

**REGIONAL DISTRICT OF NANAIMO**

**BOARD MEETING  
TUESDAY, MAY 11, 2004  
7:00 PM**

*(RDN Board Chambers)*

**A G E N D A**

**PAGES**

1. **CALL TO ORDER**
2. **DELEGATIONS**
3. **BOARD MINUTES**  
10-19 Minutes of the Board meeting held on April 13, 2004
4. **BUSINESS ARISING FROM THE MINUTES**
5. **COMMUNICATIONS/CORRESPONDENCE**  
20 **Deana Grinnell, Planning Institute of BC, re 2004 PIBC Awards of Excellence.**  
21 **Murray Hamilton, Horne Lake Recreation Management Ltd., re Development Permit Application No. 60414 – Bales – 2632 East Side Road – Area H.**
6. **UNFINISHED BUSINESS**
  - BYLAWS**
    - For Adoption.**  
Bylaw No. 1096.02 -- Decourcey Water Supply Service Area Requisition Limit - Area A. (All Directors – One Vote)
    - 22-26 **Bylaw No. 500.298 – Land Use & Subdivision Bylaw Amendment. – Slocombe – Parker Way & Ted’s Road – Area E. (Electoral Area Directors except EA ‘B’ – One Vote)**
    - Public Hearing.**  
27-32 **Bylaw No. 500.299 - Report of the Public Hearing held April 28, 2004 with respect to Land Use & Subdivision Amendment Bylaw – WR Colclough on behalf of BCBC – 1329 Kipp Road – Area A. (Electoral Area Directors except EA ‘B’ – One Vote)**

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

7.1 **ELECTORAL AREA PLANNING STANDING COMMITTEE**

33-36 Minutes of the Electoral Area Planning Committee meeting held April 27, 2004.  
(for information)

**COMMUNICATIONS/CORRESPONDENCE**

37-41 **Kathy Minard & Fred Karlzen, re Difference of Boundary Effecting Properties:  
Parcel A (DD387518-1) of Lot 2, Salvation Army Lots, Plan 1115, Nanoose  
District and Parcel B (DD26358-W) of Lot 2, Salvation Army Lots, Plan 1115,  
Nanoose District – Area F. (Electoral Area Directors except EA 'B' – One Vote)**

*That the correspondence from Kathy Minard and Fred Karlzen with respect to a  
difference in the commercial/multi-residential zoning boundaries effecting their  
individual properties, be received.*

**David Bowie, re DP Application No. 60407 – Heck – 1885 & 1879 Widgeon Road  
– Area H. (Electoral Area Directors except EA 'B' – One Vote)**

*That the correspondence from David Bowie with respect to Development Permit  
Application No. 60407 be received for information.*

**Scott Keenlyside, Eaglestar Golf Inc., re DP Application No. 60416 – Fairway  
Pointe Properties Ltd. (Quail's Landing) – 730 Barclay Crescent – Area G.  
(Electoral Area Directors except EA 'B' – One Vote)**

*That the correspondence from Eaglestar Golf Inc. with respect to Development  
Permit Application No. 60416 be received for information.*

**Nick Vandermolen, Ministry of Transportation, re DP Application No. 60416 –  
Fairway Pointe Properties Ltd. (Quail's Landing) – 730 Barclay Crescent –  
Area G. (Electoral Area Directors except EA 'B' – One Vote)**

*That the correspondence from the Ministry of Transportation with respect to  
Development Permit Application No. 60416 be received for information.*

**PLANNING**

**DEVELOPMENT PERMIT APPLICATIONS**

**Development Permit Application No. 60407 – Heck – 1885 & 1879 Widgeon  
Road – Area H. (Electoral Area Directors except EA 'B' – One Vote)**

**Delegations wishing to speak to DP Application No. 60407.**

*That Development Permit Application No. 60407, submitted by the applicants  
Brian and Camilla Heck to permit the construction of a gazebo and attached deck  
within the Hazard Lands Development Permit Area on the subject property  
legally described as Strata Lot 1, District Lot 89, Newcastle District, Strata Plan  
1253, Together with an Interest in the Common Property in Proportion to the  
Unit Entitlement of the Strata Lot as Shown on Form 1 be approved, subject to the  
Conditions of Approval outlined in Schedules No. 1, 2 and 3.*

**Development Permit Application No. 60412 – Davies – 3855 Charleton Drive – Area H.** (Electoral Area Directors except EA 'B' – One Vote)

**Delegations wishing to speak to DP Application No. 60412.**

*That Development Permit Application No. 60412 submitted by Keith Davies to permit land alteration works within the 30.0 metre watercourse protection development permit area that consist of removing organic and non-organic debris, and vegetation from a man made depression and then filling the depression with clean pit run, soils and native and non-native vegetation on the property legally described as Lot 10, District Lot 22, Newcastle District, Plan 30558, be approved subject to the requirements outlined in Schedule Nos. 1, 2 and 3.*

**Development Permit Application No. 60414 – Bales – 2632 East Side Road – Area H.** (Electoral Area Directors except EA 'B' – One Vote)

**Delegations wishing to speak to DP Application No. 60414.**

*That Development Permit Application No. 60414, submitted by the property owners Donald Bales and Elizabeth Bales for the subject property legally described as Strata Lot 284, District Lot 251, Alberni District, Strata Plan VIS5160, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V requesting to relax the minimum setback requirements from the top of bank of the watercourse that is located on adjacent common property from 15.0 metres to 3.7 metres in order to facilitate the raising of an existing cabin which is proposed to include the partial demolition of a portion of the existing cabin and the construction of main floor and loft addition and the legalization of the siting of an existing shed be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the Local Government Act.*

**Development Permit No. 60415 – Morton – 2870 Sunset Terrace – Area H.** (Electoral Area Directors except EA 'B' – One Vote)

**Delegations wishing to speak to DP Application No. 60415.**

*That Development Permit Application No. 60415, submitted by the property owners Tod Morton and Veronica Morton for the subject property legally described as Strata Lot 226, District Lot 251, Alberni District, Strata Plan VIS5160, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V requesting to relax the maximum height requirements from 3.0 metres to 3.84 metres in order to accommodate the construction of a new accessory building be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the Local Government Act.*

**Development Permit Application No. 60416 – Fairway Pointe Properties Ltd. (Quail's Landing) 730 Barclay Crescent – Area G. (Electoral Area Directors except EA 'B' – One Vote)**

**Delegations wishing to speak to DP Application No. 60416.**

*That Development Permit No. 60416, submitted by Fairway Pointe Properties Ltd. (Quail's Landing) for the property legally described as Lot 1, District Lot 126, Nanoose District, Plan VIP76030, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report and the notification procedure subject to the Local Government Act with respect to the proposed variances.*

**Development Permit Application No. 60417 – Zychlinski (Quality Foods) – 2443 Collins Crescent – Area E. (Electoral Area Directors except EA 'B' – One Vote)**

**Delegations wishing to speak to DP Application No. 60417.**

*That Development Permit Application No. 60417 submitted by Ken Bowerman of Quality Foods Ltd. on behalf of Hans Zychlinski and Irmgard Zychlinski with a variance to relax the minimum other lot line setback requirement from 5.0 metres to 1.7 metres for the property legally described as Lot 1, District Lot 6, Nanoose District, Plan VIP55964 to facilitate the addition of two prefabricated coolers to an existing supermarket, be approved subject to Schedules No. 1, 2 and 3 and the notification requirements pursuant to the Local Government Act.*

**Amendment to DP Application No. 9713 – B & W Land Corporation – Robertson Boulevard – Area G. (Electoral Area Directors except EA 'B' – One Vote)**

**Delegations wishing to speak to DP Application No. 9713.**

*That the request to modify Development Permit No. 9713 in association with the property legally described as Lot C, District Lots 29 and 126, Nanoose District, Plan 49145 with Exceptions, by changing the approving triplex in Phase 10 to a duplex in Phase 10, be approved.*

#### **DEVELOPMENT VARIANCE PERMIT APPLICATIONS**

**DVP Application No. 90408 – Heung – 2023 Seahaven Road – Area E. (Electoral Area Directors except EA 'B' – One Vote)**

**Delegations wishing to speak to DVP Application No. 90408.**

*That Development Variance Permit Application No. 90408, submitted by Terry and Raymond Heung, to facilitate the development of a two storey dwelling unit and vary the maximum permitted dwelling unit height within the Residential 1 zone from 8.0 metres to 8.82 metres for the property legally described as Lot C, District Lot 51, Nanoose Land District, Plan 9915, be approved as submitted subject to Schedules No. 1, 2 and 3 and subject to the notification procedures pursuant to the Local Government Act.*

## OTHER

**Request for Relaxation of the Minimum 10% Perimeter Requirement – WR Hutchinson, BCLS on Behalf of DJ & ML Carr – 5735 Takala Road – Area C.** (Electoral Area Directors except EA 'B' – One Vote)

*That the request from WR Hutchinson, BCLS, on behalf of JD and ML Carr, to relax the minimum 10% frontage requirement for proposed Lots 1 and the Remainder of Lot A, as shown on the plan of subdivision of Lot A, District Lot 19, Bright District, Plan VIP58785, be approved subject to Schedules No. 1 and 2.*

## BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

**Electoral Area F Land Use and Subdivision Bylaw.** (Electoral Area Directors except EA 'B' – One Vote)

*That staff be directed to bring forward a proposed amendment to Electoral Area F Land Use and Subdivision Bylaw to amend the zoning boundary for the properties legally described as Parcel A and Parcel B of Lot 2, Salvation Army Lots, Plan 1115, Nanoose District, as requested in the delegation by Kathy Minard and Fred Karlzen.*

## 7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE

42-48 Minutes of the regular Committee of the Whole meeting held April 27, 2004, (for information)

## COMMUNITY SERVICES

## RECREATION & PARKS

**Regional Parks Plan Review – Terms of Reference.** (All Directors – One Vote)

1. *That the Terms of Reference for the Regional Parks Plan Review be approved; and*
2. *That staff be directed to issue a Request for Proposal for a Project Consultant for the Review; and*
3. *That two Electoral Area Directors and one Municipal Director be appointed by the Chairperson to participate as members of the Regional Parks Plan Review Select Committee.*

**Application to Ministry of Transportation to Develop the El Verano Beach Access – Area B.** (All Directors – One Vote)

*That the Regional District apply to the Ministry of Transportation for a permit to develop and use the El Verano beach access in Electoral Area 'B'.*

**CORPORATE SERVICES**

**FINANCE**

**Reserve Fund Bylaw Approvals – Administration Computer Equipment Reserve Fund Expenditure Bylaw; Northern Community Sewer LSA Development Cost Charge Reserve Fund Expenditure Bylaw; School District 68 E-911 Reserve Fund Establishment Bylaw No. 1380.**

(All Directors – Weighted Vote)

1. *That "Administration Computer Equipment (2004) Reserve Fund Expenditure Bylaw No. 1377, 2004" be introduced for first three readings.*

(All Directors – 2/3)

2. *That "Administration Computer Equipment (2004) Reserve Fund Equipment Bylaw No. 1377, 2004" having received three readings be adopted.*

(All Directors – Weighted Vote)

3. *That "Northern Community Sewer Local Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1379, 2004" be introduced for first three readings.*

(All Directors – 2/3)

4. *That "Northern Community Sewer Local Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1379, 2004" having received three readings be adopted.*

(All Directors – Weighted Vote)

5. *That "School District 68 E-911 Reserve Fund Establishment Bylaw No. 1380, 2004" be introduced for first three readings.*

(All Directors – 2/3)

6. *That "School District 68 E-911 Reserve Fund Establishment Bylaw No. 1380, 2004" having received three readings be adopted.*

**Operating Results to March 31, 2004. (All Directors – One Vote)**

*That the summary report of financial results from operations to March 31, 2004 be received for information.*

**Accounting Treatment of Liability Insurance Premiums. (All Directors – One Vote)**

*That the report on accounting treatment of liability insurance premiums be received for information.*

**Initiative to Request Wireless Telephone Providers to Collect 911 Levy for Local Government Call Answer Center.** (Electoral Areas 'A', 'B', 'C', 'D', Lantzville – Weighted Vote)

*That correspondence in the form attached to the staff report be forwarded to the three wireless service providers, Telus Mobility, Bell Mobility and Rogers Wireless, seeking their cooperation in acting as a collection agent for the 911 call answer levy in a manner consistent with the collection agreement in place with Telus as a landline service provider.*

**DEVELOPMENT SERVICES**

**BYLAW ENFORCEMENT**

**Request to Amend Liquor – Primary License for Morningstar Golf Club – 525 Lowry's Road – Area G.** (All Directors – One Vote)

*That the application for a structural change to the current liquor-primary license for the Morningstar Golf Club located at 525 Lowry's Road and legally described as Lot A, District Lots 81 and 126, Nanoose District, Plan 49145, With Exceptions, to allow the reallocation of seating to permit liquor-primary license on the recently constructed outdoor deck, be supported.*

**ENVIRONMENTAL SERVICES**

**LIQUID WASTE**

**Pump and Haul Local Service Area Bylaw No. 975.34 – 653 South Road – Area B.** (All Directors – One Vote)

- 1. That the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to include Lot 75, Section 13, Gabriola Island, Nanaimo District, Plan 21531, 653 South Road, Gabriola Island, Area B.*
- 2. That "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.34, 2004" be read three times and forwarded to the Inspector of Municipalities for approval.*

**Waste Management Permit Fee Increase.** (All Directors – One Vote)

*That the staff report be received for information.*

*That Board direct staff to forward a letter to the Minister of Water, Land and Air Protection (copy to UBCM) that expresses the RDN's concern with the Waste Management Permit Fee Regulation amendments consultation process and requesting explanation as to what value the RDN will receive for the large increase in fees.*

**SOLID WASTE**

**Waste Stream Management Licensing Bylaw.** (All Directors – One Vote)

*That the Board direct staff to proceed to public consultation on the final draft of the proposed Waste Stream Management Licensing bylaw.*

**Solid Waste Management Plan.** (All Directors – One Vote)

*That the Board direct staff to proceed to public consultation on the final draft of the updated Solid Waste Management Plan.*

**UTILITIES**

**San Pareil Water Supply Local Service Area Rates and Regulations Amendment Bylaw No. 1172.03 – Area G.**

(All Directors – Weighted)

1. *That the user rate structure for San Pareil be amended commencing May 15, 2004 to reflect a decrease in the minimum water rate to \$0.82/day and the water rates for the five steps be increased to \$1.06, \$1.37, \$1.68, \$2.27 and \$2.86 per m<sup>3</sup> per day respectively (Alternative 1).*
2. *That "Regional District of Nanaimo San Pareil Water Supply Local Service Area Rates and Regulations Amendment Bylaw No. 1172.03, 2004" be introduced and read three times.*

(All Directors – 2/3)

3. *That "Regional District of Nanaimo San Pareil Water Supply Local Service Area Rates and Regulations Amendment Bylaw No. 1172.03, 2004" be adopted.*

**Morningstar Streetlighting Local Service Area Boundary Amendment Bylaw No. 869.05 – Subdivision between Wembley Road and Arrowsmith Way – Area G.** (All Directors – One Vote)

1. *That Rem. Lot 2, Plan 41955, DL 29, Nanoose LD and Lot A, Plan VIP72574, DL 29, Nanoose LD be brought into the Morningstar Streetlighting Local Service Area.*
2. *That "Morningstar Streetlighting Local Service Area Boundary Amendment Bylaw No. 869.05, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*

**West Bay Estates Water LSA Amendment Bylaw No. 929.03 – Nanoose Place – 2925 Northwest Bay Road – Area E.** (All Directors – One Vote)

*That "West Bay Estates Water Local Service Area Amendment Bylaw No. 929.03, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*

**COMMISSION, ADVISORY & SELECT COMMITTEE**

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

*That the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meetings held March 17, 2004 and April 2, 2004 be received for information.*



**District 69 Recreation Commission. (All Directors – One Vote)**

*That the minutes of the District 69 Recreation Commission meeting held April 15, 2004 be received for information.*

**Transit Business Plan Update Select Committee.**

(All Directors – One Vote)

*That the minutes of the Transit Business Plan Update Select Committee meeting held April 15, 2004 be received for information.*

*That the Hybrid Bus report be received.*

(All Directors – Weighted)

*That the Annual Operating Agreement (AOA) with BC Transit be approved.*

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

*That BC Transit be requested to review the administration fee for the Regional District of Nanaimo in context with its review of the service delivery model in member communities.*

**7.3 EXECUTIVE STANDING COMMITTEE**

**7.4 COMMISSIONS**

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

**8. ADMINISTRATOR'S REPORTS**

49-50 Solid Waste Management Plan – Alternate Dates for Public Meetings & Reduction in Packaging to Landfills. (All Directors – One Vote)

51-54 Resolution to Incorporate Bow Horn Bay Fire Improvement District as a Regional District Service Area. (Bylaw to be circulated) (All Director – One Vote)

**9. ADDENDUM**

**10. BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**11. NEW BUSINESS**

**12. BOARD INFORMATION** (Separate enclosure on blue paper)

**13. ADJOURNMENT**

**14. IN CAMERA**

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



**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE REGULAR MEETING OF THE BOARD  
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON  
TUESDAY, APRIL 13, 2004, AT 7:02 PM IN THE  
RDN BOARD CHAMBERS**

**Present:**

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

**Also in Attendance:**

C. Mason	Gen. Mgr. of Corporate Services
J. Finnie	Gen. Mgr. of Environmental Services
B. Lapham	Gen. Mgr. of Development Services
N. Connelly	Gen. Mgr. of Community Services
N. Tom	Recording Secretary

**CALL TO ORDER**

The Chairperson welcomed Alternate Director Tyndall to the meeting.

**BOARD MINUTES**

MOVED Director Krall, SECONDED Director Cantelon, that the minutes of the Board meeting held March 9, 2004 and the Special Board meeting held March 23, 2004 be adopted.

CARRIED

**COMMUNICATIONS/CORRESPONDENCE**

**A. Lightburn, re Resignation from Nanoose Bay Parks & Open Space Committee.**

MOVED Director Bibby, SECONDED Director Westbrook, that the correspondence from Arthur Lightburn with respect to his resignation from the Nanoose Bay Parks & Open Space Committee be received.

CARRIED

**UNFINISHED BUSINESS**

**BYLAWS**

**For Adoption.**

**Bylaw No. 813.28.**

MOVED Director Westbrook, SECONDED Director McNab, that "French Creek Sewerage Facilities Local Service Area Amendment Bylaw No. 813.28, 2004" be adopted.

CARRIED

**Bylaw No. 889.24.**

MOVED Director Westbrook, SECONDED Director Longmuir, that "Regional District of Nanaimo Northern Community Sewer Local Service Area Amendment Bylaw No. 889.24, 2004" be adopted.

CARRIED

**Bylaw No. 889.25.**

MOVED Director Bibby, SECONDED Director Krall, that "Regional District of Nanaimo Northern Community Sewer Local Service Area Amendment Bylaw No. 889.25, 2004" be adopted.

CARRIED

**Bylaw No. 1021.04.**

MOVED Director Bibby, SECONDED Director Krall, that "Pacific Shores Sewer Local Service Area Amendment Bylaw No. 1021.04, 2004" be adopted.

CARRIED

**Bylaw No. 1049.03.**

MOVED Director Bibby, SECONDED Director Cantelon, that "Nanoose Bay Bulk Water Supply Local Service Area Boundary Amendment Bylaw No. 1049.03, 2004" be adopted.

CARRIED

**Bylaw No. 806.04.**

MOVED Director Bartram, SECONDED Director Longmuir, that "Electoral Area 'H' Community Parks Local Service Requisition Limit Amendment Bylaw No. 806.04, 2004" be adopted.

CARRIED

**Bylaw No. 1372.**

MOVED Director Bibby, SECONDED Director Korpan, that "Nanoose Bay Water Supply Service Area Establishing Bylaw No. 1372, 2004" be adopted.

CARRIED

**Bylaw No. 1372.01.**

MOVED Director Bibby, SECONDED Director Cantelon, that "Nanoose Bay Water Supply Service Area Boundary Amendment Bylaw No. 1372.01, 2004" be adopted.

CARRIED

**Bylaw No. 1059.03.**

MOVED Director C. Haime, SECONDED Director Bartram, that "Southern Community Recreation Local Service Area Amendment Bylaw No. 1059.03, 2004" be adopted.

CARRIED

**Bylaw No. 1062.02.**

MOVED Director Westbrook, SECONDED Director Holdom, that "French Creek Village Streetlighting Local Service Area Boundary Amendment Bylaw No. 1062.02, 2004" be adopted.

CARRIED

**Bylaw No. 1285.01.**

MOVED Director Biggemann, SECONDED Director Bartram, that "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.01, 2003" be adopted.

CARRIED

**Public Hearings.**

**Report of the Public Hearing held March 31, 2004 with Respect to Land Use and Subdivision Amendment Bylaw No. 500.298 – Gareth Slocombe – Parker Way & Ted's Road – Area E.**

MOVED Director Bibby, SECONDED Director Hamilton, that the Report of Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held on March 31, 2004 as a result of public notification "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.298, 2004" be received.

CARRIED

MOVED Director Bibby, SECONDED Director Hamilton, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.298, 2004" be given 3<sup>rd</sup> reading.

CARRIED

MOVED Director Bibby, SECONDED Director Hamilton, that the conditions as outlined in Schedule No. 1 be secured and/or completed by the applicant to the satisfaction of the Regional District prior to consideration of adoption of Bylaw No. 500.298, 2004.

CARRIED

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

**ELECTORAL AREA PLANNING STANDING COMMITTEE**

MOVED Director Hamilton, SECONDED Director Bartram, that the minutes of the Electoral Area Planning Committee meeting held March 23, 2004 be received for information.

CARRIED

**PLANNING**

**AMENDMENT APPLICATIONS**

**Zoning Amendment Application No. ZA0401 – Bob Colclough, on behalf of BC Buildings Corporation – 1329 Kipp Road – Area A.**

MOVED Director Hamilton, SECONDED Director Kreiberg, that the report of the Public Information Meeting held March 10, 2004 be received.

CARRIED

MOVED Director Hamilton, SECONDED Director Kreiberg, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.299, 2004" be given 1<sup>st</sup> and 2<sup>nd</sup> reading.

CARRIED

MOVED Director Hamilton, SECONDED Director Kreiberg, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.299, 2004" proceed to public hearing.

CARRIED

MOVED Director Hamilton, SECONDED Director Kreiberg, that the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.299, 2004" be delegated to Director Kreiberg or his alternate.

CARRIED

#### DEVELOPMENT VARIANCE PERMIT APPLICATIONS

**DVP Application No. 90323 – Huddy, Fordham/Roder – 1950 Eagle Ridge Place – Area E.**

MOVED Director Hamilton, SECONDED Director Bibby, that Development Variance Permit Application No. 90323, submitted by Rosalinda Roder and Hans Roder on behalf of Simon Huddy and Jane Fordham to vary the minimum setback requirement for the interior side lot line from 2.0 metres to 0.0 metres to legalize the existing retaining wall, raised pool deck, and swimming pool structures on the subject property legally described as Lot 23, District Lot 78, Nanoose District, Plan 25828 be approved, subject to the requirements outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

**DVP Application No. 90405 – Deo – Fourneau Way – Area G.**

MOVED Director Hamilton, SECONDED Director Bartram, that Development Variance Permit Application No. 90405, submitted by the property owners Anthony Deo and Cecilia Deo for the property legally described as Lot A (DD EB20873) of Lot 16, Block 419, Nanoose District, Plan 36697 to relax the maximum height requirements from 9.0 metres to 11.44 metres in order to allow for the construction of a dwelling unit as proposed by the applicants be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

#### OTHER

**Review of Parkland Dedication in Conjunction with the Subdivision Application Process.**

MOVED Director Hamilton, SECONDED Director Bibby, that the Policy "Review of the Consideration of Park Land Dedication in Conjunction with the Subdivision Application Process" be approved.

CARRIED

#### COMMITTEE OF THE WHOLE STANDING COMMITTEE

MOVED Director Cantelon, SECONDED Director Longmuir, that the minutes of the regular Committee of the Whole meeting held March 23, 2004 be received for information.

CARRIED

#### COMMUNITY SERVICES

**Community Water & Sewer Service Provision: Environmental or Public Health Reasons.**

MOVED Director Bartram, SECONDED Director McNabb, that the March 10, 2004 report "Community Water and Community Sewer Service Provision: Environmental or Public Health Threats" be received.

CARRIED

MOVED Director Krall, SECONDED Director Bibby, that the approach for decision making about the provision of community water service and or community sewer service to land designated by the Regional Growth Strategy as Resource Lands and Open Space and Rural Residential for environmental or public health reasons under Policy 7B of the Regional Growth Strategy be approved as presented in Attachment 1 to the report.

CARRIED

## **RECREATION & PARKS**

### **Skateboard Park Proposal – Area A.**

MOVED Director Kreiberg, SECONDED Director Hamilton, that School District No. 68 be requested to provide an area of the Cedar Community Secondary School grounds through a long-term lease or other form of agreement with the Regional District for the development of a skate park facility by the Cedar Skate Park Association.

CARRIED

## **CORPORATE SERVICES**

### **ADMINISTRATION**

#### **Committee & Board Meeting Schedule.**

MOVED Director Krall, SECONDED Director Longmuir, that "Board Procedure Bylaw No. 1268, 2002" be amended to incorporate the fourth Tuesday of each month (for the months from January to November) as the regular meeting date for Board meetings, and that the second Tuesday in December be defined as the regular Board meeting date for the month of December.

CARRIED

## **FINANCE**

#### **Annual Report of Directors' & Committee Members' Remuneration and Expenses.**

MOVED Director Bibby, SECONDED Director McNabb, that the 2003 report on remuneration and expenses for Board and Committee members be received.

CARRIED

#### **2003 Audited Financial Statements.**

MOVED Director Krall, SECONDED Director Longmuir, that the report on the audited financial statements for the year ended December 31, 2003 be received.

CARRIED

#### **Reserve Fund Bylaws – Administration Computer Equipment Reserve Fund Expenditure Bylaw No. 1376 and Fairwinds Water LSA Reserve Fund Expenditure (Well #3) Bylaw No. 1378.**

MOVED Director Holdom, SECONDED Director Hamilton, that "Administration Computer Equipment (2003) Reserve Fund Expenditure Bylaw No. 1376, 2004" be introduced for first three readings.

CARRIED

MOVED Director Westbroek, SECONDED Director Hamilton, that "Administration Computer Equipment (2003) Reserve Fund Expenditure Bylaw No. 1376, 2004" having received three readings be adopted.

CARRIED

MOVED Director Bibby, SECONDED Director McNabb, that "Fairwinds Water Local Service Area Reserve Fund Expenditure (Well #3) Bylaw No. 1378, 2004" be introduced for first three readings.

CARRIED

MOVED Director Bibby, SECONDED Director McNabb, that "Fairwinds Water Local Service Area Reserve Fund Expenditure (Well #3) Bylaw No. 1378, 2004" having received three readings be adopted.

CARRIED

**DEVELOPMENT SERVICES**

**BUILDING INSPECTION**

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

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

- (a) Lot 2, Section 16, Range 3, Plan VIS5292 together with an interest in the common property in proportion to the unit entitlement of the Strata Lot as shown on Form V, Mountain Land District, 3103 West Road, Electoral Area 'D', owned by C. and D. Saywell;
- (b) Lot 2, Section 15, Range 3, Plan VIP73721, Mountain Land District, 3311 Westview Acres Road, Electoral Area 'D', owned by R. and T. Milner;
- (c) Lot 13, District Lot 6, Plan 23588, Nanoose Land District, 2360 McDivitt Drive, Electoral Area 'E', owned by S. Rowe;
- (d) Lot 21, District Lot 78, Plan VIP68559, Nanoose Land District, 2480 Andover Road, Electoral Area 'E', owned by L. and R. Yip;
- (e) Lot 33, District Lot 116, Plan 27229, Nanoose Land District, 1060 Symons Crescent, Electoral Area 'G', owned by E. Williamson and B. Olson.

CARRIED

**BYLAW ENFORCEMENT**

**Structure Removal Repeal Bylaw No. 1382 – Illegal Construction – Scott Kilner Littlewood – 2406 Nanoose Beach Road – Area E.**

MOVED Director Bibby, SECONDED Director Korpan, that "Regional District of Nanaimo Structure Removal Repeal Bylaw No. 1382, 2004" be introduced for first three readings.

CARRIED

MOVED Director Bibby, SECONDED Director Korpan, that "Regional District of Nanaimo Structure Removal Repeal Bylaw No. 1382, 2004" having received three readings, be adopted.

CARRIED

**Designation of Animal Control Officer – District 68.**

MOVED Director Hamilton, SECONDED Director Korpan, that the Board designate, by resolution, Dale Rusch, Nanaimo Animal Shelter, as a Bylaw Enforcement Officer for the specific purpose of enforcing Regional District of Nanaimo Animal Control and Licensing bylaws.

CARRIED

**Animal Control Contracts – District 68 & 69.**

MOVED Director Bibby, SECONDED Director Hamilton, that the contracts for animal control services with Parksville-Qualicum SPCA and Nanaimo Animal Shelter Ltd. be renewed for the term of March 1, 2004 to February 28, 2007 with an increase in contract service fees of 2% per annum.

CARRIED

**Noise Control Establishing Bylaw No. 1374 and Regulatory Bylaw No. 1375 – Portion of Electoral Area H.**

MOVED Director Bartram, SECONDED Director Westbroek, that "Regional District of Nanaimo Electoral Area 'H' Noise Control Service Establishment Bylaw No. 1266, 2002" and "Regional District of Nanaimo Noise Control Regulatory Bylaw No. 1267, 2002" be abandoned.

CARRIED



MOVED Director Bartram, SECONDED Director Westbrook, that the number of electors for the purpose of the alternative approval process be established at 1,547 and that the electoral response form attached to the staff report be approved.

CARRIED

MOVED Director Bartram, SECONDED Director Holdom, that "Regional District of Nanaimo Portion of Electoral Area 'H' Noise Control Service Establishment Bylaw No. 1374, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

MOVED Director Bartram, SECONDED Director Holdom, that "Regional District of Nanaimo Portion of Electoral Area 'H' Noise Control Regulatory Bylaw No. 1375, 2004" be introduced, read three times and advertised to provide notice of the Board's intent to adopt this bylaw.

CARRIED

## **PLANNING**

### **Implications of Changes to Land Title Act & Water Act.**

MOVED Director Cantelon, SECONDED Director Longmuir, that the report be received for information.

CARRIED

### **Animal Control, Planning & Land Use Management Contract Services Agreement – District of Lantzville.**

MOVED Director C. Haime, SECONDED Director Longmuir, that the proposed Service Agreements between the Regional District of Nanaimo and the District of Lantzville for Animal Control Services and Planning and Land Use Management Services be approved.

CARRIED

## **ENVIRONMENTAL SERVICES**

### **LIQUID WASTE**

#### **French Creek Pollution Control Centre Biosolids Contract Extension.**

MOVED Director Longmuir, SECONDED Director Holdom, that the Meadowlark Construction contract for composting and hauling biosolids from the French Creek Pollution Control Centre for \$48.00 per tonne be extended for an additional year.

CARRIED

### **SOLID WASTE**

#### **Residual Solid Waste Disposal Options Status Report.**

MOVED Director Krall, SECONDED Director Bartram, that the status report on residual solid waste disposal be received for information.

CARRIED

## **UTILITIES**

### **Arrowsmith Water Service Joint Venture Agreement.**

MOVED Director Westbrook, SECONDED Director Longmuir, that the Regional District of Nanaimo enter into an amended Joint Venture Agreement to continue the Arrowsmith Water Service Joint Venture established on July 10, 1996 on the terms and conditions set out in the Agreement dated for reference as April 1, 2004 (as attached to the staff report).

CARRIED

**COMMISSION, ADVISORY & SELECT COMMITTEE**

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

MOVED Director Holdom, SECONDED Director Bartram, that the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meetings held February 19, 2004 and February 26, 2004 be received for information.

CARRIED

**Intergovernmental Advisory Committee.**

MOVED Director Westbrook, SECONDED Director Longmuir, that the minutes of the Intergovernmental Advisory Committee meetings held February 17, 2004 and March 9, 2004 be received for information.

CARRIED

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

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

MOVED Director Biggemann, SECONDED Director Bartram, that staff be directed to bring forward a report on the proposed ALC application requirement for properties in the ALR in Area 'F' which presently have two dwellings on their property and that any actions be held in abeyance until the report has been reviewed by the Board.

CARRIED

**Cathedral Grove.**

MOVED Director Westbrook, SECONDED Director Cantelon, that a letter be sent to Bill Barisoff, Minister of Water, Land and Air Protection, requesting a full and meaningful public presentation and process on the Cathedral Grove Plan and to provide the District with a copy of the proposed visitor parking plan as well as any other changes for the park.

CARRIED

**NEW BUSINESS**

**Water and Wastewater Technologies.**

MOVED Director Bartram, SECONDED Director Westbrook, that staff prepare a report and recommendation for the Board on innovative water and wastewater technologies and techniques that have been, or may be in use to include rainwater cistern system, water conservation to reduce demands on water systems or distribution systems, and water reuse and recycling in residential, commercial and industrial applications that may have application in future development in the Regional District of Nanaimo.

CARRIED

**Liability Insurance.**

MOVED Director Cantelon, SECONDED Director Tyndall, that staff provide a report with respect to liability insurance needs regarding specific functions, including the process and cost breakdown which would identify whether the Regional District as a whole or the specific area member would be responsible for the function insurance costs.

CARRIED

**Landfill Site Liaison Committee Appointments.**

MOVED Director Krall, SECONDED Director Holdom, that the Board appoint Jim Young, Sheri Young, Ray McGuire, Doug Lum, Gary Franssen, Al Leuschen and a to be determined representative from the Snuneymuxw First Nation to the Landfill Site Liaison Committee.

MOVED Director Westbrook, SECONDED Director Tyndall, that this item be referred to the In Camera Board meeting for further discussion.

DEFEATED

The question was called on the main motion.

The motion CARRIED.

#### ADMINISTRATOR'S REPORTS

**Ravensong Aquatic Centre – Steam Room/Sauna Addition – Awarding of Tender – Bylaw No. 1373.01.**

MOVED Director Westbrook, SECONDED Director Bartram, that the tender for the Steam Room/Sauna Addition at the Ravensong Aquatic Centre be awarded to D. Robinson Contracting Ltd. for a contract price of \$194,776.00.

CARRIED

MOVED Director Westbrook, SECONDED Director Bartram, that "Regional District of Nanaimo Financial Plan (2004 to 2009) Amendment Bylaw No. 1373.01, 2004" be introduced for first three readings.

CARRIED

MOVED Director Westbrook, SECONDED Director Bartram, that "Regional District of Nanaimo Financial Plan (2004 to 2009) Amendment Bylaw No. 1373.01, 2004" having received three readings, be adopted.

CARRIED

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

MOVED Director Biggemann, SECONDED Director Hamilton, that the staff report be received.

CARRIED

MOVED Director Biggemann, SECONDED Director Bartram, that staff be directed to report back to the Electoral Area Planning Committee with proposed revised Terms of Reference for the Electoral Area 'F' 'Finetuning Project' after meeting with ALC.

CARRIED

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

MOVED Director Hamilton, SECONDED Director D. Haime, that the staff report be received for information.

CARRIED

MOVED Director Hamilton, SECONDED Director D. Haime, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.287, 2002" be given 3<sup>rd</sup> reading subject to the Conditions of Approval outlined in Schedule No. 1 and Schedule No. 2 of the staff report and comments received as a result of public notification.

CARRIED

MOVED Director Hamilton, SECONDED Director D. Haime, that the applicants be directed to complete the Conditions of Approval outlined in Schedules No. 1 and 2 prior to final adoption.

CARRIED

**Regional Landfill Geogrid Toe Berm Construction – Approval to Proceed to Tender and Award of Consulting Services.**

MOVED Director Krall, SECONDED Director McNabb, that the Board proceed to tender for the construction of a geogrid toe berm on the south side of the Regional Landfill and appoint the firm of Sperling Hansen as the project consultants.

CARRIED

**Yellowpoint-Waterloo Fire Protection Specified Area – Control of Fires During Fire Season Bylaw No. 1381.**

MOVED Director Kreiberg, SECONDED Director Hamilton, that "Yellowpoint-Waterloo Fire Protection Specified Area – Control of Fires During Fire Season Bylaw No. 1381, 2004" be introduced for first three readings.

CARRIED

MOVED Director Kreiberg, SECONDED Director Hamilton, that "Yellowpoint-Waterloo Fire Protection Specified Area – Control of Fires During Fire Season Bylaw No. 1381, 2004" having received three readings be adopted.

CARRIED

**Federation of Canadian Municipalities International Centre for Municipal Development – Partnership Program.**

MOVED Director Westbrook, SECONDED Director Holdom, that the Regional District of Nanaimo apply to the Federation of Canadian Municipalities International Centre for Municipal Development's Partnership Program to become a partner with a municipality in a developing country to share expertise and knowledge on municipal management and governance.

CARRIED

**IN CAMERA**

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

CARRIED

**ADJOURNMENT**

MOVED Director Krall, SECONDED Director Cantelon, that this meeting adjourn to allow for an in camera session.

CARRIED

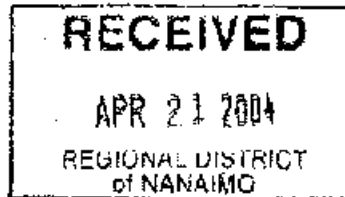
TIME: 7:35 PM

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CHAIRPERSON

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GENERAL MANAGER, CORPORATE SERVICES



April 19, 2004

Robert Lapham  
General Manager, Development Services  
Nanaimo Regional District  
6300 Hammond Bay Rd.  
Nanaimo, BC V9T 6N2

Dear Mr. Lapham,

**Re: 2004 PIBC Awards of Excellence**

Thank you for your submissions to the 2004 Planning Institute of British Columbia Awards of Excellence program. The Awards Committee has completed its review of the 2004 entries.

Your submission, the *Electoral Area H Official Community Plan Bylaw No. 1335*, was very highly regarded, and I am pleased to inform you that it was selected for an Honourable Mention in the division of Comprehensive Policy and Plans, budget under \$50,000. Indeed, the competition in this category was very high, and each submission is recognized as being of exceptional quality.

The 2004 Awards for Excellence in Planning will be presented at the PIBC Annual General Meeting and Awards Reception to be held in Vancouver on May 12, 2004. The AGM and Awards Reception will take place at the Thea Koerner Graduate Student Centre Ballroom, UBC, 6371 Crescent Road, 2:00 pm - 4:15 pm.

Being recognized for an award, you are invited to attend or to send a representative in the event that you are unable to attend. You will also be invited to make a 5-7 minute presentation on your submission. I will be contacting you well in advance of the event to discuss your presentation and any support you may require.

On behalf of the Awards Committee, thank you again for participating in the PIBC Awards program. Should you have any questions, please contact me.

Yours truly,

A handwritten signature in cursive script, appearing to read "D. Grinnell".

Deana Grinnell, Chair  
2004 PIBC Awards Committee

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Deana Grinnell, PIBC Provisional Member Representative  
Suite 60-10551 Shellbridge Way, Richmond BC V6X 2W9 604.270.8226, ext. 115,  
dgrinnel@civicnet.bc.ca

250-951-0877 250-951-0878 HORNE LAKE RECREATION PAGE 007/01

## Owners of Strata Plan – VIS 5160

c/o Horne Lake Recreation Management Ltd.

719 Newcastle Ave.,

Parksville, B.C. V9P 1G1

250-951-0877 Fax: 250-951-0878

May 5, 2004

Regional District of Nanaimo,  
Board of Directors,  
6300 Hammond Bay Rd.,  
Nanaimo, B.C.,  
V9T6N2

Dear Sirs:

Re: Notice of Variance to Development Permit Application No. 60414 – Bales

The Strata Council supports this variance application.

Yours truly,  
Strata Council, Owners of Strata Plan VIS 5160

  
Per: Murray Hamilton



REGIONAL DISTRICT OF NANAIMO		
MAY - 4 2004		
CHAIR	GMCS	
CAO	GMDS	
GMCS	GMES	
Board		✓

MEMORANDUM

TO: Robert Lapham General Manager, Development Services DATE: April 30, 2004

FROM: Susan Cormie Senior Planner FILE: 3360 30 0313

SUBJECT: Bylaw Amendment Bylaw 500.298 & Discharge of Covenant – Slocombe Electoral Area 'E' – Parker Way and Ted's Road

PURPOSE

To consider Bylaw 500.298 for adoption.

BACKGROUND

Bylaw No. 500.298, 2004 was introduced and given 1st and 2nd reading on March 9, 2004. This was followed by a Public Hearing held on March 31, 2004. The Board then granted the Bylaw 3rd reading on April 13, 2004.

The intent of this amendment bylaw is to rezone the parcel legally described as Lot 9, District Lot 78, Nanoose District, Plan VIP56437 and located at Parker Way and Teds Road within Electoral Area 'E' (see Attachment No. 1 for location of subject property) from Residential 3 Subdivision District 'N' (RS3N) (minimum 1.0 ha parcel size where there are no community services available) to Residential 1 Subdivision District 'Z' (RS1Z) (no further subdivision) in order to facilitate the creation of a maximum of 4 parcels (see Schedule No. 2 for proposed plan of subdivision). The property was previously limited from being subdivided into fee simple parcels by a restrictive covenant which will now be discharged as part of the rezoning process in favour of the new subdivision regulations which will only permit the subdivision of a maximum of 4 parcels.

At 3rd reading of this amendment application, the Conditions for Approval included registration of a covenant securing the conditions to be undertaken at the time of subdivision application. These conditions are outlined in Schedule No.1. In order to secure the completion of the conditions the applicant's solicitor has prepared a covenant that will restrict the use of the land and prohibit any subdivision until all the conditions area implemented. Further the applicant's solicitor has provided a letter of undertaking to ensure that the covenant is registered. Therefore, as the covenant has been secured and there is a legal undertaking to ensure the conditions are met, the bylaw may now be considered for adoption.

ALTERNATIVES

- 1. To adopt Bylaw No. 500.298.
2. To not adopt Bylaw No. 500.298.

**VOTING**

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

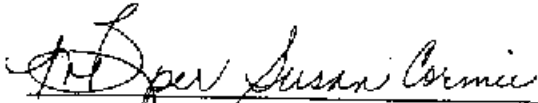
**SUMMARY**


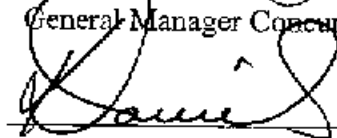
"Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.298, 2004" was given 1<sup>st</sup> and 2<sup>nd</sup> reading on March 9, 2004. A Public Hearing was held on March 31, 2004, and the Bylaw was given 3<sup>rd</sup> reading on April 13, 2004. As the recommended conditions for adoption have been secured, the Bylaw may now be considered for adoption.

The following recommendation is provided for consideration by the Board.

**RECOMMENDATION**

That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.298, 2004", be adopted.

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

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

**COMMENTS:**

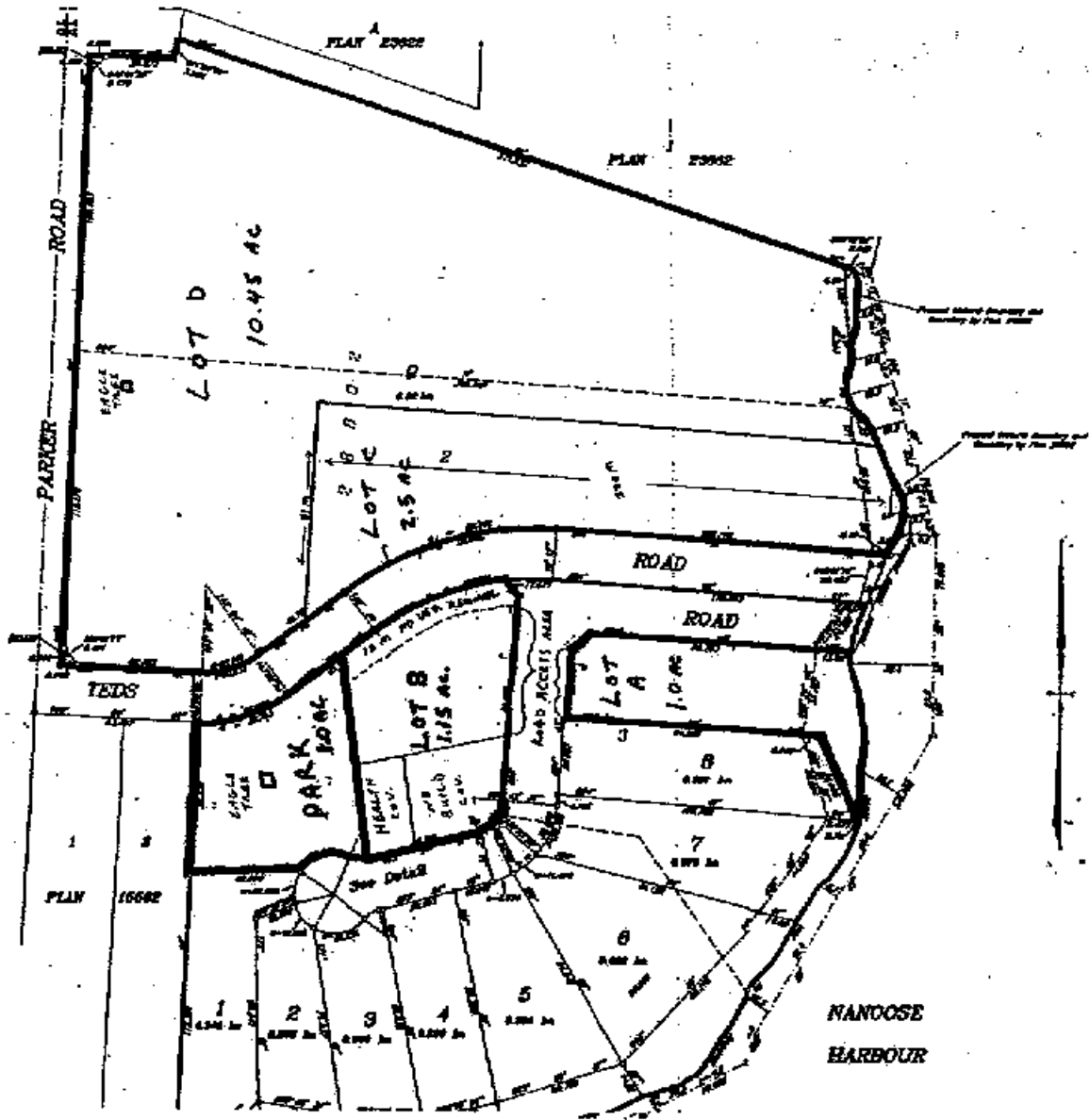
*devs/reports/2004/ZA3360 30 0313 ma brd Slocombe adopt*



**SCHEDULE NO. 1**  
**Conditions for Approval for**  
**Zoning Amendment Application No. ZA0313**  
**Amendment Bylaw No. 500.298**

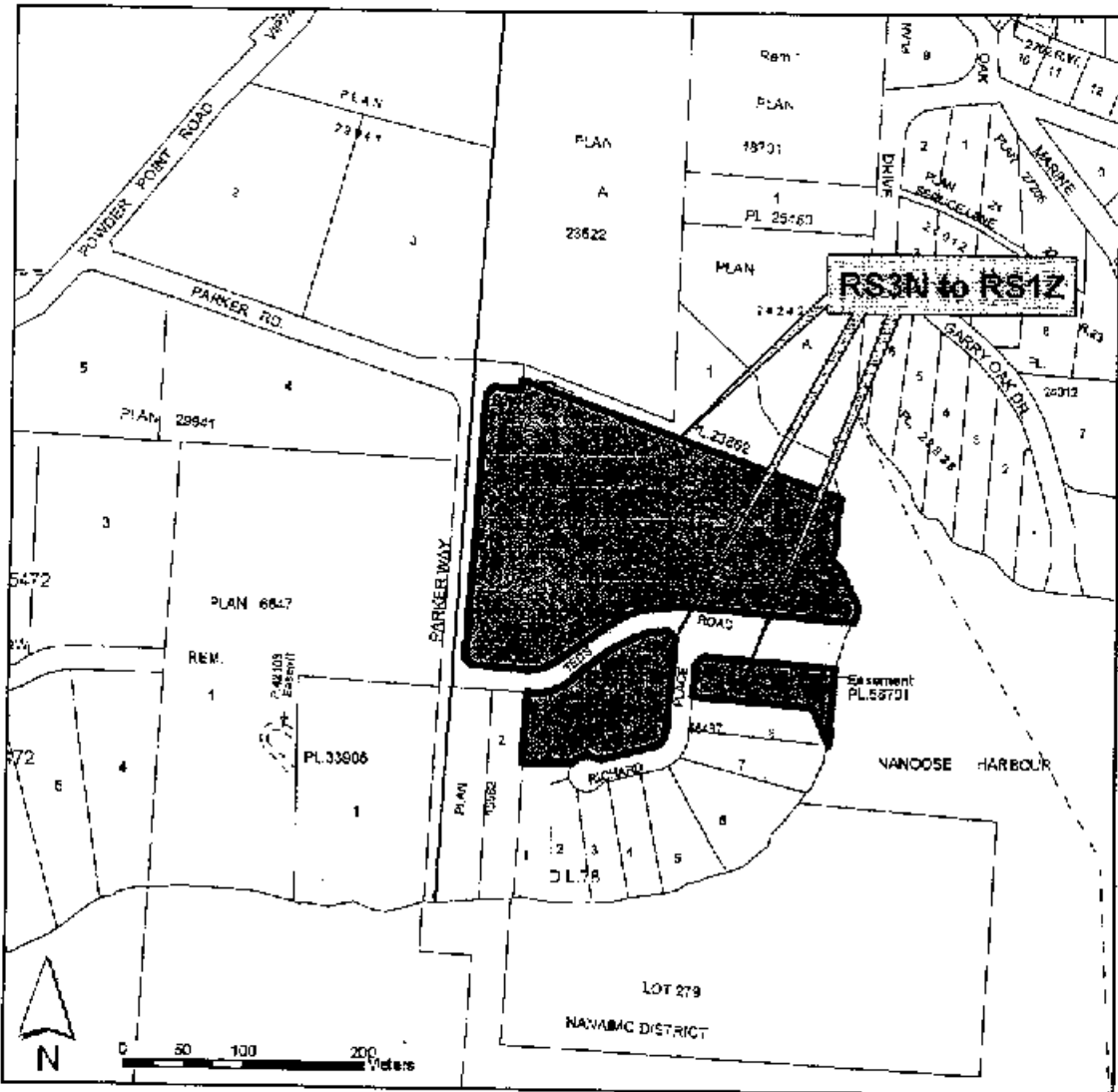
- i. The applicant agrees to a covenant to restrict the use of the lands until the following documentation and covenants are registered:
  - a. The registration of a section 219 covenant agreeing that the subject property will not be subdivided unless the following required covenants are registered in conjunction with the proposed subdivision. All covenants are to be prepared and registered by the applicant to the satisfaction of the Regional District.
    - i. A covenant restricting access to proposed Lot A to be restricted to Richard Place only with no access constructed onto Teds Road.
    - ii. A covenant restricting access to proposed Lot B to be restricted to Ted's Road or that portion of Richard Place opposite proposed Lot A.
    - iii. A minimum 10-metre wide covenant restricting the removal of vegetation, other than noxious weeds including Himalayan blackberry, morning glory, and hogweed, for Proposed Lot B in the area adjacent to Teds Road.
    - iv. A no-build covenant on Proposed Lot B in the location as shown on the revised Subdivision Proposal submitted by the applicant on Schedule '2' attached to this report.
    - v. A covenant restricting access to proposed Lot C to be restricted to that portion of Teds Road west of its intersection with Richard Place.
    - vi. A covenant protecting the existing eagle nest tree within a 45-metre radius.
    - vii. A covenant requiring the registered owner of the parcel to have their septic system inspected by a professional engineer or other qualified professional acceptable to the Health Authority, at least every 3 years, and must provide to the Regional District, certification by the professional engineer or other qualified professional that the septic system has been inspected and found to be functioning according to the specifications of the septic system design and that the treatment of domestic sewage effluent within that septic system effluent is in accordance with the standards for approving sewage disposal systems as published by the Central Vancouver Island Health Unit of the Vancouver Island Regional Health Authority, at his or her cost; and, in the event that the registered owner fails to provide certification or otherwise fails to upgrade the septic disposal system such owner shall cause any domestic sewage effluent produced on that parcel to be pumped and hauled to an approved sewage disposal facility.
    - viii. Retention of the existing easement covenant for access to the coast for owners of adjacent Lots 1 to 8 inclusive.
    - ix. The transfer of approximately 0.4 ha of land in the location as shown on Schedule No. 2 to the Regional District to be used as park land.
  - b. The application is subject to the issuance of a development permit to be approved pursuant to RDN Delegation of Authority Bylaw No. 1166, 1999 subsequent to the adoption of Bylaw No. 500.298.

**SCHEDULE No. 2**  
**Proposed Plan of Development**  
**(as submitted by applicant)**  
**(reduced for convenience)**



\*Note: A Building Scheme is proposed by the applicant that will be consistent with the existing Building Scheme on the neighbouring properties.

ATTACHMENT No. 1  
Location of Subject Property



3008 Map Sheet No. 921C30,31

**MAY - 4 2004**

**MEMORANDUM**

CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMEs	

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

**DATE:** April 30, 2004

**FROM:** Susan Cormie  
Senior Planner

**FILE:** 336030 0401

**SUBJECT:** Bylaw Amendment Bylaw 500.299 – WR Colclough on behalf of BCBC  
Electoral Area 'A' – 1329 Kipp Road

**PURPOSE**

To receive the Report of the Public Hearing containing the Summary of the Minutes and Submissions of the Public Hearing held on Wednesday, April 28, 2004, and further, to consider Bylaw No. 500.299, 2004 for 3<sup>rd</sup> reading.

**BACKGROUND**

Bylaw No. 500.299, 2004 was introduced and given 1<sup>st</sup> and 2<sup>nd</sup> reading on April 13, 2004. This was followed by a Public Hearing held on April 28, 2004. The summary of the minutes and submissions is attached for the Board's consideration (*see Attachment No. 2*).

The purpose of this amendment bylaw is to rezone the parcel legally described as Lot 1, Section 14, Range 6, Cranberry District, Plan 40297 and located at 1329 Kipp Road in the South Wellington area of Electoral Area 'A' (*see Attachment No. 1 for location of subject property*) from Public 1 Subdivision District 'M' (PU1M) (minimum 1.0 ha parcel size without community services) to Comprehensive Development 15 Subdivision District 'Z' (CD15Z) (no further subdivision) in order to facilitate the continuance of the existing industrial uses.

The applicant is proposing, as part of the subdivision proposal, to transfer the north portion of the subject property to the Regional District for park purposes (*see Schedule No. 2 for location*).

In addition to the park land component, the applicant is in concurrence to meet a number of conditions of development, which are to be secured or completed prior to consideration of adoption of the bylaw. These conditions are outlined in Schedule No. 1 of this report.

**ALTERNATIVES**

1. To receive the Report of the Public Hearing, give 3<sup>rd</sup> reading to "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.299 2004".
2. To receive the Report of the Public Hearing and deny "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.299 2004".

**INTERGOVERNMENTAL IMPLICATIONS**

Referrals were sent to the Ministry of Transportation and the Cranberry Volunteer Fire Department.

Comments received include:

*Ministry of Transportation* - staff has indicated that the Ministry has no objections to this application. It is noted that an amendment bylaw is subject to the approval of the Ministry pursuant the *Highway Act*.

*Cranberry District Local Fire Chief* - The Fire Chief has indicated support of this rezoning application.

## PUBLIC CONSULTATION IMPLICATIONS

There were no written and verbal submissions obtained at the Public Hearing are outlined in the Summary of the Minutes and Submissions of the Public Hearing (see Attachment No. 2).

## VOTING

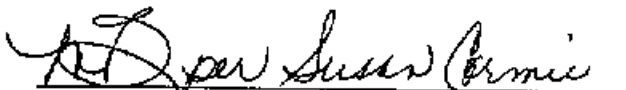
Electoral Area Directors - one vote, except Electoral Area 'B'.


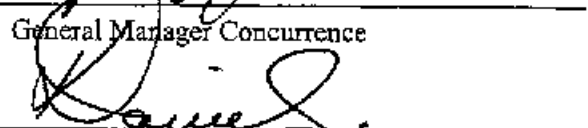
## SUMMARY

The purpose of Bylaw No. 500.299, 2004 is to rezone Lot 1, Section 14, Range 6, Cranberry District, Plan 40297, located at 1329 Kipp Road in Electoral Area 'A', to recognize the current industrial uses on the site that include assembling, manufacturing, warehousing, and marshaling yard uses. In addition, the applicant has offered to transfer the north portion of the subject property to the Regional District for park land purposes. The bylaw was introduced and given 1<sup>st</sup> and 2<sup>nd</sup> reading on April 13, 2004 and preceded to Public Hearing on April 28, 2004. Ministry of Transportation has no issues with the proposed rezoning at this time; however, as the subject property is within 800 metres of a highway interchange, the amendment bylaw is subject to the approval of the Ministry pursuant to the *Highway Act*. The requirements set out in the Conditions of Approval are to be secured and/or completed by the applicant prior to the Board's consideration of the bylaw for adoption. Therefore, staff recommends that Bylaw No. 500.299 be considered for 3<sup>rd</sup> reading.

## RECOMMENDATIONS

1. That the Report of Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held on April 28, 2004 as a result of public notification "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.299 2004" be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.299, 2004" be given 3rd reading and be referred to the Ministry Transportation for approval pursuant to the *Highway Act*.
3. That the conditions as outlined in Schedule No. 1 be secured and/or completed by the applicant to the satisfaction of the Regional District prior to consideration of adoption of Bylaw No. 500, 299, 2004.

  
Report Writer

  
General Manager Concurrence  
  
CAO Concurrence

## COMMENTS:

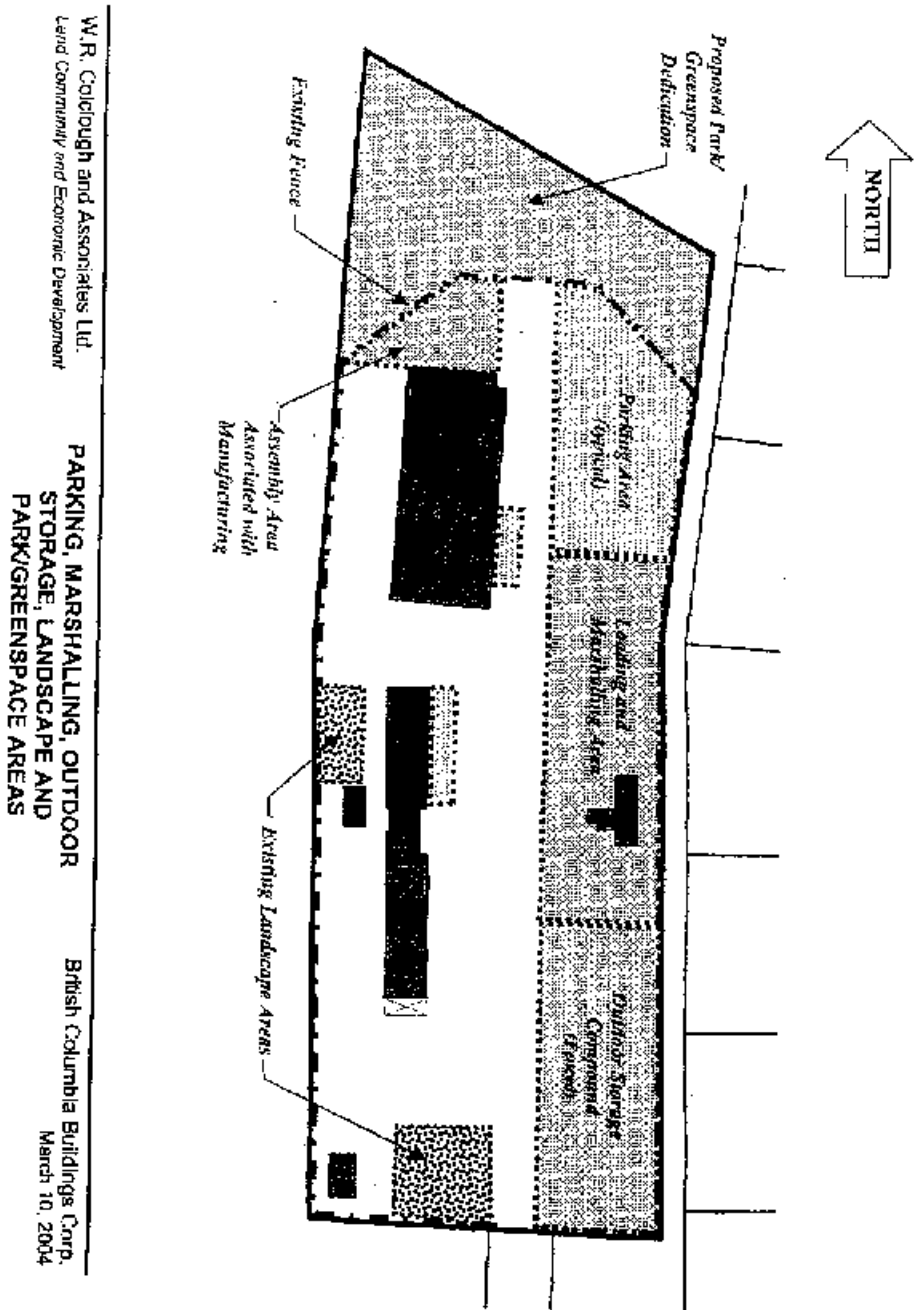
devs/reports/2004/ZA3360 30 03 ma brd Colclough / BCBC PH & 3rd

**SCHEDULE NO. 1  
Conditions for Approval for  
Zoning Amendment Application No. ZA0401  
Amendment Bylaw No. 500.299  
Lot 1, Section 14, Range 6, Cranberry District, Plan 40297 - 1329 Kipp Road**

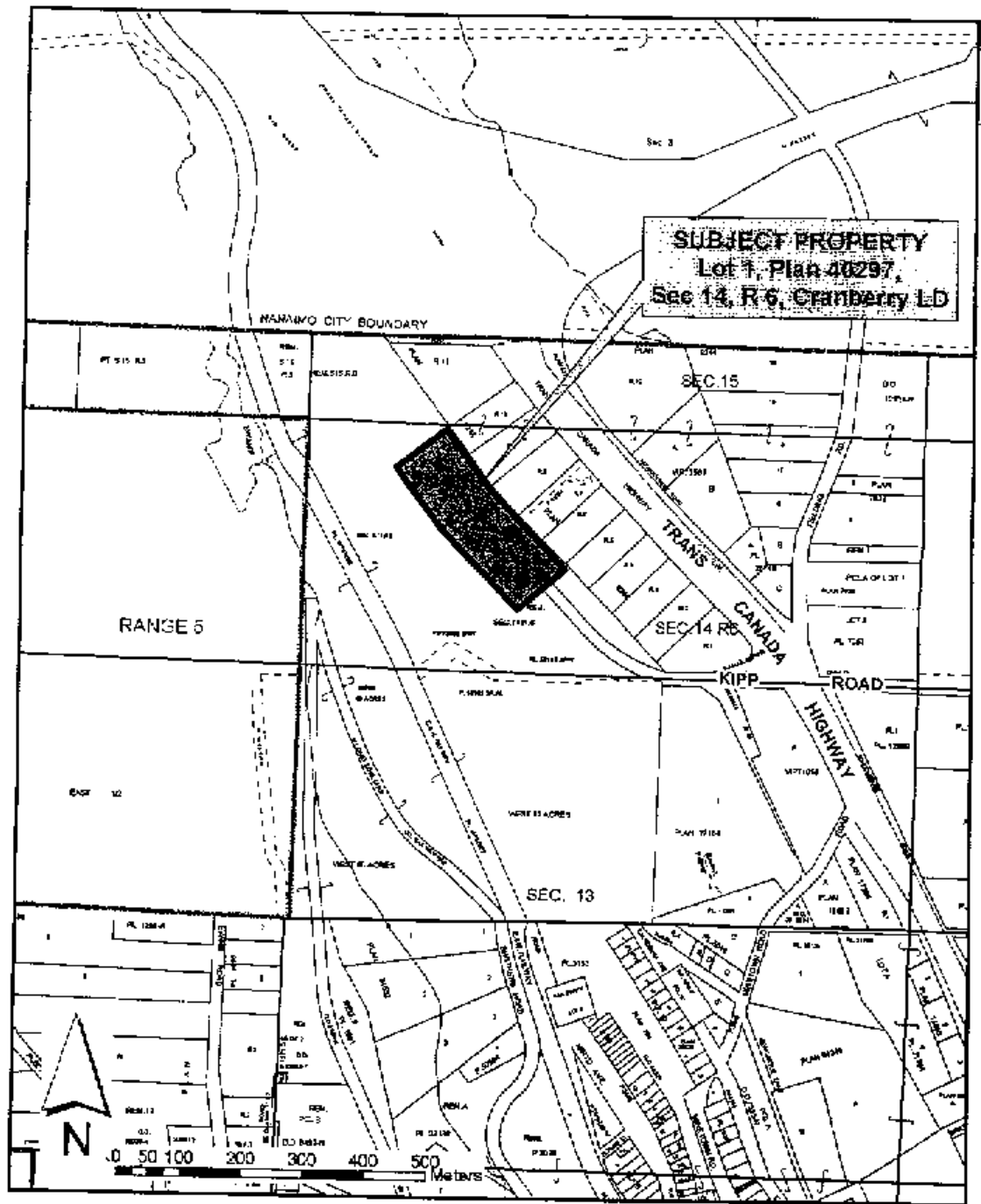
The following conditions are to be completed prior to consideration of Amendment Bylaw No. 500.299, 2004 for final reading:

1. The applicant is to transfer that portion of the property shown as park land on Schedule No. 2 to the Regional District of Nanaimo.
2. The applicant is to remove from the site the travel trailer, the trailer located behind Building No. 2, and the metal shed located adjacent to the south property line.
3. The applicant to remove outdoor storage area located adjacent to landscaped area adjacent to the south property line.
4. The applicant is to remove all outdoor equipment storage at the north and west sides of the property.
5. The applicant is to remove all outdoor sign storage.
6. The landscaped area located at the entrance to Kipp Road to be enhanced with additional landscaping.

**SCHEDULE No. 2**  
**Site Plan**  
(as submitted by applicant)  
(reduced for convenience)



ATTACHMENT No. 1  
Location of Subject Property



BCGS MAPSHEET NO. 62G/01.1.2



**ATTACHMENT NO. 2**

**REGIONAL DISTRICT OF NANAIMO**

**Report of The Public Hearing  
Held at Cranberry Community Hall  
1555 Morden Road, South Wellington, BC  
April 28, 2004 at 7:00 pm**

**To Consider Bylaw No. 500.299, 2004**

**Summary of Minutes and Submissions**

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

**PRESENT:**

Henrik Kreiberg	Chairperson, Director, Electoral Area 'A'
Susan Cormie	Senior Planner

There were 3 persons in attendance.

The Chairperson called the Hearing to order at 7:00 p.m., introduced those present at the head table, and outlined the procedures to be followed during the Hearing.

The Senior Planner provided an outline of the Bylaw including a summary of the proposal.

The Chairperson called for formal submissions with respect to Bylaw 500.299, 2004.

The Chairperson called for further submissions for the second time.

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

There being no further submissions, the Chairperson adjourned the Hearing at 7:07 p.m.

Certified true and accurate this 30th day April 2004.

---

Susan Cormie  
Recording Secretary

---

Director Henrik Kreiberg  
Chairperson, Electoral Area 'A'

**REGIONAL DISTRICT OF NANAIMO**

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE  
MEETING HELD ON TUESDAY, APRIL 27, 2004, AT 6:30 PM  
IN THE RDN BOARD CHAMBERS**

**Present:**

Director E. Hamilton	Chairperson
Director H. Kreiberg	Electoral Area A
Director D. Haine	Electoral Area D
Director P. Bibby	Electoral Area E
Director L. Biggemann	Electoral Area F
Director J. Stanhope	Electoral Area G
Director D. Bartram	Electoral Area H

**Also in Attendance:**

B. Lapham	General Manager, Development Services
N. Tonn	Recording Secretary

**MINUTES**

MOVED Director Bartram, SECONDED Director Biggemann, that the minutes of the Electoral Area Planning Committee meeting held March 23, 2004 be adopted.

CARRIED

**COMMUNICATIONS/CORRESPONDENCE**

**Kathy Minard & Fred Karlzen, re Difference of Boundary Effecting Properties: Parcel A (DD387518-1) of Lot 2, Salvation Army Lots, Plan 1115, Nanoose District and Parcel B (DD26358-W) of Lot 2, Salvation Army Lots, Plan 1115, Nanoose District – Area F.**

MOVED Director Kreiberg, SECONDED Director Bibby, that the correspondence from Kathy Minard and Fred Karlzen with respect to a difference in the commercial/multi-residential zoning boundaries effecting their individual properties, be received.

CARRIED

**David Bowle, re DP Application No. 60407 – Heck – 1885 & 1879 Widgeon Road – Area H.**

MOVED Director Kreiberg, SECONDED Director Bibby, that the correspondence from David Bowie with respect to Development Permit Application No. 60407 be received for information.

CARRIED

**Scott Keenlyside, Eaglestar Golf Inc., re DP Application No. 60416 – Fairway Pointe Properties Ltd. (Quail's Landing) – 730 Barclay Crescent – Area G.**

MOVED Director Kreiberg, SECONDED Director Bibby, that the correspondence from Eaglestar Golf Inc. with respect to Development Permit Application No. 60416 be received for information.

CARRIED

Nick Vandermolen, Ministry of Transportation, re DP Application No. 60416 – Fairway Pointe Properties Ltd. (Quail's Landing) – 730 Barclay Crescent – Area G.

MOVED Director Kreiberg, SECONDED Director Bibby, that the correspondence from the Ministry of Transportation with respect to Development Permit Application No. 60416 be received for information.

CARRIED

## PLANNING

### DEVELOPMENT PERMIT APPLICATIONS

**Development Permit Application No. 60407 – Heck – 1885 & 1879 Widgcon Road – Area H.**

MOVED Director Bartram, SECONDED Director Bibby, that Development Permit Application No. 60407, submitted by the applicants Brian and Camilla Heck to permit the construction of a gazebo and attached deck within the Hazard Lands Development Permit Area on the subject property legally described as Strata Lot 1, District Lot 89, Newcastle District, Strata Plan 1253, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1 be approved, subject to the Conditions of Approval outlined in Schedules No. 1, 2 and 3.

CARRIED

**Development Permit Application No. 60412 – Davies – 3855 Charleton Drive – Area H.**

MOVED Director Bartram, SECONDED Director Bibby, that Development Permit Application No. 60412 submitted by Keith Davies to permit land alteration works within the 30.0 metre watercourse protection development permit area that consist of removing organic and non-organic debris, and vegetation from a man made depression and then filling the depression with clean pit run, soils and native and non-native vegetation on the property legally described as Lot 10, District Lot 22, Newcastle District, Plan 30558, be approved subject to the requirements outlined in Schedule Nos. 1, 2 and 3.

CARRIED

**Development Permit Application No. 60414 – Bales – 2632 East Side Road – Area H.**

MOVED Director Bartram, SECONDED Director Kreiberg, that Development Permit Application No. 60414, submitted by the property owners Donald Bales and Elizabeth Bales for the subject property legally described as Strata Lot 284, District Lot 251, Alberni District, Strata Plan VIS5160, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V requesting to relax the minimum setback requirements from the top of bank of the watercourse that is located on adjacent common property from 15.0 metres to 3.7 metres in order to facilitate the raising of an existing cabin which is proposed to include the partial demolition of a portion of the existing cabin and the construction of main floor and loft addition and the legalization of the siting of an existing shed be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

**Development Permit No. 60415 – Morton – 2870 Sunset Terrace – Area H.**

MOVED Director Bartram, SECONDED Director Stanhope, that Development Permit Application No. 60415, submitted by the property owners Tod Morton and Veronica Morton for the subject property legally described as Strata Lot 226, District Lot 251, Alberni District, Strata Plan VIS5160, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V requesting to relax the maximum height requirements from 3.0 metres to 3.84 metres in order to accommodate the construction of a new accessory building be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

**Development Permit Application No. 60416 – Fairway Pointe Properties Ltd. (Quail's Landing)  
730 Barclay Crescent – Area G.**

MOVED Director Stanhope, SECONDED Director Bibby, that Development Permit No. 60416, submitted by Fairway Pointe Properties Ltd. (Quail's Landing) for the property legally described as Lot 1, District Lot 126, Nanoose District, Plan VIP76030, be approved subject to the conditions outlined in Schedules No. 1 and 2 of the corresponding staff report and the notification procedure subject to the *Local Government Act* with respect to the proposed variances.

CARRIED

**Development Permit Application No. 60417 – Zychlinski (Quality Foods) – 2443 Collins Crescent – Area E.**

MOVED Director Bibby, SECONDED Director Biggemann, that Development Permit Application No. 60417 submitted by Ken Bowerman of Quality Foods Ltd. on behalf of Hans Zychlinski and Irmgard Zychlinski with a variance to relax the minimum other lot line setback requirement from 5.0 metres to 1.7 metres for the property legally described as Lot 1, District Lot 6, Nanoose District, Plan VIP55964 to facilitate the addition of two prefabricated coolers to an existing supermarket, be approved subject to Schedules No. 1, 2 and 3 and the notification requirements pursuant to the *Local Government Act*.

**Amendment to DP Application No. 9713 – B & W Land Corporation – Robertson Boulevard – Area G.**

MOVED Director Stanhope, SECONDED Director Kreiberg, that the request to modify Development Permit No. 9713 in association with the property legally described as Lot C, District Lots 29 and 126, Nanoose District, Plan 49145 with Exceptions, by changing the approving triplex in Phase 10 to a duplex in Phase 10, be approved.

CARRIED

**DEVELOPMENT VARIANCE PERMIT APPLICATIONS**

**DVP Application No. 90408 – Heung – 2023 Seahaven Road – Area E.**

MOVED Director Bibby, SECONDED Director Kreiberg, that Development Variance Permit Application No. 90408, submitted by Terry and Raymond Heung, to facilitate the development of a two storey dwelling unit and vary the maximum permitted dwelling unit height within the Residential 1 zone from 8.0 metres to 8.82 metres for the property legally described as Lot C, District Lot 51, Nanoose Land District, Plan 9915, be approved as submitted subject to Schedules No. 1, 2 and 3 and subject to the notification procedures pursuant to the *Local Government Act*.

CARRIED

**OTHER**

**Request for Relaxation of the Minimum 10% Perimeter Requirement – WR Hutchinson, BCLS on Behalf of DJ & ML Carr – 5735 Takala Road – Area C.**

MOVED Director Stanhope, SECONDED Director Bartram, that the request from WR Hutchinson, BCLS, on behalf of JD and ML Carr, to relax the minimum 10% frontage requirement for proposed Lots 1 and the Remainder of Lot A, as shown on the plan of subdivision of Lot A, District Lot 19, Bright District, Plan VIP58785, be approved subject to Schedules No. 1 and 2.

CARRIED

**BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS**

**Electoral Area F Land Use and Subdivision Bylaw.**

MOVED Director Biggemann, SECONDED Director Bartram, that staff be directed to bring forward a proposed amendment to Electoral Area F Land Use and Subdivision Bylaw to amend the zoning boundary for the properties legally described as Parcel A and Parcel B of Lot 2, Salvation Army Lots, Plan 1115, Nanoose District, as requested in the delegation by Kathy Minard and Fred Karlzen.

CARRIED

**ADJOURNMENT**

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

CARRIED

TIME: 6:47 PM

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CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO	
MAY - 5 2004	
CHAIR	GMCrs
CAO	GMDS
CComs	GMS
Brid	
DATE	

MEMORANDUM

TO: Robert Lapham  
General Manager of Development Services

FROM: Bridget Reynolds  
Senior Planner

SUBJECT: Zoning Amendment No. ZA0408 – Kathleen Minard & Fred Karlzen  
Electoral Area 'F' – 1730 & 1740 Alberni Highway

DATE: May 4, 2004

FILE: 3360 30 0408

PURPOSE

To consider an amendment to revise the zone boundary for two properties in Electoral Area 'F' and to consider an amendment to the general regulations providing clarification for properties with site specific zoning that are proposed to be subdivided.

BACKGROUND

Zone Boundary Amendment

The Electoral Area Planning Committee, at their regular meeting of April 27, 2004, received correspondence from two property owners in Electoral Area 'F' requesting that the zone boundary for their properties be amended. The following resolution was passed:

*That staff be directed to bring forward a proposed amendment to Electoral Area F Land Use and Subdivision Bylaw to amend the zoning boundary for the properties legally described as Parcel A and Parcel B of Lot 2, Salvation Army Lots, Plan 1115, Nanoose District, as requested in the delegation by Kathy Minard and Fred Karlzen.*

The subject properties under consideration and legally described as Lot A (DD 387518 I) and Lot B (DD 26358 W) of Lot 2, Salvation Army Lots, Plan 1115, Nanoose District are approximately 1.92 ha in size are located within the Bellevue/Church Road Rural Separation Area of Electoral Area 'F' (see Attachment No. 1 for location of subject properties). The properties are split zoned C-3 (Commercial - 3) and MHP - 1 (Mobile Home Park - 1) and both properties have site specific zoning MHP 1-8 and MHP 1-4 pursuant to the Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw No. 1285, 2002 (see Attachment No. 2 for the zoning of the subject properties).

The C-3 portion of the property is adjacent to Alberni Highway and the MHP -1 portion of the property is adjacent to Whibley Road. Adjacent properties are also split zoned C-3 and MHP - 1 or R-3 (Village Residential - 3).

When Bylaw No. 1285 was originally adopted the zone boundary followed a straight line across from Schafers Road; however, the zone boundary cuts through the existing and proposed mobile home parks on the subject properties and was never intended to be located here.

The proposed amendment is intended to shift the zone boundary line north approximately 30 m to address the technical mapping error.

### ***General Regulation Amendment***

In addition, when Bylaw No. 1285 was adopted, the bylaw established site specific zones to recognize pre-existing and, in some cases, planned uses that were not consistent with the proposed zoning. The site specific zones were established by identifying the legal description and civic address. Since the adoption of Bylaw No. 1285 staff has recognized that when a lot with site specific zoning is proposed to be subdivided, the site specific use would apply to each new lot. Site specific zoning was intended to recognize non-conforming uses and density; however, it was never the intention that newly created parcels would retain the use and density provisions granted to the parent parcel through the site specific zone.

### ***Public Consultation***

Staff has not held a Public Information Meeting (PIM) as the proposed zoning amendment for 1730 and 1740 Alberni Highway does not materially change the uses or density on the lots. In addition, the General Regulation Amendment is intended to provide clarity with regards to site specific zoned properties that are proposed to be subdivided and will have general application in the Area F Land Use and Subdivision Bylaw.

### **ALTERNATIVES**

1. To approve the amendment application to adjust the zone boundary and to establish a General Regulation regarding the subdivision of site specific zoned properties.
2. To not approve the amendment application.

### **LAND USE AND DEVELOPMENT IMPLICATIONS**

#### ***Zone Boundary Amendment***

The zone boundary is proposed to be amended to move north approximately 30 m on the two subject properties. For the subject properties the current zone boundary runs through the MHP zone thereby making the existing mobile homes legal non-conforming. Amending the zone boundary does not change the permitted uses on either of the subject properties but would legalize the existing mobile homes that are currently nonconforming on Lot A. On Lot B, the mobile home park is a planned use and therefore no mobile homes are sited here. Without the zoning amendment the mobile home park could not be located within the C-3 zoned portion of the property.

### **OFFICIAL COMMUNITY PLAN IMPLICATIONS**

#### ***General Regulation Amendment***

There are currently 191 properties that have site specific zoning (excluding the CD zones). A number of these properties could be subdivided in the future. When Bylaw No. 1285 was adopted and the site specific zones were created, they were created to recognize pre-existing uses, and in some cases planned uses, on a specific property. It was not intended that the site specific use be carried over to a newly created parcel as this could result in the newly created parcel having a higher density than is supported in the Official Community Plan and Growth Strategy.

## PUBLIC CONSULATION IMPLICATIONS

Based on discussions with the Area Director and that the proposed amendments do not affect the permitted uses on the subject properties no Public Information Meeting is recommended to be held.

Pursuant to the *Local Government Act*, a public hearing is recommended after first and before third reading of the proposed bylaw. In addition, general notification of the public hearing is also required.

## VOTING

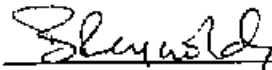
Electoral Area Directors – one vote, except Electoral Area 'B'

## SUMMARY

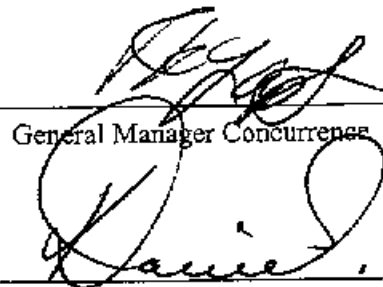
The applicants have requested that the zone boundary on two split zoned properties be amended such that the zone boundary would be moved north approximately 30 metres. The zone boundary was originally established in its current location as a result of miscommunication resulting in a mapping error. However the proposed amendment to the boundary would not change the permitted uses on the subject properties. In addition, a general amendment is proposed that would provide clarification for site specific zoned properties that are proposed to be subdivided such that the site specific use and or density would not apply to any newly created properties but would be confined to the use and/or density that originally existed at the time of adoption of the zoning bylaw.

## RECOMMENDATIONS

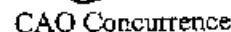
1. That Amendment Application No. 0408, to amend the zone boundary on the properties legally described as Lot A (DD 387518 D) and Lot B (DD 26358 W) of Lot 2, Salvation Army Lots, Plan 1115, Nanoose District and to include a General Regulation related to the subdivision of properties with site specific zoning be advanced to a public hearing.
2. That "Regional District of Nanaimo Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.04, 2004" be given 1<sup>st</sup> and 2<sup>nd</sup> reading and proceed to Public Hearing.
3. That the Public Hearing on "Regional District of Nanaimo Zoning and Subdivision Amendment Bylaw No. 1285.04, 2004" be delegated to Director Biggemann or his alternate.



Report Writer



General Manager Concurrence



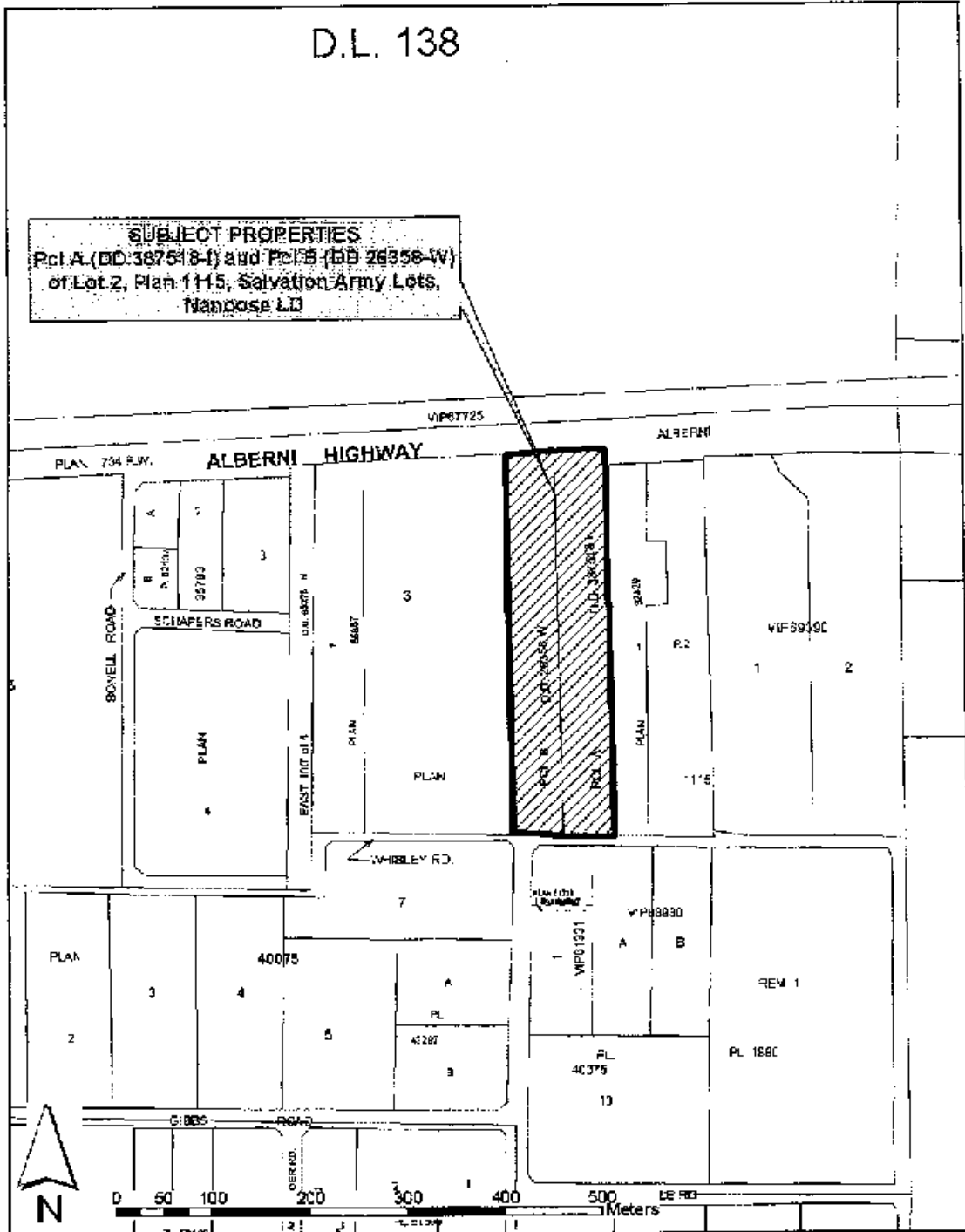
CAO Concurrence

## COMMENTS:

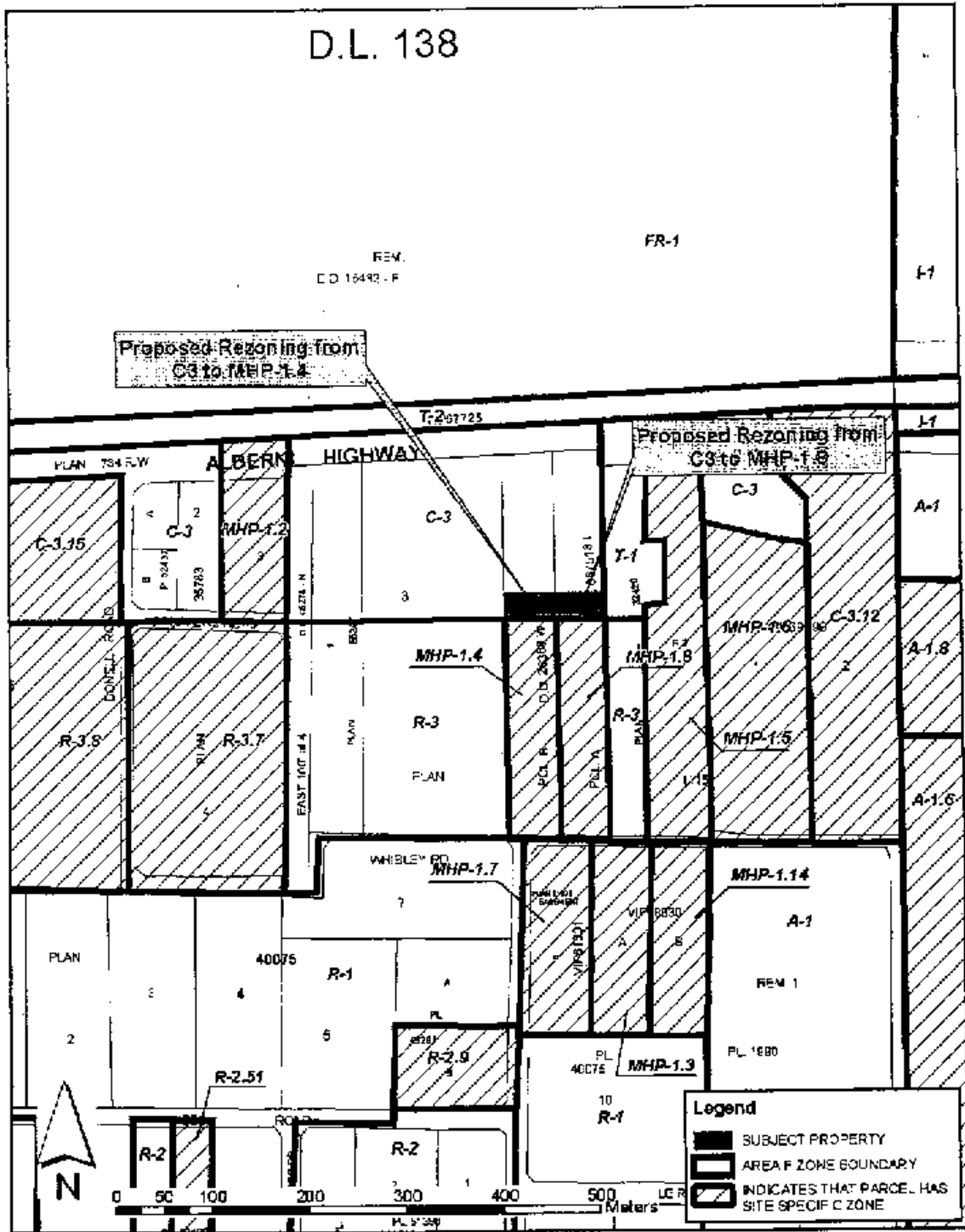
*devs/reports/2004/ze3360 30 0408 ma brd 1<sup>st</sup> and 2<sup>nd</sup>*



**Attachment No. 1**  
**Subject Properties**  
**1730 and 1740 Alberni Highway**



Attachment No. 2  
 Proposed Zone Boundary Amendment



REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE COMMITTEE OF THE WHOLE  
MEETING HELD ON TUESDAY, APRIL 27, 2004, AT 7:00 PM  
IN THE RDN BOARD CHAMBERS

**Present:**

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

**Also in Attendance:**

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

**DELEGATIONS**

**Cheryl McDonald and Carolyn Dymont, re Lot 1, Drew Road - Inclusion in the Water, Sewer and Streetlighting Service Areas - Area G.**

The delegation was not in attendance.

MOVED Director Westbrook, SECONDED Director D. Haine, that a late delegation be permitted to address the Committee.

CARRIED

**Brenda Wilson, Len Walker, James Hooper, re Land and Water BC Application to Amend Electoral Area 'H' OCP.**

Ms. Wilson provided the Committee with written and verbal information with respect to the proposed Qualicum Bay/Bowser Golf Resorts. Mr. Walker raised his concerns regarding the amount of water required to maintain a golf course and requested that the Board support the Community Plan. Mr. Hooper noted that no studies have been done to verify that a golf course would be the best use of the property.

**Scott Stevens & George Kahle, Northland Power Inc., re Proposed Biomass Fired Power Plant to be Located in Regional District of Nanaimo.**

Mr. Stevens and Mr. Kahle provided a visual presentation which included a short description of Northland Power Incorporated, the proposed project for the Nanaimo River area and the benefits to the Regional District such a project would produce.

**PRESENTATION**

**Capt. David Marshall, Mainland Services & Operational Planning, BC Ferries, re "Going Forward With Stability".**

Captain Marshall provided a verbal and visual update of British Columbia Ferry Services Incorporated long term plans.

**MINUTES**

MOVED Director Sherry, SECONDED Director Bartram, that the minutes of the regular Committee of the Whole meeting held March 23, 2004 be adopted.

CARRIED

**COMMUNITY SERVICES**

**RECREATION & PARKS**

**Regional Parks Plan Review – Terms of Reference.**

MOVED Director Holdom, SECONDED Director Bibby,:

1. That the Terms of Reference for the Regional Parks Plan Review be approved; and
2. That staff be directed to issue a Request for Proposal for a Project Consultant for the Review; and
3. That two Electoral Area Directors and one Municipal Director be appointed by the Chairperson to participate as members of the Regional Parks Plan Review Select Committee.

CARRIED

**Application to Ministry of Transportation to Develop the El Verano Beach Access – Area B.**

MOVED Director Lund, SECONDED Director Hamilton, that the Regional District apply to the Ministry of Transportation for a permit to develop and use the El Verano beach access in Electoral Area 'B'.

CARRIED

**CORPORATE SERVICES**

**FINANCE**

**Reserve Fund Bylaw Approvals – Administration Computer Equipment Reserve Fund Expenditure Bylaw; Northern Community Sewer LSA Development Cost Charge Reserve Fund Expenditure Bylaw; School District 68 E-911 Reserve Fund Establishment Bylaw No. 1380.**

MOVED Director Westbrook, SECONDED Director Sherry,:

1. That "Administration Computer Equipment (2004) Reserve Fund Expenditure Bylaw No. 1377, 2004" be introduced for first three readings.

CARRIED

2. That "Administration Computer Equipment (2004) Reserve Fund Equipment Bylaw No. 1377, 2004" having received three readings be adopted.  
CARRIED
3. That "Northern Community Sewer Local Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1379, 2004" be introduced for first three readings.  
CARRIED
4. That "Northern Community Sewer Local Service Area Development Cost Charge Reserve Fund Expenditure Bylaw No. 1379, 2004" having received three readings be adopted.  
CARRIED
5. That "School District 68 E-911 Reserve Fund Establishment Bylaw No. 1380, 2004" be introduced for first three readings.  
CARRIED
6. That "School District 68 E-911 Reserve Fund Establishment Bylaw No. 1380, 2004" having received three readings be adopted.  
CARRIED

**Operating Results to March 31, 2004.**

MOVED Director Krall, SECONDED Director Bartram, that the summary report of financial results from operations to March 31, 2004 be received for information.  
CARRIED

**Accounting Treatment of Liability Insurance Premiums.**

MOVED Director Westbrook, SECONDED Director Biggemann, that the report on accounting treatment of liability insurance premiums be received for information  
CARRIED

**Initiative to Request Wireless Telephone Providers to Collect 911 Levy for Local Government Call Answer Center.**

MOVED Director Sherry, SECONDED Director Cantelon, that correspondence in the form attached to the staff report be forwarded to the three wireless service providers, Telus Mobility, Bell Mobility and Rogers Wireless, seeking their cooperation in acting as a collection agent for the 911 call answer levy in a manner consistent with the collection agreement in place with Telus as a landline service provider.  
CARRIED

**DEVELOPMENT SERVICES**

**BYLAW ENFORCEMENT**

**Request to Amend Liquor – Primary License for Morningstar Golf Club – 525 Lowry's Road – Area G.**

MOVED Director Westbrook, SECONDED Director Bartram, that the application for a structural change to the current liquor-primary license for the Morningstar Golf Club located at 525 Lowry's Road and legally described as Lot A, District Lots 81 and 126, Nanoose District, Plan 49145, With Exceptions, to allow the reallocation of seating to permit liquor-primary license on the recently constructed outdoor deck, be supported.  
CARRIED

**ENVIRONMENTAL SERVICES**

**LIQUID WASTE**

**Pump and Haul Local Service Area Bylaw No. 975.34 – 653 South Road – Area B.**

MOVED Director Sherry, SECONDED Director Lund,:

1. That the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to include Lot 75, Section 13, Gabriola Island, Nanaimo District, Plan 21531, 653 South Road, Gabriola Island, Area B.
2. That "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.34, 2004" be read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

**Waste Management Permit Fee Increase.**

MOVED Director Sherry, SECONDED Director Krall,:

1. That the staff report be received for information.
2. That Board direct staff to forward a letter to the Minister of Water, Land and Air Protection (copy to UBCM) that expresses the RDN's concern with the Waste Management Permit Fee Regulation amendments consultation process and requesting explanation as to what value the RDN will receive for the large increase in fees.

CARRIED

**SOLID WASTE**

**Waste Stream Management Licensing Bylaw.**

MOVED Director Sherry, SECONDED Director Longmuir, that the Board direct staff to proceed to public consultation on the final draft of the proposed Waste Stream Management Licensing bylaw.

CARRIED

**Solid Waste Management Plan.**

Staff were directed to bring forward to the Board meeting, alternate dates for public meetings on the Solid Waste Management Plan, as the current dates noted in the staff report conflict with attendance at FCM.

Director Westbroek requested staff to bring forward appropriate wording to the Board meeting which would reflect the Board's support for a reduction in the amount of packaging currently directed to landfills, and request the Province to encourage manufacturers to investigate more environmentally acceptable packaging practices.

MOVED Director Krall, SECONDED Director Bibby, that the Board direct staff to proceed to public consultation on the final draft of the updated Solid Waste Management Plan.

CARRIED

**UTILITIES**

**San Pareil Water Supply Local Service Area Rates and Regulations Amendment Bylaw No. 1172.03 – Area G.**

MOVED Director Westbrook, SECONDED Director Bartram,:

1. That the user rate structure for San Pareil be amended commencing May 15, 2004 to reflect a decrease in the minimum water rate to \$0.82/day and the water rates for the five steps be increased to \$1.06, \$1.37, \$1.68, \$2.27 and \$2.86 per m<sup>3</sup> per day respectively (Alternative 1).
2. That "Regional District of Nanaimo San Pareil Water Supply Local Service Area Rates and Regulations Amendment Bylaw No. 1172.03, 2004" be introduced and read three times.
3. That "Regional District of Nanaimo San Pareil Water Supply Local Service Area Rates and Regulations Amendment Bylaw No. 1172.03, 2004" be adopted.

CARRIED

**Morningstar Streetlighting Local Service Area Boundary Amendment Bylaw No. 869.05 – Subdivision between Wembley Road and Arrowsmith Way – Area G.**

MOVED Director Westbrook, SECONDED Director Sherry,:

1. That Rem. Lot 2, Plan 41955, DL 29, Nanoose LD and Lot A, Plan VIP72574, DL 29, Nanoose LD be brought into the Morningstar Streetlighting Local Service Area.
2. That "Morningstar Streetlighting Local Service Area Boundary Amendment Bylaw No. 869.05, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

**West Bay Estates Water LSA Amendment Bylaw No. 929.03 – Nanoose Place – 2925 Northwest Bay Road – Area E.**

MOVED Director Bibby, SECONDED Director Hamilton, that "West Bay Estates Water Local Service Area Amendment Bylaw No. 929.03, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

**COMMISSION, ADVISORY & SELECT COMMITTEE**

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

MOVED Director Holdom, SECONDED Director Bartram, that the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meetings held March 17, 2004 and April 2, 2004 be received for information.

CARRIED

**District 69 Recreation Commission.**

MOVED Director Bartram, SECONDED Director Biggemann, that the minutes of the District 69 Recreation Commission meeting held April 15, 2004 be received for information.

CARRIED

**Transit Business Plan Update Select Committee.**

MOVED Director Krall, SECONDED Director Bartram, that the minutes of the Transit Business Plan Update Select Committee meeting held April 15, 2004 be received for information.

CARRIED

MOVED Director Krall, SECONDED Director Holdom, that the Annual Operating Agreement (AOA) with BC Transit be approved.

CARRIED

MOVED Director Krall, SECONDED Director Longmuir, that BC Transit be requested to review the administration fee for the Regional District of Nanaimo in context with its review of the service delivery model in member communities.

CARRIED

MOVED Director Krall, SECONDED Director Holdom, that the Hybrid Bus report be received.

CARRIED

MOVED Director Krall, SECONDED Director Cantelon, that the Malaspina University College be approached to discuss an International Student Transit Fee structure.

DEFEATED

**Deep Bay Harbour Authority.**

Director Bartram reported that the archaeological report is near completion and noted that the pilot wharf and parking projects will go ahead.

**Regional Library Board.**

Director Bibby announced the opening of a new library in Duncan in early April.

**NEW BUSINESS**

**Descanso Bay Wharf.**

The Chairperson noted that the Descanso Bay Wharf officially opened on April 25, 2004 and Director Lund thanked Neil Connelly and Mike Donnelly for all their assistance.

**IN CAMERA**

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

CARRIED



**ADJOURNMENT**

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

TIME: 8:47 PM

CARRIED

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CHAIRPERSON



REGIONAL DISTRICT OF NANAIMO		
MAY - 4 2004		
CHAIR		GMCrS
CAO		GMDS
GMCms		GMES
		DATE:
		FILE:

**MEMORANDUM**

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

**FROM:** Carey McIver  
Manager Solid Waste

**SUBJECT:** 1. Solid Waste Management Plan – Alternate Dates for Public Meetings  
2. Reduction in Packaging to landfills

**PURPOSE**

To present alternate dates for public meetings on the draft Solid Waste Management Plan and to discuss support for reducing packaging materials being directed to landfills.

**BACKGROUND**

At the April 2004 Committee of the Whole meeting, the Board requested that staff bring forward alternate dates for public meetings on the draft Solid Waste Management Plan (SWMP) as the original dates conflict with attendance at FCM. The proposed alternate dates are:

Date	Location	Time
Tuesday June 15	RDN Board Chambers	2 p.m. to 4 p.m. 7 p.m. to 9 p.m.
Thursday June 17	Parksville Civic Centre	2 p.m. to 4 p.m. 7 p.m. to 9 p.m.

The Board also requested that staff bring forward appropriate wording to the Board meeting which would reflect the Board's support for a reduction in the amount of packaging currently directed to landfills, and request that the Province encourage manufacturers to investigate more environmentally acceptable packaging practices.

Although packaging is a federal government responsibility, the Province has been encouraging significant reductions in packaging waste through the implementation of product stewardship programs. As discussed in the draft SWMP, product stewardship is defined as a management system based on industry and consumers taking life-cycle responsibility for the products they produce and use. As a result, the materials covered under a stewardship program are less likely to enter the RDN's waste management system. There are province-wide stewardship programs currently in place for:

- Lead-acid batteries
- Used motor oil
- Paint
- Pesticides
- Solvents
- Passenger and light truck tires
- Medications
- Fuel
- Beverage containers

The RDN has actively encouraged the Province and product manufacturers to undertake stewardship initiatives. Most recently the Board passed resolutions supporting product stewardship for electronic waste (May 2002) and milk containers (September 2003) as well as supporting the four principles of the provincial product stewardship business plan (September 2003). Staff recommend that a report be prepared on the status of the provincial stewardship business plan as well as federal initiatives directed at reducing packaging waste, prior to re-confirming Board support for these on-going programs.

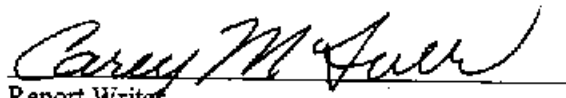
### SUMMARY


At the April 2004 Committee of the Whole meeting, the Board requested that staff bring forward alternate dates for public meetings on the draft Solid Waste Management Plan (SWMP) as the original dates conflict with attendance at FCM. The proposed alternate dates are Tuesday, June 15 and Thursday, June 17, 2004.

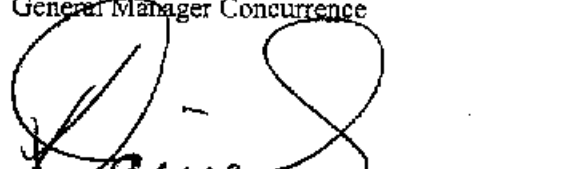
The Board also requested that staff bring forward appropriate wording to the Board meeting which would reflect the Board's support for a reduction in the amount of packaging currently directed to landfills, and request that the Province encourage manufacturers to investigate more environmentally acceptable packaging practices. The Board has previously encouraged the province and product manufacturers to undertake stewardship initiatives to reduce packaging and waste quantities. Staff recommend that a report be prepared on the status of the provincial stewardship business plan as well as federal initiatives directed at reducing packaging waste, prior to re-confirming Board support for these on-going programs.

### RECOMMENDATION

1. That the alternate dates of June 15 and 17, 2004 for public meetings on the draft Solid Waste Management Plan be received for information, and
2. That staff prepare a report on the status of the provincial stewardship business plan as well as federal initiatives directed at reducing packaging waste, prior to re-confirming Board support for these on-going programs.

  
Report Writer

  
General Manager Concurrence

  
CAO Concurrence

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

**DATE:** May 5, 2004

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

**FILE:**

**SUBJECT:** Resolution to Incorporate Bow Horn Bay Fire Improvement District as a Regional District Service Area

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**PURPOSE:**

To obtain Board consent to request that the Province of BC dissolve the Bow Horn Bay Fire Improvement District for the purpose of establishing fire protection as a Regional District service.

**BACKGROUND:**

The Bow Horn Bay Fire Improvement District has been operational for over 50 years. However a recent turn of events has resulted in the Improvement District Board announcing at a public meeting held May 4<sup>th</sup>, 2004, that it will request that it be dissolved and that the Regional District of Nanaimo create a service area in its place. The Improvement District has been unable to secure general commercial liability insurance in any amount, at any price. Apparently, insurance companies have determined that they are unable to adequately assess the risk profile of standalone fire protection providers and are therefore unwilling to offer liability insurance coverage.

The Provincial office overseeing Improvement Districts has been contacted, and are aware of the urgency of dissolving the Improvement District and establishing a Regional District service area. The next step required is a resolution agreeing to transfer the responsibilities, assets and liabilities from the Improvement District to the Regional District for the purpose of establishing a service area. Under normal conditions, dissolution would be the subject of a financial and operating analysis and a subsequent public vote. In these circumstances, there are no alternatives for the Improvement District, and Regional District staff have been advised by Provincial staff, that our resolution should request an exemption from the requirements of electoral consent under the *Local Government Act*. An establishing bylaw can be introduced concurrently with the resolution in order to expedite the process.

Staff have worked with the Improvement District Board to outline how our Regional District approaches the governance and operating structure of volunteer fire departments and they have accepted those conditions. The Improvement District Board will shortly begin the process of incorporating as a Society in order to enter into a service agreement with the Regional District under the same model used for our current volunteer fire departments.

**ALTERNATIVES:**

1. Adopt a resolution to establish a fire protection service area in place of the Bow Horn Bay Fire Improvement District and request that the electoral consent provisions of the *Local Government Act* for establishing new services be waived in this instance. Introduce concurrently an establishing bylaw to create the service area and give it first three readings. The bylaw would be adopted upon formal dissolution of the Improvement District.
2. Decline to establish a Regional District service area in place of the Bow Horn Bay Fire Improvement District.

**FINANCIAL IMPLICATIONS:**

Alternative 1

No financial implications for either the Bow Horn Bay or any other Regional District taxpayer have been identified as a result of this change. The department will be assessed an administration fee in the same manner as other fire departments and liability insurance coverage will be extended through the Municipal Insurance Association. The cost of the Regional District's administration fee is expected to be approximately equal to the amount budgeted for liability insurance premiums on a standalone basis.

By establishing a Regional District service area, residents and property owners will maintain the benefit of reduced property insurance premiums due to their fire protected status.

Alternative 2

There would be an immediate and significant increase in property insurance premiums for taxpayers in the Improvement District and a significant investment in firefighting assets would be placed in jeopardy.

**SUMMARY/CONCLUSIONS:**

The Bow Horn Bay Fire Improvement District announced to its taxpayers on May 4<sup>th</sup>, that as a result of an inability to secure commercial liability coverage, it will seek to be dissolved and request that the Regional District of Nanaimo create a fire protection service area in its place. The Board of the Improvement District has discussed with Regional District staff, governance and financial issues and is prepared to incorporate a Society and enter into a service agreement with the Regional District under the same model used for our other volunteer fire departments. There are no significant financial implications identified or anticipated as a result of the transition from an Improvement District to a Regional District service area. The Province has advised that we must adopt a resolution accepting the transfer of responsibility and request that, given the urgent circumstances and lack of alternatives, that the normal electoral consent provisions of the *Local Government Act* be waived. In order to expedite the transition staff also recommend introducing concurrently an establishing bylaw which will be given first three readings and would be adopted when the formal dissolution order has been approved by the Province.


**RECOMMENDATIONS:**

1. That the Regional District of Nanaimo resolves as follows:

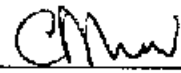
That given the unavailability of liability insurance coverage for the Bow Horn Bay Fire Improvement District, the Regional District of Nanaimo agrees to accept a transfer of responsibilities, assets and liabilities from the Bow Horn Bay Fire Improvement District and will create a Regional District fire protection service area in its place.

That the Province exempt the Regional District of Nanaimo from the electoral consent provisions of the *Local Government Act* for establishing new services in this instance, in order to expedite the transfer of responsibilities and ensure that the volunteer fire department can operate with appropriate liability coverage as soon as possible.

2. That the "Bow Horn Bay Fire Protection Service Area Establishing Bylaw No. 1385, 2004" be introduced for first three readings and be forwarded to the Ministry of Community, Aboriginal and Women's Services.

  
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Report Writer

  
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General Manager Corporate Services

  
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A/ C.A.O. Concurrence

**COMMENTS:**

BOW HORN BAY VOLUNTEER FIRE DEPARTMENT  
BOW HORN BAY FIRE PROTECTION DISTRICT

220 Lions Way, Qualicum Beach, BC V9K 2E2  
Phone: (250) 757-9433  
Fax: (250) 757-9423

May 5, 2004

Nancy Avery  
Manager, Financial Services  
Regional District of Nanaimo  
6300 Hammond Bay Road  
Nanaimo, BC  
V9T 6N2

Dear Nancy:

Thank you for attending our Special General Meeting yesterday May 4<sup>th</sup>, 2004. A lot of questions were voiced from the public, and it was nice to have your expertise.

After the meeting the board came together and a motion was made to proceed with the conversion.

After due process, it is our intent to go ahead with the conversion, from Bow Horn Bay Fire Protection District to become an RDN Service Area.

We are going to proceed with the process of becoming a society, and I will wait to hear from you on further correspondence. If you have any other questions or concerns, or require more information, please contact me.

Yours truly,



Jennifer Buerge  
Secretary/Treasurer  
BHBFPD