

REGIONAL DISTRICT OF NANAIMO

**BOARD MEETING
TUESDAY, JULY 13, 2004
7:00 PM**

(RDN Board Chambers)

A G E N D A

PAGES

1. **CALL TO ORDER**
2. **DELEGATIONS**
 - 11 **Bev Voigt**, re Development Permit Application No. 60429 – Bev & Gerd Voigt, on behalf of 642703 BC Ltd. – off Kaye Road & the Island Highway – Area E.
 - 12-13 **Tim Clermont**, re Pacific Shores Sewer LSA Amendment Bylaw No. 1021.05 and Northern Community Sewer LSA Bylaw No. 880.26 – 1520 Ferrier Road – Area E.
 - 14 **Helen Sims**, re Development Permit Application No. 60423 & Request for Relaxation of the Minimum 10% Frontage Requirement – Fern Road Consulting Ltd., on behalf of Forevergreen Properties Ltd. – Adjacent to Inland Island Highway accessed from Coldwater Road – Area G.
3. **BOARD MINUTES**
 - 15-29 Minutes of the Board meeting held on June 8, 2004.
4. **BUSINESS ARISING FROM THE MINUTES**
5. **COMMUNICATIONS/CORRESPONDENCE**
 - 30-34 **H. Heringa**, re Development Permit Application No. 60429 – Bev & Gerd Voigt, on behalf of 642703 BC Ltd. – off Kaye Road & the Island Highway – Area E.
6. **UNFINISHED BUSINESS**
 - BYLAWS**
 - For Adoption.**
 - Bylaw No. 1385 – Bow Home Bay Fire Protection Service Area Establishment Bylaw - Resolution to Incorporate Bow Horn Bay Fire Improvement District as a Regional District Service Area. (All Directors – One Vote)**

35-38 **Bylaw No. 500.299 - Zoning Amendment Application No. ZA0401 -- Bob Colclough, on behalf of BC Buildings Corporation -- 1329 Kipp Road - Area A. (Electoral Area Directors except EA 'B' -- One Vote)**

Public Hearing.

39-41 **Bylaw No. 1285.04 -- Report of the Public Hearing held June 10, 2004 with respect to Zoning Amendment Application No. ZA0408 -- Kathleen Minard & Fred Karlzen -- 1730 & 1740 Alberni Highway -- Area F. (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

42-45 Minutes of the Electoral Area Planning Committee meeting held June 22, 2004. (for information)

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. 0410 -- Keith Brown & Associates, on behalf of 646268 BC Ltd. (Country Kitchen) -- 1922 Schoolhouse Road -- Area A. (Electoral Area Directors except EA 'B' -- One Vote)

1. *That Zoning Amendment Application No. ZA0410 submitted by Keith Brown & Associates, on behalf of 646268 BC Ltd. to rezone the property legally described as Lot 1, Section 13, Range 6, Cranberry District, Plan 12009, from split zone [Residential 2, Subdivision District F (RS2F)/ Commercial 1 Subdivision District M (CM1M)] to Comprehensive Development 18 Subdivision District 'Z' (CD18Z) in order to facilitate light industrial uses comprising of a mini warehouse use and a heavy equipment display/servicing use be approved to proceed to public hearing.*
2. *That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.301, 2004" be given 1st and 2nd reading.*
3. *That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.301, 2004" proceed to public hearing.*
4. *That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.301, 2004" be delegated to Director Kreiberg or his alternate.*

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60413 – W. Erskine on behalf of Eric & Patricia Robinson – 3027 & 3029 Landmark Crescent – Area D. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to DP Application No. 60413.

That Development Permit Application No. 60413, submitted by the agent Wayne Erskine on behalf of Eric and Patricia Robinson to legalize the placement of clean fill within an Environmentally Sensitive Development Permit Area on the subject property legally described as Lot 3, Section 20, Range 3, Mountain District, Plan 31215 located at 3027 and 3029 Landmark Crescent in Electoral Area 'D' be approved, subject to the Conditions of Approval outlined in Schedules No. 1 and 2.

Development Permit Application No. 60423 & Request for Relaxation of the Minimum 10% Frontage Requirement – Fern Road Consulting Ltd., on behalf of Forevergreen Properties Ltd. – Adjacent to Inland Island Highway accessed from Coldwater Road – Area G.

Delegations wishing to speak to DP Application No. 60423.

That the request, submitted by Fern Road Consulting Ltd., on behalf of Forevergreen Properties Ltd., to allow the creation of a subdivision within the Watercourse Protection and Inland Island Highway Development Permit Areas and to relax the minimum 10% frontage requirement for proposed Lot 5 as shown on the plan of subdivision of Lot A, Block 1438, Plan VIP64704 and Proposed Closed Road, Plan 742, Both of Nanoose District, subject to Schedules No. 1 & 2, be denied.

Development Permit Application No. 60429 – Bev & Gerd Voigt, on behalf of 642703 BC Ltd. – off Kaye Road & the Island Highway – Area E. (Electoral Area Directors except EA 'B' - One Vote)

Delegations wishing to speak to DP Application No. 60429.

That the request, submitted by Bev and Gerd Voigt, on behalf of 642703 BC Ltd., to create new parcels and dedicate and construct a road as part of a 6-lot subdivision proposal for property designated within the Farm Land Protection, Watercourse Protection, and Sensitive Ecosystems Development Permit Areas and to relax the minimum setback requirement for an existing barn building from 30.0 metres to 13.0 metres from the proposed new lot line as shown on the plan of subdivision of District Lot 44, Nanoose District, Except Parts in Plans 39893, 3132 RW, be approved subject to Schedules No. 1 and 2 and the notification procedures pursuant to the Local Government Act.

Development Permit Application No. 60431 – Wiebe – 6359 West Island Highway – Area H. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to DP Application No. 60431.

That Development Permit Application No. 60431 submitted by Rob Wiebe to vary the maximum height of two recently constructed dwelling units (1 of which is a suite in a detached garage) from 8.0 metres to 8.2 metres to recognize their height and to permit the installation of a septic field within the Environmentally Sensitive Areas Development Permit Area on the property legally described as Lot 1, District Lot 22, Newcastle District, Plan 19682, be approved subject to the requirements outlined in Schedule Nos. 1, 2, 3 and 4 and subject to notification requirements pursuant to the Local Government Act.

OTHER

Request for Relaxation of the Minimum 10% Perimeter Requirement – WR Hutchinson, BCLS, on behalf of Boa Enterprises Ltd. – South Forks Road – Area C. (Electoral Area Directors except EA 'B' – One Vote)

That the request from WR Hutchinson, BCLS, on behalf of Boa Enterprises Ltd., to relax the minimum 10% frontage requirement for proposed Lot A, as shown on the plan of subdivision of District Lot 3, Douglas District, be approved.

Electoral Area F Zoning & Subdivision Bylaw No. 1285 – Finetuning Project – ALR Properties. (Electoral Area Directors except EA 'B' – One Vote)

That the staff report on the revised Electoral Area 'F' Zoning Bylaw Finetuning Project be received.

That the revised Terms of Reference as outlined in Attachment No. 3, be endorsed by the Board.

Nanaimo Airport – Official Community Plan & Zoning Bylaw Amendments – 3350 Spitfire Road – Area A. (Electoral Area Directors except EA 'B' – One Vote)

- 1. That the report on the proposed amendments to the "Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" and "RDN Land Use and Subdivision Bylaw No. 500" for the Nanaimo Airport be received for information.*
- 2. That the Consultation Strategy for the proposed amendments to the "Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" and "RDN Land Use and Subdivision Bylaw No. 500" current zoning for the Nanaimo Airport be approved.*
- 3. That a public information meeting be scheduled on the proposed amendments to the "Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001" and "RDN Land Use and Subdivision Bylaw No. 500" current zoning for the Nanaimo Airport.*
- 4. That the Public Information Meeting be chaired by Director Henrik Kreiberg or his alternate (Electoral Area 'A').*

5. *That the proposed OCP and Zoning Amendments be referred to the Nanaimo Airport Select Committee after the Public Information Meeting is held and preliminary referral responses are received from other jurisdictions.*

7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE

- 46-53 Minutes of the regular Committee of the Whole meeting held June 22, 2004. (for information)

COMMUNICATION/CORRESPONDENCE

Mark Zaborniak, re Section 57 of the Community Charter – Contravention of Bylaw – 1570 Seacrest Road – Area E. (All Directors -- One Vote)

That the correspondence from Mr. Zaborniak requesting a deferral be received.

COMMUNITY SERVICES

RECREATION

Recreation Facilities & Sportsfields Usage Survey. (All Directors - One Vote)

That the 2004 Recreation Facilities and Sportsfields Usage Survey report be received as information.

REGIONAL GROWTH MANAGEMENT

Presentation – Sustainability Workshop Report & Regional Growth Monitoring Advisory Committee Recommendation. (All Directors except EA 'B' – One Vote)

That the Workshop Report for the Saturday, April 3, 2004 Sustainability Workshop be received.

That the recommendation of the Regional Growth Monitoring Advisory Committee regarding the most immediate actions the Board should consider as a result of the Sustainability Workshop be received.

That the RGMAC's resolution be received and that staff prepare reports for the Board's consideration on establishing green building guidelines in the RDN and establishing development and land use guidelines that will ensure the conservation of water and protection of watersheds and aquifers in the RDN.

Drinking Water Protection Initiative Workshop. (All Directors -- One Vote)

That the Workshop Report for the May 8, 2004 Drinking Water Quality Workshop be received.

That the Feedback Report for the April 30, 2004 Drinking Water Quality Discussion Paper be received.

That an 'action plan' that identifies actions to be taken to address drinking water quality in the region, excluding the City of Nanaimo's watershed, be prepared for the Board's consideration.

That the RDN Board recognize that, in as much as the taxpayers of the City of Nanaimo are already funding their own comprehensive drinking water program, the City of Nanaimo will not participate in the action plan as a funding partner.

Invasive Plant Strategy for British Columbia. (All Directors – One Vote)

That the report, "Invasive Plant Strategy for British Columbia" be received.

That the Regional District of Nanaimo endorse the "Invasive Plant Strategy for British Columbia" and sign the "Invasive Plant Strategy for British Columbia Memorandum of Support".

TRANSIT

Transit Special Event Application – Ocean Idlers Car Club – Parksville. (All Directors – One Vote)

That the Transit Special Events request by the Ocean Idlers Car Club for shuttle service to be provided on Sunday, August 1, 2004 be approved.

Nanaimo Safer City Alliance Program. (All Directors – One Vote)

That the involvement of the Regional District of Nanaimo in the Nanaimo Safer City Alliance program be approved.

That this item be referred back to staff for further information.

CORPORATE SERVICES

ADMINISTRATION

Procedure Bylaw No. 1393.

(All Directors – One Vote)

- 1. That the implementation of Board meetings on the fourth Tuesday of each month be implemented commencing September 2004.*
- 2. That "Procedure Bylaw No. 1393, 2004" be introduced and read three times.*

(All Directors – 2/3)

- 3. That "Procedure Bylaw No. 1393, 2004" be adopted.*

FIRE PROTECTION

Yellowpoint Waterloo Fire Protection Service Area Establishing Bylaw No. 1388 – Rondalyn Resort – Area C. (All Directors – One Vote)

That "Yellowpoint Waterloo Fire Protection Service Area Establishing Bylaw No. 1388, 2004" be introduced for first three readings and be forwarded to the Inspector of Municipalities for approval.

Regulatory Bylaw – Dashwood Fire Service Area.

(All Directors – One Vote)

That "Regional District of Nanaimo (Dashwood) Fire Services Regulatory Bylaw No. 1390, 2004" be introduced for first three readings.

(All Directors - 2/3)

That "Regional District of Nanaimo (Dashwood) Fire Services Regulatory Bylaw No. 1390, 2004" having received three readings be adopted.

DEVELOPMENT SERVICES

BUILDING INSPECTION

Section 57 of the Community Charter – Contravention of Bylaw - Infractions.

(All Directors – One Vote)

That the following filing be deferred - Lot 8, District Lot 52, Plan 15921, Nanoose Land District, 1570 Seacrest Road, Electoral Area 'E', owned by M. Zaborniak and A. Nakatsuka.

That the filing at Lot 24, Section 14, Range 2, Plan VIP59885, Cedar Land District, 1874 Mayhutt Place, Electoral Area 'A', owned by J. White be deferred for one month.

That a notice be filed against the title of the property listed, pursuant to Section 57 of the Community Charter.

(a) Lot 3, Block 1, District Lot 9, Plan 15370, Newcastle Land District, 1081 Surfside Drive, Electoral Area 'G', owned by H. and K. Kaltenbach.

EMERGENCY PLANNING

Interface Fire Hazards. (All Directors - One Vote)

That the report on the forest fire interface be received for information.

That staff be directed to proceed with implementation actions as outlined in Schedule No. '1' of the staff report and that schedule 1 be referred back to staff for an interim report in 1 months time.

ENVIRONMENTAL SERVICES

LIQUID WASTE

Pump and Haul Local Service Area Bylaw No. 975.36 – Dolphin Drive – Area E.
(All Directors – One Vote)

- 1. That the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to include Lot 53, District Lot 78, Nanoose Land District, Plan 14275. (Dolphin Drive, Area E)*

2. That "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.36, 2004" be read three times and forwarded to the Inspector of Municipalities for approval.

Trucked Liquid Waste Disposal Amendment Bylaw No. 988.05 – Liquid Waste Septage Fees.

(All Directors – One Vote)

That "Regional District of Nanaimo Trucked Liquid Waste Disposal Amendment Bylaw No. 988.05, 2004" be introduced and read three times.

(All Directors – 2/3)

That "Regional District of Nanaimo Trucked Liquid Waste Disposal Amendment Bylaw No. 988.05, 2004" having received three readings be adopted.

Renewal of Agreement – Supply of Ferrous Chloride. (All Directors – Weighted Vote)

That the agreement between the RDN and Tree Island Industries Ltd. for the supply of ferrous chloride be renewed for an additional five year term.

SOLID WASTE

Solid Waste Disposal LSA Reserve Fund Expenditure Bylaw No. 1389 – Regional Landfill Geogrid Toe Berm – Release of Reserve Funds. (All Directors – 2/3)

1. That "Solid Waste Disposal Local Service Area Reserve Fund Expenditure Bylaw No. 1389, 2004" be introduced for three readings.
2. That "Solid Waste Disposal Local Service Area Reserve Fund Expenditure Bylaw No. 1389, 2004" having received three readings be adopted.

UTILITIES

Pacific Shores Sewer Local Service Area Amendment Bylaw No. 1021.05 and Northern Community Sewer LSA Bylaw No. 889.26 – 1520 Terrien Road – Area E. (All Directors – One Vote)

That "Pacific Shores Sewer Local Service Area Amendment Bylaw No. 1021.05, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

That "Regional District of Nanaimo Northern Community Sewer Local Service Area Amendment Bylaw No. 889.26 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

COMMISSION, ADVISORY & SELECT COMMITTEE

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

That the minutes of the Electoral Area 'A' Parks and Green Spaces Advisory Committee meeting held May 20, 2004 be received for information.

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

That the minutes of the Electoral Area 'B' Parks and Open Space Advisory Committee meeting held May 4, 2004 be received for information.

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

That the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meeting held May 19, 2004 be received for information.

District 69 Recreation Commission.

(All Directors - One Vote)

That the minutes of the District 69 Recreation Commission meeting held June 10, 2004 be received for information.

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

That the adoption of rates be implemented each calendar year for Recreation Coordinating, January 1st; Ravensong Aquatic Centre, January 1st; and Oceanside Place, September 1st.

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

That a common rate for Oceanside Place and Ravensong Aquatic Centre not be pursued.

That the revised Fees and Charges Policy C2.1 be approved.

That the 2005 Recreation Program Coordinating Function revenues be increased by 1.5% for 2005.

That the Recreation Coordinating Function program recovery rates be maintained to include Preschool, Children, Youth and Community Cooperative at 100%, Adults at 125%, Summer Camps and Family at 75% and Volunteer and Leadership Development programs at 50%, along with the Administration fee of 15% and a 75-25% split guideline for Term Instructors (Companies).

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

That the non-service-area surcharge at Ravensong Aquatic Centre be removed as of January 1, 2005.

That the rentals and admission fees for 2005 at Ravensong Aquatic Centre be approved as detailed in Appendix II of the report and that the attached five year forecast chart in the report be used as a guideline.

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

That the rentals and admission fees for 2004/2005 at Oceanside Place be approved as detailed in Appendix I of the report and that the attached five year forecast chart in the report be used as a guideline.

7.3 EXECUTIVE STANDING COMMITTEE

7.4 COMMISSIONS

7.5 SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

54-55 **Regional Services Review Board Seminar.** (All Directors -- One Vote)

Minutes of the Regional Service Review Board Seminar held June 15, 2004. (for information)

8. ADMINISTRATOR'S REPORTS

56-59 **Retaining Walls Adjacent to the Ocean.** (Electoral Area Directors except EA 'B' -- 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 Community Charter the Board proceed to an In Camera meeting to consider acquisition of land and legal matters.

Burgoyne, Linda

From:

Sent: Wednesday, June 30, 2004 2:54 PM

To: Burgoyne, Linda

Subject: Delegation for Rdn Meeting June 22, 2004

Please place my name on list of Delegation speakers for the July 13th Board Meeting.

Please place me AFTER any other delegations re this application.

re Application number 60429.

My name is Bev Voigt, 3961 Gilfillan Road, Nanaimo V9T 5P9 phone: 751 0156

Thanks,
Bev Voigt

Burgoyne, Linda

From: Clermont, Tim WLAP:EX I
Sent: Wednesday, July 07, 2004 11:49 AM
To: Burgoyne, Linda
Cc: Jim Hope I
Subject: Pacific Shores Local Sewer Service Area - Lot 8, DL 22, Nanoose, Plan 10012

Request to the Board of the Regional District of Nanaimo to consider waiving the RDN's Capital Charge amount of \$2,023 (Bylaw No. 1331) associated with the May 31, 2004 petition by The Nature Trust of BC requesting inclusion of the above Nature Park (Alice Wall Estates) property into the local sewer service areas (Pacific Shores & Northern Community).

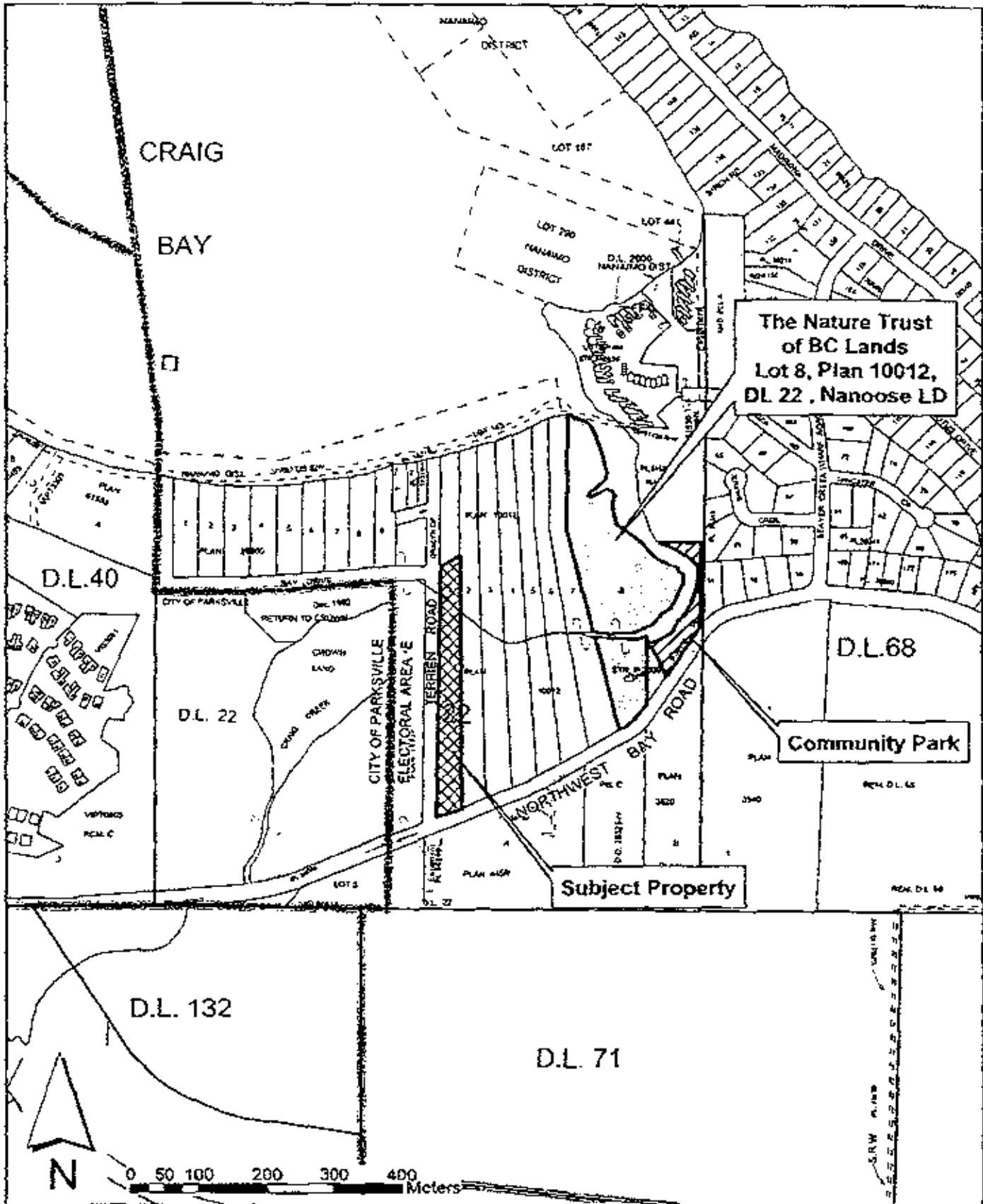
The subject property has a street address of 1520 Terrien Road and provides a public amenity of an 8 acre Nature Park bordering the Craig Creek estuary and adjacent to a RDN community park upstream of Pacific Shores resort. The Nature Trust is now actively involved in the securement and management of additional parcels along Craig Creek and the Englishman River and will be working closely with RDN Parks staff to develop public access to these conservation properties. Relaxation of the RDN capital charge fee would allow us to put our limited funds towards developing proper access points, public parking, and signs for this property.

I would be pleased to make a brief presentation to the Board regarding this request.

Sincerely,

Tim J. Clermont
Vancouver Island,
Conservation Land Manager
The Nature Trust of BC
(250) 751-3218 Fax (250-751-3103)

2080 Labieux Road
Nanaimo, BC
V9T 6J9



Fern Road Consulting Ltd.

P. O. Box 405
Qualicum Beach, B.C. V9K 1S9
Telephone: (250) 752-9121 Facsimile: (250) 752-9241

RECEIVED
04/07/06

TO: Linda

COMPANY: RDN

FAX:

FROM: Helen Sims

DATE: 2004 07 06

No. of Pages 1 (including cover sheet) File No:

COMMENTS:

Re: Lot A, Plan VIP 64704, Block 1438, Nanoose District – request for 10% frontage relaxation & Development Permit #60423

I would like to address the Board at the 13 July/04 meeting regarding the above application.

Please confirm that I am on the agenda.

Thank you.

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE REGULAR MEETING OF THE BOARD
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, JUNE 8, 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. Haime	Electoral Area D
Director P. Bibby	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H
Director R. Longmuir	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Director C. Haime	District of Lantzville
Director 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:

K. Daniels	Chief Administrative Officer
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. Torn	Recording Secretary

CALL TO ORDER

The Chairperson asked that all members of the Board rise and lower their heads in a minute of silence in tribute of the passing of former Director Doug Rispin.

DELEGATION

Louis Lapi, re Amalgamation of Electoral Areas C & D.

Mr. Lapi spoke in opposition to the amalgamation of Electoral Areas C and D, noting that the Province changed the Letters Patent before any consultation with the residents of the areas affected.

Maureen Young, re Amalgamation of Electoral Areas C & D.

Ms. Young provided a short history of Electoral Area C and noted the geographical division between the two electoral areas, the probability of rising tax assessments and a number of other concerns raised by the area residents.

Cheryl Tellier, re Amalgamation of Electoral Areas C & D.

Ms. Tellier raised area residents concerns with the amalgamation including geographical isolation caused by a newly formed electoral area, population fragmentation in both areas, the fairness of tax assessments under an amalgamation and fear of identity loss by residents from both Areas C and D.

Robert Jepson, re Amalgamation of Electoral Areas C & D.

Mr. Jepson reiterated the concerns of residents in both Electoral Areas C and D and asked the Board for their support in approving the Restructure Committee's recommendation. The Board was also asked to consider a possible future restructuring of the entire Regional District of Nanaimo.

MOVED Director Bartram, SECONDED Director Westbrook, that the following delegations be permitted to address the Board.

CARRIED

Frank & Mary Stets, re Development Permit Application No. 60428 – 43052 BC Ltd./Quest Homes – Garrod Road – Area H.

Mr. Stets provided background information with respect to DP Application No. 60428 and provided possible amendments which could be made to the applicant's proposal which would satisfy the concerns of surrounding neighbours.

Greta & Peter Taylor, re Development Permit Application No. 60424 – Fern Road Consulting Ltd., on behalf of Barbon Construction – Gainsberg Road – Area H.

Ms. Taylor raised her concerns and those of other area residents with the impact on a fish bearing stream and a buffer corridor for wildlife located in the area of the application.

BOARD MINUTES

MOVED Director Krall, SECONDED Director Bibby, that the minutes of the Board meeting held May 11, 2004 be adopted.

CARRIED

MOVED Director D. Haime, SECONDED Director Hamilton, that the Restructure Committee – Remainder of Electoral Area 'D' Agenda items be brought forward.

CARRIED

SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

Restructure Committee – Remainder of Electoral Area 'D':

Results of the Public Consultation Regarding the Amalgamation of Electoral Areas C & D.

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

CARRIED

MOVED Director Hamilton, SECONDED Director D. Haime, that the minutes of the Restructure Committee -- Remainder of Electoral Area 'D' meetings held January 19 and February 25, 2004 be received for information.

CARRIED

MOVED Director Hamilton, SECONDED Director D. Haime,:

WHEREAS geographically, Electoral Areas 'C' and 'D' are separate and distinct and do not have shared roads other than the Inland Island Highway to connect their communities;

AND WHEREAS Electoral Area 'C' is already comprised of a number of fragmented communities with few connecting roadways and the addition of the communities in Electoral Area 'D' will increase the dispersed nature of the electoral area;

AND WHEREAS the Pleasant Valley and East Wellington communities in Electoral Area 'D' have already felt themselves represented as minority interest within Electoral Area 'D';

AND WHEREAS the remainder of Electoral Area 'D' is more developed and in an urban setting than Electoral Area 'C' which has a rural and agricultural setting;

AND WHEREAS for the reasons outlined above, it will be extremely difficult for these two diverse electoral areas to be represented by a single Area Director;

AND WHEREAS Electoral Area 'C' has existed for many years as an independently represented area despite its small population base and Electoral Area 'D' now has a population base similar to Electoral Area 'C';

THEREFORE BE IT RESOLVED that the Board of the Regional District of Nanaimo request the Province of BC to amend the letters patent dated April 3, 2003 to allow Electoral Area 'D' to remain as an independent Electoral Area following the Local Government Elections in November 2005.

A recorded vote was requested.

MOVED Director McNabb, SECONDED Director Westbrook, that this item be referred to a Board Seminar for further discussion.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Cori Lynn Carlson, Greater Nanaimo Chamber of Commerce, re Congratulations to HandyDART Service on Winning a Sterling Community Award.

MOVED Director Cantelon, SECONDED Director Tyndall, that the correspondence from the Nanaimo Chamber of Commerce congratulating HandyDART Service on winning a Sterling Community Award, be received.

CARRIED

Dr. James Lunney, MP, Nanaimo Alberni, re Congratulations to HandyDART Service on Winning a Sterling Community Award.

MOVED Director Cantelon, SECONDED Director Tyndall, that the correspondence from Dr. James Lunney, MP, congratulating HandyDART Service on winning a Sterling Community Award, be received.

CARRIED

Judith Reid, MLA, Nanaimo-Parksville, re Congratulations to HandyDART Service on Winning a Sterling Community Award.

MOVED Director Cantelon, SECONDED Director Tyndall, that the correspondence from Judith Reid, MLA, congratulating HandyDART Service on winning a Sterling Community Award, be received.

CARRIED

Geoff Plant, Attorney General, re Civil Liability Law.

MOVED Director Cantelon, SECONDED Director Tyndall, that the correspondence from Attorney General Geoff Plant with respect to the Provincial Government's decision not to proceed with civil liability law reform at this time, be received.

CARRIED

C. Kuun & S.B. Grace, re Development Permit Application No. 60424 – Fern Road Consulting Ltd., on behalf of Barbon Construction – Gainsberg Road – Area H.

MOVED Director Cantelon, SECONDED Director Tyndall, that the correspondence from C. Kuun and S.B. Grace with respect to Development Permit Application No. 60424, be received.

CARRIED

G. Taylor, Deep Bay Planning and Environmental Association, re Proposed Noise Bylaw – Area H.

MOVED Director Cantelon, SECONDED Director Tyndall, that the correspondence from the Deep Bay Planning and Environmental Association with respect to amendments to the proposed regulatory noise bylaw for portions of Area H, be received.

CARRIED

Murray Hamilton, Home Lake Recreation Management Ltd., re Development Permit No. 60415 – Morton – 2870 Sunset Terrace – Area H.

MOVED Director Cantelon, SECONDED Director Tyndall, that the correspondence from Home Lake Recreation Management Limited with respect to Development Permit Application 60415, be received.

CARRIED

Shirley Hine, City of Parksville, re 2004 Council Appointments to the RDN Board of Directors.

MOVED Director Cantelon, SECONDED Director Tyndall, that the correspondence from the City of Parksville with respect to the City's appointment of first and second alternate to Director Longmuir for the period June 8, 2004 to December 6, 2004, be received.

CARRIED

Diane Sampson, re Development Permit Application No. 60424 – Fern Road Consulting Ltd., on behalf of Barbon Construction – Gainsberg Road – Area H.

MOVED Director Cantelon, SECONDED Director Tyndall, that the correspondence from Diane Sampson with respect to Development Permit Application No. 60424 be received.

CARRIED

Ann & Christian Jaeckel, re Development Permit Application No. 60424 – Fern Road Consulting Ltd., on behalf of Barbon Construction – Gainsberg Road – Area H.

MOVED Director Cantelon, SECONDED Director Tyndall, that the correspondence from Ann and Christian Jaeckel with respect to Development Permit Application No. 60424 be received.

CARRIED

Edith Skiber, re Development Permit Application No. 60424 – Fern Road Consulting Ltd., on behalf of Barbon Construction – Gainsberg Road – Area H.

MOVED Director Cantelon, SECONDED Director Tyndall, that the correspondence from Edith Skiber with respect to Development Permit Application No. 60424 be received.

CARRIED

Hellene Anderson, re Development Permit Application No. 60424 – Fern Road Consulting Ltd., on behalf of Barbon Construction – Gainsberg Road – Area H.

MOVED Director Cantelon, SECONDED Director Tyndall, that the correspondence from Hellene Anderson with respect to Development Permit Application No. 60424 be received.

CARRIED

Roland & Joan Mitchell, re Development Permit Application No. 60424 – Fern Road Consulting Ltd., on behalf of Barbon Construction – Gainsberg Road – Area A.

MOVED Director Cantelon, SECONDED Director Tyndall, that the correspondence from Roland and Joan Mitchell with respect to Development Permit Application No. 60424 be received.

CARRIED

Laurel Webster, re Development Permit Application No. 60428 – 43052 BC Ltd./Quest Homes – Garrod Road – Area H.

MOVED Director Cantelon, SECONDED Director Tyndall, that the correspondence from Laurel Webster with respect to Development Permit Application No. 60428 be received.

CARRIED

MOVED Director Korpan, SECONDED Director Westbrook, that the correspondence sent to the Premier noting the Regional District's position on joint and several liability should be referred to UBCM for further action.

CARRIED

UNFINISHED BUSINESS

DEVELOPMENT PERMIT APPLICATION

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

MOVED Director Bartram, SECONDED Director Hamilton, 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 not be approved.

CARRIED

UTILITIES

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

MOVED Director Hamilton, SECONDED Director Bartram, that this item be withdrawn.

CARRIED

BYLAWS

For Adoption.

Bylaw No. 897.04.

MOVED Director Westbrook, SECONDED Director Tyndall, that "Regional District of Nanaimo District 69 Community Bus Transit Service Amendment Bylaw No. 897.04, 2004" be adopted.

CARRIED

Bylaw No. 908.05.

MOVED Director Westbrook, SECONDED Director Krall, that "Regional District of Nanaimo District 69 Custom Transit and Paratransit Local Service Area Amendment Bylaw No. 908.05, 2004" be adopted.

CARRIED

Bylaw No. 500.297.

MOVED Director Kreiberg, SECONDED Director Hamilton, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.297, 2003" be adopted.

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 May 25, 2004 be received for information.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60418 – Gunning –1733 Admiral Tryon Boulevard – Area G.

Richard Dean, French Creek Residents Association, re DP Application No. 60418.

Mr. Dean raised his concerns with respect to sea erosion and the potential unsafe sea walls currently in place in the area and asked the Board to defer this application.

Michael Jessen, Friends of French Creek Conservation Society, re DP Application No. 60418.

Mr. Jessen spoke in opposition to this application citing possible future damage to the French Creek/Morningstar estuary and requested that the Board defer this application.

MOVED Director Hamilton, SECONDED Director D. Haime, that Development Permit Application No. 60418 to vary the minimum setback from 8.0 metres to 1.1 metres to recognize the siting of the existing concrete retaining wall and to permit the construction of a rip rap retaining wall sited a maximum of 1 metre below the natural boundary of the sea, within the Watercourse Protection Development Permit Area on the property legally described as Lot 30, District Lot 28, Nanoose District, Plan VIP62528, be deferred.

CARRIED

Development Permit Application No. 60422 – Johnstone – Surfside Drive – Area G.

MOVED Director Hamilton, SECONDED Director Bartram, that Development Permit Application No. 60422, submitted by Bruce and Jeannette Johnstone to legalize the addition of two raised decks and a porch addition for a dwelling unit and to facilitate the renovation of the seawall located within the Environmentally Sensitive Areas and Hazard Lands Areas Development Permit Areas for the subject property legally described as Lot 5, District Lots 9 and 110, Newcastle District, Plan 15370 be approved, subject to the requirements outlined in Schedules No. 1, 2, and 3.

CARRIED

Development Permit Application No. 60424 – Fern Road Consulting Ltd., on behalf of Barbon Construction Gainsberg Road – Area H.

MOVED Director Hamilton, SECONDED Director Bartram, that Development Permit Application No. 60424 submitted by Fern Road Consulting Ltd., on behalf of Barbon Construction for the property legally described as Lot 1, District Lots 1 and 86, Newcastle District, Plan VIP70719, be approved, subject to the conditions outlined in Schedule Nos. 1, 2, 3 and 4 of the corresponding staff report and to the notification procedure subject to the Local Government Act with respect to the proposed variances to Bylaw No. 500, 1987.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, that the following words be added under the heading "Storm Water Drainage Plan" of Schedule 1 to DP Application No. 60424:

"Applicant to obtain a Section 9 approval from Land and Water BC in consultation with the Ministry of Water, Land and Air Protection prior to realignment of the lower 50 metres of Hemsbrough Ditch."

CARRIED

Development Permit Application No. 60427 – Smith/Vectis Ventures – 3645 Dolphin Drive – Area E.

MOVED Director Hamilton, SECONDED Director Bibby, that Development Permit Application No. 60427, submitted by Tim Ram of Vectis Ventures on behalf of Dan and Christina Smith for the installation of a terraced retaining wall and removal of an illegal structure for the property legally described as Lot B, District Lot 78, Nanoose Land District, Plan 44229, be approved as submitted subject to Schedules No. 1, 2 and 3.

CARRIED

Development Permit Application No. 60428 – 43052 BC Ltd./Quest Homes – Garrod Road – Area H.

Peter Gerritsen, re DP Application No. 60428.

Mr. Gerritsen presented an updated overview of his application.

MOVED Director Hamilton, SECONDED Director Bartram, that Development Permit Application No. 60428 submitted by Quest Homes for the property legally described as Lot A, District Lot 36 and part of the bed of the Strait of Georgia, Newcastle District, Plan VIP54987, be approved, subject to the conditions outlined in Schedule Nos. 1, 2, 3, 4 and 5 of the corresponding staff report and the notification procedure subject to the Local Government Act with respect to the proposed variances to Bylaw No. 500, 1987 and further that, Item 3, Schedule 4, Section 3.4.15 be deleted to comply with a neighbour's request and that the setback from the lot line remain at 8.0 metres.

CARRIED

Development Permit Application No. 60429 – Bev & Gerd Voigt, on behalf of 642703 BC Ltd. – off Kaye Road and the Island Highway – Area E.

Adele McKillop, re DP Application No. 60429.

Ms. McKillop noted that, to her knowledge, the applicant has not forwarded any further information to staff with respect to effects on the Sensitive Ecosystem Protection Development Permit Area to this date.

MOVED Director Bibby, SECONDED Director D. Haine, that the request, submitted by Bev and Gerd Voigt, on behalf of 642703 BC Ltd. to create new parcels and dedicate and construct a road as part of a 6-lot subdivision proposal within a Farm Land Protection Development Permit Area and to relax the minimum setback requirement for an existing barn building from 30.0 metres to 13.0 metres from the proposed new lot line as shown on the plan of subdivision of District Lot 44, Nanoose District Except Parts in Plans 39893, 3132 RW, be referred back to staff for further assessment of road access and effects on the Sensitive Ecosystem Protection Development Permit Area.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90406– Peake – 6235 West Island Highway – Area H.

MOVED Director Hamilton, SECONDED Director Bartram, that Development Variance Permit Application No. 90406, submitted by Helen Sims of Fern Road Consulting Ltd. on behalf of W. Stephen Peake, to legalize the existing dwelling unit, over height fence and accessory buildings within the Residential 2 (RS2) zone by varying the minimum permitted setbacks from lot lines and from a watercourse (Nash Creek) for the property legally described as Lot A, District Lot 21, Newcastle District and Part Formerly the Bed of the Strait of Georgia, Nanaimo District, Plan VIP67028, be approved subject to Schedules No. 1, 2 and 3 and subject to the notification procedures pursuant to the Local Government Act.

CARRIED

Development Variance Permit Application No. 90409 – C & J Ennals, on behalf of Mitchell – 1478 Northwest Bay Road – Area G.

MOVED Director Hamilton, SECONDED Director Bibby, that Development Variance Permit Application No. 90409, submitted by Charles and Jill Ennals on behalf of Avis Mitchell, to legalize the siting of the existing dwelling within the Resource Management 1 (RMI) zone by varying the minimum setback requirement from 20.0 metres to 16.3 metres for the property legally described as District Lot 132, Nanoose Land District be approved as submitted subject to Schedules No. 1 and 2 and subject to the notification procedures pursuant to the Local Government Act.

CARRIED

Development Variance Permit Application No. 90410 – Skollsberg – 3584 Outrigger Road – Area F.

MOVED Director Hamilton, SECONDED Director Bibby, that Development Variance Permit Application No. 90410, submitted by the property owners Jan-Wilhelm Skollsberg and Anne-Christine Skollsberg for the property legally described as Lot 7, District Lot 78, Nanoose District, Plan 19688 to relax the maximum permitted height to allow for the architectural style and construction of the proposed accessory building and to relax the front lot line setback requirements of an existing accessory building in order to legalize its siting be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the Local Government Act.

CARRIED

Development Variance Application No. 90411 – Walsh/Collins – 1524 Haida Way – Area E.

MOVED Director Hamilton, SECONDED Director Bibby, that Development Variance Permit Application No. 90411 to vary the minimum setback from the front lot line from 8.0 metres to 0.9 metres to permit the construction of an addition, and to vary the minimum setback from the side lot line from 2.0 metres to 1.7 metres to legalize the siting of an existing dwelling unit, on the property legally described as Lot 30, District Lot 52, Nanoose District, Plan 15921 be approved subject to the requirements outlined in Schedule Nos. 1, 2, 3 and 4 and subject to notification requirements pursuant to the Local Government Act.

CARRIED

OTHER

Request for Relaxation of the Minimum 10% Frontage Requirement – Koers & Associates on behalf of Fairwinds Development – Bonnington Drive, Fairwinds (Phase 9B) – Area E.

MOVED Director Hamilton, SECONDED Director Bibby, that the request from Koers & Associates, on behalf of 3170497 Canada Inc., commonly known as Fairwinds Development, to relax the minimum 10% perimeter frontage requirement for Proposed Lots 7, 9, 10, 11 and 12 as shown on the Plan of Proposed Subdivision of Phase 9B be approved.

CARRIED

COMMITTEE OF THE WHOLE STANDING COMMITTEE

MOVED Director Westbrook, SECONDED Director Kreiberg that the minutes of the regular Committee of the Whole meeting held May 25, 2004 be received for information.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

K.B. Miller, Private Managed Forest Land Council, re Forest Land Reserve Changes.

MOVED Director Cantelon, SECONDED Director D. Haime, that the correspondence from the Private Managed Forest Land Council with respect to changes to the Forest Land Reserve and the Managed Forest program, be received.

CARRIED

CORPORATE SERVICES

ADMINISTRATION

Asset Disposal Policy A2.12 Amendment.

MOVED Director Holdom, SECONDED Director Bartram, that Asset Disposal Policy A2.12 be amended to enable the Regional District to donate computer and computer related equipment that has been replaced under our 6 year replacement schedule to Literacy Nanaimo or to School Districts 68 & 69 for educational purposes.

CARRIED

FINANCE

2003 Financial Information Report.

MOVED Director Krall, SECONDED Director Holdom, that the 2003 *Financial Information Act* report be received and approved.

CARRIED

FIRE PROTECTION

Coombs-Hilliers Fire Protection Service Area Boundary Amendment Bylaw No. 1022.04 & Coombs-Hilliers Fire Protection Service Area Capital Charge Bylaw No. 1387.

MOVED Director Biggemann, SECONDED Director Westbrook, that "Coombs-Hilliers Fire Protection Service Area Boundary Amendment Bylaw No. 1022.04, 2004" be introduced for first three readings.

CARRIED

MOVED Director Biggemann, SECONDED Director Westbrook, that "Coombs-Hilliers Fire Protection Service Area Capital Charge Bylaw No. 1387, 2004" be introduced for first three readings.

CARRIED

ENVIRONMENTAL SERVICES

LIQUID WASTE

Pump and Haul Local Service Area Bylaw No. 975.35 – P. & V. Wild – 261 Cheddar Road – Area G.

MOVED Director Hamilton, SECONDED Director Bartram, that the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to include Lot 1, District Lot 80, Newcastle Land District, Plan 49865 (Cheddar Road, Area G).

CARRIED

MOVED Director Hamilton, SECONDED Director Cantelon, that "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.35, 2004" be read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

SOLID WASTE

Landfill and Transfer Station Yard Waste Composting Quote Results.

MOVED Director Krall, SECONDED Director Cantelon, that Qualicum Farms Limited be awarded the contract for composting yard waste from the Regional Landfill and the contract for composting yard waste from Church Road Transfer Station for \$36.50 and \$28.50 per tonne respectively.

CARRIED

Non-Profit Organizations – Solid Waste Tipping Fee Waivers.

MOVED Director Holdom, SECONDED Director Westbrook,:

1. That the Board support a policy of granting waste disposal fee relief only for illegal dumping clean-up and to non-profit organizations that incorporate waste reduction as a core function. Other organizations, such as thrift store operations, may not qualify for fee relief pending discussions with thrift operators on proper recycling practices.
2. That the Board direct staff to prepare a bylaw for Board consideration that incorporates a policy of waste disposal fee relief for illegal dumping clean-up and to non-profit organizations that incorporate waste reduction as a core function.
3. That staff be directed to meet with the thrift store operators to help identify recycling opportunities and to direct recyclable waste and improve recycling practices.

MOVED Director Longmuir, SECONDED Director D. Haime, that the motion be amended to add the following:

4. That should these organizations not qualify for fee relief, then the issue be brought back to the Board for final determination.

CARRIED

The question was called on the main motion as amended.

The motion CARRIED.

New and Emerging Residual Waste Management Technologies Update.

MOVED Director Krall, SECONDED Director Biggemann, that the Board receive the interim update report on New and Emerging Residual Waste Management Technologies Update for information.

CARRIED

UTILITIES

Nanoose Bay Water Supply Service Area – Dolphin Drive Watermain Replacement Contract Award.

MOVED Director Bibby, SECONDED Director Bartram, that the Regional District of Nanaimo award the Dolphin Drive Watermain Replacement project to Knappett Industries Ltd. for the tendered amount of \$128,129.94.

CARRIED

Englishman River Community Water Supply Service Area Rates & Regulations Bylaw No. 1383 and Englishman River Community Water Supply Service Area Water Use Restrictions Bylaw No. 1384.

MOVED Director Cantelon, SECONDED Director Westbrook, that "Englishman River Community Water Supply Service Area Rates and Regulations Bylaw No. 1383, 2004" be introduced for first three readings.

CARRIED

MOVED Director Holdom, SECONDED Director Cantelon, that "Englishman River Community Water Supply Service Area Rates and Regulations Bylaw No. 1383, 2004" having received three readings, be adopted.

CARRIED

MOVED Director Cantelon, SECONDED Director Holdom, that "Englishman River Community Water Supply Service Area Water Use Restrictions Bylaw No. 1384, 2004" be introduced for first three readings.

CARRIED

MOVED Director Holdom, SECONDED Director Cantelon, that "Englishman River Community Water Supply Service Area Water Use Restrictions Bylaw No. 1384, 2004" having received three readings, be adopted.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

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

MOVED Director Kreiberg, SECONDED Director Korpan, that the minutes of the Electoral Area 'A' Parks and Green Spaces Advisory Committee meeting held March 18, 2004 be received for information.

CARRIED

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

MOVED Director Lund, SECONDED Director Korpan, that the minutes of the Electoral Area 'B' Parks and Open Space Advisory Committee meeting held March 8, 2004 be received for information.

CARRIED

Landfill Site Liaison Committee.

MOVED Director Krall, SECONDED Director C. Haime, that the minutes of the Landfill Site Liaison Committee meeting held March 31, 2004 be received for information.

CARRIED

Regional Growth Monitoring Advisory Committee/State of Sustainability Project.

MOVED Director Bartram, SECONDED Director Longmuir, that the minutes of the Regional Growth Monitoring Advisory Committee/State of Sustainability Project meeting held May 5, 2004 be received for information.

CARRIED

Grants-in-Aid Committee.

MOVED Director Hamilton, SECONDED Director Longmuir, that the minutes of the Grants-in-Aid Committee meeting held May 6, 2004 be received for information.

CARRIED

MOVED Director Krall, SECONDED Director D. Hame, that the following grant be approved:

School District 68:

Cedar School & Community Enhancement Society	\$	880
		CARRIED

MOVED Director Westbrook, SECONDED Director Longmuir, that the following grants be approved:

School District 69:

District 69 Family Resource Association	\$	2,054
Lighthouse Country Business Association	\$	500
Pacific Vocal Institute	\$	2,100
Parksville Meeting Place	\$	705
		CARRIED

District 69 Recreation Commission.

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

CARRIED

MOVED Director Bartram, SECONDED Director Westbrook, that the following grants be approved:

Community Grants:

Arrowsmith Cricket & Sports Association	\$	400
Arrowsmith Search & Rescue Society	\$	2,500
Building Learning Together – Teaching from the Heart	\$	280
Building Learning Together – Words on Wheels Bus	\$	1,700
Mid Vanc. Island Habitat Enhance. Soc.–Jr. Stream Keepers	\$	700
Moorecroft Camp Society	\$	1,720
Nanoose Place Landscaping Project	\$	1,750
Qualicum Beach Family Day	\$	750
Ravensong Aquatic Club	\$	1,250

Youth Grants:

Ballenas Stunt and Cheer Squad	\$	1,000
Erik Goetzinger BMX Club	\$	2,500
District 69 Family Resource Association – Outreach Program	\$	2,000
Kidfest – Youth Activity	\$	1,075
Nanoose Bay Parent Advisory – Adventure Camp	\$	1,000
Oceanside Arts Council – Children’s Theatre	\$	700

CARRIED

ADMINISTRATOR’S REPORTS**Regional Landfill Geogrid Toe Berm Tender Award.**

MOVED Director Krall, SECONDED Director Holdom, that the Regional District of Nanaimo award the construction of a geogrid reinforced toe berm, liner and leachate collection system on the south side of the Regional Landfill to JJM Construction for the tendered amount of \$3,167,436.

CARRIED

Water Conservation – RDN Water Service Area Water Use Restrictions.

MOVED Director Holdom, SECONDED Director McNabb, that the report on water conservation and RDN Water Service Area Water Use Restrictions be received for information.

CARRIED

Noise Control Establishing Bylaw No. 1374 – Alternative Approval Process (Counter Petition).

MOVED Director Bartram, SECONDED Director Bibby, that the Board abandon “RDN Portion of Electoral Area H Noise Control Service Establishment Bylaw No. 1374, 2004” as a result of the alternative approval process.

CARRIED

UBCM Community Excellence Awards – Website.

MOVED Director Cantelon, SECONDED Director D. Haime, that the Regional District of Nanaimo submit an application to UBCM Community Excellence Awards based on the newly designed RDN website, to be considered under the category of “Best Practices – Website”.

CARRIED

ADDENDUM**BYLAWS****For Adoption.****Bylaw No. 869.05.**

MOVED Director Cantelon, SECONDED Director Westbrook, that “Morningstar Streetlighting Local Service Area Boundary Amendment Bylaw No. 869.05, 2004” be adopted.

CARRIED

Bylaw No. 929.03.

MOVED Director Bartram, SECONDED Director Longmuir, that “West Bay Estates Water Local Service Area Amendment Bylaw No. 929.03, 2004” be adopted.

CARRIED

Bylaw No. 975.33.

MOVED Director Bartram, SECONDED Director Bibby, that "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.33, 2004" be adopted.

CARRIED

Bylaw No. 975.34.

MOVED Director Lund, SECONDED Director Cantelon, that "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.34, 2004" be adopted.

CARRIED

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Development Permit Application No. 60429 – Bev & Gerd Voigt, on behalf of 642703 BC Ltd. – off Kaye Road and the Island Highway – Area E.

MOVED Director Bibby, SECONDED Director Westbrook, that staff bring forward a verbal report to the Board In Camera meeting with respect to water availability issues.

CARRIED

SELECTION COMMITTEE

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

MOVED Director Krall, SECONDED Director McNabb, that Brian Coath and Jacqueline Thomson be appointed to the Electoral Area 'G' Parks & Open Space Advisory Committee for a term ending May 31, 2006 and December 31, 2006 respectively.

CARRIED

Nanoose Bay Parks & Open Space Advisory Committee.

MOVED Director Bibby, SECONDED Director Bartram, that Tony Ransom be appointed to the Nanoose Bay Parks & Open Space Advisory Committee for a term ending December 31, 2005.

CARRIED

NEW BUSINESS

Qualicum Beach Boundary Extension – Chartwell.

Director Westbrook asked staff for a verbal update with respect to finalization in the Chartwell inclusion into the Town of Qualicum Beach. The Administrator advised that financial information is being provided to the Province and the amalgamation would likely proceed later this year.

Policing Funding.

It was noted that UBCM is not moving forward with police financing discussions with the Province until after the 2005 elections. An advisory committee is being formed to discuss levels of service with rural areas and small municipalities.

Streamside Assessment Process.

The Province is to bring forward information on a new streamside assessment process. The Administrator noted that this item has been added to the Agenda for the Minister's meeting later this week.

Memorial Service for Doug Rispin.

The Board was advised that former Director Rispin's memorial service is being held on Saturday, June 12, 2004 at 2:00 pm at the Nanaimo Golf Club.

IN CAMERA

MOVED Director Krall, SECONDED Director Cantelon, that pursuant to section 242.2(1)(e) and (h) of the *Community Charter* the Board proceed to an In Camera meeting to consider acquisition of land and legal matters.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 8:59 PM

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

Rascal Trucking Ltd.

1080 Industrial Way
Parksville, B.C. V9P 2W8
Phone (250) 248-8155 Fax (250) 248-4894

Attention: RDN Planning Dept.
Fax 390-7511

June 30, 2004
5 pages

Re: **DL 44, Nanoose District
DP and DVP
Bev & Gerd Voigt**

We own Lots A and B, Plan VIP52459, DL176, Nanoose LD (Rascal Lane), two 5 acre parcels lying directly to the south of these lands.

In addition, we presently operate a stump dump on Lot A, Plan VIP65017, DL 182, Nanoose LD (2570 Peterson Road), 53 acres of land at the south end of Kaye Road/Peterson Road. Rascal presently has 3 Container Trucks hauling to this site.

Our comments are as follows:

1. We see no problem with the granting of the variance to the setback for the existing agricultural building – and wonder why it is even required. It's an existing building, and the 30 m setback requirement is for new buildings and new development, in our view. Besides, it's ALR Land that is 13 metres away from this barn, and not Residential Lands. Wouldn't the Standard Residential Side Yard apply to this situation? If the Variance is needed to make the barn legal and conforming, then please proceed as this is certainly not an issue.
2. We would certainly like to see Kaye Road straightened out more here. This is a one time opportunity to do so. This improvement shouldn't necessarily be at the Developer's/Land Owner's cost, as it's in the public interest for necessary safety, and it also benefits all of the River's Edge traffic, pedestrians, and horse riders, and the Public generally. See the attached plan.
 - a) This corner has been a hazard for thirty years.
 - b) We recently pointed out this hazard to the RDN as part of the Public Hearing process for the River's Edge Subdivision. Now there is traffic for 150 more homes affected here.
 - c) A lot of the vehicular traffic tends to "cut the corners" here, because it's a sharper corner than most corners. Sooner or later, the real concern is that one of our container trucks, or a dump truck, or a ready mix truck, or another vehicle, will be in a collision with a vehicle at this corner. Our stump dump could be here for a long time to come, and so will the truck traffic be here for a long time to come. We also

still have an active Mine's Permit and gravel pit/dump site in operation on Lots A and B Rascal Lane, which also still have trucks hauling into and out of the pit on occasion.

- d) Our drivers have reported this corner as a safety hazard. We also believe that Nick Vandermolen at the Ministry of Transportation is fully aware of this existing hazard.
- e) However, even without trucks, and due to the increased traffic volumes, and increased speeds due to the pavement and the straight road stretches on each side, Kaye Road should be straightened out here.
 - ⊙ Improve the sharp, hairpin corner.
 - ⊙ The RDN/Ministry of Transportation can perhaps buy the land and pay for the costs involved.
 - ⊙ Since Lot 4 has excess lands, the boundaries can be shifted, so the revised Lots 1, 5 and 4 are still all in excess of 2.01 hectares.
 - ⊙ Alternatively, perhaps grant the Land Owner the ability to create a 7th lot, 1.0 hectare in size, perhaps in return for dedicating and building the new roadway, on an improved alignment.

Please consider this road alignment change, as part of advancing or issuing a Development Permit for this Project.

- 3. See our Building Scheme, Registered on Title for Lots A – G, on Rascal Lane, for your information and in particular Clause 7.00.

While we still have a valid Mines Permit for Lots A and B, our present plan here is to change to a Residential Use within the next 5 years, or so, after the build-out of the River's Edge Subdivision.

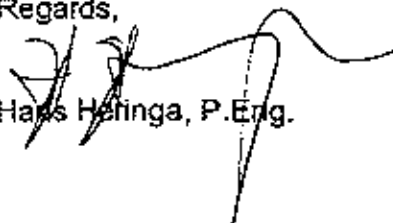
However, in the meantime, the future Purchasers of Lots 2 and 3 should be made fully aware of the existing uses on Lots A and B. with this development we do have further encroachment of Residential Lands into Lands that were only recently designated as Resource Lands.

- 4. We have 2 commercial wells, one on Lot A, and one on Lot B, to supply Sleepy Hollow Waterworks, a new Utility Company, and perhaps to also supply GreenChoice Energy if they proceed with their development plans and acquisition. We are pleased to see the proposed Septic Covenants for Lots 2 and 3 located where they are, and trust that they will stay where indicated.

Those are our comments.

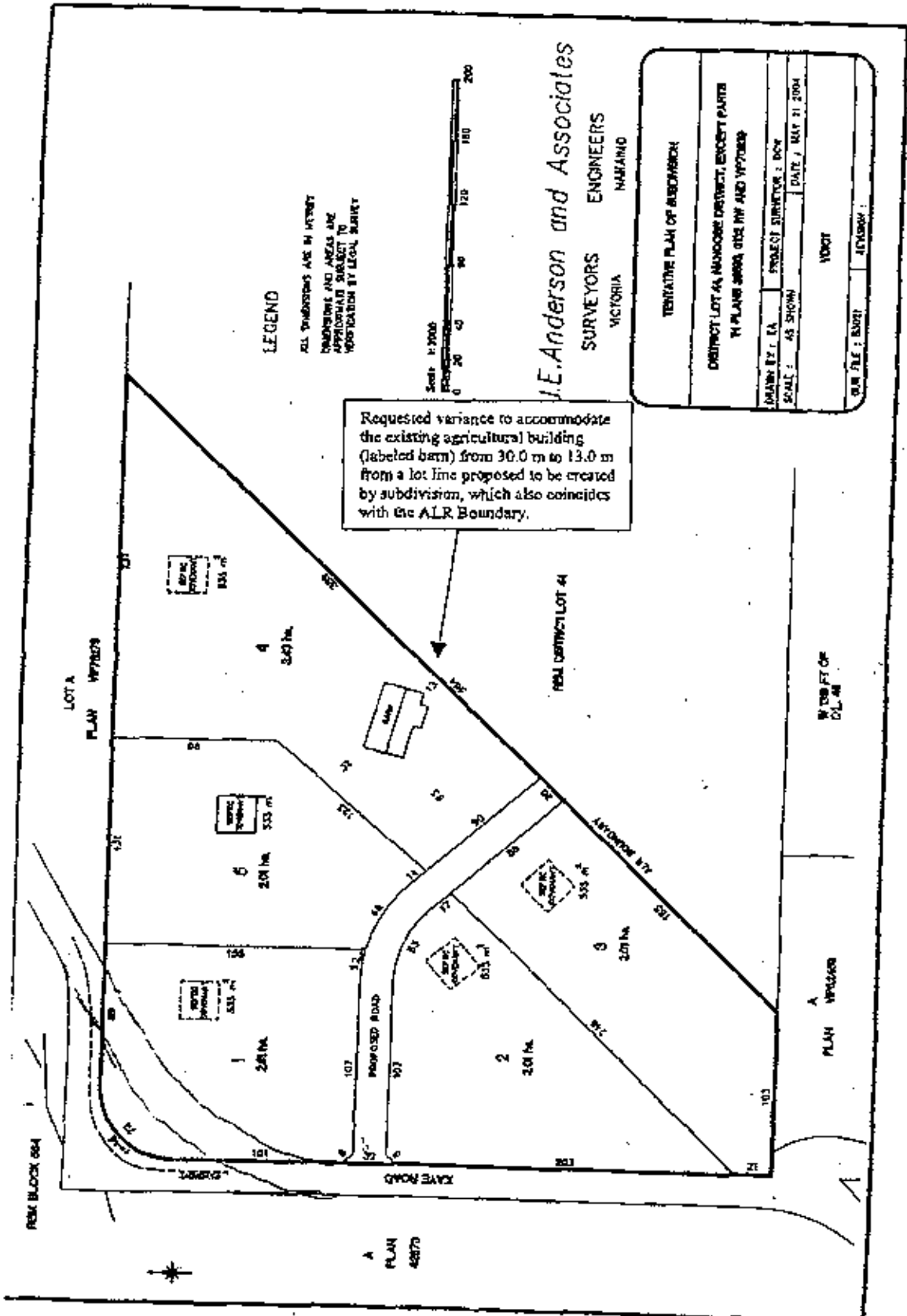
We do approve the Subdivision in principle, but only suggest that Kaye Road must be realigned as part of the Subdivision, as it's a "one time" opportunity to do so.

Regards,


Hans Heringa, P.Eng.

CC: Ber & Gerd Voigt
HH/mv/RDN

**Attachment No. 2
Conceptual Plan of Subdivision
(as submitted by applicant / reduced for convenience)
Development Permit Application No. 60429**



J.E. Anderson and Associates
SURVEYORS ENGINEERS
VICTORIA HAWKINS

TENTATIVE PLAN OF SUBDIVISION	
DISTRICT LOT 4A, HANCOCK DISTRICT, ESCORT PARCELS IN PLANS 3888, 4105, 4116 AND 4120/20A	
DRAWN BY: J.E.A.	PROJECT SURVEYOR: DON
SCALE: AS SHOWN	DATE: MAY 21, 2004
OWN FILE: 60429	REVISED:
NO. OF	NO. OF

LOTS "A" THROUGH "G" RASCAL LANE, D.L. 176, NANOOSE DISTRICT

SCHEDULE OF RESTRICTIONSDefinitions

- 1.01 For the purpose of this Schedule, the following terms shall have the following meanings:
- (a) "Developer" shall mean Rascal Trucking Ltd.
 - (b) "Lot" shall mean any one of those lots situate in the Nanaimo Assessment District and more particularly known and described as Lots C, D, E, F and G, District Lot 176, Nanoose District, Plan VIP52459.
 - (c) "Lots" shall mean all of the lots referred to in (b) of this Clause.
 - (d) "Lots A and B" shall mean those lots situate in the Nanaimo Assessment District and more particularly known and described as Lots A and B, District Lot 176, Nanoose District, Plan VIP52459.

Use

2.00 No garbage, refuse, oil tanks, propane tanks, rubbish or cutting shall be deposited on or left on a Lot unless screened from the view of the public and owners of adjacent Lots. No building material of any kind shall be placed or stored on Lot until the owner is ready to commence construction and then such materials shall be placed within the property lines of the Lot on which structures are to be erected.

3.00 No building or structure or part thereof on any Lot shall be used as a boarding house, hotel, beer parlour, resort, store, restaurant, shop or place of trade or business, and no trade, business, industry, commercial farming, or sale of timber or gravel shall be conducted on any Lot unless approved by the Developer: PROVIDED however that this restriction shall not prevent physicians, lawyers, writers, artists or professional or business persons from having their offices or studios on the Lots.

4.00 No placard or advertising sign other than the usual doorplate of any professional or business person shall be erected, exposed, maintained or permitted on any of the Lots.

5.00 The intent is for the land to be used as residential hobby farms with herbivores or poultry only. Concentrated commercial farming is strictly prohibited, and pig, chicken and/or mink farms, and/or any similar operations which create noise, odour or nuisance are specifically not permitted.

6.00 Any mobile home brought onto any of the Lots shall be situated so as to be screened from the adjacent property, and roadway, to the maximum practical extent by way of fencing, natural trees and/or new shrubbery, and must be kept in a decent state of repair.

7.00 Lots A and B will be used as a location for a gravel quarry operation and storage area until completion, or Re-Sale.

8.00 Lots A and B will be converted to hobby farms or residential use upon Re-Sale, in which case Paragraphs 2.00, 3.00, 4.00, 5.00 and 6.00 will also apply to Lots A and B.

Variance of Restrictions

6.00 Notwithstanding anything contained in these Restrictions, the Developer may, upon written application by an owner of a Lot, exempt any owner (including itself in which event no written application shall be required) or any Lot, from the restrictions contained herein or may make such relaxations of the restrictions contained herein as the Developer may in its absolute and sole discretion determine. In the event that all of the said restrictions are so waived as regards any lot, then no benefit of the said restriction shall accrue to such lot in relation to any other lot or lots in the building scheme created.

7.00 Any exemptions given by the Developer pursuant to Clause 6.00 may be given by such officer, director, agent, nominee, person or persons as may from time to time be appointed or nominated in writing by the Developer for such purpose and such power of appointment or right of nomination may be delegated by the Developer.

General

8.01 Invalidation of any of these restrictions or provisos, or any part thereof by Statute, judgment or court order shall not affect any of the restrictions herein set forth not invalidated by such Statute, judgment or court order and any restrictions not so invalidated shall remain in full force and effect.

8.02 The restrictions and stipulations herein contained shall not be deemed to be exclusive either of the requirements the Regional District of Nanaimo or of the obligations or liabilities imposed by Statute or the common law on owners or occupiers of land, all of which shall be duly observed and complied with.

8.03 No condoning, excusing or waiver by any person of any default, breach or non-observance by any other person at any time or times in respect of any provisions herein contained shall operate as a waiver in respect of any continuing or subsequent default, breach or non-observance, or so as to defeat or affect in any way the rights of any person in respect of such continuing default, breach or non-observance and no waiver shall be inferred or implied by anything done or omitted to be done by the person having such rights.

8.04 In this Schedule of Restrictions when the context so requires, words importing the singular shall include the plural, and words importing the neuter gender shall include the feminine and masculine genders and vice versa.

8.05 The captions appearing in this Schedule of Restrictions are inserted for convenience only and shall not be taken into account or looked at for the purpose of interpreting and giving effect to the true meaning and intent of this Schedule of Restrictions.

FILE COPY

M. MERINGA, P.Eng.
DEVELOPER
RASCAL TRUCKING LTD.

DATE



REGIONAL DISTRICT OF NANAIMO			
JUL - 5 2004			
CHAIR		GMCrs	
CAO		GMDS	
CMs		GMES	
<i>Board</i>			

MEMORANDUM

TO: Robert Lapham
General Manager, Development Services

DATE: July 5, 2004

FROM: Susan Cormie
Senior Planner

FILE: 3360 30 0401

SUBJECT: Amendment Application ZA0401 - R Colclough & Associates, on behalf of BCBC -
Bylaw No. 500.299, 2004
Electoral Area 'A' - 1329 Kipp Road

PURPOSE

To consider Bylaw 500.299 for adoption.

BACKGROUND

Bylaw No. 500.299, 2004 was introduced and given 1st and 2nd reading on April 13, 2004. This was followed by a Public Hearing held on April 28, 2004. The Board granted 3rd reading for the bylaw on May 11, 2004 and referred the bylaw to the Ministry of Transportation for its consideration of approval.

The purpose of this amendment bylaw is to rezone the property 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' to an Comprehensive Development 15 (CD15) zone Subdivision District 'Z' (no further subdivision) to facilitate the continuance of the existing industrial uses.

At 3rd reading of this amendment application, the Conditions for Approval included the dedication of park land, which will adjoin the adjacent property, which is being given as park land at the time of subdivision. The park land is shown on *Schedule No. 1*. The applicant's solicitor has submitted a letter of undertaking ensuring that this reference plan will be registered. Other conditions of rezoning included yard clean up and removal of trailers as well as some landscaping at the entrance to the site. Therefore, as the park land has been secured and the other conditions have been met, the bylaw may now be considered for adoption.

ALTERNATIVES

1. To adopt Bylaw No. 500.299.
2. To not adopt Bylaw No. 500.299.

MINISTRY OF TRANSPORTATION REFERRAL

As the subject property is within 800 metres of a controlled access intersection pursuant to the *Highway Act*, Bylaw No. 500.299, 2004 was forwarded to the Ministry of Transportation for approval. This approval was granted on May 31, 2004.

VOTING

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


SUMMARY

"Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.299, 2004" was considered by the Board and given 1st and 2nd reading on April 13, 2004. Subsequent to that, a public hearing was held on April 28, 2004 and the Board granted 3rd reading on May 11, 2004. Approval pursuant to the *Highway Act* was received from the Ministry of Transportation on May 31, 2004. The applicant's solicitor has provided a letter undertaking to register the reference plan, which dedicates park land to the Regional District. It is anticipated that this plan will be registered prior to the consideration of this bylaw for adoption. As approval from the Ministry of Transportation has been received, this bylaw may now be considered for adoption.

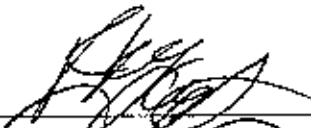
The following recommendation is provided for consideration by the Board.

RECOMMENDATION

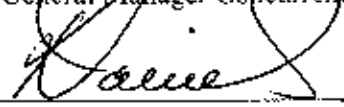
That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.299, 2004", be adopted.



Report Writer



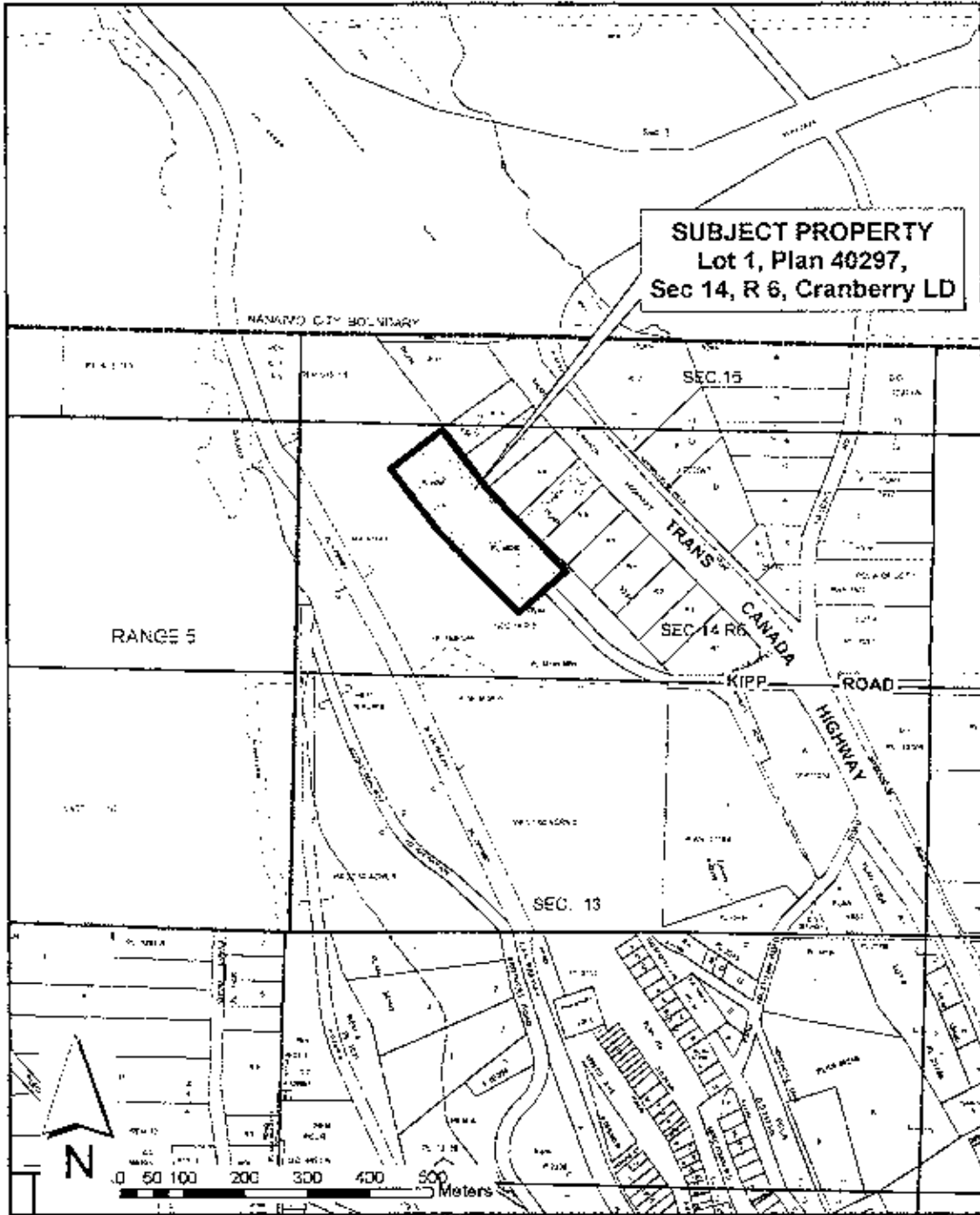
General Manager Concurrence



CAO Concurrence

COMMENTS:
devsvs/reports/2004/ZA3360 30 401 ju brd BCBC Colclough adopt

ATTACHMENT No. 1
Location of Subject Property



BOGS MAPSHEET NO. 82G C1:1.2



REGIONAL DISTRICT OF NANAIMO		
JUL - 5 2004		
CHAIR		GMCrs
CAO		GMDS
Coms		GMES
Board		

MEMORANDUM

TO: Robert Lapham
General Manager, Development Services

DATE: July 5, 2004

FROM: Brigid Reynolds
Senior Planner

FILE: 3360 30 0408

SUBJECT: Zoning Amendment Application No. ZA0408 – Kathleen Minard and Fred Karlzen
Bylaw No. 1285.04,2004
Electoral Area 'F' – 1730 and 1740 Alberni Highway

PURPOSE

To receive the Report of the Public Hearing containing the Summary of the Minutes and Submissions held June 10, 2004, and further, to consider Bylaw No. 1285.04 for 3rd reading and adoption.

BACKGROUND

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 Board directed staff to begin the process to amend the zoning and subdivision bylaw.

At the Regular Board meeting, held May 11, 2004, the Regional Board gave the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.04, 2004" 1st and 2nd reading and directed staff to proceed with a public hearing. The public hearing was held on June 10, 2004 (see Attachment No.1 for the Report of the Public Hearing containing the Summary of the Minutes).

Referrals were also sent to the Ministry of Transportation (MOT) and the Vancouver Island Health Region. The MOT has responded with no objection to the zoning amendment.

ALTERNATIVES

1. To receive the Report of the Public Hearing on Bylaw No. 1285.04, 2004, grant 3rd and adoption to Bylaw No. 1285.04, 2004.
2. To receive the Report of the Public Hearing on Bylaw No. 1285.04, 2004 and not grant 3rd reading of Bylaw No. 1285.04, 2004.

PUBLIC CONSULTATION IMPLICATIONS

At the June 10, 2004 Public Hearing, 3 people were in attendance. The Minutes from the Public Hearing are included in *Attachment No. 1*.

LEGAL IMPLICATIONS

The process to draft and adopt "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.04, 2004" is consistent with the requirements of the *Local Government Act*.

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

VOTING

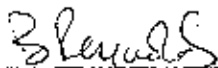
Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY

The Regional Board granted 1st and 2nd reading to "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.04, 2004" at its regular meeting on May 11, 2004. A Public Hearing was held on June 10, 2004; the minutes are attached for information. Bylaw No. 1285.04 may now be considered for 3rd reading and adoption. The following recommendations are provided for consideration by the Board.

RECOMMENDATIONS

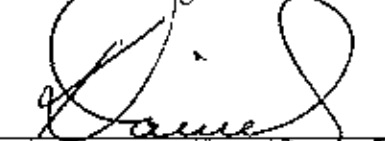
1. That the Report of the Public Hearing containing the Summary of the Minutes of the Public Hearing held Thursday June 10, 2004 at 7:00 pm on the "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.04, 2004" be received.
2. That "Regional District of Nanaimo Electoral Area 'F' Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.04, 2004" be given 3rd reading and adopted.



Report Writer



General Manager Concurrency



CAO Concurrency

Attachment No. 1

Summary of Minutes and Submissions of the Public Hearing

**REPORT OF THE PUBLIC HEARING HELD THURSDAY JUNE 10, 2004
AT 7:00 PM AT BRADLEY CENTRE 975 SHEARME ROAD TO CONSIDER "REGIONAL
DISTRICT OF NANAIMO ELECTORAL AREA 'F' ZONING AND SUBDIVISION BYLAW
AMENDMENT
BYLAW NO. 1285.04, 2004"**

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

Present:

L. Biggemann Chair Director, Electoral Area 'F'

B. Reynolds Senior Planner

There were 3 people in attendance.

There were no written submissions.

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

The Chairperson called for formal submissions with respect to Bylaw No. 1285.04, 2004.

The Chair called for further submissions a first time.

The Chair called for further submissions a second time and a third time. There being no further submissions, the Chairperson adjourned the Hearing at 7:06 pm.

Certified true and accurate this 11th day of June 2004.

Brigid Reynolds
Recording Secretary

Director Electoral Area 'F'

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, JUNE 22, 2004, AT 6:30 PM
IN THE RDN BOARD CHAMBERS**

Present:

Director E. Hamilton	Chairperson
Director H. Kreiberg	Electoral Area A
Director D. Haime	Electoral Area D
Director P. Bibby	Electoral Area E
Alternate	
Director I. Neden	Electoral Area F
Director J. Stanhope	Electoral Area G
Director D. Bartram	Electoral Area H

Also in Attendance:

B. Lapham	General Manager, Development Services
M. Pearse	Manager, Administrative Services

CALL TO ORDER

The Chairperson welcomed Alternate Director Neden to the meeting.

LATE DELEGATIONS

MOVED Director Stanhope, SECONDED Director D. Haime, that the late delegations be permitted to address the Board.

CARRIED

Rob Wiebe, re DP Application No. 60431 – 6359 West Island Highway – Area H.

Mr. Wiebe declined to speak at this time.

Adele McKillop, re DP Application No. 60429 – Bev & Gerd Voigt, on behalf of 642703 BC Ltd. – off Kaye Road and the Island Highway – Area E.

Ms. McKillop spoke of road access concerns with this proposal and requested the Board to defer the application until the road access issues were resolved.

John Barnum, re DP Application No. 60429 – Bev & Gerd Voigt, on behalf of 642703 BC Ltd. – off Kaye Road and the Island Highway – Area E.

Mr. Barnum commented on his concerns with respect to water availability to this project.

Bev Voigt, re DP Application No. 60429 – Bev & Gerd Voigt, on behalf of 642703 BC Ltd. – off Kaye Road and the Island Highway – Area E.

Ms. Voigt announced that the PLA was in place for this development and urged the Board to proceed with the application.

MINUTES

MOVED Director D. Haime, SECONDED Director Bartrum, that the minutes of the Electoral Area Planning Committee meeting held May 25, 2004 be adopted.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. 0407 – North Cedar Improvement District – Yellowpoint Road – Area A.

The Chairperson advised that this application has been deferred to the next meeting.

Zoning Amendment Application No. 0410 – Keith Brown & Associates, on behalf of 646268 BC Ltd. (Country Kitchen) – 1922 Schoolhouse Road – Area A.

MOVED Director Kreiberg, SECONDED Director Stanhope,:

1. That Zoning Amendment Application No. ZA0410 submitted by Keith Brown & Associates, on behalf of 646268 BC Ltd. to rezone the property legally described as Lot 1, Section 13, Range 6, Cranberry District, Plan 12009, from split zone [Residential 2, Subdivision District F (RS2F)/ Commercial 1 Subdivision District M (CM1M)] to Comprehensive Development 18 Subdivision District 'Z' (CD18Z) in order to facilitate light industrial uses comprising of a mini warehouse use and a heavy equipment display/servicing use be approved to proceed to public hearing.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.301, 2004" be given 1st and 2nd reading.
3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.301, 2004" proceed to public hearing.
4. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.301, 2004" be delegated to Director Kreiberg or his alternate.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60413 – W. Erskine on behalf of Eric & Patricia Robinson – 3027 & 3029 Landmark Crescent – Area D.

MOVED Director D. Haime, SECONDED Director Bibby, that Development Permit Application No. 60413, submitted by the agent Wayne Erskine on behalf of Eric and Patricia Robinson to legalize the placement of clean fill within an Environmentally Sensitive Development Permit Area on the subject property legally described as Lot 3, Section 20, Range 3, Mountain District, Plan 31215 located at 3027 and 3029 Landmark Crescent in Electoral Area 'D' be approved, subject to the Conditions of Approval outlined in Schedules No. 1 and 2.

CARRIED

Development Permit Application No. 60423 & Request for Relaxation of the Minimum 10% Frontage Requirement – Fern Road Consulting Ltd., on behalf of Forevergreen Properties Ltd. – Adjacent to Inland Island Highway accessed from Coldwater Road – Area G.

MOVED Director Stanhope, SECONDED Director Bartram, that the request, submitted by Fern Road Consulting Ltd., on behalf of Forevergreen Properties Ltd., to allow the creation of a subdivision within the Watercourse Protection and Inland Island Highway Development Permit Areas and to relax the minimum 10% frontage requirement for proposed Lot 5 as shown on the plan of subdivision of Lot A, Block 1438, Plan VIP64704 and Proposed Closed Road, Plan 742, Both of Nanoose District, be approved subject to Schedules No. 1 and 2.

DEFEATED

Development Permit Application No. 60429 – Bev & Gerd Voigt, on behalf of 642703 BC Ltd. – off Kaye Road & the Island Highway – Area E.

MOVED Director Bibby, SECONDED Director Bartram, that the request, submitted by Bev and Gerd Voigt, on behalf of 642703 BC Ltd., to create new parcels and dedicate and construct a road as part of a 6-lot subdivision proposal for property designated within the Farm Land Protection, Watercourse Protection, and Sensitive Ecosystems Development Permit Areas and to relax the minimum setback requirement for an existing barn building from 30.0 metres to 13.0 metres from the proposed new lot line as shown on the plan of subdivision of District Lot 44, Nanoose District, Except Parts in Plans 39893, 3132 RW, be approved subject to Schedules No. 1 and 2 and the notification procedures pursuant to the *Local Government Act*.

CARRIED

Development Permit Application No. 60431 – Wiebe – 6359 West Island Highway – Area H.

MOVED Director Bartram, SECONDED Director Kreiberg, that Development Permit Application No. 60431 submitted by Rob Wiebe to vary the maximum height of two recently constructed dwelling units (1 of which is a suite in a detached garage) from 8.0 metres to 8.2 metres to recognize their height and to permit the installation of a septic field within the Environmentally Sensitive Areas Development Permit Area on the property legally described as Lot 1, District Lot 22, Newcastle District, Plan 19682, be approved subject to the requirements outlined in Schedule Nos. 1, 2, 3 and 4 and subject to notification requirements pursuant to the *Local Government Act*.

CARRIED

OTHER

Request for Relaxation of the Minimum 10% Perimeter Requirement – WR Hutchinson, BCLS, on behalf of Boa Enterprises Ltd. – South Forks Road – Area C.

MOVED Director Stanhope, SECONDED Director Bartram, that the request from WR Hutchinson, BCLS, on behalf of Boa Enterprises Ltd., to relax the minimum 10% frontage requirement for proposed Lot A, as shown on the plan of subdivision of District Lot 3, Douglas District, be approved.

CARRIED

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

MOVED Director Neden, SECONDED Director Stanhope,:

1. That the staff report on the revised Electoral Area 'F' Zoning Bylaw Finetuning Project be received.
2. That the revised Terms of Reference as outlined in Attachment No. 3, be endorsed by the Board.

CARRIED

Nanaimo Airport – Official Community Plan & Zoning Bylaw Amendments – 3350 Spitfire Road – Area A.

MOVED Director Kreiberg, SECONDED Director Stanhope,:

1. That the report on the proposed amendments to the “Electoral Area ‘A’ Official Community Plan Bylaw No. 1240, 2001” and “RDN Land Use and Subdivision Bylaw No. 500” for the Nanaimo Airport be received for information.
2. That the Consultation Strategy for the proposed amendments to the “Electoral Area ‘A’ Official Community Plan Bylaw No. 1240, 2001” and “RDN Land Use and Subdivision Bylaw No. 500” current zoning for the Nanaimo Airport be approved.
3. That a public information meeting be scheduled on the proposed amendments to the “Electoral Area ‘A’ Official Community Plan Bylaw No. 1240, 2001” and “RDN Land Use and Subdivision Bylaw No. 500” current zoning for the Nanaimo Airport.
4. That the Public Information Meeting be chaired by Director Henrik Kreiberg or his alternate (Electoral Area ‘A’).
5. That the proposed OCP and Zoning Amendments be referred to the Nanaimo Airport Select Committee after the Public Information Meeting is held and preliminary referral responses are received from other jurisdictions.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 7:10 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE COMMITTEE OF THE WHOLE
MEETING HELD ON TUESDAY, JUNE 22, 2004, AT 7:15 PM
IN THE RDN BOARD CHAMBERS

Present:

Director J. Stanhope	Chairperson
Director H. Kreiberg	Electoral Area A
Director E. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
Director P. Bibby	Electoral Area E
Alternate	
Director I. Neden	Electoral Area F
Director D. Bartram	Electoral Area H
Director R. Longmuir	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Director C. Haime	District of Lantzville
Director L. Sherry	City of Nanaimo
Director R. Cantelon	City of Nanaimo
Alternate	
Director D. Tyndall	City of Nanaimo
Director T. Krall	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director L. McNabb	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
M. Pearce	Manager of Administrative Services

CALL TO ORDER

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

DELEGATIONS

Dan Brady, Coalition to Save Mt. Benson, re Support for Preservation.

Raif Hutchinson, speaking on behalf of Mr. Brady, requested the Board's support for the Coalition's campaign to Save Mt. Benson.

Dr. Laurence Winkler, re Logging on Mt. Benson.

MOVED Director Krall, SECONDED Director McNabb, that Dr. Winkler be permitted to address the Committee as a late delegation.

CARRIED

Dr. Winkler spoke of the environmental attributes of Mt. Benson and supported the Coalition's campaign.

MOVED Director Westbrook, SECONDED Director Cantelon, that the request for support from the Coalition be dealt with at this time.

CARRIED

MOVED Director McNabb, SECONDED Director Cantelon, that the Nanaimo Regional District support the Coalition to Save Mt. Benson in their campaign to work with all government levels and with the owners of all properties on the north and east sides of Mt. Benson for the following purposes:

1. to find an alternative solution to further logging on the front face of the mountain, and
2. to develop a long-term plan to protect the front face of the mountain for recreational, ecological and aesthetic values.

and that the local MLA's be advised of this initiative.

CARRIED

MINUTES

MOVED Director Sherry, SECONDED Director Holdom, that the minutes of the regular Committee of the Whole meeting held May 25, 2004 be adopted.

CARRIED

COMMUNICATION/CORRESPONDENCE

Mark Zaborniak, re Section 57 of the Community Charter – Contravention of Bylaw – 1570 Seacrest Road – Area E.

MOVED Director Bibby, SECONDED Director Cantelon, that the correspondence from Mr. Zaborniak requesting a deferral be received.

CARRIED

COMMUNITY SERVICES

RECREATION

Recreation Facilities & Sportsfields Usage Survey.

MOVED Director Sherry, SECONDED Director Hamilton, that the 2004 Recreation Facilities and Sportsfields Usage Survey report be received as information.

CARRIED

REGIONAL GROWTH MANAGEMENT

Presentation – Sustainability Workshop Report & Regional Growth Monitoring Advisory Committee Recommendation.

MOVED Director Bartram, SECONDED Director Hamilton,;

1. That the Workshop Report for the Saturday, April 3, 2004 Sustainability Workshop be received.
2. That the recommendation of the Regional Growth Monitoring Advisory Committee regarding the most immediate actions the Board should consider as a result of the Sustainability Workshop be received.
3. That the Committee approve the RGMAC's resolution in principle subject to the Board's approval of the recommendations from staff reports on establishing green building guidelines in the RDN and establishing development and land use guidelines that will ensure the conservation of water and protection of watersheds and aquifers in the RDN.

It was requested that the items be dealt with seriatim.

The question was called on items no. 1 and 2.

The motion CARRIED.

The question was called on item no. 3.

MOVED Director McNabb, SECONDED Director Cantelon, that the motion be amended to read: "that the RGMAC's resolution be received and that staff prepare reports for the Board's consideration on establishing green building guidelines in the RDN and establishing development and land use guidelines that will ensure the conservation of water and protection of watersheds and aquifers in the RDN."

CARRIED

Drinking Water Protection Initiative Workshop.

MOVED Director Cantelon, SECONDED Director Longmuir,:

1. That the Workshop Report for the May 8, 2004 Drinking Water Quality Workshop be received.
2. That the Feedback Report for the April 30, 2004 Drinking Water Quality Discussion Paper be received.
3. That an 'action plan' that identifies actions to be taken to address drinking water quality in the region be prepared for the Board's consideration.

MOVED Director Krall, SECONDED Director McNabb, that item no. 3 be amended to add the words "excluding the City of Nanaimo's watershed" between the words in the region and be prepared for the Board's consideration and that a no. 4 be added that reads:

4. That the RDN Board recognize that, in as much as the taxpayers of the City of Nanaimo are already funding their own comprehensive drinking water program, the City of Nanaimo will not participate in the action plan as a funding partner.

CARRIED

The question was called on the main motion, as amended.

The motion CARRIED.

Invasive Plant Strategy for British Columbia.

MOVED Director Sherry, SECONDED Director Longmuir,:

1. That the report, "Invasive Plant Strategy for British Columbia" be received.
2. That the Regional District of Nanaimo endorse the "Invasive Plant Strategy for British Columbia" and sign the "Invasive Plant Strategy for British Columbia Memorandum of Support".

CARRIED

TRANSIT

Transit Special Event Application – Ocean Idlers Car Club – Parksville.

MOVED Director Krall, SECONDED Director Tyndall, that the Transit Special Events request by the Ocean Idlers Car Club for shuttle service to be provided on Sunday, August 1, 2004 be approved.

CARRIED

Nanaimo Safer City Alliance Program.

MOVED Director Cantelon, SECONDED Director McNabb, that the involvement of the Regional District of Nanaimo in the Nanaimo Safer City Alliance program be approved.

MOVED Director Bartram, SECONDED Director Hamilton, that this item be referred back to staff for further information.

CARRIED

CORPORATE SERVICES

ADMINISTRATION

Procedure Bylaw No. 1393.

MOVED Director McNabb, SECONDED Director Sherry,;

That the implementation of Board meetings on the fourth Tuesday of each month be implemented commencing September 2004.

That "Procedure Bylaw No. 1393, 2004" be introduced and read three times.

That "Procedure Bylaw No. 1393, 2004" be adopted.

CARRIED

FIRE PROTECTION

Yellowpoint Waterloo Fire Protection Service Area Establishing Bylaw No. 1388 – Rondalyn Resort – Area C.

MOVED Director Hamilton, SECONDED Director Bartram, that "Yellowpoint Waterloo Fire Protection Service Area Establishing Bylaw No. 1388, 2004" be introduced for first three readings and be forwarded to the Inspector of Municipalities for approval.

CARRIED

Regulatory Bylaw – Dashwood Fire Service Area.

MOVED Director Bartram, SECONDED Director Westbrook,;

That "Regional District of Nanaimo (Dashwood) Fire Services Regulatory Bylaw No. 1390, 2004" be introduced for first three readings.

That "Regional District of Nanaimo (Dashwood) Fire Services Regulatory Bylaw No. 1390, 2004" having received three readings be adopted.

CARRIED

DEVELOPMENT SERVICES

BUILDING INSPECTION

Section 57 of the Community Charter – Contravention of Bylaw - Infractions.

The Chairperson advised that the filing for the following property has been resolved:

Lot 1, Section 19 & 20, Plan 33019, Nanaimo Land District, Gabriola Island, 481 Spruce Avenue, Electoral Area 'B', owned by I. Pacey and W. Barrett.

MOVED Director Bibby, SECONDED Director McNabb, that the following filing be deferred:

Lot 8, District Lot 52, Plan 15921, Nanoose Land District, 1570 Seacrest Road, Electoral Area 'E', owned by M. Zaborniak and A. Nakatsuka.

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

J. White, re 1874 Mayhutt Place.

Mr. White explained the status of the renovations taking place at the above noted residence and requested a deferral of the filing.

MOVED Director Kreiberg, SECONDED Director Bartram, that the filing at Lot 24, Section 14, Range 2, Plan VIP59885, Cedar Land District, 1874 Mayhutt Place, Electoral Area 'A', owned by J. White be deferred for one month.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, that a notice be filed against the title of the property listed, pursuant to Section 57 of the *Community Charter*.

- (a) Lot 3, Block 1, District Lot 9, Plan 15370, Newcastle Land District, 1081 Surfside Drive, Electoral Area 'G', owned by H. and K. Kaltenbach.

CARRIED

EMERGENCY PLANNING

Interface Fire Hazards.

MOVED Director Krall, SECONDED Director Westbrook,:

1. That the report on the forest fire interface be received for information.
2. That staff be directed to proceed with implementation actions as outlined in Schedule No. 'I' of the staff report.

MOVED Director Bartram, SECONDED Director Westbrook, that the motion be amended to add and that schedule I be referred back to staff for an interim report in 1 months time.

CARRIED

The question was called on the main motion, as amended.

The motion CARRIED.

ENVIRONMENTAL SERVICES

LIQUID WASTE

Pump and Haul Local Service Area Bylaw No. 975.36 –Dolphin Drive – Area E.

MOVED Director McNabb, SECONDED Director Bibby,:

1. That the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to include Lot 53, District Lot 78, Nanoose Land District, Plan 14275. (Dolphin Drive, Area E)
2. That "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.36, 2004" be read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

Trucked Liquid Waste Disposal Amendment Bylaw No. 988.05 – Liquid Waste Septage Fees.

MOVED Director McNabb, SECONDED Director Sherry,:

1. That “Regional District of Nanaimo Trucked Liquid Waste Disposal Amendment Bylaw No. 988.05, 2004” be introduced and read three times.
2. That “Regional District of Nanaimo Trucked Liquid Waste Disposal Amendment Bylaw No. 988.05, 2004” having received three readings be adopted.

CARRIED

Renewal of Agreement – Supply of Ferrous Chloride.

MOVED Director Sherry, SECONDED Director McNabb, that the agreement between the RDN and Tree Island Industries Ltd. for the supply of ferrous chloride be renewed for an additional five year term.

CARRIED

SOLID WASTE

Solid Waste Disposal LSA Reserve Fund Expenditure Bylaw No. 1389 – Regional Landfill Geogrid Toe Berm – Release of Reserve Funds.

MOVED Director Westbrook, SECONDED Director Sherry,:

That “Solid Waste Disposal Local Service Area Reserve Fund Expenditure Bylaw No. 1389, 2004” be introduced for three readings.

That “Solid Waste Disposal Local Service Area Reserve Fund Expenditure Bylaw No. 1389, 2004” having received three readings be adopted.

CARRIED

UTILITIES

Pacific Shores Sewer Local Service Area Amendment Bylaw No. 1021.05 and Northern Community Sewer LSA Bylaw No. 889.26 – 1520 Terrien Road – Area E.

MOVED Director Bibby, SECONDED Director McNabb,:

That “Pacific Shores Sewer Local Service Area Amendment Bylaw No. 1021.05, 2004” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

That “Regional District of Nanaimo Northern Community Sewer Local Service Area Amendment Bylaw No. 889.26 2004” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

Electoral Area ‘A’ Parks and Green Spaces Advisory Committee.

MOVED Director Kreiberg, SECONDED Director Hamilton, that the minutes of the Electoral Area ‘A’ Parks and Green Spaces Advisory Committee meeting held May 20, 2004 be received for information.

CARRIED

Electoral Area ‘B’ Parks and Open Space Advisory Committee.

MOVED Director D. Haime, SECONDED Director Sherry, that the minutes of the Electoral Area ‘B’ Parks and Open Space Advisory Committee meeting held May 4, 2004 be received for information.

CARRIED

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 meeting held May 19, 2004 be received for information.

CARRIED

District 69 Recreation Commission.

MOVED Director Bartram, SECONDED Director Bibby, that the minutes of the District 69 Recreation Commission meeting held June 10, 2004 be received for information.

CARRIED

MOVED Director Bartram, SECONDED Director Westbrook,:

That the adoption of rates be implemented each calendar year for Recreation Coordinating, January 1st; Ravensong Aquatic Centre, January 1st; and Oceanside Place, September 1st.

That a common rate for Oceanside Place and Ravensong Aquatic Centre not be pursued.

That the revised Fees and Charges Policy C2.1 be approved.

That the 2005 Recreation Program Coordinating Function revenues be increased by 1.5% for 2005.

That the Recreation Coordinating Function program recovery rates be maintained to include Preschool, Children, Youth and Community Cooperative at 100%, Adults at 125%, Summer Camps and Family at 75% and Volunteer and Leadership Development programs at 50%, along with the Administration fee of 15% and a 75-25% split guideline for Term Instructors (Companies).

That the non-service-area surcharge at Ravensong Aquatic Centre be removed as of January 1, 2005.

That the rentals and admission fees for 2005 at Ravensong Aquatic Centre be approved as detailed in Appendix II of the report and that the attached five year forecast chart in the report be used as a guideline.

That the rentals and admission fees for 2004/2005 at Oceanside Place be approved as detailed in Appendix I of the report and that the attached five year forecast chart in the report be used as a guideline.

CARRIED

Director Westbrook requested that the District 69 Recreation Commission consider moving the age limit from 55 to 60 for seniors.

Regional Transportation Advisory Committee.

Director Krall announced that he has been reappointed to the Regional Transportation Advisory Committee.

Municipal Finance Authority.

Director Stanhope reported on the recent MFA meeting he had attended.

IN CAMERA

MOVED Director Sherry, SECONDED Director Krall, that pursuant to Section 90(1)(e) and (g) of the *Community Charter* the Board proceed to an In Camera meeting to consider items relating to property acquisition and legal matters.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 8:40 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE SERVICE REVIEW BOARD SEMINAR
HELD ON TUESDAY, JUNE 15, 2004, AT 5:00 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 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
Alternate	
Director B. Dempsey	District of Lantzville
Director G. Korpan	City of Nanaimo
Director L. Sherry	City of Nanaimo
Director T. Krall	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director R. Cantelon	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

K. Daniels	Chief Administrative Officer
C. Mason	Gen. Mgr. of Corporate Services
B. Lapham	Gen. Mgr. of Development Services
F. Manson	City of Parksville
M. Brown	Town of Qualicum Beach
A. Kenning	City of Nanaimo
G. Berry	City of Nanaimo
P. Adams	Consultant

PRESENTATION (Peter Adams)

Introduction

Peter Adams provided a brief introduction and revisited the principles that made the first service review successful.

Fact Sheets for Phase I Services

The Board received an update on the Phase I services and it was acknowledged that the services could be reconsidered when the agreements were up for renewal.

Fact Sheets for Phase II Services

Peter Adams went through each service for Phase II and the Board discussed the issues surrounding each service. Issues included the validity of assessment based taxes, usage charges, collection of business license fees and hotel taxes. It was suggested that some services may be easier to deal with than others.

Easier topics included Police Support Services and Emergency Planning. Services that warrant more discussion included Economic Development and the Vancouver Island Conference Centre. Issues associated with Regional Planning were acknowledged as process concerns and it was generally agreed that those could be resolved through a staff review. District 69 Recreation issues related to the method of apportionment could be examined by looking at options on cost apportionment, similar to the approach for sports fields. More discussion was requested on community centres. Support for the Port Theatre requires the assent of the electors; further discussion will be required to determine if there is support for future referendums for this function. It was confirmed that Electoral Areas 'A', 'B' and 'C' provide ongoing funding to the Port Theatre.

The Board members agreed to take the issues back to their respective councils and electoral areas to narrow down the list to the most critical issues. The staff steering committee will assist in developing some recommendations for the Board on possible options for further discussion.

ADJOURNMENT

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

CARRIED

TIME: 8:32 PM

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES



REGIONAL DISTRICT OF NANAIMO			
JUL - 6 2004			
CHAIR		GMCrs	
CAO		GMDS	
GRCms		GMES	
		<i>Boyd</i>	<input checked="" type="checkbox"/>

MEMORANDUM

TO: Robert Lapham
General Manager of Development Services

DATE: July 6, 2004

FROM: Brigid Reynolds
Senior Planner

FILE: 3060 00 REWA

SUBJECT: RETAINING WALLS ADJACENT TO THE OCEAN

PURPOSE

To report to the Board regarding a meeting with the French Creek Residents' Association to discuss the issue of retaining walls.

BACKGROUND

At the regular meeting of the Regional Board on June 8, 2004 the Board made the following resolution regarding an application to legalize an existing retaining wall and to repair it:

That Development Permit Application No. 60418 to vary the minimum setback from 8.0 metres to 1.1 metres to recognize the siting of an existing concrete retaining wall and to and to permit the construction of a rip rap retaining wall sited a minimum of 1.0 metre below the natural boundary of the sea within the Watercourse Protection Development Permit Area on the property legally described as Lot 30, District Lot 28, Nanoose District, Plan VIP62528, be deferred.

CARRIED

Staff was further directed to meet with the French Creek Residents' Association to discuss the issue of retaining walls for this application as well as within the French Creek area generally.

On June 9, 2004, staff informed the applicant by phone of the Board's resolution and were told that they would be contacted when the issue was resolved. A letter was also sent to the applicant on June 15, 2004 advising them of the Board's resolution.

On June 21, 2004, RDN staff was informed by members of the French Creek Residence Association that the applicant had undertaken the works on or around June 18, 2004. Staff contacted the property owner requesting an engineer's report confirming the works were properly done.

Staff and the Electoral Area 'G' Director, and the Chief Administrative Officer met with the French Residents' Association on June 29, 2004. At that meeting, the Association expressed concern about the encroachment of retaining walls onto the foreshore, that these retaining walls have not been adequately constructed for the intended purposes, and that the RDN should conduct an independent investigation and possibly hire independent engineering advice when approving retaining walls. In addition, the Association requested that staff assess retaining walls in the French Creek area.

The shoreline is not a static interface between land and sea but fluctuates in different amounts and directions over time. Property owners construct retaining walls in efforts to reduce the erosive impacts

caused by tidal, wave and wind action. As these walls are constructed on individual properties they tend to further impact the natural processes and may cause erosion or accretion for adjacent properties.

The Regional District has over 60 km of marine foreshore and therefore retaining walls on the marine foreshore are an issue in Electoral Areas adjacent to the ocean. In Electoral Areas 'E', 'G', and 'H' development permit areas are designated over the marine foreshore and a development permit is required prior to the works being undertaken. In addition, any retaining wall over 1 metre in height requires a building permit. Retaining walls have been constructed over the years on ocean front properties, in some cases prior to the requirement for permits and in other cases without permits and without regard for best management practices.

ALTERNATIVES

1. To develop terms of reference for a comprehensive strategy for coastal zone land use management in consultation with MWLAP, DFO and LWBC.
2. To develop a best management practices for retaining wall construction in consultation with MWLAP, DFO and LWBC, increase public awareness of these practices and the requirement for permits in applicable Electoral Areas, and in the interim continue to consider individual proposals based on the merits. (ie. reintroduce DP application No. 60418 – Gunning, for approval of the recently constructed rip rap retaining wall)
3. Introduce a policy requiring engineering reports to broadly address the implications of proposed retaining walls on individual lots and pending receipt of an engineer's report and reintroduce DP application No. 60418 – Gunning, for approval of the recently constructed rip rap retaining wall.
4. To take no further action and reconsider DP application No. 60418.

LAND USE AND DEVELOPMENT IMPLICATIONS

The French Creek Residents' Association concerns regarding the design suitability and the impact to adjacent properties could be addressed as part of the applicant's engineers report. In cases where the engineer states that an adjacent property could be adversely impacted, approval could be withheld pending applications by affected property owners. This would require policy to assist RDN staff in advising applicants of the issues that must be addressed in their engineer's report. Alternatively, the preparation of best management practices endorsed as a policy would provide additional guidance to engineers and applicants.

The Association also recommends that independent engineering advice be sought by the RDN to assess future retaining wall applications. However, this would be expensive and could result in the RDN dictating what people can and cannot do on their property beyond the RDN's jurisdiction.

Retaining walls are an issue for many ocean front properties in the RDN Electoral Areas. In order to develop a comprehensive strategy it would be necessary to undertake an inventory and assessment of retaining walls within the coastal area. Any recommendation should consider all affected Electoral Areas in order to avoid 'piecemeal' planning.

ENVIRONMENTAL IMPLICATIONS

Marine shorelines are sensitive and productive environments for fish and wildlife habitats. Retaining walls, whether constructed of concrete, rip rap or lock blocks displace once vegetated shorelines with hard surfaces that have little ecological value.

Developing a strategy regarding coastal zone management for all coastal areas within the Regional District could provide comprehensive direction and responses for this type of development. The Regional District of Comox Strathcona undertook an inventory of their shoreline types based on natural beach processes and provided recommended land use policies for these different types of shorelines. These recommendations included appropriate setback distances, appropriate bank stabilization methods, vegetation management, etc. These recommendations were intended to guide the establishment of setbacks, however, this initiative was never followed through.

DFO has a best management practices document, which is provided to potential applicants and forms part of the conditions for DPs for retaining walls. The RDN could compile a best management practices (BMP) document that includes recommendations/requirements for retaining wall construction. The RDN BMP document would have to be developed in consultation with other affected agencies.

INTERGOVERNMENTAL IMPLICATIONS

There are a number of agencies with an interest in works on the marine foreshore. However, under Common Law, property owners have riparian rights thereby allowing them to protect their property. DFO is governed by the Federal *Fisheries Act*, a reactive piece of legislation, such that if one is found to do any 'harmful alteration or destruction of fish habitat' (HADD), they may be charged pursuant to the *Act*. As a result, works must be undertaken with due diligence to avoid a HADD. In addition, DFO has a BMP document for seawalls and requests that property owners advise them of the proposed works 5 days in advance of the works.

LWBC is the provincial agency responsible for Crown land. Land located below the natural boundary of the ocean is Provincial Crown. Where works are proposed on Crown land, in most cases a lease from LWBC is required. However, in the case of retaining walls, LWBC staff has stated that a lease would not be required if the wall was a maximum of 1.0 metres below the natural boundary.

MWLAP does not have any legislation that would pertain to retaining walls on the marine foreshore, but pursuant to the *Wildlife Act*, a Wildlife Management Area was established for the area from Madrona Point in the south to the Little Qualicum estuary in the north. Within this area, permission for undertaking works below the natural boundary is recommended but not required. The RDN consults with MWLAP staff pursuant to informal referral relationship that was established by a previous Memorandum of Understanding.

Archeological sites may also be located in the same area where a retaining wall is proposed to be sited. If this is the case, the property owner would be referred to the Provincial Archeological Branch.

As a result, any strategy would need to be undertaken in consultation with these agencies.

SUMMARY/CONCLUSIONS

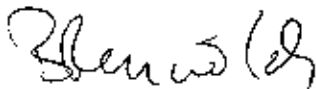
DP No. 60418 was deferred by the Board pending a meeting with the French Creek Residents' Association, which occurred on June 29, 2004. The works were done without permission from the Board. The applicant is in the process of providing an engineer's report confirming that the works were undertaken consistent with the recommendations of the applicant's engineer. The applicant did obtain approval from LWBC, MWLAP and DFO has inspected the site. When the applicant obtains a follow-up report from an engineer, staff will refer the application back to the Board for consideration of approval.

Some of the recommendations made by the French Creek Residents' Association can be addressed as part of an individual application. However, the recommendation for the RDN to hire independent engineering advice would be expensive and would have legal implications for the RDN and may be 'ultra vires' in consideration common law riparian rights.

As the RDN contains over 60 kms of ocean front property and there is a variety of regulatory requirements or lack there of (ie. no development permits in some areas and no building inspection in other areas) retaining walls are often constructed without the knowledge of the RDN. An inventory and assessment of existing retaining walls would be beyond the scope of the existing community planning program however the preparation or researching of best management practices could be considered as part of the 2005 work program. Given the additional resource commitments required, staff recommends Alternative No. 3, to prepare a policy that requires engineer reports for proposed retaining walls to assess potential impacts to adjacent properties and include recommendations on how to resolve the impacts as part of the proposal.

RECOMMENDATIONS

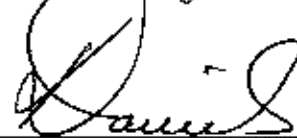
1. That staff be directed to prepare a draft policy that requires an assessment of potential impacts to adjacent properties and includes recommendations on how to resolve impacts where retaining walls are proposed to be constructed in development permit areas.
2. That Development Permit Application No. 60418 be referred back to the Board for consideration of approval pending receipt of an updated engineering report.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:

devs/reports/2004/DP policy retaining walls 3060 00 rewa