

REGIONAL DISTRICT OF NANAIMO

**BOARD MEETING
TUESDAY, AUGUST 10, 2004
7:00 PM**

(RDN Board Chambers)

A G E N D A

PAGES

1. CALL TO ORDER

2. DELEGATIONS

11 **Tim Clermont**, re Pacific Shores Sewer LSA Amendment Bylaw No. 1021.05 and Northern Community Sewer LSA Bylaw No. 880.26 – 1520 Terricn Road – Area E.

3. BOARD MINUTES

12-23 Minutes of the Board meeting held on July 13, 2004.

4. BUSINESS ARISING FROM THE MINUTES

5. COMMUNICATIONS/CORRESPONDENCE

6. UNFINISHED BUSINESS

From the Board meeting held July 13, 2004.

DEVELOPMENT PERMIT APPLICATION

24-41 **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. (Electoral Area Directors except EA 'B' – One Vote)**

Delegations wishing to speak to DP Application No. 60434.

Public Hearing.

42-52 **Bylaw No. 500.301** – Report of the Public Hearing held August 4, 2004 with respect to Zoning Amendment Application No. ZA0410 – Keith Brown & Associates, on behalf of 646268 BC Ltd. (Country Kitchen) – 1922 Schoolhouse Road - Area A. (Electoral Area Directors except EA 'B' – One Vote)

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

7.1 ELECTORAL AREA PLANNING STANDING COMMITTEE

53-56 Minutes of the Electoral Area Planning Committee meeting held July 27, 2004. (for information)

COMMUNICATIONS/CORRESPONDENCE

Submissions to the North Cedar Improvement District Public Information Meeting held June 17, 2004 re Zoning Amendment Application No. ZA0407 – North Cedar Improvement District – Yellow Point Road – Area A. (Electoral Area Directors except EA 'B' – One Vote)

That the submissions to the North Cedar Improvement District Public Information Meeting with respect to Zoning Amendment Application No. ZA0407 be received.

PLANNING

AMENDMENT APPLICATIONS

Zoning Amendment Application No. 0407 – North Cedar Improvement District – Yellowpoint Road – Area A. (Electoral Area Directors except EA 'B' – One Vote)

- 1. That the minutes from the Public Information Meeting held on June 18, 2004 be received.*
- 2. That Zoning Amendment Application No. ZA0407 submitted by North Cedar Improvement District to rezone the property legally described as Lot A, Section 12, Range 2, Cedar District, Plan VIP71957 from Residential 2 Subdivision District M (RS2M) to Comprehensive Development 17 Subdivision District Z (CD17Z) in order to facilitate the development of the North Cedar Improvement District fire hall and administration offices be approved to proceed to public hearing.*
- 3. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.300, 2004" be given 1st and 2nd reading.*
- 4. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.300, 2004" proceed to public hearing.*
- 5. That the public hearing on "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.300, 2004" be delegated to Director Kreiberg or his alternate.*

Zoning Amendment Application Nos. ZA0402 to ZA0406 – Fern Road Consulting – Spider Lake Road & Horne Lake Road – Area H. (Electoral Area Directors except EA ‘B’ – One Vote)

1. *That the minutes of the Public Information Meeting held on July 14, 2004 be received.*
2. *That Zoning Amendment Application Nos. ZA0402, ZA0403, ZA0404, ZA0405 and ZA0406 submitted by Fern Road Consulting to rezone 5 properties located in the Spider Lake area from Rural 1 (B) 8ha minimum parcel size to Rural 1 (D) 2ha minimum parcel size be approved to proceed to public hearing subject to the amended conditions included in Schedule No. 1 as recommended by staff.*
3. *That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw Nos. 500.302, 500.303, 500.304, 500.305 and 500.306, 2004” be given 1st and 2nd reading.*
4. *That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw Nos. 500.302, 500.303, 500.304, 500.305 and 500.306, 2004” proceed to public hearing.*
5. *That the public hearing on “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw Nos. 500.303, 500.303, 500.304, 500.305 and 500.306, 2004” be delegated to Director Bartram or his alternate.*

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60434 – Vukicevic – 4823 Ocean Trail – Area H. (Electoral Area Directors except EA ‘B’ – One Vote)

Delegations wishing to speak to DP Application No. 60434.

1. *That Development Permit Application No. 60434, submitted by the applicants Daniel and Karen Vukicevic to permit the construction of an addition to an existing dwelling unit within the Hazard Lands Development Permit Area on the subject property legally described as Lot 62, District Lot 82, Newcastle District, Plan 31044, located at 4823 Ocean Trail be approved, subject to the Conditions of Approval outlined in Schedules No. 1, 2 and 3.*
2. *That action not be taken against the existing accessory building on the property legally described as Lot 61, District Lot 82, Newcastle District, Plan 31044 subject to the Condition of Approval outlined in Schedules No. 1, 2 and 3 of this permit.*

Development Permit Application No. 60435 – Windsor Enterprises Inc. (DBA: Millway Market) – Anderson Greenplan – 1594 & 1596 MacMillan Road – Area A. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to DP Application No. 60435.

That Development Permit Application No. 60435 submitted by Jack Anderson of Anderson Greenplan Ltd., on behalf of Windsor Enterprises Inc. (DBA: Millway Market) with variances for the properties legally described as Lot 4, Section 17, Range 1, Cedar District, Plan 46766 and Lot 3, Section 17, Range 1, Cedar District, Plan 11369, be approved subject to Schedules No. 1, 2 and 3 of the staff report and the notification requirements pursuant to the Local Government Act..

Development Permit Application No. 60436 – B & W Land Corporation – St. Andrew's Lane (Phase 11) – Robertson Boulevard – Area G. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to DP Application No. 60436.

That Development Permit Application No. 60436, submitted by Adam Policzer on behalf of B & W Land Corp (St. Andrew's Lane) to construct a fourplex dwelling unit within the French Creek Harbour Development Permit Area (DPA No. 2) on the subject property legally described as Lot C, District Lots 29 and 126, Nanoose District, Plan 49145 Except Part in Plan VIP56481, be approved, subject to the conditions outlined in Schedules No. 1, 2 and 3 of the corresponding staff report and notification requirements pursuant to the Local Government Act.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90412 – Pryke and Lo – 235 Evanson Road – Area G. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to DVP Application No. 90412.

That Development Variance Permit Application No. 90412, submitted by Peter Pryke and Eileen Lo, to legalize the siting of an existing dwelling unit and to facilitate the development of a proposed addition to the dwelling at 235 Evanson Road by varying the minimum front lot line setback requirement from 8.0 metres to 3.467 metres, for the property legally described as Lot 59, District Lot 9, Newcastle District, Plan 28564, be approved subject to notification procedures pursuant to the Local Government Act and subject to the conditions outlined in Schedules No. 1, 2 and 3.

OTHER

Request for Relaxation of the Minimum 10% Frontage Requirement – Timberlake – Jones Engineering Ltd., on behalf of Lot G Holdings Ltd. – off Lowry's Road – Area G. (Electoral Area Directors except EA 'B' – One Vote)

That the request from Timberlake – Jones Engineering, on behalf of Lot G Holdings Ltd., to relax the minimum 10% perimeter frontage requirement for Proposed Lots 8, 9, 10, 11, 19 and 22 as shown on the Plan of Proposed Subdivision of Lot 1, District Lots 81 & 126, Nanoose District, Plan VIP70880 be approved.

Request for Cash in-lieu-of Park Land Dedication – Lost Lake Properties Ltd., on behalf of McKin Estates – off Sumar Lane – Area G. (Electoral Area Directors except EA 'B' – One Vote)

1. *That the request, submitted by Lost Lake Properties Ltd. to provide cash in-lieu-of park land be refused and the applicant be required to provide the dedication of park land in an amount and location acceptable to the Regional Board of Directors as part of the 34-lot subdivision proposal of Lots 1 and 2, District Lot 28, Nanoose District, Plan VIP61866.*
2. *That upon receipt of a park land proposal from the applicant, the proposal be referred to the Electoral Area 'G' Parks Recreation and Greenspaces Advisory Committee and a public information meeting prior to reporting back to the Board.*

Community Water Definition Amendment to Bylaw No. 500, 1987 – Electoral Areas 'A', 'C', 'D', 'E', 'G' & 'H'. (Electoral Area Directors except EA 'B' – One Vote)

1. *That the report on the proposed amendment to the RDN Land Use and Subdivision Bylaw No. 500 concerning the definition of community water supply be received for information.*
2. *That the Consultation Strategy for the proposed amendments to RDN Land Use and Subdivision Bylaw No. 500 concerning the definition of community water supply be approved.*
3. *That the Public Information Meetings be chaired by Director Hamilton or Director Stanhope as her alternate and staff be directed to report back to the Electoral Area Planning Committee with a summary of comments and recommendations.*

7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE

- 57-63 Minutes of the regular Committee of the Whole meeting held July 27, 2004. (for information)

COMMUNITY SERVICES

RECREATION

Name for Community Park on Taylor Bay Road, Gabriola Island – Area B. (All Directors – One Vote)

That the Board authorize the adoption of the name 'Cox Community Park' for the large Community Park located across from Descanso Bay Regional Park on Gabriola Island.

Renewal of Trail Use Licence for Trans Canada Trail. (All Directors – Weighted Vote)

That the Regional District enter into a five-year renewable non-exclusive licence for the Trans Canada Trail located on Weyerhueser private land.

Application to the Ministry of Transportation for Permits to Develop Water Accesses Nos. 27, 43 and 52 – Area B. (All Directors – One Vote)

That the Regional Board authorize staff to apply to the Ministry of Transportation for permission to use and develop Electoral Area 'B' beach accesses 27, 43 and 52.

TRANSIT

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

That the Nanaimo Safer City Alliance Program update report be received for information.

CORPORATE SERVICES

ADMINISTRATION

Corporate Communications Policy. (All Directors – One Vote)

That the Corporate Communications Policy A1.26 be approved.

Update on Aggregate Issues – Meetings with Fraser Valley Regional District. (All Directors – One Vote)

That the Board support, in principle, the concept of joint intervener status with the Fraser Valley Regional District subject to a final report from our legal council.

FINANCE

Operating Results to June 30, 2004. (All Directors – One Vote)

That the summary report of financial results from operations to June 30, 2004 be received for information.

Amendment to Purchasing Policy A2.9 to Permit the Use of Purchasing Cards & Introduction of Purchasing Card Policy A2.16. (All Directors – One Vote)

- 1. That Policy A2.9 be approved as amended to permit the use of purchasing cards.*
- 2. That Policy A2.16 – Purchasing Cards be approved.*

Financial Plan (2004-2009) Amendment Bylaw No. 1373.02 – Installation of Acoustical Baffles at Oceanside Place. (All Directors – Weighted Vote)

- 1. That "Regional District of Nanaimo Financial Plan (2004-2009) Amendment Bylaw No. 1373.02, 2004" be introduced for first three readings.*
- 2. That "Regional District of Nanaimo Financial Plan (2004 to 2009) Amendment Bylaw No. 1373.02, 2004" having received three readings be adopted and forwarded to the Ministry of Community, Aboriginal and Women's Affairs.*

Fees and Charges Amendment Bylaw No. 944.04 – Financial Information. (All Directors – Weighted Vote)

That “Regional District of Nanaimo Fees and Charges Amendment Bylaw No. 944.04, 2004” be introduced for first three readings.

That “Regional District of Nanaimo Fees and Charges Amendment Bylaw No. 944.04, 2004” having received three readings be adopted.

FIRE PROTECTION

Bow Horn Fire Protection Service Area Boundary Extension Amendment Bylaw No. 1385.01. (All Directors – One Vote)

That “Bow Horn Bay Fire Protection Service Area Boundary Extension Amendment Bylaw No. 1385.01, 2004” be introduced for first three readings and forwarded to the Ministry of Community, Aboriginal and Women’s Services for approval.

DEVELOPMENT SERVICES

Riparian Area Regulation. (All Directors – One Vote)

That the Board endorse the resolution in Attachment No. 1 of the staff report and forward it to the 2004 UBCM Annual General Meeting.

New FM Radio Programming Undertaking – Westwave Broadcasting Inc., Mount Benson – Area C. (All Directors – One Vote)

That Westwave Broadcasting Inc., be advised that the Regional District has no objections to the proposed license application and installation of a new FM tower, antenna and transmitter building on the property legally described as Lot A, Block 787, Mountain District, Plan VIP75642.

BUILDING INSPECTION

Section 57 of the Community Charter – Contravention of Bylaw - Infractions.
(All Directors – One Vote)

Property owners wishing to speak to their proposed filing.

- (1) That the recommendation for a notice to be filed against the property owned by Mark Zaborniak and Arlene Nakatsuka, pursuant to Section 57 of the Community Charter, be approved and that no further action be taken until a policy review on secondary suites is completed and considered by the Board.*
- (2) That staff be directed to conduct a policy review with respect to secondary suite development in the Regional District of Nanaimo and that this item also be referred to the RGMAC/State of Sustainability Project for their input.*
- (3) That a notice be filed against the title of the property listed, pursuant to Section 57 of the Community Charter.*
 - (a) Lot 127, District Lot 68, Plan 26680, Nanoose Land District, 1491 Madrona Drive, Electoral Area 'E', owned by R. and L. Maurice.*

EMERGENCY PLANNING

Wildland/Urban Interface Fire Update Report. (All Directors – One Vote)

- 1. That the Wildland/Urban Interface Fire Update be received for information.*
- 2. That a grant application for emergency planning training be submitted as outlined in the staff report.*
- 3. That information with respect to the Wildland/Urban Interface Fire Update be circulated in the Regional Perspectives and the Electoral Directors' Newsletters.*

ENVIRONMENTAL SERVICES

LIQUID WASTE

Pump and Haul Local Service Area Bylaw No. 975.37 –2944 Hillview Road – Area E. (All Directors – One Vote)

- 1. That the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to remove Lot 2, District Lot 117, Nanoose Land District, Plan 18343 (Hillview Road, Area E).*
- 2. That "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.37, 2004" be read three times and forwarded to the Inspector of Municipalities for approval.*

Greater Nanaimo Pollution Control Centre Dewatering Upgrade – Tender Award. (All Directors – Weighted Vote)

That the Regional District of Nanaimo award the installation of a centrifuge for the GNPPC Dewatering upgrade for the tendered amount of \$251,579 to D. Robinson.

SOLID WASTE

Solid Waste Management Plan – Final Approval. (All Directors – Weighted Vote)

That the updated Solid Waste Management Plan be approved by the Board and submitted to the Minister of Water, Land and Air Protection.

Waste Stream Management Licensing Bylaw No. 1386. (All Directors – One Vote)

That the Board give first three readings to "RDN Waste Stream Management Licensing Bylaw No. 1386, 2004" and direct staff to submit the bylaw to the Ministry of Water, Land and Air Protection for approval prior to final adoption.

UTILITIES

Drought Planning Assistance Program – Land & Water British Columbia Inc. (All Directors – One Vote)

1. *That the staff report be received for information.*
2. *That the Board support an application for funding under the Drought Planning Assistance Program.*

West Bay Estates Water Service Reserve Fund Bylaw No. 1394 – Area E.

(All Directors – Weighted Vote)

That "West Bay Estates Water Service Reserve Fund Bylaw No. 1394, 2004" be introduced for first three readings.

(All Directors – 2/3)

That "West Bay Estates Water Service Reserve Fund Bylaw No. 1394, 2004" having received three readings be adopted.

COMMISSION, ADVISORY & SELECT COMMITTEE

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

That the minutes of the Regional Waste Advisory Committee meeting held April 15, 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 June 24, 2004 be received for information.

Grants-in-Aid Committee. (Parksville, Qualicum Beach, EA's E, F, G, H - Weighted Vote)

That the minutes of the Grants-in-Aid Committee meeting held July 16, 2004 be received for information.

School District 69

That the following grant be awarded:

<i>Qualicum Beach Historical Museum Society</i>	<i>\$</i>	<i>4,000</i>
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ADDENDUM

CORPORATE SERVICES

FIRE PROTECTION

Fire Truck Purchase – Fire Pumper Vehicle for the Coombs Hilliers Fire Department. (All Directors – Weighted Vote)

1. *That a fire pumper vehicle, plus additional equipment, be purchased from Profire Emergency Equipment Inc. for an amount not to exceed \$263,000 plus taxes.*
2. *That a total of \$213,000 plus taxes in debt financing for the vehicle be arranged as outlined in this report.*

7.3 EXECUTIVE STANDING COMMITTEE

7.4 COMMISSIONS

7.5 SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

Emergency Preparedness. (All Directors – One Vote)

64-66 Minutes of the Emergency Preparedness Meeting held on Thursday, July 21, 2004. (for information)

8. ADMINISTRATOR'S REPORTS

67-72 Proposed Thompson Clarke-Ocean Trail – Area H.

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: Clermont, Tim WLAP:EX [Tim.Clermont@gems8.gov.bc.ca]
Sent: Thursday, July 22, 2004 11:35 AM
To: Clermont, Tim WLAP:EX; Burgoyne, Linda
Cc: 'Jim Hope (jhope@naturetrust.bc.ca)'; 'Tim Clermont (clermont@island.net)'
Subject: RE: Pacific Shores Local Sewer Service Area - Lot 8, DL 22, Nanoose, Plan 10012

Linda, I spoke with John Finney a few days ago regarding this request and he asked me to contact you regarding the August 10, 2004, 7PM Board Meeting as I would like to make a presentation then.

Please let me know that this is confirmed and where the meeting takes place.

Thanks, Tim

> -----Original Message-----

> From: Clermont, Tim WLAP:EX

> Sent: July 7, 2004 11:49 AM

> To: 'lburgoyne@rdn.bc.ca'

> Cc: Jim Hope (jhope@naturetrust.bc.ca); Tim Clermont
> (clermont@island.net)

> 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

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE REGULAR MEETING OF THE BOARD
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, JULY 13, 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
Alternate	
Director B. Jepson	Electoral Area D
Director P. Bibby	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H
Director R. Longmuir	City of Parksville
Director T. Westbroek	Town of Qualicum Beach
Alternate	
Director B. Dempsey	District of Lantzville
Director G. Korpan	City of Nanaimo
Alternate	
Director D. Brennan	City of Nanaimo
Alternate	
Director J. Manhas	City of Nanaimo
Director L. McNabb	City of Nanaimo
Director L. Sherry	City of Nanaimo
Director B. Holdom	City of Nanaimo

Also in Attendance:

K. Daniels	Chief Administrative Officer
J. Finnie	Gen. Mgr. of Environmental Services
S. Schopp	Manager of Inspection/Enforcement
S. Cormie	Senior Planner
M. Donnelly	Manager of Utilities
N. Avery	Manager of Finance
M. Pearse	Manager of Administrative Services

DELEGATIONS

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.

Ms. Voigt addressed road access and water issue concerns that have been expressed about her development proposal.

Tim Clermont, re Pacific Shores Sewer LSA Amendment Bylaw No. 1021.05 and Northern Community Sewer LSA Bylaw No. 889.26 – 1520 Terrien Road – Area E.

Mr. Clermont was not in attendance.

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.

Ms. Sims reviewed the proposal and recommended that the Board endorse the application since the applicant has complied with all conditions.

Bob Colclough re Amendment Application ZA0401 – R. Colclough & Associates on behalf of BCBC – Bylaw No. 500.299 – 1329 Kipp Road – Area A.

MOVED Director Westbrook, SECONDED Director Bartram, that Bob Colclough be permitted to address the Board as a late delegation.

CARRIED

Mr. Colclough explained that the condition to have the property cleaned up by July 13, 2004 has not been completely met, however, a letter of undertaking has been provided that indicates the property will be cleaned up by August 31, 2004. He requested that the Board proceed with adopting the bylaw based on the letter of undertaking that the property be cleaned up by August 31, 2004.

BOARD MINUTES

MOVED Director Westbrook, SECONDED Director Longmuir, that the minutes of the Board meeting held June 8, 2004 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

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.

MOVED Director Sherry, SECONDED Director Brennan, that the correspondence from H. Heringa with respect to Development Permit Application No. 60429, be received.

CARRIED

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

MOVED Director Sherry, SECONDED Director Brennan, that the correspondence from A. McKillop & John Barnum with respect to Development Permit Application No. 60429, be received.

CARRIED

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

MOVED Director Sherry, SECONDED Director Brennan, that the correspondence from Lynda MacKenzie with respect to Development Permit Application No. 60429, be received.

CARRIED

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

MOVED Director Sherry, SECONDED Director Brennan, that the correspondence from DeeDee Green with respect to Development Permit Application No. 60429, be received.

CARRIED

Mary Payne, re Development Permit Application No. 60431 – Wiebe – 6359 West Island Highway – Area H.

MOVED Director Sherry, SECONDED Director Brennan, that the correspondence from Mary Payne with respect to Development Permit Application No. 60431, be received.

CARRIED

UNFINISHED BUSINESS

BYLAWS

For Adoption.

Bylaw No. 1385.

MOVED Director Bartram, SECONDED Director Longmuir, that “Bow Horn Bay Fire Protection Service Area Establishment Bylaw No. 1385, 2004” be adopted.

CARRIED

Bylaw No. 500.299.

MOVED Director Kreiberg, SECONDED Director Bibby, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.299, 2004” be adopted.

CARRIED

Public Hearing.

Bylaw No. 1285.04.

MOVED Director Biggemann, SECONDED Director Bartram, 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.

CARRIED

MOVED Director Biggemann, SECONDED Director Hamilton, that “Regional District of Nanaimo Electoral Area ‘F’ Zoning and Subdivision Bylaw Amendment Bylaw No. 1285.04, 2004” be given 3rd reading and be adopted.

CARRIED

STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS

ELECTORAL AREA PLANNING STANDING COMMITTEE

MOVED Director Hamilton, SECONDED Director Bibby, that the minutes of the Electoral Area Planning Committee meeting held June 22, 2004 be received for information.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

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 Bartram, 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.

CARRIED

MOVED Director Kreiberg, SECONDED Director Bartram, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.301, 2004" be given 1st and 2nd reading.

CARRIED

MOVED Director Kreiberg, SECONDED Director Bartram, that "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.301, 2004" proceed to public hearing.

CARRIED

MOVED Director Kreiberg, SECONDED Director Bartram, 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

MOVED Director Kreiberg, SECONDED Director Bartram, that Condition No. 1a of Schedule No. 1 of the corresponding staff report be removed and inserted under No. 2 – Conditions to be completed prior to Amendment Bylaw No. 500.301, 2004 being considered for adoption.

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 Hamilton, SECONDED Director Jepson, 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 Hamilton, SECONDED Director Bartram, that due to the uniqueness of the application and the concerns expressed for protection of the nearby community water supply and not to interfere with the Approving Officer's jurisdiction and discretionary authority, this application be deferred until a Preliminary Letter of Approval has been issued for this subdivision application.

CARRIED

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

Mr. Barnum spoke of the impact this development proposal has on his adjacent property.

Ms. McKillopp voiced concerns with respect to the road access and outlined guidelines from the Nanoose OCP that she feels have not been followed with this application.

Ms. Green expressed her concern that her adjacent property (DL45E) has not been given consideration as an adjacent property to this development proposal.

Ms. Voigt summarized that they have met all requirements of the Nanoose OCP and requested that the Board approve the application.

MOVED Director Bibby, SECONDED Director Hamilton, 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

MOVED Director Bibby, SECONDED Director Bartram, that should the Ministry of Transportation and the Agricultural Land Commission approve the construction of a publicly dedicated highway on that portion of the subject property designated within the 'Sensitive Ecosystem Development Permit Area' pursuant to the "Nanoose Bay Official Community Plan Bylaw No. 1118, 1998", a new Development Permit Application will be required.

CARRIED

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

MOVED Director Hamilton, SECONDED Director Bartram, 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 Hamilton, SECONDED Director Bibby, 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 Hamilton, SECONDED Director Biggemann,;

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.

CARRIED

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

MOVED Director Hamilton, SECONDED Director Kreiberg, 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.

CARRIED

MOVED Director Hamilton, SECONDED Director Kreiberg, 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.

CARRIED

MOVED Director Hamilton, SECONDED Director Kreiberg, 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.

CARRIED

MOVED Director Hamilton, SECONDED Director Kreiberg, that the Public Information Meeting be chaired by Director Henrik Kreiberg or his alternate (Electoral Area 'A') in the Fall.

CARRIED

MOVED Director Hamilton, SECONDED Director Kreiberg, 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

COMMITTEE OF THE WHOLE STANDING COMMITTEE

MOVED Director Shery, SECONDED Director Westbrook, that the minutes of the regular Committee of the Whole meeting held June 22, 2004 be received for information.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

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

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

CARRIED

COMMUNITY SERVICES

RECREATION

Recreation Facilities & Sportsfields Usage Survey.

MOVED Director Bartram, SECONDED Director Longmuir, 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 Westbrook, SECONDED Director Holdom,:

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.

CARRIED

Drinking Water Protection Initiative Workshop.

MOVED Director Bartram, SECONDED Director Dempsey,:

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.

CARRIED

Invasive Plant Strategy for British Columbia.

MOVED Director Westbrook, SECONDED Director Longmuir,:

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".

CARRIED

TRANSIT

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

MOVED Director Westbrook, SECONDED Director Longmuir, 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 Holdom, SECONDED Director McNabb,:

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.

CARRIED

CORPORATE SERVICES

ADMINISTRATION

Procedure Bylaw No. 1393.

MOVED Director Sherry, SECONDED Director McNabb, that the implementation of Board meetings on the fourth Tuesday of each month be implemented commencing September 2004.

CARRIED

MOVED Director Sherry, SECONDED Director McNabb, that "Procedure Bylaw No. 1393, 2004" be introduced and read three times.

CARRIED

MOVED Director Sherry, SECONDED Director McNabb, 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 Kreiberg, 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 Biggemann, that "Regional District of Nanaimo (Dashwood) Fire Services Regulatory Bylaw No. 1390, 2004" be introduced for first three readings.

CARRIED

MOVED Director Bartram, SECONDED Director Biggemann, 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.

MOVED Director Kreiberg, SECONDED Director Westbrook,:

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.

CARRIED

EMERGENCY PLANNING

Interface Fire Hazards.

MOVED Director Bartram, SECONDED Director Longmuir,:

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 month's time.

CARRIED

ENVIRONMENTAL SERVICES

LIQUID WASTE

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

MOVED Director Sherry, SECONDED Director Bibby, 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).

CARRIED

MOVED Director Sherry, SECONDED Director Bibby, 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 Sherry, SECONDED Director Westbrook, that "Regional District of Nanaimo Trucked Liquid Waste Disposal Amendment Bylaw No. 988.05, 2004" be introduced and read three times.

CARRIED

MOVED Director Sherry, SECONDED Director Brennan, 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 Holdom, 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 Sherry, SECONDED Director Biggemann, that "Solid Waste Disposal Local Service Area Reserve Fund Expenditure Bylaw No. 1389, 2004" be introduced for three readings.

CARRIED

MOVED Director Sherry, SECONDED Director Biggemann, 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 Local Service Area Bylaw No. 889.26 – 1520 Terrien Road – Area E.

MOVED Director Bibby, SECONDED Director Sherry, 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.

CARRIED

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

CARRIED

MOVED Director Westbrook, SECONDED Director Bartram, 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.

CARRIED

MOVED Director Westbrook, SECONDED Director Bartram,:

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).

CARRIED

MOVED Director Westbrook, SECONDED Director Bartram,:

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.

CARRIED

MOVED Director Bibby, SECONDED Director Westbrook, 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

SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

Regional Services Review Board Seminar.

MOVED Director Holdom, SECONDED Director Dempsey, that the minutes of the Regional Services Review Board Seminar held June 15, 2004 be received for information.

CARRIED

ADMINISTRATOR'S REPORTS

Retaining Walls Adjacent to the Ocean.

MOVED Director Bartram, SECONDED Director Hamilton, 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.

CARRIED

MOVED Director Bartram, SECONDED Director Hamilton, that Development Permit Application No. 60418 be referred back to the Board for consideration of approval pending receipt of an updated engineering report.

CARRIED

BOARD INFORMATION

UBCM re Riparian Area Model: New Regulatory Framework.

Director Kreiberg requested the status of this initiative. Staff will follow up on the status.

IN CAMERA

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

CARRIED

TIME: 8:20 PM

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

TO: Robert Lapham
General Manager, Development Services

DATE: August 5, 2004

FROM: Susan Cormie
Senior Planner

FILE: 3060 30 60423
3320 30 25651

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

PURPOSE

To consider a development permit application for a proposed 10 lot subdivision for property within the Watercourse Protection and Inland Island Highway Development Permit Areas and to consider a request to relax the minimum 10% perimeter frontage requirement for one of the proposed lots.

BACKGROUND

The Electoral Area Planning Committee referred this application back to staff at the meeting held on June 22, 2004. However, as a result of receiving a delegation from the applicant's agent H. Sims at the July 13, 2004 Board Meeting, the Board approved a resolution to bring this application back to the Board for consideration once a Preliminary Layout Approval (PLA) was issued by the Ministry of Transportation. The PLA has now been issued and is attached (*see Attachment No. 4*).

This is an application for a development permit and a request to relax the 10% perimeter frontage requirement for 1 lot within a 10 lot subdivision that is proposed for a property located adjacent to the Inland Island Highway within the Electoral Area 'G' and legally described as Lot A, Block 1438, Plan VIP64704 and Proposed Closed Road, Plan 742, Both of Nanoose District and (*see Attachment No. 1 for location of parent parcel*). The subdivision will be accessed from Coldwater Road off Church Road.

Surrounding uses include the E & N Railway and the City of Parksville to the north; industrial zoned property to the east; the E & N Railway, Inland Island Highway, and rural zoned property to the south; and the inland Island Highway and rural zoned property to the west. It is noted that the City of Parksville community water source is located to the north of the subject property.

The subject property is currently zoned Rural 1 (RU1) and is within Subdivision District 'D' pursuant to the Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. The applicant is proposing to subdivide the portion of the parent parcel between the E & N Railway rights-of-way into 9 parcels with the remainder as the 10th parcel. All parcels are proposed to be greater than the 2.0 ha minimum parcel size, therefore meeting the minimum parcel size requirement (*see Schedule No. 2 for proposed subdivision*). Each proposed parcel would be able to support 2 dwelling units.

In addition to the zoning, a portion of the parent parcel is designated within the Watercourse Protection and Inland Island Highway Development Permit Areas pursuant to the French Creek Official Community Plan Bylaw No. 1115, 1998. As the proposed subdivision development does not meet the exemption provisions of these development permit areas, a development permit is required.

The new parcels are proposed to be served by individual private septic disposal systems and private water wells.

In addition, the applicant has also petitioned the Regional District to be included within a local service area for management of storm water associated with the proposed development.

10% Minimum Frontage Requirement

Proposed Lot 5, as shown on the plan of subdivision as submitted by the applicant, does not meet the minimum 10% perimeter frontage requirement pursuant to section 944 of the *Local Government Act*. The requested frontage for proposed Lot 5 is as follows:

<i>Proposed Lot No.</i>	<i>Required Frontage</i>	<i>Proposed Frontage</i>	<i>% of Perimeter</i>
5	93.5 m	31.6 m	3.4 %

Therefore, as proposed Lot 5 does not meet the minimum 10% parcel frontage requirement pursuant to section 944 of the *Local Government Act*, approval of the Regional Board of Directors is required.

Application Information Submitted

As part of the proposal, the applicant has submitted the following information in addition to the proposed plan of subdivision:

- Hydrogeologic Study prepared by EBA Engineering Consultants Ltd., March 2004
- Storm Water Management Report, prepared by Park City Engineering Ltd., June 9, 2004

The applicant is also proposing to register section 219 covenants with respect to the following:

- providing protective covenant for the portion of Romney Creek which crosses the subject property (Proposed Lots 8 and 9);
- providing a 30-metre wide covenant to provide a vegetative buffer next to the Inland Island Highway;
- restricting permitted uses including agriculture, aquaculture, and produce stand; animals to household pets only;
- restricting silviculture to a maximum 50% of each parcel only; and
- restricting future owners to comply with recommendations as outlined in the Hydrogeological Report.

Comments from the City Parksville

The subdivision application was referred to the City of Parksville for comment by the Provincial Approving Officer. The City has submitted comments to the Approving Officer and copied this information to the RDN for information (*see Attachment No. 2*). The City has numerous concerns about the possible impacts the subdivision may have on ground water, storm water, and the City water supply. The majority of these comments will be considered by the Approving Officer; however, the applicant has provided a Hydrogeologic Study in support of the application, which was copied to the RDN and City of Parksville together with a reply that is attached. (*see Attachment No. 3*) The applicant has indicated that they have addressed all of the concerns necessary for the subdivision to be considered for approval.

ALTERNATIVES

1. To approve the request for the relaxation of the minimum 10% frontage requirement for proposed Lot 5 and approve the development permit application as submitted, subject to Schedule Nos. 1 and 2.

2. To deny relaxation of the minimum 10% frontage requirement and the development permit application as submitted and provide staff with further direction.

WATERCOURSE PROTECTION IMPLICATIONS

The French Creek Official Community Plan Bylaw No. 1115, 1998 designates portions of the subject property within the Watercourse Development Permit Area, specifically for the protection of Romney Creek. The applicant has offered to register a protective covenant as measured 15.0 metres from the natural boundary of the watercourse, which corresponds with the development permit guidelines. The covenant will include restrictions prohibiting the removal of vegetation, the placement of buildings or structures, placement of soils, or any alteration of the land by man.

INLAND ISLAND HIGHWAY PROTECTION IMPLICATIONS

With respect to the Inland Island Highway Development Permit Area, the applicant has offered to register a protective covenant for the purposes of retaining the existing vegetation and restricting buildings or structures within the buffer area. It is noted that there are existing gas and hydro statutory rights-of-way crossing the subject property adjacent to the Inland Island Highway, which cannot be vegetated. This covenant is in keeping in the Vancouver Island Inland Island Highway Implementation Agreement and will meet the guidelines of the development permit.

FRONTAGE RELAXATION IMPLICATIONS

With respect to the request for relaxation of the frontage requirement for proposed Lot 5, this parcel is proposed to be located on the cul-de-sac portion of the proposed road. Despite the reduced frontage for this parcel, buildable site areas will be available to support the intended uses. With respect to access, Ministry of Transportation staff has indicated that access to the proposed parcel will meet Ministry standards and therefore, have no concerns at this time with this request for relaxation of the minimum 10% frontage.

STORMWATER MANAGEMENT IMPLICATIONS

With respect to the storm water management proposal as submitted by the applicant's agent, the proposal includes the construction of a storm water management system consisting of interceptor ditches and detention ponds system which would be designed to reduce post development flows to pre development flow levels. The applicant was initially proposing to include the proposed storm water works in a Statutory Right-of-Way, to be granted to the Ministry of Transportation however now is intending to petition the Regional District to request that a Local Drainage Service Area be established. This would involve the Regional Board's consideration of establishment and service area bylaws.

Staff would also recommend that if the parent parcel is included in a local service area for drainage, the proposed storm water management system be subject to engineering specifications and design acceptable to the RDN Manager of Engineering and Utilities. Staff has discussed the proposal with the City of Parksville staff, and while the City has advised the Provincial Approving Officer of numerous concerns, City staff acknowledges that if the subdivision does proceed, a drainage local service area would provide for better management of the proposed development. If the Board does not authorize the establishment of a Local Drainage Service Area the applicant would have to design alternative works that are acceptable to the Ministry of Transportation or consider developing a bare land strata subdivision.

VOTING

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

SUMMARY

This is a request to relax the minimum 10% perimeter frontage requirement for 1 proposed parcel as part of a 10-lot subdivision proposal. This is also a request for a development permit to facilitate a 10-lot subdivision proposal within the designated Watercourse Protection and Inland Island Highway Development Permit Areas. Ministry of Transportation staff has indicated that the Ministry has no objection to the request for the proposed minimum 10% perimeter frontage relaxation. The reduced frontage will not negatively impact buildable site areas within the proposed parcel.


Due to the close proximity to the City of Parksville Community Water source, the applicant has offered to restrict some of the land uses currently permitted under the Rural 1 zone such as the keeping of animals restricted to household pets, agriculture, aquaculture, and produce stand uses.

With respect to the Watercourse Protection Development Permit Area, the applicant has offered to register a protective covenant over Romney Creek and its adjacent riparian area, therefore meeting the applicable development permit guidelines. With respect to the Inland Island Highway Development Permit Area, the applicant has offered to provide a covenant restricting removal of vegetation and the placement of buildings or structures within the 30-metre wide strip. Therefore, the guidelines of this development permit area can be met.

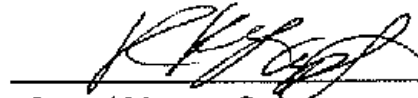
Therefore, in consideration of the applicants' concurrence to provide covenants for the protection of Romney Creek, to restrict land uses which reduce the potential for a possible negative impact on the nearby City of Parksville community water source; and to protect the removal of vegetation from the Inland Island Highway buffer area, staff recommends Alternative No. 1, to approve relaxation of the minimum 10% perimeter frontage for the proposed new parcels and to approve the development permit subject to Schedule Nos. 1 and 2.

RECOMMENDATION

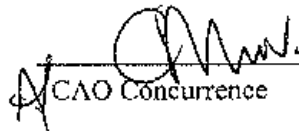
That the request, submitted by Fern Road Consulting Ltd., on behalf of Forevergreen Properties Ltd., to allow the creation of a subdivision within the Watercourse Protection and Inland Island Highway Development Permit Areas and to relax the minimum 10% frontage requirement for proposed Lot 5 as shown 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.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:

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SCHEDULE NO. 1
Conditions of Approval
Development Permit Application No. 60423

The following sets out the conditions of approval with respect to Development Permit Application No. 60423.

Watercourse Protection Covenant for Romney Creek:

The applicant shall prepare and register a section 219 covenant for the protection of the watercourse and its 15.0 metre riparian area, as measured from the natural boundary, restricting the use to a vegetation retention (no removal of vegetation other than noxious weeds) / no building or structures including fences, decks, and patios, outdoor storage, septic fields, wells, and placement of soils; or any alteration of the land by man. This covenant is to be reviewed and accepted by the Regional District prior to being registered on title concurrently with the plan of subdivision at Land Title Office.

Subdivision:

1. The subdivision shall be in substantial compliance with Schedule No. 2.
2. No construction shall occur within the riparian area of the watercourse located adjacent to the west lot line of the parent parcel in association with the subdivision development and the following measures shall be taken:
 - a. Sediment and erosion control measures must be utilized to control sediment during construction and to stabilize the site after construction is complete. These measures must include:
 - i. Tarps, sand bags, poly plastic sheeting and/or filter fabric are required to be onsite during works.
 - ii. Cover temporary fills or soil stock piles with polyethylene or tarps.
 - iii. Exposed soils must be seeded immediately after disturbance. Soil surfaces to be treated should be roughened in advance of seeding.
 - b. The use of temporary fences (snow fences) adjacent to the 15.0 metre protection area of Romney Creek to be installed during the construction phase.

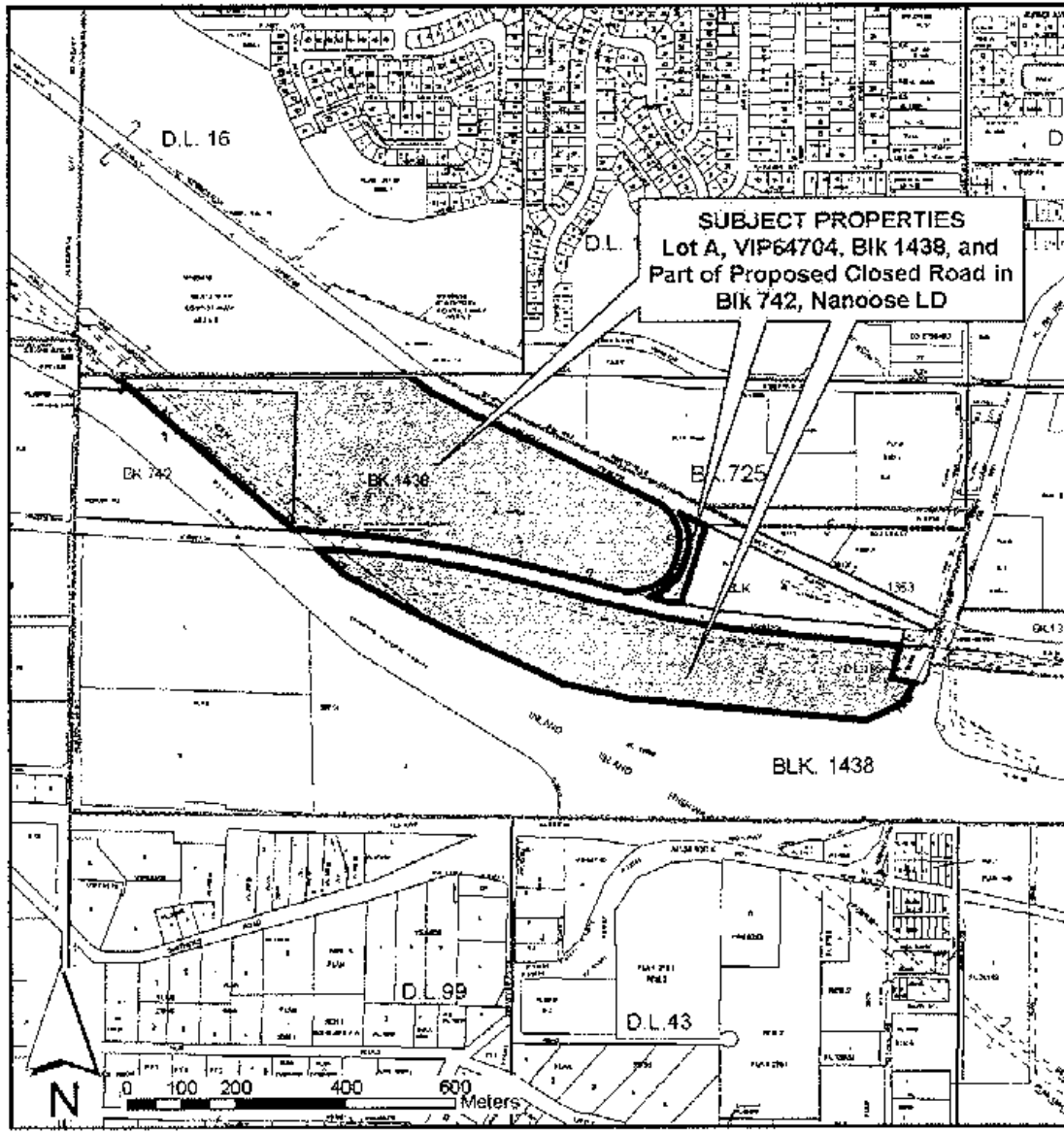
30-metre buffer strip adjacent to the Inland Island Highway:

The applicant shall prepare and register a section 219 covenant for Inland Island Highway restricting the following:

1. No septic disposal fields, wells, driveways, outdoor storage, or other site improvements shall be located within 30.0 metres from the Inland Island Highway.
2. No removal of the existing trees and other vegetation other than invasive plants such as Himalayan blackberries, Scotch broom, morning glory, and purple loosestrife provided they are replaced with native species to enhance the buffer area.

This covenant is to be reviewed and accepted by the Regional District prior to being registered on title concurrently with the plan of subdivision at Land Title Office.

ATTACHMENT NO. 1
SUBJECT PROPERTY LOCATION



0035 MAPSHEET NO. 00709-12

ATTACHMENT NO. 2 (5 pages)



City of PARKSVILLE

PO Box 1390, 100 E. Jensen Avenue, Parksville, BC, V9P 2H3

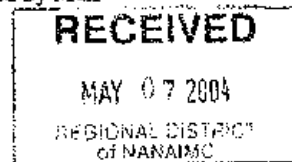
Telephone: (250) 248-6144 Fax: (250) 248-6650 www.city.parksville.bc.ca

May 3, 2004

By Fax Followed by Mail
(250)751-3289

file - 25651
Forevergreen -
COPY

Ministry of Transportation
Vancouver Island District
South Coast Region
3rd Floor - 2100 Labicux Road
Nanaimo, BC V9T 6E9



Attention: Mr. Rob Howat, Approving Officer

Dear Sirs:

Reference: Subdivision of Lot A., Block 1438, Nanoose District,
Plan VIP 64704 - Your File: 01-002-25651
City of Parksville File: 3030

This is further to our meeting on April 27, 2004 (also attended by the Director of Community Planning, Gayle Jackson) regarding the above-referenced development. The following, additional comments are presented after a preliminary review of the Hydrogeologic Study dated March, 2004, prepared by EBA Engineering Consultants Ltd:

1. The proposed source of potable water for this development is groundwater, which would be drawn from the same aquifer as that used by the City of Parksville to meet a significant portion of City water demands (i.e. the Springwood Well Field).

It is realized that 'use' of the aquifer by parties other than the City of Parksville is not, in and of itself, unusual or improper. However, it is hoped that protection of the long-term water quality and demands associated with a publicly funded municipal utility will be considered paramount when deciding whether or not the development is in the overall public interest.

2. One of the conclusions presented in the EBA Study is that the long-term impact of the development will be a reduction in the "safe available drawdown in City of Parksville Springwood Cluster of 1 to 4% over 20 years".

This conclusion is of serious concern and we do not accept, on the basis of the information provided, that this is a minor impact. The long-term trend in terms of drawdown of the aquifer is a specific concern that City staff has been investigating. The fact that this initial technical investigation concludes there will be a long-term reduction in available 'drawdown' (resulting from this proposed development) seems to validate such concern. We therefore consider that additional information is required to confirm the long-term viability of the aquifer for use by the City (and, if feasible, others). Such information should probably include identification of any long-term impacts and related costs to the City.

ENGINEERING AND OPERATIONS DEPARTMENT

1116 Herring Gull Way • Telephone: (250) 248-5412 • Fax: (250) 248-6140

Director of Engineering & Operations
Direct Line: (250) 954-4659

Manager of Operations & Information Systems
Direct Line: (250) 954-4667

3. It is proposed that liquid waste be disposed of utilizing household septic systems. The EBA study notes that there is an impermeable till layer protecting the subject aquifer from contaminant migration through seepage. It is also noted however, that "it would take an average of greater than 10 years for any water from surface to percolate through the till layer".

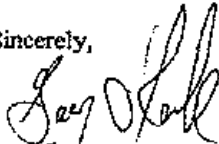
It is probably reasonable to conclude that it would be extremely challenging to verify that the till layer is continuous across the site (i.e. there may be areas where the soils above the aquifer do not protect the aquifer from contaminant migration from the surface to the extent noted). Also, 10 years is a relatively short time frame in terms of protecting water quality. It is therefore deemed essential that these issues be clarified before any conclusion is made regarding the susceptibility of the groundwater supply to surface contamination.

4. It is not clear what the anticipated method of handling stormwater runoff will be for the site. There may be impacts to downstream lands and infrastructure within City of Parksville boundaries, depending on the specific technical design approach and parameters utilized. Further details are required before we are able to provide detailed comments in this regard.

It is hoped that the above helps to clarify City of Parksville concerns respecting the subject development. These concerns are complex in nature, and if you have any questions or wish to further discuss the matter, please contact me at your convenience, at (250)954-4659.

It is deemed important to reiterate that under no circumstances will the City of Parksville support a development that poses any risk to the City's water supply.

Sincerely,



Gary J. O'Rourke, P.Eng.
Director of Engineering & Operations

GOR/re

GARY\Dev.-General\Block 1438\Howat,May 3,2004.doc

- c Ministry of Health
Regional District of Nanaimo
Director of Community Planning
Engineering Technologist (Owen Jonsson, A.Sc.T.)



City of Parksville, 1101 F. Jensen Avenue, Parksville, BC V8P 2H4
Telephone: (250) 248-6144 Fax: (250) 248-6569
www.city.parksville.bc.ca

April 22, 2004

VIA FAX: (250)751-3289

PAGE 1 OF 3

Ministry of Transportation
Vancouver Island District
South Coast Region
3rd Floor – 2100 Labieux Road
Nanaimo, BC V9T 6E9

COPY

ATTENTION: NICK VANDERMOLEN, DEPUTY APPROVING OFFICER

Dear Sirs:

SUBJECT: SUBDIVISION OF LOT A, BLOCK 1438, NANOOSE DISTRICT, PLAN
VIP64704 – YOUR FILE 01-002-25651

Thank you for the referral of the above noted subdivision application. The City has a number of concerns and items for you to note with respect to this application:

- The subject property is in very close proximity to well fields which provide a significant amount of the municipal drinking water supply. Therefore, there is great concern that development of this property and subsequent use of this property could negatively impact the City's wells. In this regard, the presence of septic fields, keeping of animals, use of fertilizers and pesticides, and similar activities would be of concern. On this point alone, the City questions whether approval of a subdivision of this scope and density is in the public interest.
- The impact of any new wells on the local groundwater regime is also a serious concern. The EBA Engineering report predicts a "minor" (i.e. 1% to 4%) long-term drawdown of the water level at the City's wells as a result of the development. The City questions whether any such impact or associated risk is in the public interest.
- This property has a watercourse running through it. This watercourse (Romney Creek) is shown as being within a Fisheries Planning Boundary in the Environmentally Sensitive Areas Atlas.
- This property appears to fall within the Highway corridor area which is subject to the Vancouver Island Highway Agreement.

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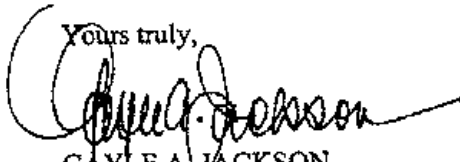
Mr. N. Vandermolten
April 22, 2004
Page 2

- We understand that the property is within 2 designated development permit areas; one which sets out a requirement for a 30 metre buffer from the Highway, and, the other with respect to the Creek. The proposed layout does not appear to acknowledge either condition.
- The subject property is within the Parksville Fire Protection area. Response time could be improved if an emergency access could be made available from the Alberni Highway.
- With respect to technical aspects of the application, it does not appear that storm water disposal is adequately addressed, and also, there is a concern with respect to the fact that . . . "aquifer characteristics were compiled from previous reports and available information" rather than primary research (see pg 9 EBA Engineering Study).

The City is not clear on what the Ministry's technical requirements might be for a subdivision of this nature and more specifically whether they would be strengthened, as necessary, to acknowledge the proximity to a municipal water supply.

In summary, there are a number of concerns and considerations which we believe we need to explore further through discussions with you. I'm sure you appreciate that under no circumstances is the City willing to support a development that poses any risk to the City's water supply. Gary O'Rourke, Director of Engineering and I look forward to meeting with you next week.

Yours truly,

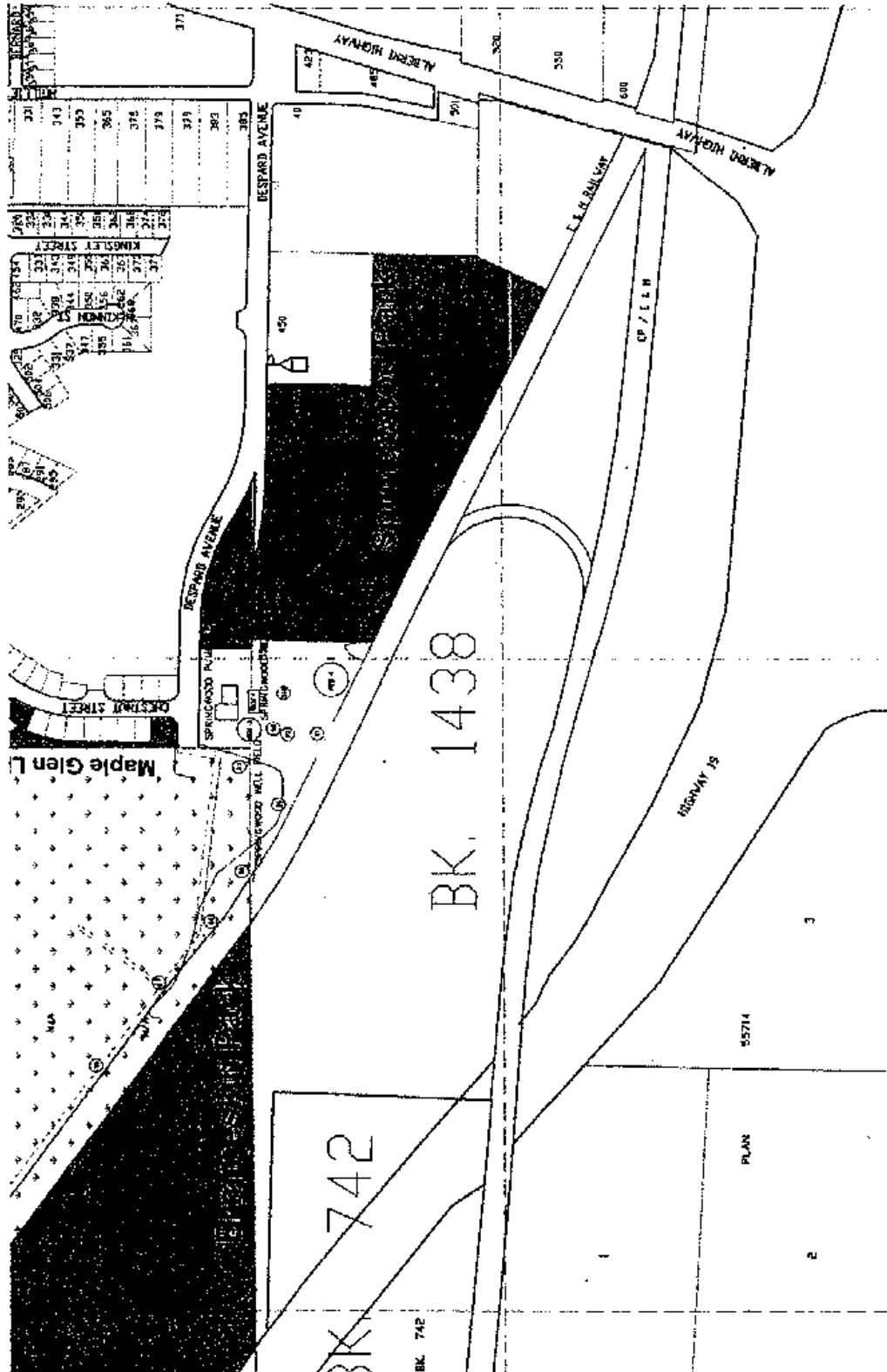

GAYLE A. JACKSON
Director of Community Planning

GAJ/sh

GJ/0410-20/MOTH/Vandermolten-3.

pc Ministry of Health
Regional District of Nanaimo
G. O'Rourke, P. Eng., Director of Engineering and Operations

1.5. A map showing the city's wells proximate to the subject property is attached.



ATTACHMENT NO. 3 (4 pages)

EBA Engineering Consultants Ltd.

Creating and Delivering Better Solutions

May 19, 2004

File No. 0802-2840131

City of Parksville
Box 1390 ~ East Jensen Avenue
Parksville, BC, V9P 2H3

Attention: Gayle A. Jackson, Director of Community Planning

Regarding: Subdivision of Lot A, Block 1438, Nanouse District, plan VIP64704 -
MOT file: 01-002025651

Dear Ms. Jackson:

EBA Engineering Consultants Ltd. (EBA) is submitting this letter in response to your letters dated May 3, 2004 (author: Gary O'Rourke), April 22, 2004 (author: Gayle Jackson), and RDN's letter dated May 12, 2004 (author: Robert Lapham).

Concerns are expressed regarding:

- a. Impact of surface activity on groundwater quality; and
- b. Impact of proposed groundwater extraction on City of Parksville water supply.
- c. Specific issues raised by RDN's letter dated May 12, 2004.

This letter provides an answer and comments on these three points.

1. IMPACT ON WATER QUALITY

EBA has completed a hydrogeological study¹ for Forevergreen at a resolution similar or greater than what is typically done in BC for proposed development of this size. The impact of the proposed development on water quality was assessed, and a professional opinion expressed based on an understanding of the surface and subsurface conditions. Particular issues were mentioned in your correspondence:

1. Impact due to septic fields: EBA's report has been submitted to Vancouver Island Health Authorities. They have jurisdiction on the treatment of liquid waste through

¹ Hydrogeological Study Forevergreen Properties Phase 1, March 2004

0802-2840131

-2-

May, 2004

ground disposal. EBA is available to provide further comments or studies, should it be required by VIAH.

2. Potential impact due to animals: As mentioned in Fern Road Consulting letter dated May 5, 2004, animals would be restricted to household pets. It is EBA's opinion that the waste generated by these animals would have a negligible impact on the groundwater quality.
3. Use of fertilizer and pesticide: The hydrogeological report discussed how nitrate loading is not considered a problem. There is a risk that herbicides and pesticides may be used by property owners for landscaping purposes. Presently, EBA considers that the best way to mitigate this risk would be through public education.

2. IMPACT ON WATER QUANTITY

EBA modelled the groundwater regime in the area proposed for development to assess the long-term impact of the operation of the proposed wells. Using conservative assumptions, the overall impact (measured as impact on the available drawdown of the CoP's wells due to interference) has been estimated to be in the order of 1 to 4 %. Since the issue of the report, EBA has received information on CoP groundwater consumption from their well fields. In 2003, 907,902 m³ were extracted from the ground by CoP. The following table shows the ratio between what Forevergreen development would extract compared to the volume of water extracted by CoP, using two scenarios. Scenario 1 considers a daily average extraction of 2.23 m³/day (MOT PLA Standards) and Scenario 2 considers consumption by water efficient properties (0.47 m³/day).

Estimated Water Demand Forevergreen Projected Use (m ³ /year)		City of Parksville Consumption (m ³ /year)	Ratio
PLA Standard (2.23 m ³ /day/connection)	16,279	907,902	0.018 (or 1.8%)
Water Efficient Homes (0.47 m ³ /day/connection)	3,431	907,902	0.004 (or 0.4%)



0802-2840131

-3-

May, 2004

This confirms that the impact would probably be in the order of 1 %. In addition, Forevergreen has recently drilled one water well. The well was completed in Aquifer 3 (aquifer numbering refers to the numbering used in EBA March 2004 report), the aquifer below Aquifer 2 (the aquifer used by CoP well field). Therefore, the long-term impact on CoP water supply is even anticipated to be less than 1%.

In your letter, you question the fact that the proposed development would be of public interest. EBA considers that the proposed development has been designed with a responsible vision to build a low impact development (LID) minimizing its "footprint" on the environment and on the natural resources. Based on EBA's understanding of water management in Parksville, the CoP has no short term or long term operation and monitoring plan and no intent to minimize the present water consumption. EBA is not aware of any report that presents a global approach to monitor, characterize and protect the groundwater resources presently consumed by CoP. Therefore EBA considers that the development proposed by Forevergreen Properties is a step in the right direction to develop land in a responsible manner, with a long-term vision and a public interest that should be promoted.

3. ISSUES BROUGHT IN RDN'S LETTER DATED MAY 12, 2004

Point 4 of the letter mentions that proof of potable water to Bylaw No. 500, 1987 standards should be provided. EBA understands Bylaw No. 500 applies to community water systems. What Forevergreen proposes is an individual water supply for each lot and therefore the development should meet Ministry of Transportation's requirements.

Point 5 of the letter is a misinterpretation of the 2nd paragraph, p. 14 of EBA's report. It states: "The low percolation rate and less depth to winter water level on Lot 1 means that only one residence is possible for Lot 1 *or further investigation is required to better assess the subsurface conditions at shallow depths on this lot.*" The second half of the sentence (in italics) indicates that limited investigation was completed and that a detailed investigation of the lot may identify a suitable location for a disposal field for a second residence.




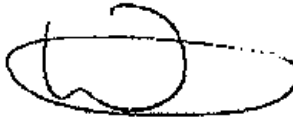
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-4-

May, 2004

We hope this letter clarifies items of concerns. Please call me if you have any questions.

Respectfully submitted,
EBA Engineering Consultants Ltd.



Giles Wendling, Ph.D., P.Eng.
Senior Hydrogeologist

Cc: Forevergreen Properties, Nick Andreeff
Fern Road Consulting Ltd., Helen MacPhail Sims
RDN, Susan Cornie, Senior Planner
RDN, Robert Lapham, General Manager, Development Services
RDN, Director Electoral Area G, J. Stanhope
City of Parksville, G. O'Rourke, Director of Engineering and Operations
Ministry of Transportation, Nick Vandermolen, Deputy Approving Officer
Vancouver Island Health Authorities, Glen Gibson,

ATTACHMENT NO. 4
 (1 of 2)



Ministry of
 Transportation

FILE COPY

**PROPOSED SUBDIVISION
 PRELIMINARY LAYOUT APPROVAL**

Sims Associates
 221 Fern Road West
 Qualicum Beach BC V9K 1A1

Your File #
 Our File # 01 002 25651
 Date (yyyy/mm/dd) 2004-08-03

Proposed Subdivision of Part of Block 1438, Nanaimo District

Your proposal for a 9 lot subdivision has received preliminary layout approval, subject to the following condition(s):

- 1) Written confirmation from the Regional District of Nanaimo that all applicable bylaws have been complied with.
- 2) Written confirmation from the Regional District of Nanaimo that the required development permit has been issued.
- 3) Written confirmation from the Regional District of Nanaimo that Section 944 of the Local Government Act has been received for proposed Lot 6.
- 4) Provision of a suitable restrictive covenant registerable pursuant to Section 219 of the Land Title Act which prohibits any vegetation or tree removal within 20 metres of the E & N Railway right-of-way (Lot 1, Plan VIP65796). Covenant is to be in favour of the Ministry of Transportation. Copy of draft covenant is to be submitted for ministry review and approval prior to submission of plans.
- 5) Applicant to enter into a covenant registerable pursuant to Section 219 of the Land Title Act as per items 1, 2, 3, 4 & 3 of Fern Road Consulting Ltd's letter of July 15th, 2004. Covenant is to be in favour of the Regional District of Nanaimo. Applicant is to ensure and obtain in writing the Regional District of Nanaimo's acceptance of being the transferee of the covenant document.
- 6) Provision of a suitable restrictive covenant which prohibits any vegetation removal or tree removal within the wetted area located in proposed Lots 3 & 4. The covenant is to be in favour of the Ministry of Transportation. Confirmation by way of survey will be required as to the extent of the wetted area prior to final consideration of the plan.
- 7) Applicant to provide proof of adequate potable water supply for proposal (i.e. minimum 3.5 m³ per day per lot). Require a minimum of one representative test well per 3 lots. Test well information and plan showing location of wells to accompany plans.
- 8) Applicant to comply with Vancouver Island Health Authority letter of April 22nd, 2004. Copy of draft covenant is to be submitted for their review and approval.
- 9) A no-building or disturbance of natural vegetation covenant be placed on minimum 7.5 metre strip parallel to natural boundary of Romney Creek within proposal. Copy of draft covenant is to be submitted for ministry review and approval prior to submission of plans.
- 10) All internal subdivision roads, including proposed access road to remainder south of E & N Railway are to be constructed to current Ministry of Transportation gravel standards, from end of maintained public road to cul-de-sac. Our office is to be contacted and satisfied with road base prior to graveling, (see attached).
- 11) Applicant to obtain all necessary permits and approvals for installation of crossing of Romney Creek prior to commencement of any works. Any requirements outlined in agency approvals, become part of this approval.

Vancouver Island District
3 rd Floor - 2100 Labieux Road
Nanaimo BC V9T 6E9
Phone: (250) 751-3246 Fax: (250) 751-3289

H0343a (2002/04)

Page 1 of 2

ATTACHMENT NO. 4
(2 of 2)

01 002 25651
August 3, 2004

- 12) Written certification from professional engineer that all road works have been installed to current Ministry of Transportation standards to accompany plans.
- 13) Road closure plan is to be approved, and closed road is to be consolidated with adjacent property prior to subdivision approval.
- 14) No direct access to Alberni Highway or Inland Island Highway will be allowed. All access including that to remainder is to be from side roads only.
- 15) Applicant is to provide copy of private railway crossing permit for access to remainder.

The approval granted is only for the general layout of the subdivision and is valid for one year from this letter. However, if at any time there is a change in legislation, regulations or bylaws this preliminary layout approval is automatically cancelled.

Submission of Final Plans (Mylar and 5 prints) to be accompanied by a current Tax Certificate (FIN 55), together with a plan examination fee of \$50 plus \$100 per lot created by the plan and made payable in the form of a cheque to the Minister of Finance and Corporate Relations.

If you have any questions please do not hesitate to call Nick Vandermolten at 250 751-3263
(Name of Technician)

Yours truly,


Nick Vandermolten, Deputy Approving Officer
Ministry of Transportation

cc:

City of Parksville
Vancouver Island Health Authority
MWR&AP - Water Management Branch
Regional District of Nanaimo

Vancouver Island District
3 rd Floor - 2100 Labloux Road
Nanaimo BC V9T 6E9
Phone: (250) 751-3248 Fax: (250) 751-3289

H0343a (200204)

Page 2 of 2

TO: Robert Lapham
General Manager, Development Services

DATE: August 5, 2004

FROM: Susan Cormie
Senior Planner

FILE: 336030 0410

SUBJECT: Bylaw Amendment Bylaw 500.301 – RK Brown & Associates on behalf of 646268 BC Ltd.
Electoral Area 'A' – 1922 Schoolhouse Road

PURPOSE

To receive the Report of the Public Hearing containing the Summary of the Minutes and Submissions of the Public Hearing held on Wednesday, August 4, 2004, and further, to consider Bylaw No. 500.301, 2004 for 3rd reading.

BACKGROUND

Bylaw No. 500.301, 2004 was introduced and given 1st and 2nd reading on July 13, 2004. This was followed by a Public Hearing held on August 4, 2004. The summary of the minutes and submissions is attached for the Board's consideration (*see Attachment No. 2*).

The purpose of this amendment bylaw is to rezone the parcel legally described as Lot 1, Section 13, Range 6, Cranberry District, Plan 12009 Except Part in Plan 3372 RW and located at 1922 Schoolhouse Road in the South Wellington area of Electoral Area 'A' (*see Attachment No. 1 for location of subject property*) from split zone Residential 2 Subdivision District 'F' (RS2F) / Commercial 1 Subdivision District 'M' (CM1M) (1.0 ha minimum parcel size without community services) to Schoolhouse Road Light Industrial Comprehensive Development Zone 18 Subdivision District 'Z' (CD18Z) (no further subdivision) in order to facilitate light industrial uses comprising of a mini warehouse use and a heavy equipment display / servicing use.

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

ALTERNATIVES

1. To receive the Report of the Public Hearing, give 3rd reading to "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.301, 2004".
2. To receive the Report of the Public Hearing and deny "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.301, 2004".

INTERGOVERNMENTAL IMPLICATIONS

Referrals were sent to the Ministry of Transportation, the Vancouver Island Health Authority, and the Cranberry Volunteer Fire Department.

Comments received include:

Ministry of Transportation – staff has indicated that the Ministry will grant approval in principle subject to conditions including drainage works, access permit, traffic signs being installed, and a no building covenant for future intersection design. It is noted that an amendment bylaw is subject to the approval of the Ministry pursuant the *Highway Act*.

Cranberry District Local Fire Chief – The Fire Chief has indicated support of this zoning amendment application.

Vancouver Island Health Authority – staff has verbally indicated that they would support the zoning amendment application subject to a septic disposal permit being issued.

PUBLIC CONSULTATION IMPLICATIONS

Other than the correspondence from the Ministry of Transportation and the local Fire Chief, no other written and verbal submissions were received at the Public Hearing. The proceedings are outlined in the Summary of the Minutes and Submissions of the Public Hearing attached to this report (*see Attachment No. 2*).

VOTING


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

SUMMARY

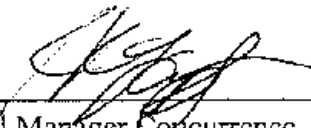
The purpose of Bylaw No. 500.301, 2004 is to rezone Lot 1, Section 13, Range 6, Cranberry District, Plan 12009 Except Part in Plan 3372 RW, located at 1922 Schoolhouse Road in the South Wellington area of Electoral Area 'A' to facilitate light industrial uses comprising of a mini warehouse use and a heavy equipment display / servicing use. The bylaw was introduced and given 1st and 2nd reading on July 13, 2004 and preceded to Public Hearing on August 4, 2004. Ministry of Transportation has granted approval in principle subject to conditions and as the subject property is within 800 metres of a highway interchange, the amendment bylaw is subject to the approval of the Ministry pursuant to the *Highway Act*. The requirements set out in the Conditions of Approval are to be secured and/or completed by the applicant prior to the Board's consideration of the bylaw for adoption. Therefore, staff recommends that Bylaw No. 500.301 be considered for 3rd reading.

RECOMMENDATIONS


1. That the Report of Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held on August 4, 2004 as a result of public notification "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.301, 2004" be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.301, 2004" be given 3rd reading and be referred to the Ministry Transportation for approval pursuant to the *Highway Act*.
3. That the conditions as outlined in Schedule No. 1 be secured and/or completed by the applicant to the satisfaction of the Regional District prior to consideration of adoption of Bylaw No. 500, 301, 2004.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:

devsvs/reports/2004/ZA3360312 au brd Brown Country Kitchen P11 & 3rd

SCHEDULE NO. 1
Conditions for Approval for
Zoning Amendment Application No. ZA0401
Amendment Bylaw No. 500.299
Lot 1, Section 14, Range 6, Cranberry District, Plan 40297 - 1922 Schoolhouse Road

The following conditions are to be completed prior to consideration of Amendment Bylaw No. 500.301, 2004 for final reading:

- a. Applicant to provide approval from the Ministry of Water, Land, and Air Protection with respect to the Site Profile pursuant to the *Waste Management Act*.
- b. Applicant to provide revised plan showing location and size of single dwelling unit (caretaker's unit).
- c. Applicant to provide confirmation from the Vancouver Island Health Authority confirming septic disposal permit for single dwelling unit.

Applicant to enter into a development permit to include, at a minimum, the following requirement:

1. Building / Site Development

- a. Applicant to confirm maximum height of buildings as measured from the natural grade. A request for variance to the maximum height requirement pursuant to Bylaw No. 500, 1987 is subject to the consideration of the Regional Board of Directors.
- b. The subject property shall be developed in accordance with the Site Plan as shown on Schedule No. 2. Applicant may amend this site plan to include provision for one dwelling unit.
- c. The buildings shall be designed and constructed, including the incorporation of building materials, as shown on Schedule No. 3. Applicant may amend building profile to include provision for one dwelling unit.
- d. The Heavy Equipment Display shall be located in area as shown on Schedule No. 2.

2. Landscaping Requirements

- a. Landscaping to be provided as shown on Schedule No. 4 and shall, at the minimum, satisfy the following criteria:
 - i. Landscaping shall be totally comprised of biologically diverse and drought resistant plants.
 - ii. Individual plants to be used in the landscaping shall have normal, well developed branches and vigorous, fibrous root systems; such plants shall be healthy, vigorous and free from defects, decay, disfiguring roots, sunscald, injuries, abrasions of the bark, plant diseases, insect pests' eggs, borers and all forms of infestations or objectionable disfigurements.
 - iii. All landscaping shall be permanently maintained in good condition with, at a minimum, the same quality and quantity of landscaping as was initially approved and without alteration of the approved design; the owner shall make provisions for the permanent irrigation works necessary to water the landscaping.

- iv. The design of landscaping shall be such that the growth of roots, trunks, and branches of natural or introduced vegetation or the location of planted berms shall not conflict with the utilities, structures, necessary access, or require sight triangle.
 - v. A watering system for all landscaped areas.
 - vi. All landscaped areas shall be constructed completed with a permanent curbs a minimum of 15 cm in height to protect all landscaped areas from potential vehicular damage.
- b. A landscape security deposit, pursuant to Bylaw No. 500, is to be held by the RDN pending the completion of the required landscaping to the satisfaction of the Regional District of Nanaimo.
 - c. The subject property shall be fenced as shown on Schedule No. 2.

3. Storm Water Drainage / Protection of the Aquifer

- i. Site is to be developed in accordance with the submitted engineer's storm drainage plan subject to the approval of the Ministry of Transportation and the Regional District.
- ii. No net increase in peak storm water runoff from the land to adjoining lands or the highway system will be permitted.
- iii. An oil / water separator for the wash area to be constructed in the location as shown on the site plan. Oil / water separator to be designed and constructed to industry standard.

4. Local Fire Protection / Fire Chief

Local Fire Chief to approve site layout.

5. Off-Street Parking Spaces and Aisle Ways

All off-street parking areas shall be located behind the front face of the principle buildings. All parking areas, including aisle ways, shall be constructed to Bylaw No. 500 standards and all parking spaces shall be clearly delineated through the use of painted lines on paved surfaces or concrete parking stops on compacted and dust free surfaces.

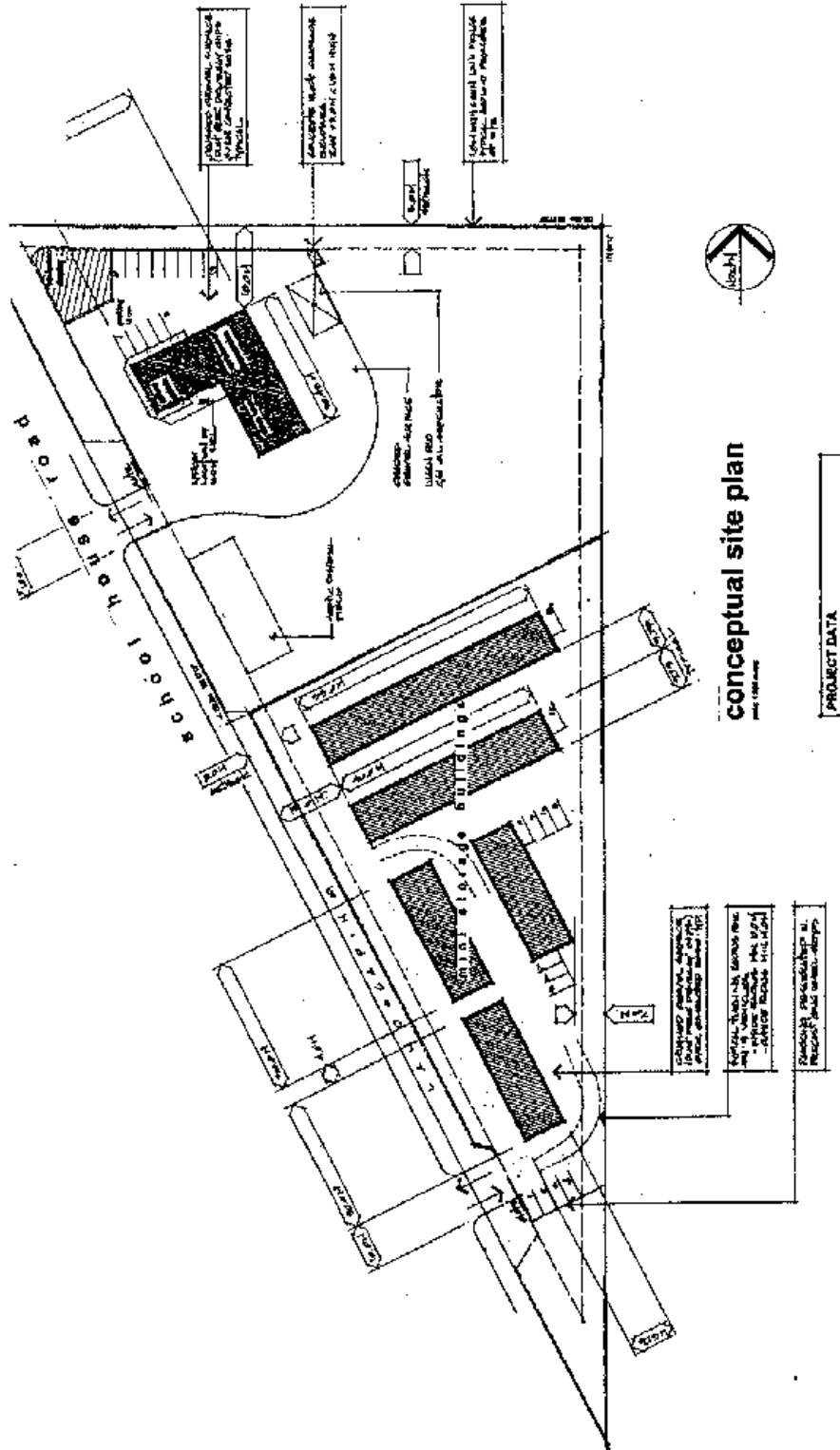
6. Signage

- a. Signage will be subject to a request for variance to Bylaw No. 993, 1995.
- b. A maximum of 2 freestanding signs shall be permitted at each access to the development from Schoolhouse Road. Other sign design details and specific siting will be subject to development permit.

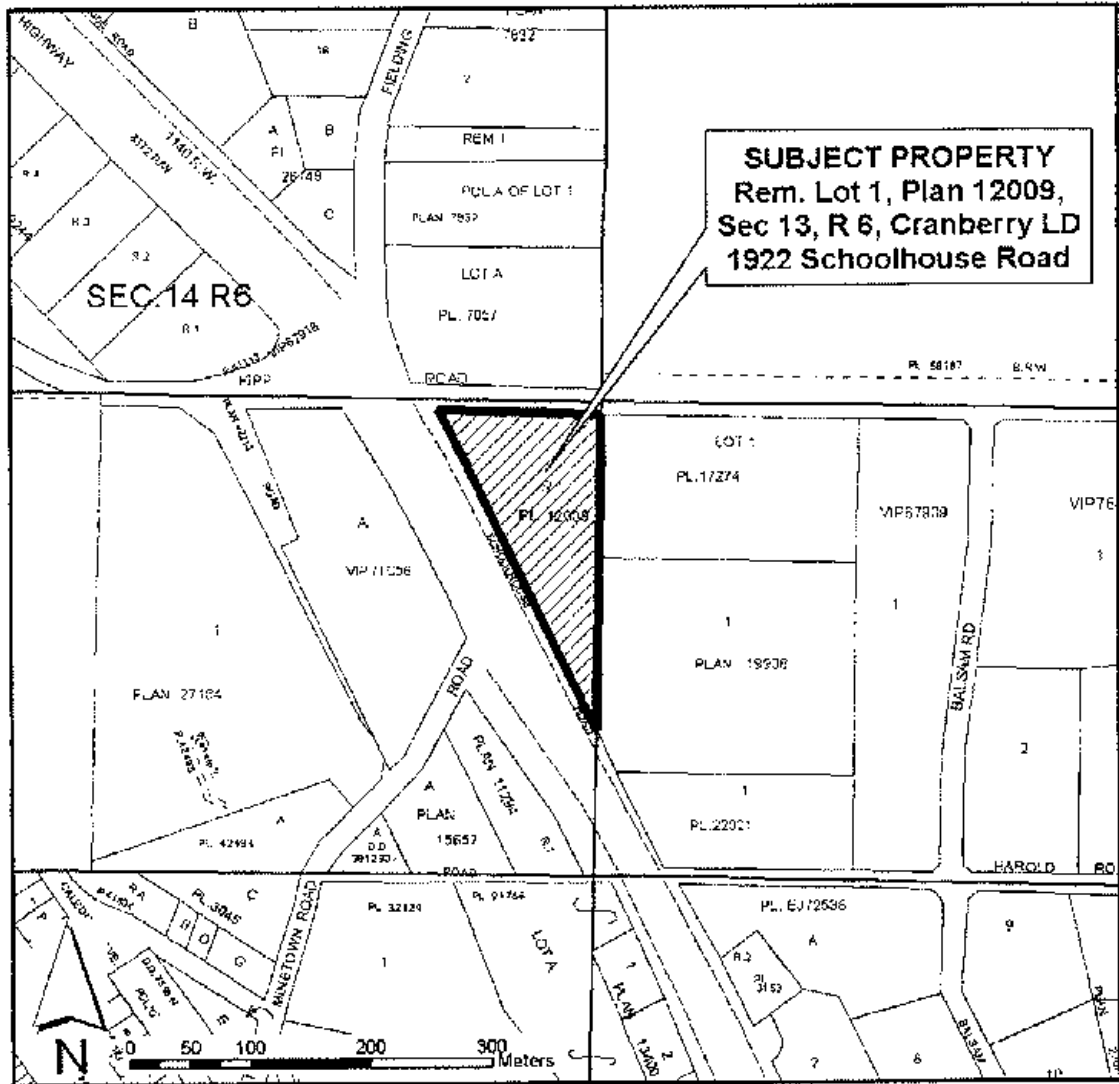
7. Refuse Containers and Other Outdoor Storage

The refuse containers shall be adequately screened with a combination of landscape plantings and fencing, and located as shown on Schedule No. 2.

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



ATTACHMENT No. 1
Location of Subject Property



ATTACHMENT NO. 2

REGIONAL DISTRICT OF NANAIMO

**Report of The Public Hearing
Held at Cranberry Community Hall
1555 Morden Road, South Wellington, BC
August 4, 2004 at 7:00 pm
To Consider Bylaw No. 500.301, 2004**

Summary of Minutes and Submissions

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

PRESENT:

Henrik Kreiberg, Chairperson, Director, Electoral Area 'A'

Susan Cormie, Senior Planner

There was 1 person in attendance.

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

The Senior Planner provided an outline of the Bylaw including a summary of the proposal and the correspondence received from the Ministry of Transportation and the local Fire Chief.

The Chairperson called for formal submissions with respect to Bylaw 500.301, 2004.

The Chairperson called for further submissions for the second time.

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

There being no further submissions, the Chairperson adjourned the Hearing at 7:06 pm.

Certified true and accurate this 5th day August 2004.

Susan Cormie
Recording Secretary

Director Henrik Kreiberg
Chairperson, Electoral Area 'A'

Submissions to Public Hearing



*ATT: SUSAN GORMIE

File: 01 002 25793

June 04, 2004

Keith Brown Associates Ltd.
#4 - 3179 Barons Road
Nanaimo BC V9T 5W5

Attention: Mr. Keith Brown

**Re: Commercial Access - The Remainder of Lot 1, Plan 12009,
Section 13, Range 6, Cranberry District - 646268 BC Ltd.**

Thank you for submitting your access application for the proposed Industrial Shop/Offices and Mini Warehouse development to the above-noted. The Ministry of Transportation has reviewed and is prepared to grant a 180-day approval in principle, subject to the following concerns being addressed:

- 1) Applicant to submit proof that the proposed uses meet the current Regional District of Nanaimo's zoning designations.
- 2) All site drainage to be contained on-site or taken to an approved natural outfall. No drainage discharges from the subject lands/developments are to impact the constructed Schoolhouse Road prism/surface/dedication. Please advise as to how the site drainage generations will be handled as the recently submitted Revised Define Design Consultants Ltd. dated June 2, 2004 does not indicate how site drainage runoffs will be handled.
- 3) All proposed access designs to show a minimum 9.0 metre radius design, see attached Figure 1420.0 drawing. The 9.0 metre radius return to be to the edge of the constructed Schoolhouse Road gravel shoulder. All accesses to Schoolhouse Road are to be paved. Access grade design to be constructed as per attached Figure 1420-M.
- 4) Stop signs are to be shown on site plan at all proposed access locations. Stop signs are to be located on developer's property and not on the Schoolhouse Road right-of-way.

.../2

Ministry of
Transportation

Vancouver Island District
South Coast Region

Mailing Address:
3rd Fl. 2100 Labieux Road
Nanaimo BC V9T 8E9

Site Address:
3rd Floor - 2100 Labieux
Road
Nanaimo BC
Telephone: (250) 751-3259
Facsimile: (250) 751-3270

Web Address:
www.gov.bc.ca/tran

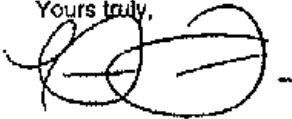
June 04, 2004

Page 2

- 5) Applicant to install P-001L & P-001R No Parking Signs on either sides of Schoolhouse Road. Please indicate signage on site plan.
- 6) This office requests that the boundary of Lot 1, Plan 12009, Section 13, Range 5, along Schoolhouse Road be staked in the field for inspection. The Ministry requires this to ensure that the constructed Schoolhouse Road prism is adequately contained within the road dedication and that there is sufficient dedication for utilities. Please contact Mr. Cal Fradin @ 751-3270 for field inspection upon completion of staking requirement.
- 7) The Ministry of Transportation requests that the area shown on attached be covered by a "No Building" covenant for future Schoolhouse/Fielding/TCH intersection design.
- 8) Resolution of the above concerns is not to be construed that formal approval for access will be granted.

Should you have any questions, please do not hesitate to contact me at 751-3270 (office), 616-6808 (cell), or via email at Cal.Fradin@gems7.gov.bc.ca.

Yours truly,



Cal Fradin
District Development Technician

CPM/25793L

cc: Susan Cormie, RDN

Cormie, Susan

From: Ron Gueulette [Ron.Gueulette@TELUS.COM]
Sent: Thursday, July 29, 2004 8:02 AM
To: Cormie, Susan
Subject: RE: Proposed Zoning Amendment ZA0412

Hello Susan,

The Cranberry Fire Department does not have any regulations other than what are brought forward by the RDN.

tnks, Ron Gueulette Fire Chief

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

From: Cormie, Susan [mailto:SCormie@rdn.bc.ca]
Sent: Wednesday, July 28, 2004 4:19 PM
To: Ron Gueulette
Subject: Proposed Zoning Amendment ZA0412

Dear Fire Chief Gueulette

Re: Lot 1, Section 13, Range 6, Cranberry District, Plan 12009 Except Part in Plan 3372 RW and located at 1922 Schoolhouse Road in the South Wellington area of Electoral Area 'A'

As discussed, the public hearing for the above noted zoning amendment is scheduled for August 4, 2004. This application proposes to amend the zoning bylaw to permit a light industrial use comprising of mini storage and heavy equipment display and repair uses. Could you please submit your comments with respect to this proposal by August 4, 2004. If you have any questions, please call me at 390-6510.

Thank you, Susan Cormie

REGIONAL DISTRICT OF NANAIMO

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

Present:

Director D. Haire	Chairperson
Director H. Kreiberg Alternate	Electoral Area A
Director M. Young	Electoral Area C
Director P. Bibby	Electoral Area E
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
N. Tonn	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Alternate Director Young to the meeting.

LATE DELEGATIONS

MOVED Director Biggemann, SECONDED Director Stanhope, that a late delegation be permitted to address the Committee.

CARRIED

Hans Heringa, re Request for Cash in-lieu-of Park Land Dedication – Lost Lake Properties Ltd., on behalf of McKin Estates – off Sumar Lane – Area G.

Mr. N. Evans, legal representative for Hans Heringa, provided historical information with respect to his client's request for cash-in-lieu of parkland dedication.

MOVED Director Stanhope, SECONDED Director Bartram, that the delegation be received.

CARRIED

MINUTES

MOVED Director Bartram, SECONDED Director Bibby, that the minutes of the Electoral Area Planning Committee meeting held June 22, 2004 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Submissions to the North Cedar Improvement District Public Information Meeting held June 17, 2004 re Zoning Amendment Application No. ZA0407 – North Cedar Improvement District – Yellow Point Road – Area A.

MOVED Director Kreiberg, SECONDED Director Stanhope, that the submissions to the North Cedar Improvement District Public Information Meeting with respect to Zoning Amendment Application No. ZA0407 be received.

CARRIED

PLANNING

AMENDMENT APPLICATIONS

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

MOVED Director Kreiberg, SECONDED Director Bibby,:

1. That the minutes from the Public Information Meeting held on June 18, 2004 be received.
2. That Zoning Amendment Application No. ZA0407 submitted by North Cedar Improvement District to rezone the property legally described as Lot A, Section 12, Range 2, Cedar District, Plan VIP71957 from Residential 2 Subdivision District M (RS2M) to Comprehensive Development 17 Subdivision District Z (CD17Z) in order to facilitate the development of the North Cedar Improvement District fire hall and administration offices be approved to proceed to public hearing.
3. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.300, 2004” be given 1st and 2nd reading.
4. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.300, 2004” proceed to public hearing.
5. That the public hearing on “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.300, 2004” be delegated to Director Kreiberg or his alternate.

CARRIED

Zoning Amendment Applications Nos. ZA0402 to ZA0406 – Fern Road Consulting – Spider Lake Road & Horne Lake Road – Area H.

MOVED Director Bartram, SECONDED Director Biggemann,:

1. That the minutes of the Public Information Meeting held on July 14, 2004 be received.
2. That Zoning Amendment Applications Nos. ZA0402, ZA0403, ZA0404, ZA0405 and ZA0406 submitted by Fern Road Consulting to rezone 5 properties located in the Spider Lake area from Rural 1 (B) 8ha minimum parcel size to Rural 1 (D) 2ha minimum parcel size be approved to proceed to public hearing subject to the amended conditions included in Schedule No. 1 as recommended by staff.
3. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw Nos. 500.302, 500.303, 500.304, 500.305 and 500.306, 2004” be given 1st and 2nd reading.
4. That “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw Nos. 500.302, 500.303, 500.304, 500.305 and 500.306, 2004” proceed to public hearing.
5. That the public hearing on “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw Nos. 500.303, 500.303, 500.304, 500.305 and 500.306, 2004” be delegated to Director Bartram or his alternate.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60434 – Vukicevic – 4823 Ocean Trail – Area H.

MOVED Director Bartram, SECONDED Director Stanhope,:

1. That Development Permit Application No. 60434, submitted by the applicants Daniel and Karen Vukicevic to permit the construction of an addition to an existing dwelling unit within the Hazard Lands Development Permit Area on the subject property legally described as Lot 62, District Lot 82, Newcastle District, Plan 31044, located at 4823 Ocean Trail be approved, subject to the Conditions of Approval outlined in Schedules No. 1, 2 and 3.
2. That action not be taken against the existing accessory building on the property legally described as Lot 61, District Lot 82, Newcastle District, Plan 31044 subject to the Condition of Approval outlined in Schedules No. 1, 2 and 3 of this permit.

CARRIED

Development Permit Application No. 60435 – Windsor Enterprises Inc. (DBA: Millway Market) – Anderson Greenplan – 1594 & 1596 MacMillan Road – Area A.

MOVED Director Kreiberg, SECONDED Director Bibby, that Development Permit Application No. 60435 submitted by Jack Anderson of Anderson Greenplan Ltd., on behalf of Windsor Enterprises Inc. (DBA: Millway Market) with variances for the properties legally described as Lot A, Section 17, Range 1, Cedar District, Plan 46766 and Lot 3, Section 17, Range 1, Cedar District, Plan 11369, be approved subject to Schedules No. 1, 2 and 3 of the staff report and the notification requirements pursuant to the *Local Government Act*.

CARRIED

Development Permit Application No. 60436 – B & W Land Corporation – St. Andrew's Lane (Phase 11) – Robertson Boulevard – Area G.

MOVED Director Stanhope, SECONDED Director Bartram, that Development Permit Application No. 60436, submitted by Adam Policzer on behalf of B & W Land Corp (St. Andrew's Lane) to construct a fourplex dwelling unit within the French Creek Harbour Development Permit Area (DPA No. 2) on the subject property legally described as Lot C, District Lots 29 and 126, Nanoose District, Plan 49145 Except Part in Plan VIP56481, be approved, subject to the conditions outlined in Schedules No. 1, 2 and 3 of the corresponding staff report and notification requirements pursuant to the *Local Government Act*.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90412 – Pryke and Lo – 235 Evanson Road – Area G.

MOVED Director Stanhope, SECONDED Director Bartram, that Development Variance Permit Application No. 90412, submitted by Peter Pryke and Eileen Lo, to legalize the siting of an existing dwelling unit and to facilitate the development of a proposed addition to the dwelling at 235 Evanson Road by varying the minimum front lot line setback requirement from 8.0 metres to 3.467 metres, for the property legally described as Lot 59, District Lot 9, Newcastle District, Plan 28564, be approved subject to notification procedures pursuant to the *Local Government Act* and subject to the conditions outlined in Schedules No. 1, 2 and 3.

CARRIED

OTHER

Request for Relaxation of the Minimum 10% Frontage Requirement – Timberlake – Jones Engineering Ltd., on behalf of Lot G Holdings Ltd. – off Lowry's Road – Area G.

MOVED Director Stanhope, SECONDED Director Bibby, that the request from Timberlake – Jones Engineering, on behalf of Lot G Holdings Ltd., to relax the minimum 10% perimeter frontage requirement for Proposed Lots 8, 9, 10, 11, 19 and 22 as shown on the Plan of Proposed Subdivision of Lot 1, District Lots 81 & 126, Nanoose District, Plan VIP70880 be approved.

CARRIED

Request for Cash in-lieu-of Park Land Dedication – Lost Lake Properties Ltd., on behalf of McKin Estates – off Sumar Lane – Area G.

MOVED Director Stanhope, SECONDED Director Bibby,:

1. That the request, submitted by Lost Lake Properties Ltd. to provide cash in-lieu-of park land be refused and the applicant be required to provide the dedication of park land in an amount and location acceptable to the Regional Board of Directors as part of the 34-lot subdivision proposal of Lots 1 and 2, District Lot 28, Nanoose District, Plan VIP61866.
2. That upon receipt of a park land proposal from the applicant, the proposal be referred to the Electoral Area 'G' Parks Recreation and Greenspaces Advisory Committee and a public information meeting prior to reporting back to the Board.

CARRIED

Community Water Definition Amendment to Bylaw No. 500, 1987 – Electoral Areas 'A', 'C', 'D', 'E', 'G' & 'H'.

MOVED Director Stanhope, SECONDED Director Bartram,:

1. That the report on the proposed amendment to the RDN Land Use and Subdivision Bylaw No. 500 concerning the definition of community water supply be received for information.
2. That the Consultation Strategy for the proposed amendments to RDN Land Use and Subdivision Bylaw No. 500 concerning the definition of community water supply be approved.
3. That the Public Information Meetings be chaired by Director Hamilton or Director Stanhope as her alternate and staff be directed to report back to the Electoral Area Planning Committee with a summary of comments and recommendations.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 7:08 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

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

Present:

Director J. Stanhope	Chairperson
Director H. Kreiberg	Electoral Area A
Director G. Lund	Electoral Area B
Alternate	
Director M. Young	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 L. Sherry	City of Nanaimo
Director R. Cantelon	City of Nanaimo
Director G. Korpan	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
T. Osborne	Manager of Recreation & Parks
J. Finnie	General Manager of Environmental Services
N. Tonn	Recording Secretary

CALL TO ORDER

The Chairperson welcomed Alternate Director Young to the meeting.

DELEGATIONS

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

Mr. Zaborniak read from his submission which was included in the Committee of the Whole Agenda and asked the Board to reconsider its position on registering a filing on the property.

LATE DELEGATIONS

MOVED Director D. Haime, SECONDED Director B. Holdom, that Deborah Lang be permitted to address the Committee.

CARRIED

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

Ms. Lang spoke of the personal hardship that would be created if she and her husband were forced to move from their rental residence at this time, and requested the Board consider a grace period of one year if a contravention notice is placed on the property at 1570 Seacrest Road.

MINUTES

MOVED Director Sherry, SECONDED Director Cantelon, that the minutes of the regular Committee of the Whole meeting held June 22, 2004 be adopted.

CARRIED

COMMUNITY SERVICES

RECREATION

Name for Community Park on Taylor Bay Road, Gabriola Island – Area B.

MOVED Director Lund, SECONDED Director Bartram, that the Board authorize the adoption of the name 'Cox Community Park' for the large Community Park located across from Descanso Bay Regional Park on Gabriola Island.

CARRIED

Renewal of Trail Use Licence for Trans Canada Trail.

MOVED Director Krall, SECONDED Director Holdom, that the Regional District enter into a five-year renewable non-exclusive licence for the Trans Canada Trail located on Weyerhaeuser private land.

CARRIED

Application to the Ministry of Transportation for Permits to Develop Water Accesses Nos. 27, 43 and 52 – Area B.

MOVED Director Lund, SECONDED Director D. Haime, that the Regional Board authorize staff to apply to the Ministry of Transportation for permission to use and develop Electoral Area 'B' beach accesses 27, 43 and 52.

CARRIED

TRANSIT

Nanaimo Safer City Alliance Program – Information Update.

MOVED Director Sherry, SECONDED Director Krall, that the Nanaimo Safer City Alliance Program update report be received for information.

CARRIED

CORPORATE SERVICES

ADMINISTRATION

Corporate Communications Policy.

MOVED Director Bartram, SECONDED Director Bibby, that the Corporate Communications Policy A1.26 be approved.

CARRIED

Update on Aggregate Issues – Meetings with Fraser Valley Regional District.

MOVED Director Westbrook, SECONDED Director D. Haime, that the Board support, in principle, the concept of joint intervener status with the Fraser Valley Regional District subject to a final report from our legal council.

CARRIED

FINANCE

Operating Results to June 30, 2004.

MOVED Director Sherry, SECONDED Director McNabb, that the summary report of financial results from operations to June 30, 2004 be received for information.

CARRIED

Amendment to Purchasing Policy A2.9 to Permit the Use of Purchasing Cards & Introduction of Purchasing Card Policy A2.16.

MOVED Director Westbrook, SECONDED Director McNabb,:

1. That Policy A2.9 be approved as amended to permit the use of purchasing cards.
2. That Policy A2.16 – Purchasing Cards be approved.

CARRIED

Financial Plan (2004-2009) Amendment Bylaw No. 1373.02 – Installation of Acoustical Baffles at Oceanside Place.

MOVED Director Bartram, SECONDED Director Longmuir,:

1. That “Regional District of Nanaimo Financial Plan (2004-2009) Amendment Bylaw No. 1373.02, 2004” be introduced for first three readings.
2. That “Regional District of Nanaimo Financial Plan (2004 to 2009) Amendment Bylaw No. 1373.02, 2004” having received three readings be adopted and forwarded to the Ministry of Community, Aboriginal and Women’s Affairs.

CARRIED

Fees and Charges Amendment Bylaw No. 944.04 – Financial Information.

MOVED Director McNabb, SECONDED Director Cantelon, that “Regional District of Nanaimo Fees and Charges Amendment Bylaw No. 944.04, 2004” be introduced for first three readings.

CARRIED

MOVED Director McNabb SECONDED Director Cantelon, that “Regional District of Nanaimo Fees and Charges Amendment Bylaw No. 944.04, 2004” having received three readings be adopted.

CARRIED

FIRE PROTECTION

Bow Horn Fire Protection Service Area Boundary Extension Amendment Bylaw No. 1385.01.

MOVED Director Bartram, SECONDED Director Biggemann, that “Bow Horn Bay Fire Protection Service Area Boundary Extension Amendment Bylaw No. 1385.01, 2004” be introduced for first three readings and forwarded to the Ministry of Community, Aboriginal and Women’s Services for approval.

CARRIED

DEVELOPMENT SERVICES

Riparian Area Regulation.

MOVED Director Korpan, SECONDED Director McNabb, that the Board endorse the resolution in Attachment No. 1 of the staff report and forward it to the 2004 UBCM Annual General Meeting.

CARRIED

New FM Radio Programming Undertaking – Westwave Broadcasting Inc., Mount Benson – Area C.

MOVED Director Sherry, SECONDED Director Krall, that Westwave Broadcasting Inc., be advised that the Regional District has no objections to the proposed license application and installation of a new FM tower, antenna and transmitter building on the property legally described as Lot A, Block 787, Mountain District, Plan VIP75642.

CARRIED

BUILDING INSPECTION

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

Director Bibby asked that these items be dealt with seriatim.

MOVED Director Bibby, SECONDED Director D. Haime, that the recommendation for a notice to be filed against the property owned by Mark Zaborniak and Arlene Nakatsuka, pursuant to Section 57 of the *Community Charter*, be approved and that no further action be taken until a policy review on secondary suites is completed and considered by the Board.

CARRIED

MOVED Director Bibby, SECONDED Director Krall, that staff be directed to conduct a policy review with respect to secondary suite development in the Regional District of Nanaimo and that this item also be referred to the RGMAC/State of Sustainability Project for their input.

CARRIED

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

- (a) Lot 127, District Lot 68, Plan 26680, Nanoose Land District, 1491 Madrona Drive, Electoral Area 'E', owned by R. and I. Maurice.

CARRIED

EMERGENCY PLANNING

Wildland/Urban Interface Fire Update Report.

MOVED Director Bartram, SECONDED Director Longmuir,;

1. That the Wildland/Urban Interface Fire Update be received for information.
2. That a grant application for emergency planning training be submitted as outlined in the staff report.
3. That information with respect to the Wildland/Urban Interface Fire Update be circulated in the Regional Perspectives and the Electoral Directors' Newsletters.

CARRIED

ENVIRONMENTAL SERVICES

LIQUID WASTE

Pump and Haul Local Service Area Bylaw No. 975.37 –2944 Hillview Road – Area E.

MOVED Director Bibby, SECONDED Director Krall,:

1. That the boundaries of the RDN Pump and Haul Local Service Area Bylaw 975 be amended to remove Lot 2, District Lot 117, Nanoose Land District, Plan 18343 (Hillview Road, Area E).
2. That "Regional District of Nanaimo Pump and Haul Local Service Area Amendment Bylaw No. 975.37, 2004" be read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

Greater Nanaimo Pollution Control Centre Dewatering Upgrade – Tender Award.

MOVED Director Sherry, SECONDED Director Holdom, that the Regional District of Nanaimo award the installation of a centrifuge for the GNPCC Dewatering upgrade for the tendered amount of \$251,579 to D. Robinson.

CARRIED

SOLID WASTE

Solid Waste Management Plan – Final Approval.

MOVED Director Sherry, SECONDED Director Longmuir, that the updated Solid Waste Management Plan be approved by the Board and submitted to the Minister of Water, Land and Air Protection.

CARRIED

Waste Stream Management Licensing Bylaw No. 1386.

MOVED Director Sherry, SECONDED Director Longmuir, that the Board give first three readings to "RDN Waste Stream Management Licensing Bylaw No. 1386, 2004" and direct staff to submit the bylaw to the Ministry of Water, Land and Air Protection for approval prior to final adoption.

CARRIED

UTILITIES

Drought Planning Assistance Program – Land & Water British Columbia Inc.

MOVED Director Sherry, SECONDED Director McNabb,:

1. That the staff report be received for information.
2. That the Board support an application for funding under the Drought Planning Assistance Program.

CARRIED

West Bay Estates Water Service Reserve Fund Bylaw No. 1394 – Area E.

MOVED Director Bibby, SECONDED Director Krall, that "West Bay Estates Water Service Reserve Fund Bylaw No. 1394, 2004" be introduced for first three readings.

CARRIED

MOVED Director Bibby, SECONDED Director Krall, that "West Bay Estates Water Service Reserve Fund Bylaw No. 1394, 2004" having received three readings be adopted.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

Regional Waste Advisory Committee.

MOVED Director Biggemann, SECONDED Director Krall, that the minutes of the Regional Waste Advisory Committee meeting held April 15, 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 June 24, 2004 be received for information.

CARRIED

Grants-in-Aid Committee.

MOVED Director McNabb, SECONDED Director Bartram, that the minutes of the Grants-in-Aid Committee meeting held July 16, 2004 be received for information.

CARRIED

School District 69

MOVED Director McNabb, SECONDED Director Bartram, that the following grant be awarded:

Qualicum Beach Historical Museum Society	\$ 4,000
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CARRIED

Deep Bay Harbour Authority.

Director Bartram noted that there will be a re-burial ceremony at the Deep Bay Harbour Authority on Friday, July 30, 2004.

ADDENDUM

CORPORATE SERVICES

FIRE PROTECTION

Fire Truck Purchase – Fire Pumper Vehicle for the Coombs Hilliers Fire Department.

MOVED Director McNabb, SECONDED Director Biggemann,:

1. That a fire pumper vehicle, plus additional equipment, be purchased from Profire Emergency Equipment Inc. for an amount not to exceed \$263,000 plus taxes.
2. That a total of \$213,000 plus taxes in debt financing for the vehicle be arranged as outlined in this report.

CARRIED

NEW BUSINESS

Hogweed Update.

The Chief Administrative Officer provided an update on the lobbying by the Regional District for provincial regulation of hogweed and its placement on the provincial noxious weed list.

IN CAMERA

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

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 8:22 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE EMERGENCY PREPAREDNESS MEETING HELD ON THURSDAY, 21 JULY, 2004, AT 7:00 PM IN THE RDN BOARD CHAMBERS

Note: these minutes are not a verbatim recording of the proceedings, but are intended to summarize the comments of those in attendance.

Present:

Lou Biggemann, Committee Chair & Electoral Area Director
Henrik Kreiberg, Alternate Committee Chair & Electoral Area Director
Robert Lapham, RDN General Manager, Development Services (ECC Director Alternate)
Jani M. Thomas, RDN Emergency Preparedness Coordinator (EPC)
Nanaimo RCMP Inspector of Operations Lou Racz
Nanaimo EPC Jim Kipp
City of Parksville EPC Doug Banks (also Fire Chief)
Town of Qualicum Beach Fire Chief Chris Jankowski
North Cedar VFD Chief Brian Morgan
Cranberry VFD Chief Ron Guculette
Gabriola Island VFD Chief Rick Jackson
Extension VFD Chief Bruce Deinstadt
Bow Horn Bay VFD Fire Chief Steve Anderosov
North Oyster, Chief Jason De Jong
Nanoose Bay Deputy Fire Chief Gary Dorland
Nanaimo SAR Manager Allen Tomm
Arrowsmith SAR Manager, Ken Neden
Min. of Transportation, Vancouver Island District Manager, Maintenance and Rehabilitation,
Martin Madelung
Oceanside (SD69) Emergency Social Services (ESS) Director Keith Smith

Regrets:

RDN EPC Alternate Maurcen Pearse
Town of Qualicum Beach EPC Stewart Moore
BCAS North, Rob Boorman
BCAS South, Bill Austin
East Wellington VFD Chief Steve Ellis
Errington VFD Chief Colin Catton
Dashwood VFD Chief Len Jensen
Lantzville VFD Chief Tom Whipps
Nanaimo ESS Co-Director Audrey Martin

An introduction was given by the Committee Chair, Electoral Area Director Lou Biggemann.

J. Thomas and R. Lapham conducted a power point presentation and update of the Emergency Program Initiatives to date including:

- Fire Hazard Mapping available on RDN website – PDF version of Emergency Planning site. Fire Hazard Ratings are now available on the RDN interactive map
- A web based Emergency Plan will shortly be available to the public
- Building Inspection encouragement of utilization of non-combustible building materials
- Development issues
 - Official Community Plan - potential development permit areas and/public education
 - Subdivisions – interface and/or wildlands protection assessment
- Level 2 and 3 Wildland/Urban Interface Fire Contingency Plan close to completion
- Provincial Grant Programs administered via UBCM, application pending Board approval for elected Officials and Emergency Coordination Center (ECC) Section staff training
- Joint Emergency Preparedness Program (JEPP) applications – deadlines and qualified requests
- Regional fire equipment inventory in progress by most fire departments

The question was posed if the RDN would benefit from hiring a mapping consultant, such as the City of Nanaimo did (Strathcona Consultants) to provide up to date data. The data on the FireSmart Hazard mapping is from 1996 and 2000, and does not show many new areas of development.

Director Kreiberg suggested that the cost of such an endeavor may determine the feasibility of such an undertaking, and questioned if it might be of benefit to the RDN Growth Management Plan. R. Lapham stated that this proposal would be taken to the RDN Board as part of the proposed work program for next year, as no funds were allocated for this fiscal year. L. Racz and L. Biggemann supported the idea of one common map that could be updated, and utilized by all emergency preparedness stakeholders.

R. Lapham discussed planning aspects with regard to new subdivisions - input from Fire Chiefs regarding requirement or placement of firebreaks would be valuable. Input from fire departments identifying properties with access risks could then be forward to the RDN planning department for consideration, who in turn could liaise with the Ministry of Transportation (MoT). M. Madelung stated that MoT permitted developers to construct roads, however, they may have to wait to acquire right-of-way land for a future phase of the development. M. Madelung added that while they are the approving authority for roads and subdivision access, they do not refer the development applications to fire departments for approval. Fire hazard mapping information would be of benefit in this planning phase.

B. Deinstadt felt that fire department regulatory bylaws were unenforceable at this time. R. Lapham responded that the key to risk reduction was public awareness and that bylaw enforcement was currently reviewing the regulatory fire bylaw enforcement options.

Fire chiefs were interested in joint training opportunities - should one organization have openings on booked training sessions, where possible, others could be notified of the opportunity to participate. D. Banks informed the Committee that the Vancouver Island Fire Chiefs association was offering ICS 200 at a cost of \$50.00/person, as opposed to the standard cost of \$125.00, and the opportunity to take part in this training was still possible. The chiefs stated they would also like more information on accessing grants; R. Lapham responded that once information was obtained, it could be provided via email. L. Biggemann suggested that routine contact with the RDN EPC would also be productive for information requests.

Radio communication and access to common frequencies was discussed. L. Racz stated that a Memorandum of Understanding required in order for the RDN to be permitted to access municipal police, fire, public works and ECC operational radio frequencies. The City of Nanaimo has a linking system in place that allows these departments to communicate with one another, while leaving another channel free.

J. Kipp stated that other interested local government jurisdictions would be able to join this system, and would provide information regarding process and implementation via email to the RDN EPC within a week. D. Banks also expressed interest in joining this common frequency system.

R. Lapham provided an update on the status of the draft MAA with the SD 68 fire departments. D. Banks informed the group that the regional fire equipment inventory, proposed by R. Lambert included Emergency Management Agreement partners, and existing MAA VFD partners. The inventory was viewed a method to coordinate emergency response efforts. This regional inventory is separate from the Office of the Fire Commissioner inventory request.

R. Lapham asked the Committee if members had any new information or business to discuss.

- J. Kipp stated that the MIECM had gone to the UBCM regarding HAZMAT issues, and pursuing the goal of having industry fund HAZMAT awareness courses for first responding personnel. A study is underway, funded by the Capital Regional District, to put together a HAZMAT team in Victoria, with members specifically HAZMAT trained in various municipal fire departments. This approach is being examined for use in the mid island area.
- K. Smith provided an update on the recent reception centre opening drill conducted at the Parksville Community Centre. He has had citizens from the Deep Bay/Bowser area express interest in emergency preparedness, and the need for a northern reception centre. R. Lapham stated that the Light House Hall could be a possibility. K. Smith, J. Thomas and S. Anderosov will meet to investigate this issue. J. Kipp added that Nanaimo ESS trains Parks and Recreation staff in ESS, and that they have a mobile 16 ft. reception centre trailer that was acquired with the supplement of JEPP funding.
- S. Anderosov felt that fire risk in the Spider Lake area was extreme, and felt that the installation of an evacuation siren may be useful. R. Jackson also expressed interest due to large areas of 'extreme' fire risk on Gabriola Island, and particularly fire and access/egress risks at Descanso Bay Regional Park. R. Jackson was also concerned about the amount of debris/fuel that he observed lying on the ground in his area, and also added that he would like to see some regulations or more inspections of chimney screens, to reduce fire risk.
- A. Tonn stated that Nanaimo SAR has a mobile command vehicle with full communications capability, and radio licenses to talk to fire departments, PEP, and that the RDN could call upon SAR to utilize the vehicle should the need arise.

R. Lapham stated that work and budget plans would be presented to the RDN Board in the fall, and the outcome would shape the direction and scope of the RDN emergency preparedness program over a five year period, as proposed in the 5 year plan described at the Committee meeting of 27 May 2004.

The meeting adjourned at 8:50 PM.


Jami Thomas, Recording Secretary



REGIONAL DISTRICT OF NANAIMO		
AUG - 4 2004		
CHAIR	GMCrs	
CEO	GMDS	
GENERAL	FINES	
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MEMORANDUM

TO Tom Osborne
Manager of Recreation and Parks

DATE: August 3, 2004

FROM Joan Michel
Parks and Trails Coordinator

FILE: 6040-01

SUBJECT Proposed Thompson Clarke Ocean Trail - Electoral Area 'H'

PURPOSE

To obtain Regional Board authorization to conclude a lease agreement with Mr. George Cousineau, landowner of 4891 Thompson Clarke Drive in Deep Bay, and to obtain a permit from the Ministry of Transportation to improve undeveloped Bowser road allowance, all for the purpose of developing a 182 metre long community trail linking Deep Bay and Bowser.

BACKGROUND

Currently there is no public access between Deep Bay and Bowser on the ocean side of Highway 19A – see Map 1. Typically, people trespass on E&N property and use the tracks as a way to get through. The lack of a public access between Deep Bay and Bowser affects many, but in particular, it affects the students of Bowser Elementary who live in Deep Bay. The only legal access between the two communities involves going out onto Highway 19A and the law requires that no young children walk or cycle to school via a highway. Therefore arrangements must be made to bus Deep Bay children the short distance to Bowser Elementary. With an authorized public trail connection in place between Thompson Clarke Drive in Deep Bay and Ocean Trail in Bowser, the costly bussing requirement can be terminated and the community will gain some of the trail identified as desirable in the Electoral Area 'H' Official Community Plan. As well, going forward with trail development in this location provides the opportunity to create a formal public access to adjacent Community Park H-4, currently undeveloped and effectively inaccessible.

The proposed Thompson Clarke-Ocean Trail connector crosses the private land of Mr. George Cousineau in addition to undeveloped road allowance under the management of the Ministry of Transportation – see Map 2. A private lease agreement with Mr. Cousineau is required to govern use of his property for public trail. RDN staff members have met with Mr. Cousineau and, given a number of conditions (see below) to be included in a five-year lease, he is willing to allow a formal public trail along the edge of his property. In the past, Mr. Cousineau had permitted the public to pass through his property on an informal basis, however abuse, principally by motorcyclists, caused him to block the passage. A rough trail remains in place and this will be upgraded as part of the current trail proposal. A permit from the Ministry of Transportation to develop Highways road allowance is required to improve the old trail on the Crown land portion of the proposed trail connector. There should be no problem obtaining the permit from the Ministry. This permit will also serve to provide formal access to Community Park H-4.

Mr. Cousineau's conditions of acceptance of a trail lease relate first to the right of way (ROW) in favour of the Deep Bay Water Works along the southwestern boundary of his property. The ROW is in place to accommodate a buried water line and a set of above-ground water valves controlling a pipe junction. The proposed trail is to share the ROW corridor with the water pipes although, if possible, the trail will not be placed on top of a water line. The Deep Bay Water Works (DBWW) is amenable to sharing the ROW with the RDN as long as DBWW is able to gain access to their line and the RDN does not install any improvements that might jeopardize the integrity of the line (e.g., trees). A written memorandum of understanding between the RDN and DBWW will outline how the public trail and water line can co-exist, delineate each party's responsibilities and form an attachment to the lease agreement between Mr. Cousineau and the RDN.

Mr. Cousineau's other conditions of acceptance of public trail require that the RDN:

- (a) erect a 1.8-metre-high 46-metre-long cedar fence to screen the trail from open grounds by the entrance to his Thompson Clarke Drive property;
- (b) effectively bar motorcycles and other unauthorized vehicles from the trail;
- (c) control litter; and,
- (d) compensate Mr. Cousineau for his legal costs to review the lease agreement up to an agreed upon amount.

Should the above conditions not be maintained, the agreement will allow for the property owner to terminate the lease and all improvements and assets paid for by the RDN will be removed and returned to the Regional District.

Map 2 shows the elements of proposed trail development; a survey will be required to confirm boundaries, particularly those of the road allowance. A cedar fence will be installed beginning at Mr. Cousineau's driveway and ending where the tree line starts alongside the trail corridor. A stile designed to permit authorized vehicular access to the ROW by the Deep Bay Water Works will be installed at each end of the trail. Barrier rock will be installed at the western end of the trail to block motorcyclists from skirting the stile and coming onto the trail via the E&N railway. The trail surface will be crushed rock. Tread surface width will vary from approximately two metres at the western end to one metre in spots like the steep muddy section of trail between the two existing serviceable culverts where stairs and a drainage ditch will be required. A pre-cast concrete garbage can will be installed at the eastern end of the trail. Signage directing users will be installed on the outside of the stiles. A thank-you sign for Mr. Cousineau and a reminder to respect private property will be installed along the cedar fence inside the trail corridor. Ferns and other small native species will be planted between the trail and fence in lieu of the existing lawn in order to minimize maintenance requirements.

The total anticipated cost of the survey, legal work and improvements for the proposed trail is \$10,000. It should be possible to conclude the agreement with Mr. Cousineau, the memorandum of understanding with the Deep Bay Water Works, the survey and the permit application process with the Ministry of Transportation in August of this year, with development taking place in September.

ALTERNATIVES

1. To prepare an agreement with Mr. George Cousineau of Deep Bay to use his property for a community trail and to apply to the Ministry of Transportation for permission to use and improve the undeveloped section of Ocean Trail in Bowser in Electoral Area 'H'.
2. To provide alternative direction to staff regarding the proposed trail connector.

FINANCIAL IMPLICATIONS

The cost of developing this 182-metre (600 foot) trail public passage is \$10,000. Assuming some use of the prior year's budget surplus, the Area 'H' Community Parks Budget can accommodate the project costs of developing the proposed trail along Mr. Cousineau's property, as well as an annual maintenance cost of about \$300. Community volunteers will be used to assist with landscaping and annual spring clean up, as well as to regularly monitor trail condition and usage.

CITIZEN IMPLICATIONS

The cost of developing this 182-metre (600 foot) trail public passage is considered worthwhile because the proposed trail will make a significant community connection well supported by the Area 'H' Official Community Plan, as well as relieve the School Board of the cost of a bus route. There are no alternative route options other than the E&N railway, an option that is too expensive and complicated to pursue for the foreseeable future.

The private landowner and his neighbours have expressed their willingness to accommodate a public trail on the condition that the RDN manages it so as to prevent abuse by unauthorized motorcyclists and ensure garbage does not become an issue. Community volunteers working with young children and promoting trail use have identified this project as a priority and will assist the RDN in making sure the trail works. The recently approved Area 'H' OCP supports a community trail in this location.

Should the trail prove successful from Mr. Cousineau's perspective, it may be possible in future to secure the trail by easement or ROW.

SUMMARY

Community representatives involved with the transit of elementary school children in Deep Bay asked the RDN to secure a public trail passage between Thompson Clarke Drive in Deep Bay and Ocean Trail in Bowser. The identified route crosses private land and a short section of undeveloped public road allowance. The route reflects the proposed community trail corridor shown in the recently approved Electoral Area 'H' Official Community Plan. RDN staff members have met with the private landowner and conclude that the RDN is able and prepared to meet the conditions of passage set out by the landowner. These conditions include the installation of fencing between the trail and the grounds of the private landowner's residence, the effective barring of motorcycles, and the concurrence of the Deep Bay Water Works, holder of a right of way for water line running under the proposed trail location. The balance of the proposed trail located on undeveloped road allowance is governed by the Ministry of Transportation and will require a permit to construct from the Ministry. The total cost of developing the approximately 182-metres of trail for pedestrians and cyclists is \$10,000; annual maintenance is expected to be around \$300. These expenses are within the Electoral Area 'H' Community Parks Budget assuming some use of prior year surplus. It should be possible to secure all necessary agreements, permits and the survey in August 2004 with development to follow in September. If the trail access agreement were to be terminated, the RDN would be able to remove and reuse most of the improvements made to the trail.

RECOMMENDATION

That the Regional District prepare an agreement with Mr. George Cousineau of Deep Bay to use his property for a community trail and to apply to the Ministry of Transportation for permission to use and improve the undeveloped section of Ocean Trail in Bowser.

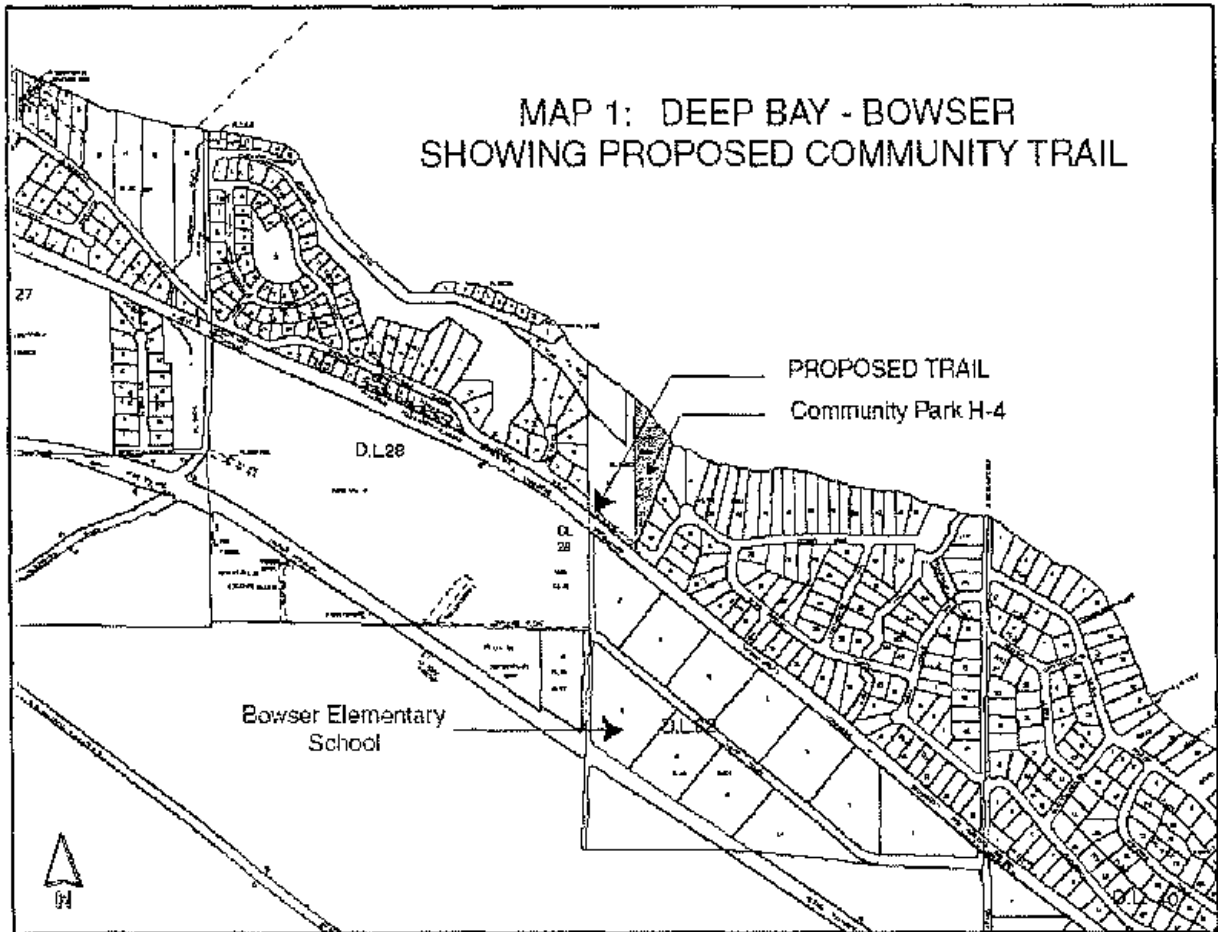
Linda Burgoyne for J. Michel
Report Writer

General Manager Concurrence

Deab for J. Osborne
Manager Concurrence

A. M. W.
ACAO Concurrence

COMMENTS:



Map 2: Thompson Clarke - Ocean Trail Site Plan

