 185, Plan 17658, Section 31, Nanaimo Land District.
7. Lot 177, Section 31, Plan 17658, Nanaimo Land District.

Electoral Area 'D'

1. Lot 24, Plan 27557, District Lot 44, Wellington Land District.
2. Lot A, District Lot 27G, Plan 29942, Wellington Land District.

Electoral Area 'E'

1. Lot 7, Block I, District Lot 38, Plan 10777, Nanoose Land District.
2. Lot 69, District Lot 68, Plan 30341, Nanoose Land District.

Electoral Area 'E' (continued)

3. Lot 86, District Lot 78, Plan 15983, Nanoose Land District.
4. Lot 1, Plan 17681, District Lot 72, Nanoose Land District.
5. Lot 2, Plan 18343, District Lot 117, Nanoose Land District.
6. Lot 17, District Lot 78, Plan 14212, Nanoose Land District.
7. Lot 32, District Lot 68, Plan 26690, Nanoose Land District.
8. Lot 13, Block E, District Lot 38, Plan 13054, Nanoose Land District.
9. Lot 5, District Lot 78, Plan 25366, Nanoose Land District.
10. Lot 24, District Lot 68, Plan 30341, Nanoose Land District.
11. Lot 13, District Lot 78, Plan 25828, Nanoose Land District.

Electoral Area 'F'

1. Lot 22, District Lot 74, Plan 29012, Cameron Land District.
2. Lot 2, District Lot 74, Plan 36425, Cameron Land District.
3. Lot A, Salvation Army Lots, Plan 1115, Except part in Plan 734 RW, Nanoose Land District.

Electoral Area 'H'

1. Lot 22, District Lot 16, Plan 13312, Newcastle Land District.
2. Lot 29, District Lot 81, Plan 27238, Newcastle Land District.
3. Lot 46, District Lot 81, Plan 27238, Newcastle Land District.
4. Lot 9, District Lot 28, Plan 24584, Newcastle Land District.
5. Lot 41, District Lot 81, Plan 27238, Newcastle Land District.
6. Lot 20, District Lot 16, Plan 13312, Newcastle Land District.

City of Nanaimo

1. Lot 43, Section 8, Plan 24916, Wellington Land District..



REGIONAL DISTRICT OF NANAIMO			
JUL 19 2001			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	

MEMORANDUM

TO: Dennis Trudeau
Manager of Liquid Waste

DATE: July 17, 2001

FROM: Natalie Cielanga
Engineering Technologist

FILE: 0810-20-FCPC-03

SUBJECT: Liquid Waste Northern Community
French Creek Pollution Control Centre
Odour Control – Annual Report

PURPOSE

To present the French Creek Annual Odour Report for 2000 which is attached separately.

BACKGROUND

The French Creek Pollution Control Center Odour Strategy was developed in 1999. The strategy sets out:

- Procedures for monitoring and reporting odour complaints received at the FCPCC;
- Testing of the plants foul air system and air sampling program;
- Consultation with residents bordering the FCPCC to review odour issues;
- Production of an annual report on odour control measures taken and their results.

The Liquid Waste Plan Monitoring Committee (LWPMC) met on May 17 and was presented with the annual report. Comments from the committee have been incorporated into the report.

Extensive odour control measures have been undertaken at the FCPCC over the past four years. These include covering or enclosing odour-generating areas of the plant, adding bioscrubbers, biofilters, and using ozone. In 2000, due to concerns about remaining odours, the RDN installed a chemical scrubber to control odours from the FCPCC's biosolids processing and septage receiving areas. This unit costing \$190,000 has been effective in controlling sulfur compounds such as hydrogen sulfide and mercaptans, which cause "rotten egg" type odours. In 2000, the total number of odour complaints received at the FCPCC dropped to 83, from 227 in 1999, a decrease of more than 170%.

Much progress has been made in reducing odours emanating from the FCPCC. This year odour control improvements were made to the septage receiving facility and the chemical scrubber ductworks. RDN staff will continue to monitor odour control effectiveness to ensure impacts on neighbourhoods adjacent to the plant are minimized. The LWPMC has taken on the responsibilities of the Odour Control Peer Review Group and has provided valuable input and guidance into this report and its recommendations.

CONCLUSIONS

Staff meets regularly with the French Creek residents to review odour concerns and advise of future plans. Their comments are included in the attached report. While they recognize the improvements with regard to odour mitigation they remain concerned about future plans the RDN has regarding the FCPC.


The Ministry of Land, Water, and Air Protection has representation at the French Creek Residents Meetings and at the Liquid Waste Plan Monitoring Committee and therefore has had the opportunity to review and comment on the report. They have indicated and acknowledged the RDN's progress with odour control at the FCPC.

RECOMMENDATION

1. That the '2000 Annual Odour Report for the French Creek Pollution Control Centre' be received.




Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO			
JUL 19 2001			
CHAIR		GMCrS	
CAO		GMDS	
GMCmS		GMES	
<i>ERC</i>			

MEMORANDUM

TO: Dennis Trudeau
Manager of Liquid Waste

DATE: July 16, 2001

FROM: Natalie Cielanga
Engineering Technologist

FILE: 5340-04

SUBJECT: Liquid Waste Management
Residential Source Control & Volume Reduction
Funding Request from Green Communities Nanaimo

PURPOSE

To consider entering into an agreement with Green Communities Nanaimo to provide residential source control and volume reduction education on behalf of the RDN.

BACKGROUND

Providing residential source control and volume reduction education to residents in the RDN is part of the RDN's Liquid Waste Management Plan that was approved by the Board in November 1997.

Green Communities Nanaimo has been offering a home visit program to area residents since 1999. The goal of the program is to educate residents on ways to reduce waste, water usage, energy consumption and toxics use. The program currently receives funding from Environment Canada, Greening Communities Initiative Fund, HRDC, and others.

Green Communities Nanaimo have proposed to complete an estimated 285 home visits for \$3,420.00. A copy of their proposal is attached.

Their proposal provides residential source control education to both rural and urban residents in the RDN in accordance with the LWMP. In addition, their proposal will enhance water conservation/volume reduction initiatives as per the LWMP.

The 2001 budget for Liquid Waste Management has \$2,000 allocated for volume reduction education and \$10,000 for the source control program. Green Communities Nanaimo proposal includes \$2,565 towards water conservation hardware, in the form of tap aerators, showerheads and toilet dams, and \$855 for staff time for a total of \$3,420.

The home visit program is in its third year. Green Communities Nanaimo has become established in our community and is the only organization currently offering this program. This program is available to all RDN residents.

ALTERNATIVES

1. That the RDN enter into an agreement with Green Communities Nanaimo to provide residential source control and volume reduction education for \$3,420.00.
2. That staff do not enter into an agreement with Green Communities to provide residential source control and volume reduction education.

FINANCIAL IMPLICATIONS

The 2001 Liquid Waste budget can accommodate the \$3,420.00 that would be required to carry out the proposed source control and volume reduction education program.

ENVIRONMENTAL IMPLICATIONS


Although it is difficult to measure the impacts of education programs, residential education programs are believed to be a very effective tool for modifying behavior. Reducing toxins entering our sewer system will improve our effluent and biosolids quality, which ultimately benefits our environment.

RECOMMENDATION

1. **That** the RDN enter into an agreement with Green Communities Nanaimo to provide residential source control and volume reduction education for \$3,420.00.



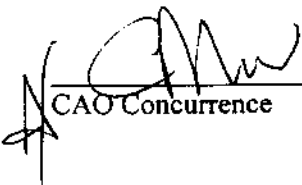
Report Writer



Manager Concurrence



General Manager Concurrence



CAO Concurrence

COMMENTS:



Green Home Visit Residential Water Conservation Proposal

Submitted by Adriane Billyard, Green Home Visit Coordinator - July 9, 2001

INTRODUCTION

Green Communities Nanaimo is a non-profit, community-based, multi-partner organization. Our mission is to build a sustainable community through resource conservation, pollution prevention, and the adoption of ecologically sound living practices. Green Communities Nanaimo has been providing Nanaimo area residents with products and services to help build a healthier environment since 1999.

GREEN HOME VISIT PROGRAM

The Green Home Visit program carried out by trained assessors is the main tool used to deliver these solutions directly to people's homes. The assessor's goal is to address household energy efficiency and comfort concerns by providing information and products targeted at: waste reduction, water conservation, energy conservation, indoor air quality, transportation alternatives and household toxics. This program is in its third year and is funded in part by Environment Canada, Greening Communities Initiative Fund, HRDC and others.

This year, the cost of the Green Home Visit to the householder is \$25.00. This fee, along with recommendations on environmentally friendly practices and home improvements, includes the installation of water and energy saving devices. We are looking to the RDN for support in subsidizing the cost of the water saving hardware to expand the efficacy of our program and to offer our contract services to help the RDN meet its liquid waste volume reduction goals.

HOUSEHOLD WATER CONSERVATION

We are proposing that the RDN fund the Green Home Visit program on a per visit basis for those visits that are completed in the regional district's liquid waste service area. The monies would be for hardware and staff time for implementing our water conservation educational component. The hardware would be water conservation devices such as low-flow showerheads, tap aerators (flow restrictors) and toilet tank volume reducers (in the form of dams, jars or bottles). Please see the table below detailing the water savings per hardware item and total estimated savings per 100 visits.

Water Saving Device	Details	Length of impact (how long the item will last)	Savings per item	Projected Device Installations per 100 visits	Total Volume Reduced
Tap Aerator	60% savings on average 20L/day per tap=12L/day or 4400 L/year	10 yrs	44000 L	200	8,800,000 L
Showerhead	50% savings on average flow of 2000 L/wk= 1000L/wk or 5000L/year	10 yrs	50000 L	50	1,000,000 L
Toilet dams	* 3L/flush @ 4.5 flushes /day= 13.5 L/day or 5000 L/year	~5 yrs (some will be removed early on because of effect on toilet function)	25000 L	50	1,250,000 L

Based on the results of each individual home assessment the home assessor will install the appropriate selection of hardware. This means that water saving devices are not installed in every home. When water conservation hardware is installed the average cost per visit for these items is \$9.00. For promotional and educational material we would suggest \$3.00 per visit to support staff time for installations and delivering the educational component.

The total number of visits to be completed for 2001 is 335. To date, approximately 53 visits have been completed. The 2002 projection to the end of Phase III of our funding which ends in March is 110 visits. The total projected number of visits for 2002, contingent on securing funding after March 2002, is 350 visits.

PROJECTED COSTS

Hardware funding per visit:	\$9.00
Staff time, education and installations funding per visit:	\$3.00
Total dollars requested per visit:	\$12.00
Total remaining visits for 2001:	285 approx.
\$12.00 x 285 visits	\$3,420.00

\$3,420.00 would be the maximum dollars requested assuming that water saving hardware was installed during every visit for the remainder of 2001. Based on this, from January to March 2002 for 110 visits we would be requesting \$1,320.00. If the RDN chooses to go ahead with this partnership for 2001 we would propose a project assessment in November to assess ongoing opportunities for 2002.



REGIONAL DISTRICT OF NANAIMO			
JUL 19 2001			
CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMES	
ESC ✓			
			DATE:
General Manager Environmental Services			
			FILE:

MEMORANDUM

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

DATE: July 13, 2001

FROM: Wayne Moorman, PEng
Manager of Engineering and Utilities

FILE: 5500-22-NB-01
5500-22-FC-01

SUBJECT: Security Issuing Bylaws
Nanoose Bay and French Creek Bulk Water Supply

PURPOSE

To obtain approval to secure the balance of funds not expended but authorized in the respective loan authorization bylaws for the Regional District of Nanaimo "Nanoose Bay Bulk Water Supply Loan Authorization Bylaw No. 1151, 1996 (total approved \$7,731,000.00)" and French Creek Bulk Water Supply Loan Authorization Bylaw No. 1052, 1996 (total approved \$4,190,000.00)".

BACKGROUND

In November 1996, residents of Nanoose Bay and French Creek approved the establishment of bulk water service areas. In December 1996 the Regional District of Nanaimo approved loan authorization bylaws for the expenditure of money to construct the various components of the Nanoose Bay and French Creek bulk water supply systems as part of the Arrowsmith Water Service Joint Venture with the City of Parksville and the Town of Qualicum Beach. To date, AWS has completed the Arrowsmith Dam (joint project, cost shared by Parksville, Qualicum Beach and the Regional District) and the Regional District has completed the majority of the Nanoose Bay bulk water supply main (cost completely shared by residents of Nanoose Bay water service area). There are still components remaining to be constructed such as a new river intake, treatment plant, bulk water reservoir(s), distribution pipelines, pumping stations, metering stations etc. and which are not scheduled to be completed for several years.

Loan Authorization Bylaw #1051, 1996 was approved for \$7,731,000.00 and to date we have borrowed \$3,059,318.41. Balance of funds remaining to be borrowed under BL 1051 is therefore \$4,671,681.59. Loan Authorization Bylaw #1052, 1996 was approved for \$4,190,000.00 and to date we have spent \$503,655.00. Balance of funds remaining to be borrowed under BL 1052 is therefore \$3,686,345.00.

At this time the RDN must borrow additional funds to cover final costs of the Nanoose Bay bulk water supply main and we must secure the balance of funds authorized under the respective loan authorization bylaws. As per the Local Government Act we are only able to secure funding under loan authorization for 5 years after adoption of the loan authorization bylaw. Our 5 years expires at the end of 2001.

Staff has determined that the balance of work is to be completed over the next 10 to 20 years and wish to secure the balance of the funds approved in the loan authorization process. Failure to secure this money, at this time, will mean that the RDN (in the future) will have to undertake a counter-petition and/or hold a new referendum to gain approval to borrow the balance of the funds. Approving the security issuing bylaws prior to the end of the 5 year period will ensure the RDN has access to the necessary funds when required. Further, the remaining work will be done at various times over the next 20 years and the

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security issuing Bylaws have been broken into smaller sums to avoid borrowing all the remaining money at once. This progressive borrowing will give incremental tax increases to the service areas rather than a single large step.

ALTERNATIVES

1. Adopt the bylaws as presented
2. Amend bylaws as presented and adopt as amended

FINANCIAL IMPLICATIONS

Bylaw No. 1239 for the additional borrowing of \$176,295.00 is necessary to cover the final cost of the Nanoose Bay bulk water supply main along North West Bay Road. This money has been spent and the additional funds are necessary to secure the money for payment.

The other bylaws (#1242 through to #1249) presented in this report are to secure the balance of the funds approved under the Loan Authorization Bylaws No. 1051, 1996 , and 1052, 1996. Failure to secure the balance of the funds will mean the authorization will expire at the end of this year and in the future we will have to proceed with a counter petition and/or a new referendum to gain approval to borrow the money.

CITIZENS/PUBLIC RELATIONS IMPLICATIONS

The residents of the Regional District of Nanaimo affected by the 1996 referendum for Nanoose Bay and French Creek Bulk Water Supply approved the borrowing of funds for their respective bulk water service area. This ability to borrow is valid for 5 years and if not borrowed or at least secured the ability to borrow will expire. Some of the work has been completed and this money has been borrowed or will be borrowed prior to the end of the 5 year period.

The balance of the money approved in the 1996 referendum must be secured through security issuing bylaws. Failure to secure these funds for future use will mean that the RDN will have to proceed with a counter -petition and/or a costly new referendum process.

SUMMARY/CONCLUSIONS


In December 1996 the Regional District of Nanaimo approved the authorization of borrowing for the Nanoose Bay and French Creek bulk water supply local service areas. These local service areas were established following the successful public referendum held in November 1996.

To date, the Regional District, in conjunction with the City of Parksville and Town of Qualicum Beach has completed the Arrowsmith Dam and most of the Nanoose Bay Northwest Bay Road water line. Borrowing has occurred against some of the funds expended to date or will be borrowed shortly.

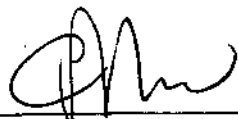
Funds not borrowed within a 5 year time frame starting December 1996 will be lost unless they are protected through security issuing bylaws. Staff have determined that the balance of funds authorized in December 1996 will be spent over the next 10 to 20 years and wish to protect this borrowing ability by means of security issuing bylaws.

RECOMMENDATION

1. That "Regional District of Nanaimo (Nanoose Bay Bulk Water Supply) Security Issuing Bylaw No. 1239, 2001", be introduced, given three readings and forwarded to the Inspector of Municipalities for approval.
2. That "Regional District of Nanaimo (Nanoose Bay Bulk Water Supply) Security Issuing Bylaw No. 1242, 2001", be introduced, given three readings and forwarded to the Inspector of Municipalities for approval.
3. That "Regional District of Nanaimo (Nanoose Bay Bulk Water Supply) Security Issuing Bylaw No. 1243, 2001", be introduced, given three readings and forwarded to the Inspector of Municipalities for approval.
4. That "Regional District of Nanaimo (Nanoose Bay Bulk Water Supply) Security Issuing Bylaw No. 1244, 2001", be introduced, given three readings and forwarded to the Inspector of Municipalities for approval.
5. That "Regional District of Nanaimo (Nanoose Bay Bulk Water Supply) Security Issuing Bylaw No. 1245, 2001", be introduced, given three readings and forwarded to the Inspector of Municipalities for approval.
6. That "Regional District of Nanaimo (French Creek Bulk Water Supply) Security Issuing Bylaw No. 1246, 2001", be introduced, given three readings and forwarded to the Inspector of Municipalities for approval.
7. That "Regional District of Nanaimo (French Creek Bulk Water Supply) Security Issuing Bylaw No. 1247, 2001", be introduced, given three readings and forwarded to the Inspector of Municipalities for approval.
8. That "Regional District of Nanaimo (French Creek Bulk Water Supply) Security Issuing Bylaw No. 1248, 2001", be introduced, given three readings and forwarded to the Inspector of Municipalities for approval.
9. That "Regional District of Nanaimo (French Creek Bulk Water Supply) Security Issuing Bylaw No. 1249, 2001", be introduced, given three readings and forwarded to the Inspector of Municipalities for approval.


Report Writer


General Manager Concurrence


CAO Concurrence

COMMENTS:

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1239

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

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

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

Regional District	L/A Bylaw No.	Purpose	Amount Borrowing Authorized	Amount Already Borrowed	Borrowing Authority Remaining	Term of Issue (Yrs.)	Amount of Issue
Nanaimo	1051	Nanoose Bay Bulk Water Supply	\$7,731,000	\$3,059,318.41	\$4,671,681.59	20	\$176,295.00

Total Financing pursuant to Section 833 \$176,295.00

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

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

1. The Authority is hereby requested and authorized to finance from time to time the aforesaid undertakings at the sole cost and on behalf of the Nanaimo Regional District and its municipalities hereinbefore referred to, in Canadian Dollars or in such other currency or currencies as the Authority shall determine so that the amount realized does not exceed One Hundred and Seventy-Six Thousand, Two Hundred and Ninety-Five Dollars (\$176,295.00) in Canadian Dollars and/or the equivalent thereto and at such interest and with such discounts or premiums and expenses as the Authority may deem consistent with the suitability of the money market for sale of securities of the Authority.
2. Upon completion by the Authority of financing undertaken pursuant hereto, the Chairperson and Manager of Financial Services of the Regional District, on behalf of the Regional District and under its seal shall, at such time or times as the Trustees of the Authority may request, enter into and deliver to the Authority one or more agreements which said agreement or agreements shall be substantially in the form annexed hereto as Schedule 'A' and made part of the bylaw (such agreement or agreements as may be entered into, delivered or substituted hereinafter referred to as the "Agreement") providing for payment by the Regional District to the Authority of the amounts required to meet the obligations of the Authority with respect to its borrowings undertaken pursuant hereto, which Agreement shall rank as debenture debt of the Regional District.
3. The Agreement in the form of Schedule 'A' shall be dated and payable in the principal amount or amounts of money in Canadian Dollars or as the Authority shall determine and subject to the Local Government Act, in such other currency or currencies as shall be borrowed by the Authority pursuant to Section 1 and shall set out the schedule of repayment of the principal amount together with interest on unpaid amounts as shall be determined by the Treasurer of the Authority.
4. The obligations incurred under the said Agreement shall bear interest from a date specified therein, which date shall be determined by the Treasurer of the Authority and shall bear interest at a rate to be determined by the Treasurer of the Authority.
5. The Agreement shall be sealed with the seal of the Regional District and shall bear the signatures of the Chairperson and Manager of Financial Services.
6. The obligations incurred under the said Agreement as to both principal and interest shall be payable at the Head Office of the Authority in Victoria and at such time or times as shall be determined by the Treasurer of the Authority.
7. If during the currency of the obligations incurred under the said Agreement to secure borrowings in respect of Loan Authorization Bylaw No. 1051, the anticipated revenues accruing to the Regional District from the operation of the said Nanoose Bay Bulk Water Supply Local Service Area Function are at any time insufficient to meet the annual payment of interest and the repayment of principal in any year, there shall be requisitioned an amount sufficient to meet such insufficiency.

8. The Regional District shall provide and pay over to the Authority such sums as are required to discharge its obligations in accordance with the terms of the Agreement, provided however that if the sums provided for in the Agreement are not sufficient to meet the obligations of the Authority, and deficiency in meeting such obligations shall be a liability of the Regional District to the Authority and the Regional District shall make provision to discharge such liability.
9. At the request of the Treasurer of the Authority and pursuant to Section 15 of the Municipal Finance Authority Act, the Regional District shall pay over to the Authority such sums and execute and deliver such promissory notes as are required pursuant to said Section 15 of the Municipal Finance Authority of British Columbia Act, to form part of the Debt Reserve Fund established by the Authority in connection with the financing undertaken by the Authority on behalf of the Regional District pursuant to the Agreement.
10. This bylaw may be cited as "Regional District of Nanaimo (Nanoose Bay Bulk Water Supply) Security Issuing Bylaw No. 1239, 2001".

Introduced and read three times this 14th day of August, 2001.

Received the approval of the Inspector of Municipalities this _____th day of _____, 2001.

Adopted this _____th day of _____, 2001.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager, Corporate Services

CANADA
PROVINCE OF BRITISH COLUMBIA
AGREEMENT
REGIONAL DISTRICT OF NANAIMO

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

Dated at _____ British Columbia, this _____ of _____, 20__.

IN TESTIMONY WHEREOF and under the authority of Bylaw No. 1239 cited as "Regional District of Nanaimo (Nanoose Bay Bulk Water Supply) Security Issuing Bylaw No. 1239, 2001", this Agreement is sealed with the Corporate Seal of the Regional District and signed by the Chairperson and the Manager of Financial Services thereof.

Chairperson

Manager of Financial Services

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

Dated this _____ day of _____, 20__.

Inspector of Municipalities of British Columbia

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 1242

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

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

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

Regional District	L/A Bylaw No.	Purpose	Amount Borrowing Authorized	Amount Already Borrowed	Borrowing Authority Remaining	Term of Issue (Yrs.)	Amount of Issue
Nanaimo	1051	Nanoose Bay Bulk Water Supply	\$7,731,000	\$3,235,613.41	\$4,495,386.59	20	\$1,476,000.00

Total Financing pursuant to Section 833

\$1,476,000.00

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

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

1. The Authority is hereby requested and authorized to finance from time to time the aforesaid undertakings at the sole cost and on behalf of the Nanaimo Regional District and its municipalities hereinbefore referred to, in Canadian Dollars or in such other currency or currencies as the Authority shall determine so that the amount realized does not exceed One Million, Four Hundred and Seventy-Six Thousand Dollars (\$1,476,000.00) in Canadian Dollars and/or the equivalent thereto and at such interest and with such discounts or premiums and expenses as the Authority may deem consistent with the suitability of the money market for sale of securities of the Authority.
2. Upon completion by the Authority of financing undertaken pursuant hereto, the Chairperson and Manager of Financial Services of the Regional District, on behalf of the Regional District and under its seal shall, at such time or times as the Trustees of the Authority may request, enter into and deliver to the Authority one or more agreements which said agreement or agreements shall be substantially in the form annexed hereto as Schedule 'A' and made part of the bylaw (such agreement or agreements as may be entered into, delivered or substituted hereinafter referred to as the "Agreement") providing for payment by the Regional District to the Authority of the amounts required to meet the obligations of the Authority with respect to its borrowings undertaken pursuant hereto, which Agreement shall rank as debenture debt of the Regional District.
3. The Agreement in the form of Schedule 'A' shall be dated and payable in the principal amount or amounts of money in Canadian Dollars or as the Authority shall determine and subject to the Local Government Act, in such other currency or currencies as shall be borrowed by the Authority pursuant to Section 1 and shall set out the schedule of repayment of the principal amount together with interest on unpaid amounts as shall be determined by the Treasurer of the Authority.
4. The obligations incurred under the said Agreement shall bear interest from a date specified therein, which date shall be determined by the Treasurer of the Authority and shall bear interest at a rate to be determined by the Treasurer of the Authority.
5. The Agreement shall be sealed with the seal of the Regional District and shall bear the signatures of the Chairperson and Manager of Financial Services.
6. The obligations incurred under the said Agreement as to both principal and interest shall be payable at the Head Office of the Authority in Victoria and at such time or times as shall be determined by the Treasurer of the Authority.
7. If during the currency of the obligations incurred under the said Agreement to secure borrowings in respect of Loan Authorization Bylaw No. 1051, the anticipated revenues accruing to the Regional District from the operation of the said Nanoose Bay Bulk Water Supply Local Service Area Function are at any time insufficient to meet the annual payment of interest and the repayment of principal in any year, there shall be requisitioned an amount sufficient to meet such insufficiency.

8. The Regional District shall provide and pay over to the Authority such sums as are required to discharge its obligations in accordance with the terms of the Agreement, provided however that if the sums provided for in the Agreement are not sufficient to meet the obligations of the Authority, and deficiency in meeting such obligations shall be a liability of the Regional District to the Authority and the Regional District shall make provision to discharge such liability.
9. At the request of the Treasurer of the Authority and pursuant to Section 15 of the Municipal Finance Authority Act, the Regional District shall pay over to the Authority such sums and execute and deliver such promissory notes as are required pursuant to said Section 15 of the Municipal Finance Authority of British Columbia Act, to form part of the Debt Reserve Fund established by the Authority in connection with the financing undertaken by the Authority on behalf of the Regional District pursuant to the Agreement.
10. This bylaw may be cited as "Regional District of Nanaimo (Nanoose Bay Bulk Water Supply) Security Issuing Bylaw No. 1242, 2001".

Introduced and read three times this 14th day of August, 2001.

Received the approval of the Inspector of Municipalities this ____th day of _____, 2001.

Adopted this ____th day of _____, 2001.

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Chairperson

General Manager, Corporate Services

CANADA
PROVINCE OF BRITISH COLUMBIA
AGREEMENT
REGIONAL DISTRICT OF NANAIMO

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

Dated at _____ British Columbia, this _____ of _____, 20__.

IN TESTIMONY WHEREOF and under the authority of Bylaw No. 1242 cited as "Regional District of Nanaimo (Nanoose Bay Bulk Water Supply) Security Issuing Bylaw No. 1242, 2001", this Agreement is sealed with the Corporate Seal of the Regional District and signed by the Chairperson and the Manager of Financial Services thereof.

Chairperson

Manager of Financial Services

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

Dated this _____ day of _____, 20__.

Inspector of Municipalities of British Columbia