

REGIONAL DISTRICT OF NANAIMO

**BOARD MEETING
TUESDAY, SEPTEMBER 28, 2004
(immediately following the Hospital Board meeting)**

(RDN Board Chambers)

A G E N D A

PAGES

1. **CALL TO ORDER**
 2. **DELEGATIONS**
 - 10 **Gwen Harmen, Nanaimo Film Society/Film Nanaimo, re Services Provided by Film Nanaimo.**
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 - 11-23 **Minutes of the Board meeting held on August 10, 2004 and the Special Board meeting held September 14, 2004.**
 4. **BUSINESS ARISING FROM THE MINUTES**
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 - 24 **Maura Rafferty, re Development Variance Permit Application No. 90414 -- Kawerau & Butler -- 1405 Reef Road -- Area E.**
 6. **UNFINISHED BUSINESS**

From the Board meeting held July 13, 2004.

ADMINISTRATOR'S REPORTS
 - 25-31 **Retaining Walls Adjacent to the Ocean. (Electoral Area Directors except EA 'B' -- One Vote)**
- BYLAWS**
- For Adoption.**
- Bylaw No. 975.36 -- Pump and Haul Local Service Area Amendment Bylaw -- T. Rivney - Dolphin Drive -- Area E. (All Directors - One Vote)**
- Bylaw No. 975.37 -- Pump and Haul Local Service Area Amendment Bylaw -- W. Hutton - 2944 Hillview Road - Area E. (All Directors - One Vote)**

- 32-37 **Bylaw No. 500.301 – Keith Brown & Associates, on behalf of 646268 BC Ltd. (Country Kitchen) – 1922 Schoolhouse Road – Area A. (Electoral Area Directors except EA 'B' – One Vote)**

Public Hearings.

- 38-58 Report of the Public Hearing held September 17, 2004 with respect to Land Use and Subdivision Amendment Bylaw No. 500.300 – North Cedar Improvement District (NCID) – Yellow Point Road – Area A. (Electoral Area Directors except EA 'B' – One Vote).

- 59-73 Report of the Public Hearing held September 7, 2004 with respect to Land Use and Subdivision Amendment Bylaw Nos. 500.302, 500.303, 500.304, 500.305 and 500.306 – Fern Road Consulting on behalf of West Coast Rangers Ltd., Vincent, Stranaghan, Tennant and Bartzen – Spider Lake Road and Horne Lake Road – Area H. (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

- 74-76 Minutes of the Electoral Area Planning Committee meeting held September 14, 2004. (for information)

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60437 – Lajeunesse – 1539 Gordon Road – Area A. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to DP Application No. 60437.

That Development Permit Application No. 60437 submitted by Rob Lajeunesse to approve the land alteration works that have been undertaken within the Streams, Nesting Trees, and Nanaimo River Floodplain Development Permit Area that consists of the introduction of large amounts of fill to create access to a proposed new lot on the property legally described as the North 1/4 of Section 17, Range 8, Cranberry District, Shown on Plan Deposited Under DD5657N, Except Parts in Plans 31020, 40229, and 2735 RW, be approved subject to the requirements outlined in Schedule No. 1.

Development Permit Application No. 60440 – Keith Brown & Associates on behalf of 646268 BC Ltd. (Country Kitchen) – 1922 Schoolhouse Road – Area A. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to DP Application No. 60440.

That Development Permit No. 60440 submitted by Keith Brown & Associates, on behalf of 646268 BC Ltd., for the property legally described as Lot 1, Section 13, Range 6, Cranberry District, Plan 12009 and located at 1922 Schoolhouse Road, be approved, subject to the conditions outlined in Schedule Nos. 1, 2, 3, 4, 5 and 6 of the corresponding staff report and to the notification procedure subject to the Local Government Act with respect to the proposed variances.

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90413 – Skollsberg – 3584 Outrigger Road – Area E. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to DVP Application No. 90413.

That Development Variance Permit Application No. 90413, submitted by the property owners Jan-Wilhelm Skollsberg and Anne-Christine Skollsberg for the property legally described as Lot 7, District Lot 78, Nanoose District, Plan 19688 to relax the maximum permitted height to allow for the architectural style and construction of the proposed accessory building be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the Local Government Act.

Development Variance Permit Application No. 90414 – Kawerau & Butler – 1405 Reef Road – Area E. (Electoral Area Directors except EA 'B' – One Vote)

Delegations wishing to speak to DVP Application No. 90414.

That Development Variance Permit Application No. 90414, submitted by the property owners Peter Kawerau and Karen Butler for the property legally described as Lot 23, District Lot 38, Nanoose District, Plan 21633 to legalize the siting of an existing dwelling unit and to facilitate the replacement of an existing attached deck within the front lot line setback area by relaxing the minimum required front lot line setback requirement from 8.0 metres to 3.3 metres and the minimum interior side lot line setback requirement from 2.0 metres to 1.6 metres, be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the Local Government Act.

Development Variance Permit Application No. 90415 & Request for Relaxation of the Minimum 10% Frontage Requirement – Fern Road Consulting Ltd. on behalf of V & M Fritzsche – 1410, 1420 and 1424 Hodge's Road – Area G. (Electoral Area Directors except EA 'B' – One Vote)

That this item be deferred to allow for further consultation.

OTHER

Consideration 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)

That the park land proposals submitted by Lost Lake Properties Ltd. be refused and that the Regional District require that park land be dedicated in conjunction with the proposed subdivision of Lots 1 and 2, Both of District Lot 28, Nanoose District, Plan VIP61866 in the location and amount detailed on Schedule No. 1 of the staff report.

Temporary Use Permit No. 0401 – James & Ellen Rothwell – 241 Hilliers Road North – Area G. (Electoral Area Directors except EA 'B' – One Vote)

That Temporary Use Permit No. 0401, submitted by Jim and Ellen Rothwell for the property legally described as Lot 1, District Lot 91 and 42, Newcastle District and District Lot 144, Nanoose District, Plan 13306, Except Part in Plan VIP59597, to allow a temporary soil mixing and compost storage operation be approved, subject to the Conditions of Approval outlined in Schedule No. 1 and subject to comments received as a result of the notification requirements pursuant to the Local Government Act.

Request for Relaxation of the Minimum 10% Frontage Requirement – Dave Scott on behalf of 3170497 Canada Inc., Commonly Known as Fairwinds Development – Carmichael Road – Area E. (Electoral Area Directors except EA 'B' – One Vote)

That the request from David Scott, on behalf of 3170497 Canada Inc., commonly known as Fairwinds Development, to relax the minimum 10% perimeter frontage requirement for Proposed Lot 5 shown on the Revised Plan of Proposed Subdivision of Phase 9A be approved subject to Schedule No. 1 of the corresponding staff report.

Electoral Area 'F' – Delegation of Authority for Non-Farm Uses. (Electoral Area Directors except EA 'B' – One Vote)

That the staff report be received for information.

That staff be directed to report back with a detailed assessment of the implications of assuming delegation of authority for non-farm uses in Electoral Area 'F' and prepare a draft delegation agreement to consider assuming delegation of authority for non-farm uses in Electoral Area 'F'.

DIRECTOR'S AGENDA ITEM

Traffic Flow on Corcan Road. (Electoral Area Directors except EA 'B' – One Vote)

That the Regional District of Nanaimo request that the Ministry of Transportation work with staff of the RDN to investigate both long and short term solutions to resolve the traffic flow problems on Corcan Road as part of their 2005-2006 work program.

7.2 COMMITTEE OF THE WHOLE STANDING COMMITTEE

77-82 Minutes of the regular Committee of the Whole meeting held September 14, 2004. (for information)

COMMUNICATIONS/CORRESPONDENCE

Bill Barisoff, Minister, Ministry of Water, Land and Air Protection, re Fish Protection Act. (All Directors – One Vote)

That the correspondence from the Minister of Water, Land and Air Protection with respect to the Fish Protection Act be received.

COMMUNITY SERVICES

Green Buildings. (All Directors – One Vote)

That the August 31, 2004 report, "Green Buildings", be received.

That terms of reference for a project to promote green building in the region be developed for the Board's consideration.

RECREATION & PARKS

Draft Bylaw No. 1399 to Provide for the Regulation of Park Use in the RDN. (All Directors – One Vote)

That the draft 'Bylaw to Provide for the Regulation of Parks in the Regional District of Nanaimo' be received and that staff be authorized to disseminate the bylaw for public comment.

CORPORATE SERVICES

FIRE PROTECTION

Financing Bylaws – San Pareil Water Service Security Issuing Bylaw No. 1395 & Coombs-Hilliers Fire Service Security Issuing Bylaw No. 1396.

1. *That "Regional District of Nanaimo (San Pareil Water Service) Security Issuing Bylaw No. 1395, 2004" be introduced for first three readings. (All Directors – Weighted Vote)*
2. *That "Regional District of Nanaimo (San Pareil Water Service) Security Issuing Bylaw No. 1395, 2004" having received three readings, be adopted and forwarded to the Ministry of Community, Aboriginal and Women's Services for a Certificate of Approval. (All Directors – 2/3)*
3. *That "Regional District of Nanaimo (Coombs-Hilliers Fire Service) Security Issuing Bylaw No. 1396, 2004" be introduced for first three readings. (All Directors – Weighted Vote)*

4. *That "Regional District of Nanaimo (Coombs-Hilliars Fire Service) Security Issuing Bylaw No. 1396, 2004" having received three readings be adopted, and forwarded to the Ministry of Community, Aboriginal and Women's Services for a Certificate of Approval. (All Directors – 2/3)*

DEVELOPMENT SERVICES

BYLAW ENFORCEMENT

Section 57 of the Community Charter – Contravention of Bylaw – Peter and Kathleen Kiidumae – 2993 Dolphin Drive – Area E. (All Directors - One Vote)

That this item be deferred to allow for further discussion with property owners.

ENVIRONMENTAL SERVICES

LIQUID WASTE

Lasqueti Island Septage.

1. *That "Regional District of Nanaimo Trucked Liquid Waste Disposal Amendment Bylaw No. 988.06, 2004" be introduced for three readings. (All Directors – One Vote)*
2. *That "Regional District of Nanaimo Trucked Liquid Waste Disposal Amendment Bylaw No. 988.06, 2004" having received three readings be adopted. (All Directors – 2/3)*

SOLID WASTE

Non-Profit Organizations – Solid Waste Tipping Fee Waivers. (All Directors – One Vote)

That the Board receive the status report on non-profit organizations tipping fee waiver policies for information.

Status of the Provincial Product Stewardship Business Plan. (All Directors – One Vote)

That the report on the status of the Provincial Product Stewardship Business Plan be received for information.

That the RDN Board send a letter to the BC Premier, copied to the Minister of Water, Land and Air Protection and UBCM encouraging the Province to accept industry product stewardship plan proposals that are consistent with the guiding principles of the product stewardship business plan and amend the stewardship regulation to include electronics.

UTILITIES

Melrose Terrace Community Water Supply Service Area Establishment Bylaw No. 1397 & Melrose Terrace Community Water Supply Service Area Loan Authorization Bylaw No. 1398 – Area F. (All Directors – One Vote)

1. *That "Melrose Terrace Community Water Supply Service Area Establishment Bylaw No. 1397, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*
2. *That "Melrose Terrace Community Water Supply Service Area Loan Authorization Bylaw No. 1398, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*

French Creek Sewer Local Service Area Bylaw No. 813.29 & Northern Community Sewer Local Service Area Bylaw No. 889.27 – 978 Lee Road – Area G. (All Directors – One Vote)

1. *That "French Creek Sewer Local Service Area Bylaw No. 813.29, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*
2. *That "Northern Community Sewer Local Service Area Bylaw No. 889.27, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*

Morningstar Streetlighting Local Service Area Boundary Amendment Bylaw No. 869.06 – Wembley Road – Area G. (All Directors – One Vote)

That "Morningstar Streetlighting Local Service Area Boundary Amendment Bylaw No. 869.06, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

Surfside Sewer Local Service Area Bylaw No. 1124.03 & Northern Community Sewer Local Service Area Bylaw No. 889.28 – 965 Surfside Drive – Area G. (All Directors – One Vote)

1. *That "Regional District of Nanaimo Surfside Sewer Local Service Area Bylaw No. 1124.03, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*
2. *That "Regional District of Nanaimo Northern Community Sewer Local Service Area Bylaw No. 889.28, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.*

COMMISSION, ADVISORY & SELECT COMMITTEE

Area B Parks & Open Space Advisory Committee. (All Directors – One Vote)

That the minutes of the Area B Parks & Open Space Advisory Committee meeting held June 29, 2004 be received for information.

Nanoose Bay Parks & Open Space Advisory Committee. (All Directors – One Vote)

That the minutes of the Nanoose Bay Parks & Open Space Advisory Committee meetings held March 22 and July 12, 2004 be received for information.

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

That the minutes of the Regional Growth Monitoring Advisory Committee/Status of Sustainability Project meetings held July 21, August 18 and September 1, 2004 be received for information.

Regional Parks Plan Review Select Committee. (All Directors – One Vote)

That the minutes of the Regional Parks Plan Review Select Committee meeting held July 5, 2004 be received for information.

ADDENDUM

CORPORATE SERVICES

FIRE PROTECTION

Open Burning as a Land Clearing Technique. (All Directors – One Vote)

That the Board request the MWLAP to act on the 1996 request to change portions of the RDN to Category A under the OBSCR.

That the Board direct staff to further consider the issue of banning burning in the rural urban interface in the 2005 workplan.

7.3 EXECUTIVE STANDING COMMITTEE

7.4 COMMISSIONS

7.4 SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

Transit Business Plan Update Select Committee.

83-84 Minutes of the Transit Business Plan Update Select Committee meeting held September 9, 2004. (for information) (All Directors – One Vote)

(All Directors – One Vote)

85-86 *That staff prepare a report, including financial details, on the Option 1 transit service expansion outlined in the Nanoose Bay Transit Service Review Report by BC Transit, that could be used in conjunction with public consultation with Electoral Area 'E' residents.*

Gabriola Island Parks and Open Space Advisory Committee.

8. ADMINISTRATOR'S REPORTS

Delegations wishing to speak to Development Permit Application No. 60418.

87-101 Development Permit Application No. 60418 – Gunning – 1733 Admiral Tryon Boulevard – Area G. (Electoral Area Directors except EA 'B' – One Vote)

102-111 Zoning Amendment Application No. ZA0414 – RDN and Department of National Defense – Area E. (Electoral Area Directors except EA 'B' – One Vote)

112-114 Nanaimo Area Land Trust Additional Funding Request. (All Directors -- Weighted Vote)

Delegations wishing to speak to Liquor-Primary Licence – Cassidy Inn.

115-119 Request to Amend Liquor-Primary Licence for Cassidy Inn Hotel – 2954 Canyon Road (off the Trans Canada Highway) – Area A. (All Directors -- One Vote)

9. ADDENDUM

10. BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

11. NEW BUSINESS

12. BOARD INFORMATION (Separate enclosure on blue paper)

13. ADJOURNMENT

14. IN CAMERA

That pursuant to Section 90(1) (g) of the Community Charter the Board proceed to an In Camera meeting to consider items relating to legal matters.



REGIONAL DISTRICT OF NANAIMO			
JUL 14 2004			
CHAIR	<i>[Signature]</i>	GMCrs	
CAO	<i>[Signature]</i>	GMDS	
GMCrs		GMES	<i>[Signature]</i>

July 12, 2004

Joe Stanhope
Chairperson
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, BC V9T 6N2

Dear Mr. Stanhope:

The Nanaimo Film Society / Film Nanaimo respectfully requests the opportunity to make a presentation to the Regional District of Nanaimo's Board of Directors at its September board meeting.

The purpose of the presentation is to inform the members of the board about Film Nanaimo and the services it provides to the Regional District of Nanaimo.

We look forward to hearing from you and to meeting the members of the Regional District of Nanaimo Board.

Yours truly,

Gwen Harmen
Gwen Harmen
Director



REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE REGULAR MEETING OF THE BOARD
OF THE REGIONAL DISTRICT OF NANAIMO HELD ON
TUESDAY, AUGUST 10, 2004, AT 7:00 PM IN THE
RDN BOARD CHAMBERS**

Present:

Director J. Stanhope	Chairperson
Director H. Kreiberg	Electoral Area A
Director E. Hamilton	Electoral Area C
Alternate	
Director H. Webster	Electoral Area E
Director L. Biggemann	Electoral Area F
Director D. Bartram	Electoral Area H
Director R. Longmuir	City of Parksville
Director T. Westbrook	Town of Qualicum Beach
Alternate	
Director B. Dempsey	District of Lantzville
Director G. Korpan	City of Nanaimo
Director T. Krall	City of Nanaimo
Director R. Cantelon	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
C. Mason	Gen. Mgr. of Corporate Services
B. Lapham	Gen. Mgr. of Development Services
N. Connelly	Gen. Mgr. of Community Services
J. Finnie	Gen. Mgr. of Environmental Services
N. Tonn	Recording Secretary

CALL TO ORDER

The Chairperson welcomed new staff members, Adrienne Mercer, Communications Coordinator, and Jason Ulewelyn, Manager of Community Planning and formally introduced them to the Board members.

DELEGATIONS

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

Mr. Clermont was not in attendance.

BOARD MINUTES

MOVED Director Sherry, SECONDED Director Krall, that the minutes of the Board meeting held July 13, 2004 be adopted.

CARRIED

UNFINISHED BUSINESS

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 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 and the following conditions as agreed by the applicant:

A septic maintenance covenant requiring inspection of the sewage disposal system every 3 years to ensure that the septic system is inspected and found to be functioning according to the septic systems design and that the effluent is being treated to the appropriate standard;

A restriction on the zoned uses eliminating agriculture, aquaculture and produce stand;

A restriction on the keeping of animals to household pets only;

A restriction on the removal of vegetation to a maximum of 50%;

The requirement to install package treatment plants on all lots; and

Registration of Engineering reports.

CARRIED

BYLAWS

Public Hearing.

Bylaw No. 500.301.

MOVED Director Kreiberg, SECONDED Director Hamilton, that the report of the Public Hearing containing the Summary of the Minutes and Submissions of the Public Hearing held on August 4, 2004 as a result of public notification with respect to "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.301, 2004" be received.

CARRIED

MOVED Director Kreiberg, SECONDED Director Hamilton, 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 of Transportation for approval pursuant to the *Highway Act*.

CARRIED

MOVED Director Kreiberg, SECONDED Director Hamilton, that the conditions as outlined in Schedule No. 1 be secured and/or completed by the applicant to the satisfaction of the Regional District prior to consideration of adoption of Bylaw No. 500.301, 2004.

CARRIED

STANDING COMMITTEE, SELECT COMMITTEE AND COMMISSION MINUTES AND RECOMMENDATIONS

ELECTORAL AREA PLANNING STANDING COMMITTEE

MOVED Director Hamilton, SECONDED Director Bartram, that the minutes of the Electoral Area Planning Committee meeting held July 27, 2004 be received for information.

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 Hamilton, 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 Bartram, that the minutes from the Public Information Meeting held on June 18, 2004 be received.

CARRIED

MOVED Director Kreiberg, SECONDED Director Bartram, 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.

CARRIED

MOVED Director Kreiberg, SECONDED Director Bartram, that “Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.300, 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. 500.300, 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. 500.300, 2004” be delegated to Director Kreiberg or his alternate.

CARRIED

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

MOVED Director Bartram, SECONDED Director Biggemann, that the minutes of the Public Information Meeting held on July 14, 2004 be received.

CARRIED

MOVED Director Bartram, SECONDED Director Hamilton, 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.

CARRIED

MOVED Director Bartram, SECONDED Director Hamilton, 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.

CARRIED

MOVED Director Bartram, SECONDED Director Hamilton, 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.

CARRIED

MOVED Director Bartram, SECONDED Director Hamilton, that the public hearing on "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 delegated to Director Bartram or his alternate.

CARRIED

DEVELOPMENT PERMIT APPLICATIONS

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

MOVED Director Hamilton, SECONDED Director Bartram, 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.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, 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) – 1594 & 1596 MacMillan Road – Area A.

MOVED Director Hamilton, SECONDED Director Kreiberg, 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 Hamilton, 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 Hamilton, 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 Hamilton, SECONDED Director Bartram, 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 Hamilton, SECONDED Director Bartram, 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.

CARRIED

MOVED Director Hamilton, SECONDED Director Bartram, 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 Hamilton, SECONDED Director Webster, that this item be tabled for two months.

CARRIED

COMMITTEE OF THE WHOLE STANDING COMMITTEE

MOVED Director Sherry, SECONDED Director Westbrook, that the minutes of the regular Committee of the Whole meeting held July 27, 2004 be received for information.

CARRIED

COMMUNITY SERVICES

RECREATION

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

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

CARRIED

CORPORATE SERVICES

ADMINISTRATION

Corporate Communications Policy.

MOVED Director Westbrook, SECONDED Director Longmuir, that the Corporate Communications Policy A1.27 be approved.

CARRIED

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

MOVED Director Westbrook, SECONDED Director Biggemann, 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 Krall, SECONDED Director Holdom, 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 Cantelon, SECONDED Director Korpan, that Policy A2.9 be approved as amended to permit the use of purchasing cards.

CARRIED

MOVED Director Cantelon, SECONDED Director Longmuir, 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, that “Regional District of Nanaimo Financial Plan (2004-2009) Amendment Bylaw No. 1373.02, 2004” be introduced for first three readings.

CARRIED

MOVED Director Bartram, SECONDED Director Westbrook, that “Regional District of Nanaimo Financial Plan (2004-2009) 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 Krall, SECONDED Director Hamilton, that “Regional District of Nanaimo Fees and Charges Amendment Bylaw No. 944.04, 2004” be introduced for first three readings.

CARRIED

MOVED Director Krall, SECONDED Director Hamilton, 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 Sherry, SECONDED Director Westbrook, 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 Hamilton, SECONDED Director Sherry, 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.

MOVED Director Cantelon, SECONDED Director Westbroek, 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 Holdom, SECONDED Director Westbroek, 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 Holdom, SECONDED Director Kreiberg, 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.

CARRIED

EMERGENCY PLANNING

Wildland/Urban Interface Fire Update Report.

MOVED Director Krall, SECONDED Director Biggemann, that the Wildland/Urban Interface Fire Update be received for information.

CARRIED

MOVED Director Krall, SECONDED Director Biggemann, that a grant application for emergency planning training be submitted as outlined in the staff report.

CARRIED

MOVED Director Krall, SECONDED Director Biggemann, 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 Sherry, SECONDED Director Webster, 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).

CARRIED

MOVED Director Sherry, SECONDED Director Kreiberg, 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 McNabb, 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 Holdom, 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 Cantelon, SECONDED Director McNabb, that the staff report be received for information.

CARRIED

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

CARRIED

MOVED Director Webster, 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 Sherry, 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 Westbrook, SECONDED Director Longmuir, that the minutes of the Grants-in-Aid meeting held July 16, 2004 be received for information.

CARRIED

School District 69

MOVED Director Westbrook, SECONDED Director Longmuir, that the following grant be awarded:

Qualicum Beach Historical Museum Society	\$ 4,000
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CARRIED

ADDENDUM

CORPORATE SERVICES

FIRE PROTECTION

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

MOVED Director Biggemann, SECONDED Director McNabb, 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.

CARRIED

MOVED Director Biggemann, SECONDED Director Longmuir, that a total of \$213,000 plus taxes in debt financing for the vehicle be arranged as outlined in the staff report.

CARRIED

SCHEDULED STANDING, ADVISORY STANDING AND SELECT COMMITTEE REPORTS

Emergency Preparedness.

MOVED Director Krall, SECONDED Director Biggemann, that the minutes of the Emergency Preparedness meeting held 21, 2004 be received for information.

CARRIED

ADMINISTRATOR'S REPORTS

Proposed Thompson Clarke-Ocean Trail – Area H.

MOVED Director Bartram, SECONDED Director Holdom, 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.

CARRIED

ADDENDUM

ADMINISTRATOR'S REPORT

Unightly Premises Regulatory Bylaw No. 1073 – 225 Decourcy Drive – Area B.

MOVED Director Sherry, SECONDED Director Korpan, that should the property maintenance concerns not be rectified pursuant to the "Unightly Premises Regulatory Bylaw No. 1073, 1996" the Board direct the owners of the property legally described as Lot 98, Section 21, Gabriola Island, Nanaimo District, Plan 12655, to remove from the premises, those items as set out in the resolution attached to the staff report within fourteen (14) days, or the work will be undertaken by the Regional District's agents at the owner's cost.

CARRIED

NEW BUSINESS

Beach Access.

Director Korpan noted that the City of Nanaimo website provides information to residents as to the location of various beach access' and recommended that staff pursue availability of such a service on the RDN website.

IN CAMERA

MOVED Director Sherry, SECONDED Director McNabb, that pursuant to section 242.2(1)(c) and (h) of the *Community Charter* the Board proceed to an In Camera meeting to consider personnel and legal matters.

CARRIED

ADJOURNMENT

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

CARRIED

TIME: 7:31 PM

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES

REGIONAL DISTRICT OF NANAIMO

**MINUTES OF THE SPECIAL BOARD MEETING
HELD ON TUESDAY, SEPTEMBER 14, 2004, AT 7:00 PM
RDN BOARD CHAMBERS**

Present:

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

Also in Attendance:

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

CALL TO ORDER

The Chairperson welcomed Alternate Director Tyndall to the meeting.

UNFINISHED BUSINESS

BYLAWS

For Adoption.

Bylaw No. 1022.04.

MOVED Director Biggemann, SECONDED Director Westbrook, that "Coombs-Hilliars Fire Protection Local Service Area Boundary Amendment Bylaw No. 1022.04, 2004". be adopted.

CARRIED

Bylaw No. 1387.

MOVED Director Biggemann, SECONDED Director Sherry, that "Coombs-Hilliers Fire Protection Service Area Capital Charge Bylaw No. 1387, 2004" be adopted.

CARRIED

Bylaw No. 1385.01.

MOVED Director Bartram, SECONDED Director Holdom, that "Bow Horn Bay Fire Protection Service Area Boundary Extension Amendment Bylaw No. 1385.01, 2004" be adopted.

CARRIED

Bylaw No. 1388.

MOVED Director Hamilton, SECONDED Director Kreiberg, that "Yellowpoint Waterloo Fire Protection Service Area Establishing Bylaw No. 1388, 2004" be adopted.

CARRIED

ADJOURNMENT

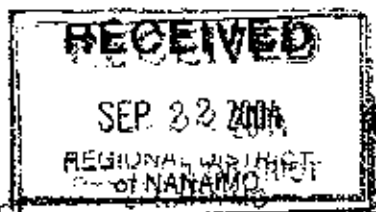
MOVED Director Sherry, SECONDED Director Kreiberg, that this meeting terminate.

CARRIED

TIME: 7:03 PM

CHAIRPERSON

GENERAL MANAGER, CORPORATE SERVICES



September 20th, 2004

Reference: Variance Permit for 1405 Reef Road, Nanoose Bay, BC
Lot 23, District Lot 38, Nanoose District, Plan 21633
Mr. Peter Kawerau

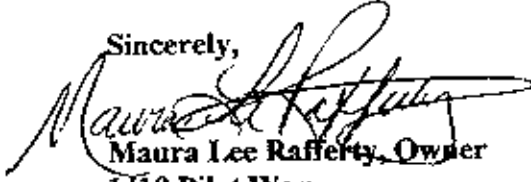
Attention: Regional District of Nanaimo Planning Department

To Whom It May Concern;

I am a property owner at 1410 Pilot Way and my name is Maura Lee Rafferty. I am enclosing pictures of the above property and as you can see the homes are very close together already and to grant a variance for further expansion is ridiculous. It will also set a precedence in the Beach Comber area for others to follow suit. There is a reason why we have a Minimum setback and it should be adhered too. I would imagine this would also be an extreme fire hazard to have two homes so close together. If you take a look at the pictures that I took on Sept. 19th, it looks as if Mr. Kawerau has already started on his deck without permission and signed variances from the Planning Department. We also have a small partial ocean view from our backyard and him expanding his deck will decrease our view. I strongly oppose to this Variance being granted.

I am familiar with Mr. Kawerau and he already believes that he runs the neighborhood and can do whatever he pleases.

I will be out of the province on Sept. 28th, otherwise I would have been there in person to verbally oppose this Permit Application.

Sincerely,

Maura Lee Rafferty, Owner
1410 Pilot Way,
Nanoose Bay, BC



OF NANAIMO	
SEP 20 2004	
CHAIR	GMCRS
CAO	GMDS
GMCRS	GMES
<i>Board - Unfinished</i>	
<i>Bushen</i>	
DATE: September 15, 2004	

MEMORANDUM

TO: Robert Lapham
General Manager of Development Services

FROM: Brigid Reynolds
Senior Planner

SUBJECT: RETAINING WALLS ADJACENT TO THE OCEAN

PURPOSE

To consider an operational policy regarding the construction of retaining walls (erosion protection devices) adjacent to the ocean.

BACKGROUND

After a retaining wall application and its construction without Board approval and a subsequent meeting with the French Creek Residents Association (FCRA), the Regional Board made the following resolution at the regular meeting of the Regional Board on July 13, 2004:

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

The RDN contains approximately 187 km of shoreline. This corridor is a dynamic zone where many forces work together to continually shape and reshape the boundary between land and water. Prevailing winds, waves, and currents all work together to erode and deposit sediment along the shoreline. Hardening the shoreline with seawalls displaces once vegetated shorelines with hard surfaces that have little ecological value, have the potential to impact adjacent properties and impede public access to the foreshore. However, there are methods and materials that can be utilized to reduce these negative impacts.

Structures, such as seawalls that attempt to protect the upland waterfront property from erosion, alter the sedimentation patterns. The RDN has a number of bylaws that regulate or have implications for the construction of seawalls. The "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987" regulates structures including retaining walls over 1.0 metre in height that retain less than 1.0 metre of earth. The Nanoose Bay, French Creek and Electoral Area 'H' OCPs designate the marine foreshore and a portion of the upland property as coastal development permit areas for the protection of the natural environment and for Electoral Area 'H' to protect development against hazardous conditions. The "Regional District of Nanaimo Floodplain Management Bylaw No. 843, 1991" regulates setbacks and flood construction elevations for properties located within marine and freshwater floodplains in the RDN Building Inspection area.

Other agencies with an interest in seawall development include Federal Fisheries and Oceans (DFO), Land and Water BC (LWBC), the Ministry of Water, Land and Air Protection (MWLAP), and the Archeological Branch.

As waterfront properties within the Regional District become more developed and the landscape altered, there is an increased demand by property owners to install seawalls. In many cases, these seawalls are constructed without permission or discussion with the agencies with interests in this type of activity. As a result various issues emerge, such as: the seawall may not be adequately constructed and may fail; due to the materials of which the seawall is constructed or the design the seawall it may create 'problems' on the adjacent property; or, the seawall maybe located below the natural boundary and not on the subject property and public access may be impacted. Based on these issues and the issues raised by the French Creek Residents Association staff has prepared a draft policy regarding the construction of seawalls.

ALTERNATIVES

1. To approve the policy.
2. To not approve the policy.

LAND USE AND DEVELOPMENT IMPLICATIONS

At the meeting held between some RDN Board Directors, staff members and the French Creek Residents' Association (FCRA), the FCRA raised concerns regarding design suitability of different seawall types and the impact these walls have to adjacent properties and to the natural environment. The proposed policy contains guidelines for addressing these concerns. Specifically, marine retaining walls constructed pursuant to this policy shall be required to be designed by a professional engineer qualified in geotechnical matters and shall include mitigation methods to reduce negative impacts to adjacent properties and continued access to the foreshore.

Bylaw No. 500 regulates the siting of structures and establishes a setback of 8.0 metres from the natural boundary of the sea or inland from the top of a slope of 30% or greater. In most cases retaining walls are located at the natural boundary and if over 1.0 metre in height would require a variance to Bylaw No. 500. In Building Inspection areas, a building permit would also be required. Bylaw No. 843 regulates the siting of buildings and structures for the purpose of protecting the property against potential flooding. This bylaw establishes a setback of 15.0 m from the natural boundary of the sea, however this setback may be reduced to 8.0 m where the sea frontage is protected from erosion by natural bedrock formation or works (seawall) designed by a professional engineer and maintained by the owner. Where a development permit area is designated on the marine foreshore, a development permit is required prior to the construction of any seawall. Therefore, staff recommends that the policy apply to seawalls that are regulated by Bylaw No. 500, Bylaw No. 843, or proposed to be constructed within development permit areas. The circumstances where seawall construction is not governed by this policy is when the retaining wall is less than 1 metre in height, is not located within a development permit area, and is not within the building inspection area.

The proposed policy is intended to provide guidelines for the construction of seawalls such that there is a consistent approach for the construction of such structures and some of the negative impacts caused by these seawalls may be reduced.

ENVIRONMENTAL IMPLICATIONS

Marine shorelines are sensitive and productive environments for fish and wildlife habitats. Retaining walls, whether constructed of concrete, rip rap or lock blocks displace once vegetated shorelines with hard surfaces that have little ecological value. However, nearly all shoreline areas, even substantially developed or degraded areas, still retain some important ecological functions. If constructed with due

care to the natural environment the impacts can be reduced and some materials, such as rip rap, allow native plants to grow within the cavities between the large rocks.

DFO has a best management practices (BMPs) document, which they require proponents to follow when constructing a seawall and requests that property owners advise them of the proposed works 5 days in advance of the works. The proposed policy incorporates DFO's best management practices which require seawalls to be designed by a professional engineer qualified in geotechnical matters and shall include mitigation methods to reduce negative impacts to the natural environment. The RDN also incorporates these BMPs into the conditions of approval for DPs for retaining wall applications.

INTERGOVERNMENTAL IMPLICATIONS

There are a number of agencies with an interest in works on the marine foreshore. However, under Common Law, property owners have riparian rights that allow them to protect their property.

DFO is governed by the Federal *Fisheries Act* legislation that is reactive in approach, such that if one is found to cause any 'harmful alteration, disruption, or destruction of fish habitat' (HADD), they may be charged pursuant to the *Act*. As a result, works must be undertaken with due diligence to avoid a HADD. DFO's BMP document for seawalls if followed is intended to ensure due diligence has been met. The guidelines detailed in DFO's BMPs are incorporated into the draft policy and are included as conditions of approval for development permit or development variance permit applications. RDN staff has confirmed with DFO staff that they will inform proponents that the RDN is the first point of contact and that their guidelines will be incorporated into this policy and any approvals.

LWBC is the provincial agency responsible for Crown land. Land located below the natural boundary of the ocean is Provincial Crown. Where works are proposed on Crown land, in most cases a lease from LWBC is required. However, in the case of retaining walls, LWBC staff has verbally stated that a lease would not be required if the wall is located no more than 1.0 metre below the natural boundary. As this is not a written LWBC policy, the proposed RDN policy requires the engineer's report to make recommendations regarding the need to locate a seawall below the natural boundary due to existing conditions. And for each application confirmation will also be required from LWBC that no lease is required from them.

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

The marine foreshore is a common location for archeological sites. Therefore, the policy recommends that as a condition of a permit issued by the RDN, property owners must contact the Provincial Archeological Branch and satisfy themselves that they are not proposing to do works within an archeological site.

Staff have discussed the draft policy with DFO and MWLAP staff and received some input into the policy. Staff of both agencies support the idea of a more consistent approach to seawall construction and refer proponents to consult with the RDN as an initial step to any seawall construction.

VOTING

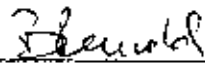
Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

Property owners adjacent to the ocean often construct retaining walls on the marine foreshore for erosion protection, flood protection and in some cases aesthetic reasons. If improperly constructed, seawalls have the potential to negatively impact adjacent property, the sensitive marine foreshore habitat, and public access. Staff has therefore developed a policy which is intended to provide guidelines to reduce these potential impacts and to provide a consistent approach to seawall construction for walls constructed pursuant to Bylaw No. 500, Bylaw No. 843, or within development permit areas. Staff have consulted with MWALP and DFO staff who generally support this approach.

RECOMMENDATIONS

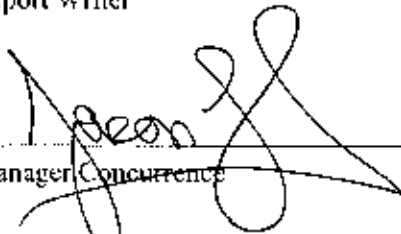
1. That the staff report be received for information.
2. That the Retaining Wall policy in Attachment No. 1 be endorsed.



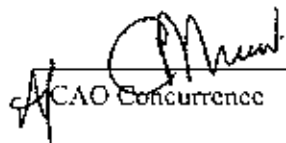
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS: *devsvs.reports:2004/DH policy retaining walls 3060 00 rewa se brd*

Schedule No. 1
Proposed Policy Document

REGIONAL DISTRICT OF NANAIMO

POLICY

SUBJECT: Retaining Walls	POLICY NO:
EFFECTIVE DATE:	APPROVED BY: Board
REVISION DATE:	PAGE: 1 of 1

PURPOSE

To provide guidelines regarding the consideration of Development Permit, Development Variance Permit and Bylaw No. 843 applications for seawalls adjacent to the ocean for erosion protection purposes such that potential impacts to adjacent properties and the natural environment are considered and recommendations to resolve impacts are detailed.

BACKGROUND

Pursuant to the Regional District of Nanaimo Land use and Subdivision Bylaw No. 500, 1987 a retaining wall is considered a structure where it is over 1.0 m in height retaining more than 1.0 m of earth. New retaining walls or the approval of existing retaining walls over 1 metre in height and retaining 1 metre of soil shall require a building permit where the property is within the building inspection area. Pursuant to the *Local Government Act*, local governments can establish development permit areas to protect development against hazardous conditions and to protect the natural environment. This requirement is triggered where land alteration is proposed to take place.

Federal Fisheries and Oceans (DFO) has developed a Best Management Practices (BMP) document that is intended to provide the property owner with the criteria necessary to ensure the works are being done with due diligence thereby avoiding the harmful alteration, disruption or destruction of fish habitat pursuant to Section 35(1) of the *Fisheries Act*. These BMPs have been incorporated into the policies and procedures outlined below.

POLICY

This policy applies to Development Permit and Development Variance Permit applications for the construction of new marine retaining walls or legalization of existing marine retaining walls for the purposes of erosion protection. A staff report will be prepared and will include recommendations to be approved by the Regional Board.

1. Marine retaining walls shall be designed by a professional engineer qualified in geotechnical matters.
2. Erosion protection devices utilizing bio-engineering methods shall be encouraged.

3. Wherever possible, shoreline vegetation necessary to sustain the ecological functions of the shoreline shall be protected, retained and restored.
4. Marine retaining walls shall be less than 1 metre in height unless otherwise required by a professional engineer.
5. Marine retaining walls shall be located on the subject property, above the present natural boundary of the marine foreshore, unless existing conditions or an existing wall cannot or should not be altered or modified as recommended by the engineers report and if any portion of a retaining wall is proposed to be located below the present natural boundary, permission from Land and Water BC (LWBC) is required.
6. Marine retaining walls shall be constructed of rip rap. Other methods/materials (flat faced cast in place concrete walls and lock block walls are discouraged and creosote treated lumber is not permitted) shall only be considered as required by a professional engineer.
7. Marine retaining walls constructed for the purposes of reclaiming land shall not be permitted unless otherwise required by a professional engineer.
8. Heavy equipment shall not be permitted on the beach unless existing conditions do not permit upland access and if required mitigation methods, acceptable to the RDN, shall be identified as part of the application.

PROCEDURES

Applications for new retaining walls or the approval of existing retaining walls shall include the following information.

1. A survey completed by a BCLS that shows the following:
 - a) the location of the present natural boundary;
 - b) where there has been erosion or accretion, the natural boundary as per the plan of subdivision;
 - c) elevations of the top of bank and toe of the bank; and
 - d) height of the proposed or existing retaining wall.
2. A report sealed by a professional engineer qualified to carry out retaining wall design and to assess geotechnical matters is required and shall include recommendations with regards to the following:
 - a) Necessity of the proposed retaining wall
 - b) Potential impacts to adjacent properties.
 - c) Mitigation methods to reduce negative impacts to the natural environment and to adjacent property.
 - d) Potential impacts to continued public access of the foreshore.
 - e) Where the proposed works involve repairs to an existing retaining wall, the engineer shall evaluate potential negative impacts and make recommendations to mitigate these negative impacts.
 - f) Description of the construction details, materials and methods to be used including cross sectional drawings.
 - g) Supervision and inspection requirements of the proposed works.
 - h) Certify that the site is safe for the intended use.
 - i) Acknowledge that the RDN may rely upon the report when making a decision regarding the development of the land.
3. Where a section 219 covenant is registered on the title restricting removal of vegetation, alteration of land and/or construction within the area where the retaining wall is proposed to be located, the application shall include permission from the covenant holder.
4. If works are proposed to be undertaken on the beach the following conditions apply:

- a) Confirmation how access is going to be achieved and any required permissions (for example, if through an adjacent property, permission from the property owner, if through a MOT beach access, permission from MOT);
 - b) Confirmation that the machinery will not adversely impact the beach environment and mitigation methods to reduce negative impacts must be detailed.
5. Details of vegetation removal and a proposed replanting plan.
 6. Confirmation that DFO will be informed of the proposed works and advised of the name of any contractor and when the proposed works are to be undertaken.
 7. Be aware that the development site is in compliance with the *Heritage Conservation Act*.
 8. The name of the contractor, if any, who will do the work.
 9. The date when the proposed works are to be undertaken.



REGIONAL DISTRICT OF NANAIMO			
SEP 20 2004			
CHAIR		GMCrs	
CAO		GMDS	
GM/Cms		GMS	

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Services

DATE: September 16, 2004

FROM: Susan Cormie
Senior Planner

FILE: 3360 30 0410

SUBJECT: Bylaw Amendment Bylaw 500.301 – Keith Brown & Associates, on behalf of 646268 BC Ltd. (Country Kitchen)
Electoral Area 'A' – 1922 Schoolhouse Road

PURPOSE

To consider Bylaw 500.301, 2004 for adoption.

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 Board then granted the Bylaw 3rd reading on August 10, 2004.

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' (CMLM) (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 mini-storage warehouse and heavy equipment display / servicing uses (see Schedule No. 2 for proposed site plan).

At 3rd reading of this amendment application, the Conditions for Approval included that the applicant obtain a development permit as part of the zoning amendment process and to provide proof of approval from the Ministry of Water, Air and Land Protection for the Site Profile pursuant to the *Waste Management Act* (see Schedule No. 1 for Conditions of Approval). The corresponding development permit application was forwarded to the September Electoral Area Planning Committee for its consideration and will be considered for issuance by the Regional Board on September 28, 2004. It is noted that the applicant has chosen not to place a caretaker's unit on the site; however, the applicant's engineer provided certification that the designed septic disposal system will be capable of supporting a dwelling unit at a future time. Therefore, as the issuance of the corresponding development permit is being considered by the Board on September 28, 2004 and the other applicable conditions have been met, the bylaw may now be considered for adoption.

ALTERNATIVES

1. To adopt Bylaw No. 500.301.
2. To not adopt Bylaw No. 500.301.

MINISTRY OF TRANSPORTATION REFERRAL

As the subject property is within 800 metres of a controlled access intersection pursuant to the *Highway Act*, Bylaw No. 500.301, 2004 was forwarded to the Ministry of Transportation for approval. This approval was granted on September 15, 2004.

VOTING

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

SUMMARY

"Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.301, 2004" was given 1st and 2nd reading on July 13, 2004. A Public Hearing was held on August 4, 2004 and the Bylaw was given 3rd reading on August 10, 2004. Approval pursuant to the *Highway Act* was received from the Ministry of Transportation on September 15, 2004. The Electoral Area Planning Committee recommended approval of the development permit application on September 14, 2004 and this recommendation will be considered by the Regional Board on September 28, 2004. As the applicable Conditions of Approval, as set out in Schedule No. 1, have been met and the Ministry of Transportation has approved Bylaw No. 500.301, 2004, the Bylaw may now be considered for adoption.

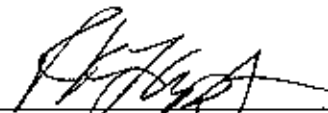
The following recommendation is provided for consideration by the Board.

RECOMMENDATION

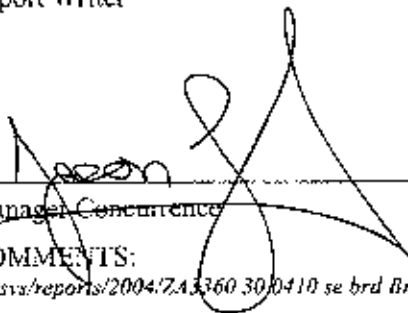
That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.301, 2004", be adopted.



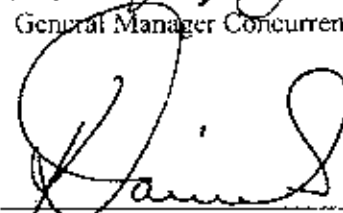
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

devsva/reports/2004/ZA3360.30.0410 se brd Brown Country Kitchen adopt

SCHEDULE NO. 1

Conditions for Approval for Zoning Amendment Application No. ZA0410 Amendment Bylaw No. 500.301

Lot 1, Section 13, Range 6, Cranberry District, Plan 12009 - 1922 Schoolhouse Road

1. The following conditions are to be completed prior to Amendment Bylaw No. 500.301, 2004 being forwarded to public hearing:
 - a. Applicant to provide approval from the Ministry of Water, Air and Land Protection with respect to the Site Profile pursuant to the *Waste Management Act*.
 - b. Applicant to provide revised plan showing location 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.
2. The following conditions are to be completed prior to Amendment Bylaw No. 500.301, 2004 being considered for adoption:

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

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

- a. 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.
- b. No net increase in peak storm water runoff from the land to adjoining lands or the highway system will be permitted.
- c. 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

- a. 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.

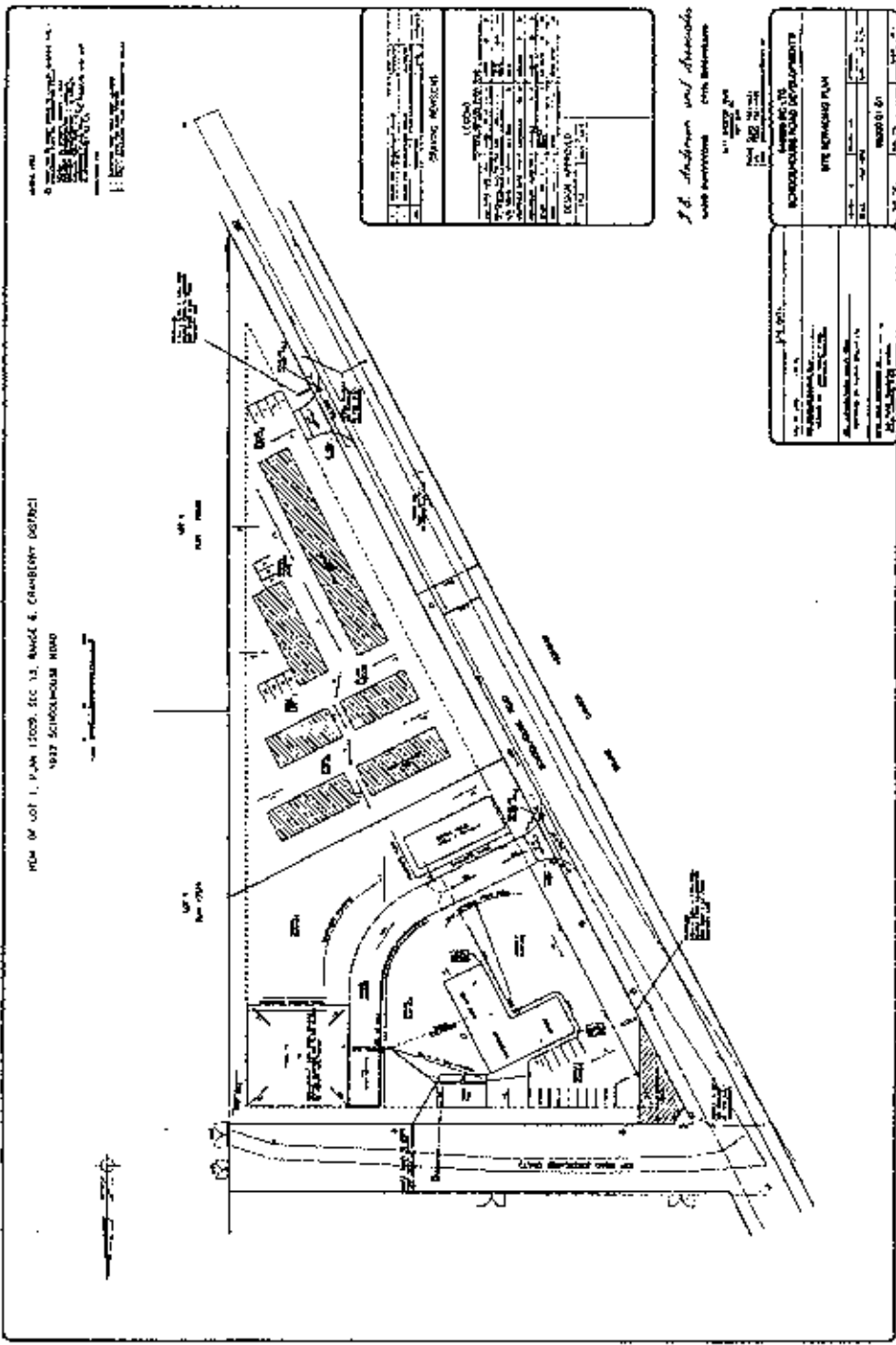
6. Signage

- a. Signage will be subject to a request for variance to Bylaw No. 993, 1995.
- b. A maximum of 2 free standing signs shall be permitted at each access to the development from Schoolhouse Road provided the maximum height of each sign shall not exceed 6.0 metres or the maximum face area not exceed 9.0 m² in area. These signs shall be incorporated into the landscaping, be aesthetically pleasing with a minimal amount of lighting or boldness, and specifically not include neon lighting.
- c. A maximum of 1 fascia sign shall be permitted per use.

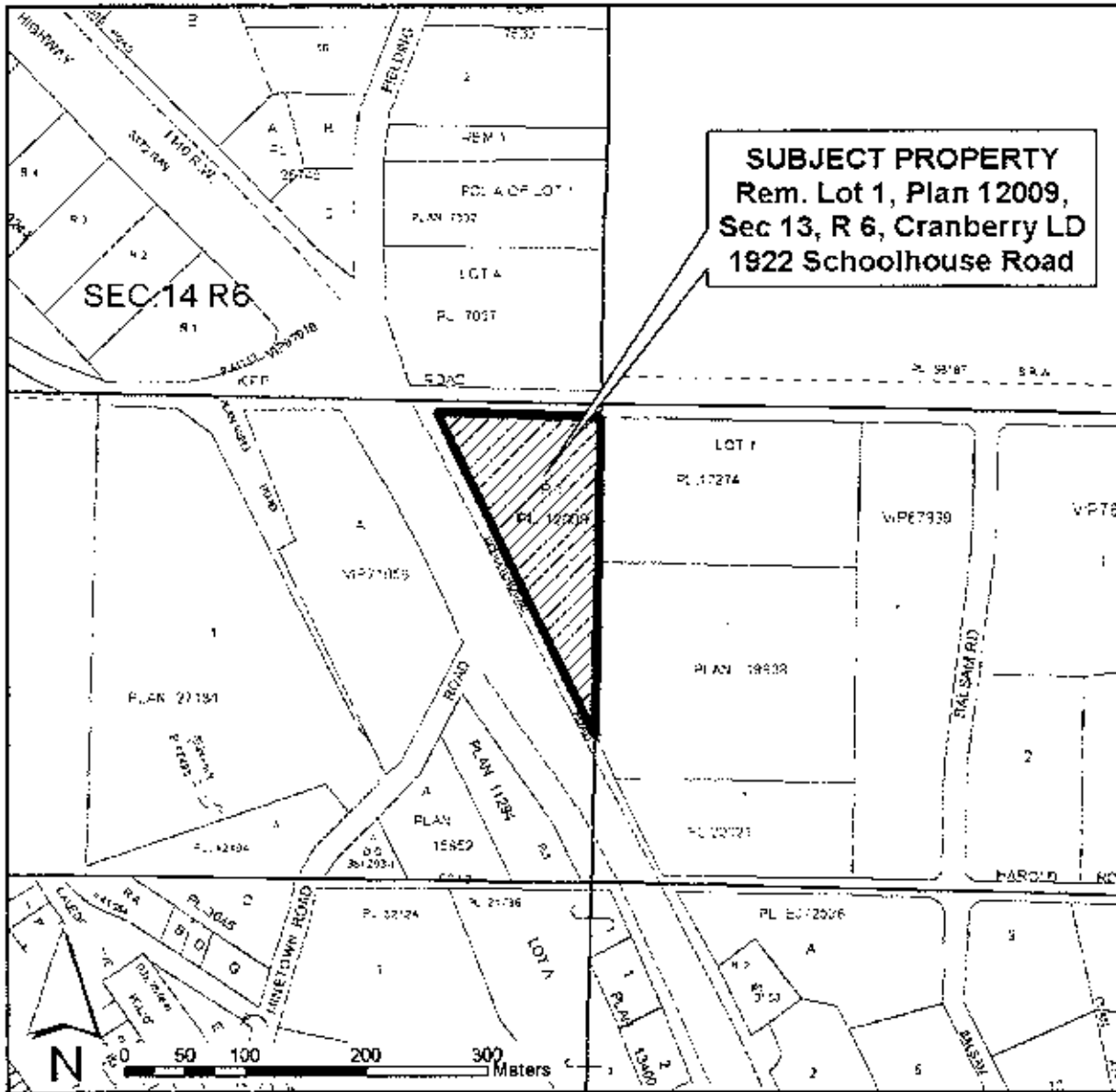
7. Refuse Containers and Other Outdoor Storage

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
Proposed Plan of Development
(as submitted by applicant)
(reduced for convenience)



ATTACHMENT No. 1
Location of Subject Property





REGIONAL DISTRICT OF NANAIMO		
SEP 20 2004		
CHAIR		GMCrS
CAO		GMDS
GMCrS		GMES
		Bed ✓

MEMORANDUM

TO: Jason Llewellyn
Manager, Community Services

DATE: September 17, 2004

FROM: Susan Cormie
Senior Planner

FILE: 336030 0407

SUBJECT: Bylaw Amendment Bylaw 500.300 – North Cedar Improvement District (NCID)
Yellow Point Road, Electoral Area 'A'

PURPOSE

To receive the Report of the Public Hearing containing the Summary of the Minutes and Submissions of the Public Hearing held on Thursday, September 17, 2004, and further, to consider Bylaw No. 500.300, 2004 for 3rd reading.

BACKGROUND

Bylaw No. 500.300, 2004 was introduced and given 1st and 2nd reading on August 10, 2004. This was followed by a Public Hearing held on September 16, 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 A Section 12 Range 2 Cedar District Plan VIP71957 and located on Yellow Point Road in the Cedar area of Electoral Area 'A' (see Attachment No. 1 for location of subject property) from Residential 2 Subdivision District 'M' (RS2M) (minimum 2000 m² parcel size with community water service) to Comprehensive Development 17 Subdivision District 'Z' (CD17Z) (no further subdivision) in order to facilitate the development of the North Cedar Improvement District fire hall and administration offices.

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 and give 3rd reading to "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.300, 2004".
2. To receive the Report of the Public Hearing and deny "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.300, 2004".

INTERGOVERNMENTAL IMPLICATIONS

Referrals were sent to the Ministry of Transportation and the Vancouver Island Health Authority. Comments received include the following:

- Ministry of Transportation -- staff has indicated that the Ministry will support the location of the proposed accesses to the subject property subject to conditions.
- Vancouver Island Health Authority - The Vancouver Island Health Authority has issued a septic disposal permit for the proposed use.

PUBLIC CONSULTATION IMPLICATIONS

Approximately 48 persons attended the public hearing held on September 17, 2004. All verbal and written submissions, received at the Public Hearing, are outlined in the Summary of the Minutes and Submissions of the Public Hearing (see Attachment No. 2).

VOTING


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

SUMMARY

The purpose of Bylaw No. 500.300, 2004 is to rezone Lot A Section 12 Range 2 Cedar District Plan VIP71957, located on Yellow Point Road in the Cedar area of Electoral Area 'A' in order to facilitate the development of the North Cedar Improvement District fire hall and administration offices. The bylaw was introduced and given 1st and 2nd reading on August 10, 2004 and preceded to Public Hearing on September 17, 2004. The Ministry of Transportation has approved in principle the proposed accesses to the subject property subject to a number of conditions being met. The Vancouver Island Health Authority has issued a septic disposal permit for the proposed use. The requirements set out in the Conditions of Approval (see Schedule No. 1) 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. 500.300 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 September 17, 2004 as a result of public notification "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.300 2004" be received.
2. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.300, 2004" be given 3rd reading.
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, 300, 2004.



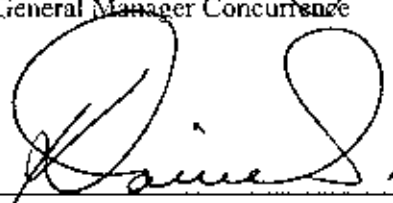
Report Writer



General Manager Concurrence



Manager Concurrence



CAO Concurrence

COMMENTS:

dev:ssi/reports/2004/ZA0407 30 03 se brd NCID P11 & 3rd

SCHEDULE NO. 1

**Conditions for Approval
Amendment Bylaw No. 500.300, 2004
Lot A Section 12 Range 2 Cedar District Plan VIP71957
North Cedar Improvement District**

The following conditions are to be completed prior to consideration of Amendment Bylaw No. 500.300, 2004 for final reading:

1. Applicant to prepare a Reverter document, which can be registered on the title of the subject property, that will require the zoning to revert back to the current residential zone should the construction of the fire hall/administration building not proceed. Applicant to provide a solicitor's undertaking that this document will be registered at Land Title Office prior to 4th reading of the corresponding zoning amendment bylaw. The document is to be prepared and registered at Land Title Office at the applicant's expense.
2. Applicant is to prepare and register a section 219 covenant on title of the subject property restricting the following:
 - a. no outdoor burning associated with training practices.
 - b. hours of training be limited to 8:00 am to 9:00 pm Monday through Saturday; 8:00 am to 4:00 pm on Sundays and no training on statutory holidays.
3. Applicant to provide an access permit issued by Ministry of Transportation for the proposed use.
4. Applicant to provide a landscape plan setting out planting details which is acceptable to the Regional District.
5. Applicant to prepare and register a section 219 covenant on title of the subject property for the purposes of securing the following. This covenant is to be prepared and registered by the applicant to the satisfaction of the Regional District.

The Lands shall be developed as follows (secured by section 219 covenant):

1. Building / Site Development

- a. The fire hall / administration office building shall be sited and built in accordance with the site plan/site section drawing prepared by Johnston Davidson Architecture and dated 04 May 14 revised.
- b. The fire hall / administration office building shall be designed in accordance with the elevations drawing prepared by Johnston Davidson Architecture and dated 04 April 4. The maximum height of the building shall be 10.0 metres.

2. Landscaping Requirements

- a. Landscaping shall be provided throughout the site in accordance with the site plan/site section drawing prepared by Johnston Davidson Architecture and dated 04 May 14 revised and landscape plan to be prepared by NCID and accepted by the RDN.
- b. Landscaping to be provided 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 completed with permanent curbs a minimum of 15 cm in height protecting all landscaped areas from potential vehicular damage.
- c. The subject property shall be fenced as shown on the site plan/site section drawing prepared by Johnston Davidson Architecture and dated 04 May 14 revised and shall be subject to a request for variance to Bylaw No. 500, 1987.
 - d. The landscape berm may be modified at the north end to accommodate the proposed septic disposal system.

2. Storm Water Drainage

- a. Site is to be developed in accordance with the submitted engineer's storm drainage plan prepared by C-4 Engineering Ltd. and dated January 31, 2001 and as shown on the site plan/site section drawing prepared by Johnston Davidson Architecture and dated 04 May 14 revised. These works are subject to the approval of the Ministry of Transportation and the Regional District. The retention pond may be adjusted in order to accommodate the septic disposal system.
- b. These works are to be designed so not to result in an increase in pre-development flows and that any discharge of storm water from the site can be accommodated by the existing off-site road ditch system.

5. Off-Street Parking Spaces and Aisle Ways

- a. Off-street parking shall be as shown on site plan/site section drawing prepared by Johnston Davidson Architecture and dated 04 May 14 revised.
- b. 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 surfaces as shown on site plan/site section drawing prepared by Johnston Davidson Architecture and dated 04 May 14 revised.

6. Signage

- a. A maximum of 1 free-standing sign shall be permitted. Signage will be subject to a request for variance to Bylaw No. 993, 1995. Directional signage is exempt.
- b. Signage shall only be light with back lighting and no neon lighting is permitted.

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 site plan/site section drawing prepared by Johnston Davidson Architecture and dated 04 May 14 revised.

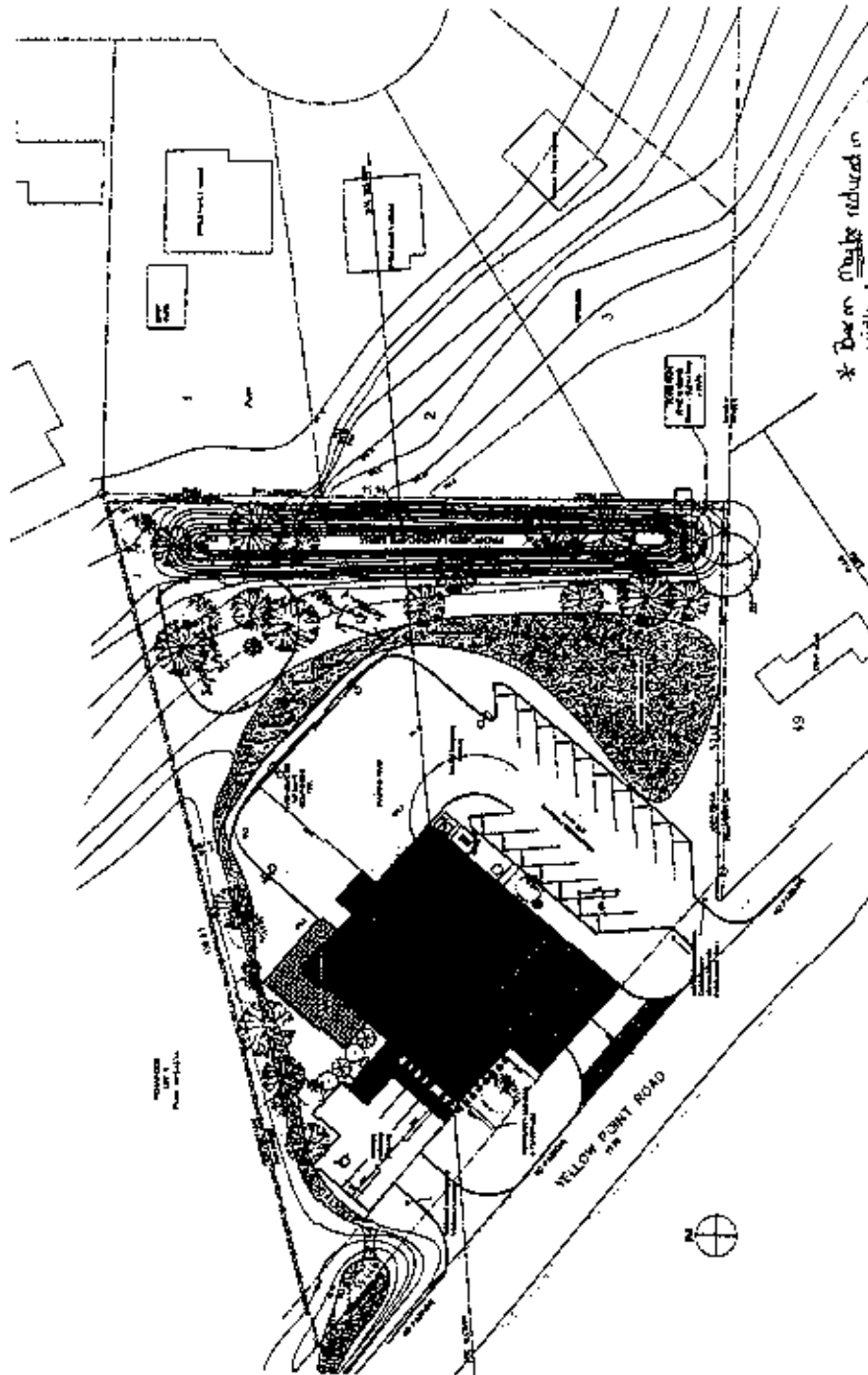
8. Lighting

Lighting of the site shall be restricted to the site area only and not infringe on adjacent properties. Lighting shall be in the locations as shown on site plan/site section drawing prepared by Johnston Davidson Architecture and dated 04 May 14 revised.

9. Community Water Connection

The property shall be served by community water.

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

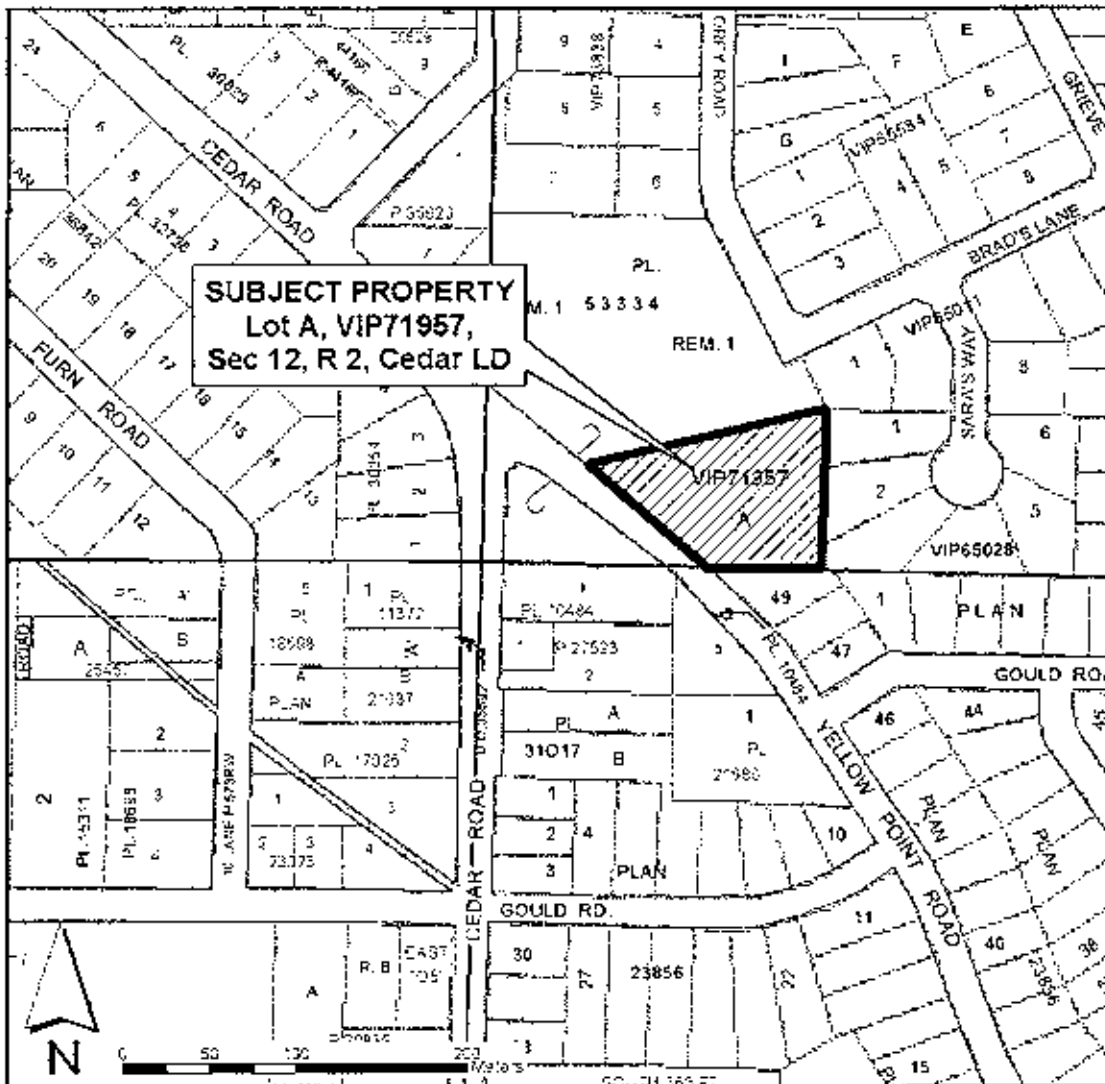


* *Barren* may be reduced in width to accommodate Septic fields
+ to allow for fast set back from the retention pond.

* Retention pond needs closer to training yard if required.

Site Plan

ATTACHMENT No. 1
Location of Subject Property



ATTACHMENT NO. 2

REGIONAL DISTRICT OF NANAIMO
Report of The Public Hearing
Held at the Woodbank Elementary School Gymnasium
1984 Woobank Road, Cedar September 16, 2004 at 7:00 pm
For the property legally described as Lot A Section 12 Range 2 Cedar District Plan VIP71957
To Consider Bylaw No. 500.300, 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'

Robert Lapham, General Manager, Development Services
Susan Cormie, Senior Planner

There were approximately 48 persons in attendance.

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

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

The Chairperson called for formal submissions with respect to Bylaw 500.300, 2004.

Heather Sawchuk, 2033 Brix Crescent, read her submission (attached), which supports the proposal.

Steve Dives, 2043 Brix Crescent, stated that he is in favour of the rezoning and that this has been going on for a number of years and costs keep going up, so it is time to go ahead with the fire hall.

Chad Willick, 2179 Fisher's Drive, stated that the old fire hall is an eye sore and the new fire hall is well designed and he is 100% in favour of the new fire hall.

Dave Golling, 1963 Cedar Road, stated that the community needs to step up with a new fire hall and he supports it.

Colin Jones, 2259 Morland Road, stated that the community is growing and he fully supports the new fire hall.

Barry Haslier, 3180 Farrar Road, stated that he fully supports the new fire hall.

Laura Howe, 2155 Fishers Drive, stated that the community has seen a huge growth in Cedar and has seen the commitment of fire department to the community. Ms. Howe also stated that she feels the first responder care is especially good for parents with young families as the response time is quicker.

John Marwick, 2244 Hemer Road, stated the he is totally in favour of the new fire hall.

Bill Campbell, 2244 Gould Road West, stated that he appreciates the fire department and is in favour of the rezoning.

Brian Wallace-Tarry, 2152 Huddington Road, stated he supports the fire hall.

Mike Schott, 3136 Farrar Road, stated he is in favour of the new fire hall.

Boyd Hunter, 2376 Yellow Point Road, stated he is in favour of the rezoning and a new fire hall is needed. Mr. Hunter also stated that he read the studies and feels this is the right location.

Serge Soucy, 1800 Kirkstone Way, stated he is in favour of the new fire hall.

Barney Pratt, 2740 Barnes Road, stated that he was on the Improvement District Board at the time the NCID bought the property and the location was backed up by independent studies. Mr. Pratt concluded that he fully supports the rezoning.

Patricia Hovell, 2688 Charles Road, stated that she is in favour of the new fire hall and approval for the bylaw.

Vickie Suddaby, 1847 Woobank Road, stated that she is in support of the fire hall and the fire fighters.

The Chairperson asked the General Manager of Development Services to read the written submissions received into the minutes.

The General Manager read all submissions received.

The Chairperson called for further submissions.

Brian Morgan, 2213 Morland Road, stated that he is in support of the fire hall and that Cedar is growing and the fire department is has grown out of its space.

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 7:24 p.m.

Certified true and accurate this 17th day September 2004.

Susan Cormie
Recording Secretary

Director Henrik Kreiberg
Chairperson, Electoral Area 'A'

Submissions

JOE & DAWN BURNETT
2520 Pylades Drive, Ladysmith, British Columbia, V9G 1E5
Telephone: (250) 722-2656
Email: quailanding@shaw.ca

September 9, 2004

Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, B.C.

Attention: Henrik Kreiberg, Electoral Area A Director

Reference: **Zoning Amendment Application # ZAO107**
North Cedar Improvement District New Fire Hall Project

Dear Mr. Kreiberg,

We wish to advise that we are in favour of the above Rezoning Application for the proposed new Fire Hall site in Cedar District, Electoral Area A.

This site is supported from an insurance perspective as well as being centrally located serving all properties within our Fire Protection Area. Therefore, this site is the most suitable location for the proposed new fire hall.

Yours truly

Dawn Burnett
Joe Burnett

cc: RDN fax #390-4163

September 15, 2004

To Whom It May Concern:

Good evening everybody, my name is Heather Sarchuk and I live at 2033 Brix Crescent. I have lived in Cedar since 1975.

Back then, this was a very rural community, where everybody was willing to give a helping hand when ever needed.

There have been many changes in the last 10 – 15 years, we have seen our community grow to what it is today and I'm sure our community will continue to grow in years to come.

We have a commitment as a community to provide the best fire protection to our district that we can.

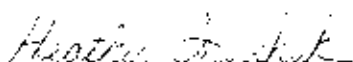
I understand and sympathize with those of you who have moved to our community and don't want to see a fire hall in there back yard, but it has to go somewhere. Where is your community spirit? If we wouldn't have allowed growth in our community then this meeting wouldn't be such an issue as the piece of property in question wouldn't have any neighbors. This Community would have rallied together and the new fire hall would have been built.

In a natural disaster we know that the current fire hall is inadequate in its current location. It's right next door to a gas station. It's not earth quake proof. We can't expand to house more fire trucks and equipment as needed. There isn't any room for training. I could go on and on about our needs in this community.

I want to know that my neighbors, friends, family and community are safe, and have the best protection for our district.

I vote to have the new fire hall built in the location that our Board of Trustees and Fire Department have chosen.

Yours truly,


Heather Sarchuk

To: Regional District Directors ^{Sept. 16 / 04}

I Lois Tremblay

Living at 2194 Yellow Pt Rd

I am in support of the
New Firehall Site -

Signed: Lois Tremblay

September 13, 2004

2322 Greenway Road,
Cedar, B.C.
V9X 1W1

Phone: 722-2340

Regional District of Nanaimo

Re: New Cedar Firehall Site

I AM FOR THE NEW FIREHALL SITE.



TRACEY LEE CLARK

September 13, 2004

2354 Greenway Road,
Cedar, B.C.
V9X 1W1

Phone: 722-2461

Regional District of Nanaimo

Re: New Cedar Firehall Site

I AM FOR THE NEW FIREHALL SITE.

Marina M. Page.

MARINA MARLENE PAGE.

AUG-24 2004 11:49 FROM:

2527513259

TO: 252 392 7511

P. 1/6



File: 01-002-23043
Your File: 3360-30 ZA0407

August 24, 2004

Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo BC V9T 6N2

Attention: Susan Cormie
Senior Planner

**Re: Application No. ZA0407 to Amend "RDN Land Use and Subdivision Bylaw No. 500, 1987"
for Lot A, Section 12, Range 2, Cedar District, Plan VIP71957**

Thank you for submission of your zoning amendment referral letter dated August 23, 2004 to the above noted. The Ministry of Transportation has reviewed your August 23, 2004 referral letter and offers the following comments to be considered:

- 1) All our previous concerns of our letters dated November 29, 2000 and May 18, 2004.
- 2) The Ministry of Transportation has based its review on the submitted revised Johnston Davidson Architect & Planning Inc. site plan dated March 1, 2004.
- 3) North Cedar Improvement District to submit formal application for access to Yellow Point Road for future uses planned for the subject lands. Please note that the Ministry of Transportation has reviewed the access locations and has agreed to the access locations in principal.

Should you have any questions, please do not hesitate to contact me at (250) 751-3270 (office), (250) 616-8808 (cell), or via email at Ca.Fradin@gems7.gov.bc.ca.

Yours truly,

A handwritten signature in black ink, appearing to read "Cal Fradin".

Cal Fradin
District Development Technician

CFrad/23043/e
cc: NCID

Ministry of
Transportation South Coast Region

Mailing Address:
3rd Fl. 2100 LeBeux Road
Nanaimo BC V9T 6E8

Site Address:
3rd Fl. 2100 LeBeux Road
Nanaimo BC
Telephone: (250) 751-3270
Facsimile: (250) 751-3259

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

018-04-2304 11:45 FROM:

2527513289

TO: 250 390 7511

P.276



File: 01-002-23043

May 18, 2004

Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo BC V9T 6N2

Attention: **Susan Cormie**
Senior Planner

**Re: Zoning Amendment for a Portion of Lot 2, Section 12, Range 2
Plan VIP53334, Cedar District, Except that Part in Plan VIP64754 (Fire Hall Facility)**

This office has been requested by the North Cedar Improvement District to comment on the proposed Fire Hall facility to the above noted. Our file notes that this original submission by Lloyd R. McLean Architect differs from the revised site plan by Johnston Davidson Architect and Planning Inc. dated March 1, 2004.

The Ministry of Transportation has reviewed the revised Johnston Davidson Architect and Planning Inc. site plan dated March 1, 2004 and offers the following comments to be considered:

1. The proposed 45° angle parking layout design should be changed to a 90° angle parking design for the proposed southeastern parking lot area. The proposed 45° angle parking design does not allow for vehicles to turn around onsite and access Yellow Point Road, as it is unlikely that vehicles will proceed to the "Training Yard" area turn around and then proceed to Yellow Point Road. The 90° angle parking design would permit vehicles to adequately perform the turn around movement and access Yellow Point Road. Please note that the aisle widths for a 90° angle parking layout would have to incorporate a minimum width of 7.9 metres. This would allow 2-way traffic flows, efficient vehicle backing out movements onsite and lessen possible queuing occurrences.
2. A minimum 15 metre magazine storage should be incorporated within each proposed access design. This would allow for a minimum 2-car storage within the magazine throat design.
3. Stop signs should be placed at each access location to Yellow Point Road. In addition W-318L, W-318R and W-318T "Fire Truck Warning and Entrance" signs should be located along Yellow Point Road to warn the traveling public. Also P-001L and P-001R "No Parking" signs are to be erected along Yellow Point Road fronting the Fire Hall facility.

Ministry of
Transportation

Vancouver Island District
South Coast Region

Mailing Address
3rd Flr, 2100 Leboeuf Road
Nanaimo BC V9T 6E9

Site Address:
3rd Floor, 2100 Leboeuf Road
Nanaimo BC V9T 6E9
Telephone: (250) 751-3246
Facsimile: (250) 751-3289

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

2004-24-2004 11:49 FROM:

2527513299

TO: 250 390 7511

P. 3/6

May 18, 2004

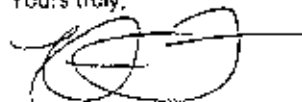
Regional District of Nanaimo

Page 2

4. All signage locations and materials to meet the current Ministry of Transportation Standards and Specifications as per attached.
5. Yellow Point Road is designated a network road and is to be dedicated a minimum of 12.5 metres from the surveyed centre-line.
6. The Ministry has concerns to the future fire truck movements and is concerned that fire trucks would back into the proposed fire hall bays from Yellow Point Road. Sufficient turning radii should be present onsite to allow for a free flow access of fire truck vehicles from Yellow Point Road to fire hall bays. The Ministry of Transportation does not support fire truck vehicles backing into fire hall bays from Yellow Point Road as it is an unsafe movement for Yellow Point Road traffic.
7. The parking stall numbers should be reviewed to ensure that there is sufficient amount of parking to facilitate regular users plus the ability to handle parking for volunteers during a fire call event.
8. Any vegetation schemes along Yellow Point Road should not conflict with the sight lines along Yellow Point Road. A minimum of a 168 metres of sight distances are required along Yellow Point Road for each access.
9. The aisle widths for the proposed parking facility to the northwest should be increased to 7.9 metres to allow for adequate back out turnaround movements.
10. The Yellow Point Road drainage pattern is not to be altered.
11. All previous concerns of our letter dated November 29, 2000 are still applicable.

Should you have any questions, please do not hesitate to contact me at (250) 751-3270 (office), (250) 616-6608 (cell), or via email at Cal.Fradin@gems7.gov.bc.ca.

Yours truly,



Cal Fradin
District Development Technician

CF:23043L

Attachment

cc: Lynnna Lawlor - North Cedar Improvement District

AUG-24-2004 11:49 FROM: 2527513289 TO: 250 390 7511 P.4/6
FEB02-07 16:58 FROM: DEVELOPMENT APPROVALS... TO: 2522906287 PAGE 2/4



FAXED

File: 05 002 23043
Your File: 3360 30 AZ 0012

November 29, 2000

SUSAN CORMIE
SENIOR PLANNER
REGIONAL DISTRICT OF NANAIMO
PO BOX 40
LANTZVILLE BC V0R 2R0

Re: Zoning Amendment for a Portion of Lot 2, Section 12, Range 2, Cedar District, Plan VIP53334, except Part in Plan VIP64754

This office has now completed its review of the submitted Ted J. Thomas & Associates Ltd.'s site plan dated September 25th, 2000 to the above noted and offers the following concerns to be considered:

1. Access for the emergency vehicles should be unimpeded. The applicant should look at the redesign of the parking to eliminate the conflict of vehicles entering the southeast access and facilitating the proposed parking stalls along the southeast boundary.
2. This office requests that the proposed accesses be staked in the field and reviewed by this office to ensure that the Ministry's safe sight distances can be achieved along Yellow Point Road.
3. The parking stall numbers should be reviewed to ensure that sufficient parking is available for the projected uses.
4. Yellow Point Road is a network road and should be protected for future 4-laning plus left-turn lanes into the development.
5. All proposed buildings and structures to meet the current Provincial setback of 4.5 metres from the surveyed boundary of Yellow point Road. Please note that this would have to be satisfied subject to any road right-of-way dedications being completed.
6. Applicant to submit formal application to this office for access to Yellow Point Road.

2/...

W:\DEV\APPS\ZONING\23043.doc

Ministry of
Transportation
and Highways

Central Island District

Mailing Address:
6475 Mehal Drive
Nanaimo, BC V9T 2L9

Telephone: (250) 390-6100
Facsimile: (250) 390-6208
Development Approvals

35

2008-04-29 11:49 FROM: 2597513259 TO: 259 359 7511 P. 5/6
2008-04-29 15:12 FROM: DEVELOPMENT@PROVONLINE.CA TO: 2593598297 PAGE 3/4

November 29, 2008
Page 2
File No.: 08 002 23043

7. Proposed accesses to be designed as close to 90° to Yellow Point Road as physically possible.
8. All drainage discharges to be controlled onsite or taken to an approved natural outfall. No drainage to be directed to Yellow Point Road prism/surface.
9. Applicant to incorporate the Type 1A access design for commercial driveways. See attached.
10. Parking stall dimensions should be noted on site plan.
11. Applicant to ensure adequate turning radii are available onsite for proposed emergency type vehicles and service vehicles that may be using the development.
12. All proposed vegetation, signage, structures not to impede the access sight lines along Yellow Point Road.
13. Applicant to examine emergency fire signal warning at the main emergency fire access to warn the travelling public on Yellow Point Road of emergency vehicles exiting the site.
14. Applicant to indicate 'Stop' signs, 'no parking' signs, etc., on site plan. 'No Parking' signs on Yellow Point Road should be considered as not to impede sight lines for accesses.
15. The southeast access should be restricted for emergency vehicles/fire personnel only and signed accordingly.

Should you have any questions, please do not hesitate to call me at (250) 390-6277.

Yours truly,



Cai Fradin
District Development Technician

CF/kp

cc: Provincial Approving Officer

Attach.

2008-02-20 15:10

36

01/24/2011 11:49 FROM:

2537513269

TO: 250 390 6511

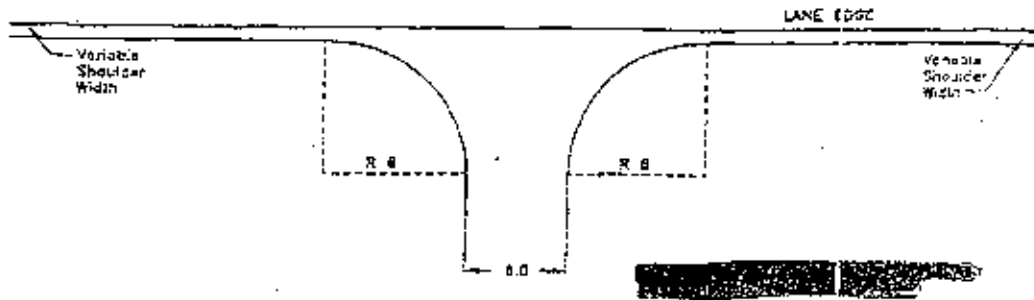
P.678

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 SENT BY: 4607H 602

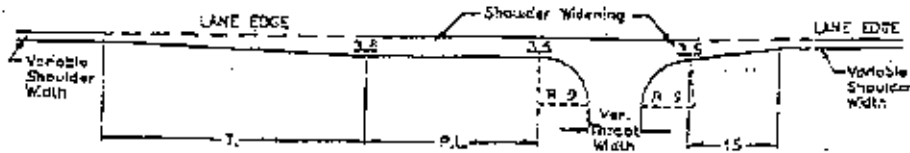
-29- 0 : 4:11PM : CENTRAL I.S.E.D
Applicant

250 390 6511# 3/ 5

TYPE 1A



TYPE 1B



DESIGN SPEED (km/h)	T ₁ (m)	P.L. (m)
50	20	-
65	30	-
70	40	-
80	40	10
90	40	25
100	45	30

Peak hour Right-of-Way Volume	Throat Width
≤ 10 vph	5
> 10 < 30 vph	8

TYPE 1 DRIVEWAYS
 K.1-1.0

Approved: *[Signature]*
 Director, Highway Engineering

November, 2002
 Page 2 of 7

[Handwritten mark]

The following letter was received from the individuals listed below:

I, _____ of _____ in Cedar wish to inform the Directors of my full support for the re-zoning application for the property on Yellow Point Road in order to accommodate a future fire hall/public building facility.

Thank you,

W. Leynard	1649 Akenhead Rd.
C Leynard	1649 Akenhead Rd.
Ken Nicholls	1815 Meadowlark Cres.
Jennifer Nicolls	1815 Meadowlark Cres.
Carl Jensen	2089 Furn Rd.
Gina Jensen	2089 Furn Rd.
Eric Jensen	1815 Meadowlark Cres.
Sophia Chambers	2388 Tiesu Rd.
Larry Bieky	2388 Tiesu Rd.
Diane Marwick	1950 Emma Way
Leonard Morris	1694 Cedar Rd.
Kerri Keller	2227 Morland Rd.
Barb Welchman	2140 Radziul Pl.
Chris Morgan	2213 Morland Rd.
Margaret McNab	1755 Woodbank Rd.
Brad and Lesley Coultec	2156 Yellow Rd. Rd.
JoAnn Andrews	1704 Wilkinson Rd.
Mo Leynard	2187 Fishers Dr.
Shawn Leynard	2187 Fishers Dr.
Natalie Nordal	1698 Williamson Rd.
Aaron Linn	1698 Wilkinson Rd.
Robert Fiddick	2940 Barnes Rd.
C.C. Joughin	1444 Leask Rd.
Carolanne Fiddick	1459 Leask Rd.
F. Scarpino	1698 Wilkinson Rd.
Joy Scarpino	1698 Wilkinson Rd.
Betty Nordal	#6- 1698 Wilkinson Rd.
Alfred Nordal and Elizabeth Nordal	#7 - 1698 Wilkinson Rd.
Garry Templeman	1698 Wilkinson Rd.
Minnie Templeman	1698 Wilkinson Rd.
Rose Capadouca	Riverside Rd.
Russ Kwas	Riverside Rd.

Robbee Salvati	1634 Cedar Rd.
Bob Salvati	1634 Cedar Rd.
Eli Backmann	1578 MacMillan Rd.
Tom Salvati	1634 Cedar Rd.
George Bowater	2251 Gould Rd. West
Louise Bowater	2129 Gould Rd. West
Steven Rutti	2174 Fishers Drive
Percy Tipping	2720 Charles Rd.
Sarah Salvati	1634 Cedar Rd.
Sharon Rutti	2142 Cedar Rd.
Cathy Rutti	2174 Fishers Drive
Yvonne Betts	2199 Yellow Point Rd.
Betty Betts	2634 Barnes Rd.
Harry Betts	2634 Barnes Rd.
Evelyn Tipping	2720 Charles Rd.
Anna Lee Newell	3180 Farrar Rd.
Shanda Birch	2158 Fishers Drive
Shawnc Soles	1810 Meadowlark Cres.
David Morel Darcy Orsen	1735 Woobank Rd.

Original letters will be available for viewing at the Board Meeting



REGIONAL DISTRICT OF NANAIMO

SEP 20 2004

MEMORANDUM

CHAIR		GMCrs	
CAO		GMDS	
GMCms		GMS	
		<i>Bed</i>	<input checked="" type="checkbox"/>

TO: Robert Lapham
General Manager, Development Services

DATE: September 15, 2004

FROM: Brigid Reynolds
Senior Planner

FILE: 3360 30 0402 to 0406

SUBJECT: Bylaw Amendment Bylaw Nos. 500.302, 500.303, 500.304, 500.305 and 500.306 – Fern Road Consulting on behalf of West Coast Rangers Ltd, Vincent, Stranaghan, Tennant, and Bartzen
Electoral Area 'H' – Spider Lake Road and Horne Lake Road

PURPOSE

To receive the Report of the Public Hearing containing the Summary of the Minutes and Submissions of the Public Hearing held on Tuesday September 7, 2004, and further, to consider Bylaw Nos. 500.302, 500.303, 500.304, 500.305, and 500.306, 2004 for 3rd reading.

BACKGROUND

Bylaw Nos. 500.302, 500.303, 500.304, 500.305, and 500.306, 2004, were introduced and given 1st and 2nd reading on August 10, 2004. This was followed by a Public Hearing held on September 7, 2004. The summary of the minutes and submissions is attached for the Board's consideration (see Attachment No. 2).

The intent and purpose of this bylaw amendment, is to rezone the five subject properties from subdivision district 'B' (8.0 ha min parcel size) to subdivision district 'D' (2.0 ha min parcel size) for the following properties:

Lot 5, Blk 347, Newcastle and Alberni Districts, Plan 33670 (West Coast Rangers Ltd) to facilitate the subdivision of the parcel into three lots – 2 lots with a minimum parcel size of 2.0 ha and one lot with a minimum parcel size of 4.0 ha;

Lot 4, Blk 360, Newcastle and Alberni Districts, Plan 35096 (Vincent) to facilitate the subdivision of the parcel into three lots - two lots with a minimum parcel size of 2.0 ha and one lot with a minimum parcel size of 4.0 ha.

Lot 5, Blk 360, Newcastle and Alberni Districts, Plan 35096 (Stranaghan) to facilitate the subdivision of the parcel into three lots – two lots with a minimum parcel size of 2.0 ha and one lot with a minimum parcel size of 4.0 ha.

Lot 17, Blk 360, Newcastle District, Plan 36512 (Tennant) to facilitate the subdivision into four lots with a minimum parcel size of 2.0 ha. and

Lot 18, Blk 360, Newcastle District, Plan 36512 (Bartzen) to facilitate the subdivision of the parcel into three lots - two lots with a minimum parcel size of 2.0 ha and one lot with a minimum parcel size of 4.0 ha.

The properties are located in the Spider Lake area of Electoral Area 'H' (see Attachment No. 1 for location of subject property).

The applicants are 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 and give 3rd reading to "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw Nos. 500.302, 500.303, 500.304, 500.305, and 500.306, 2004".
2. To receive the Report of the Public Hearing and deny "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw Nos. 500.302, 500.303, 500.304, 500.305, and 500.306, 2004".

LAND USE AND DEVELOPMENT IMPLICATIONS

Application ZA0402 (West Coast Ranger Ltd) has provided a revised the proposed subdivision lay out than what was originally submitted. The previous lay out provided a panhandle in the middle of the parcel. The panhandle has been moved to the southern lot boundary (see Schedule No. 2 - 1 of 3).

INTERGOVERNMENTAL IMPLICATIONS

Referrals were sent to the Ministry of Transportation and Vancouver Island Health Authority. In addition, the Bow Horne Fire Protection District was contacted directly.

Comments received include:

Ministry of Transportation – staff has indicated that the Ministry has no objection in principal to these applications.

Vancouver Island Health Authority – staff has indicated that due to the potential for onsite sewage disposal in these areas the agency has no objection to these rezoning applications.

Bow Horne Fire Protection District Fire Chief – The Fire Chief has verbally indicated no objection of these rezoning applications.

PUBLIC CONSULTATION IMPLICATIONS

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

VOTING

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

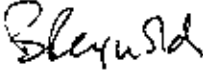
SUMMARY

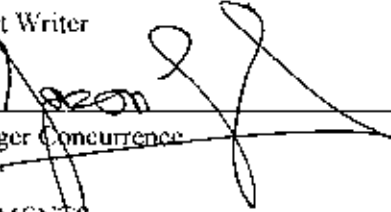
The purpose of Bylaw Nos. 500.302, 500.303, 500.304, 500.305, and 500.306, 2004 is to rezone five Rural 1 (RU1) zoned parcels from a 'B' subdivision district (minimum 8.0 parcel size) to a 'D' subdivision district (minimum 2.0 ha parcel) to facilitate the subdivision of five lots in the Spider Lake area in Electoral Area 'H' to create a total of 16 parcels.

The bylaw was introduced and given 1st and 2nd reading on August 10, 2004 and preceded to Public Hearing on September 7, 2004. Ministry of Transportation has no issues with the proposed rezoning at this time. 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 Nos. 500.302, 500.303, 500.304, 500.305, and 500.306, 2004 be considered for 3rd reading.

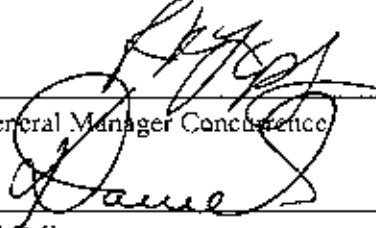
RECOMMENDATIONS

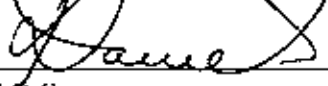
1. That the Report of Public Hearing containing the Summary of Minutes and Submissions of the Public Hearing held on September 7, 2004 for "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw Nos. 500.302, 500.303, 500.304, 500.305, and 500.306, 2004, 2004" be received.
2. That "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 3rd reading.
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. 500.302, 500.303, 500.304, 500.305, and 500.306, 2004.



Report Writer


Manager Concurrence



General Manager Concurrence


CAO Concurrence

COMMENTS:
devsus/reports/2004/ZA 3360 30 0402 to 0406 re brd Fern Rd/ PH & 3rd

SCHEDULE NO. 1
Conditions for Approval for
Zoning Amendment Application No. ZA0402 to ZA0406
Amendment Bylaw Nos. 500.302, 500.303, 500.304, 500.305, and 500.306

The following conditions are to be completed prior to consideration of Amendment Bylaw No. 500.302, 500.303, 500.304, 500.305, and 500.306, 2004 for final reading:

1. The registration of the following section 219 covenants. All covenants are to be prepared and registered by the applicant to the satisfaction of the Regional District.
 - a. For ZA0402, the two proposed 2 ha lots (A & B); For ZA0403, the two proposed 2 ha lots (A & B); For ZA0404, the two proposed 2 ha lots (A & B); For ZA0405, the four proposed 2 ha lots (A, B, C & D); and For ZA0406, the two proposed 2 ha lots (A & B) the following section 219 covenant shall be registered:
 - i) One dwelling unit per parcel;
 - ii) No further subdivision of the land under the *Strata Property Act*;
 - iii) No frontage relaxation; and
 - iv) No further road dedication to accommodate parcel frontage or additional parcels.
 - b. For ZA0405, the proposed Lots A, B, and C the following section 219 covenant shall be registered: No removal of vegetation within 15 metres of the natural boundary of the pond.
 - c. For ZA0402, ZA0405, and ZA0406, the following section 219 covenant shall be registered: The geotechnical reports prepared by Bob Davey on March 3, 2004.
 - d. For ZA0402, the proposed 4 ha lot (C); for ZA0403, the proposed 4 ha lot (C); and for ZA0404, the proposed 4 ha lot (C) the following section 219 covenant shall be registered: No further subdivision or subdivision pursuant to the *Strata Property Act*.
 - e. For ZA0402, ZA0403, ZA0404, ZA0405, and ZA0406, the following section 219 shall be registered: The hydrogeological assessment prepared by EBA Engineering Consultants Ltd. on August 31, 2004.
 - f. Apply for a development permit pursuant to the Environmentally Sensitive Features Development Permit Area Regional District of Nanaimo Electoral Area 'H' Official Community Plan Bylaw No. 1335, 2003

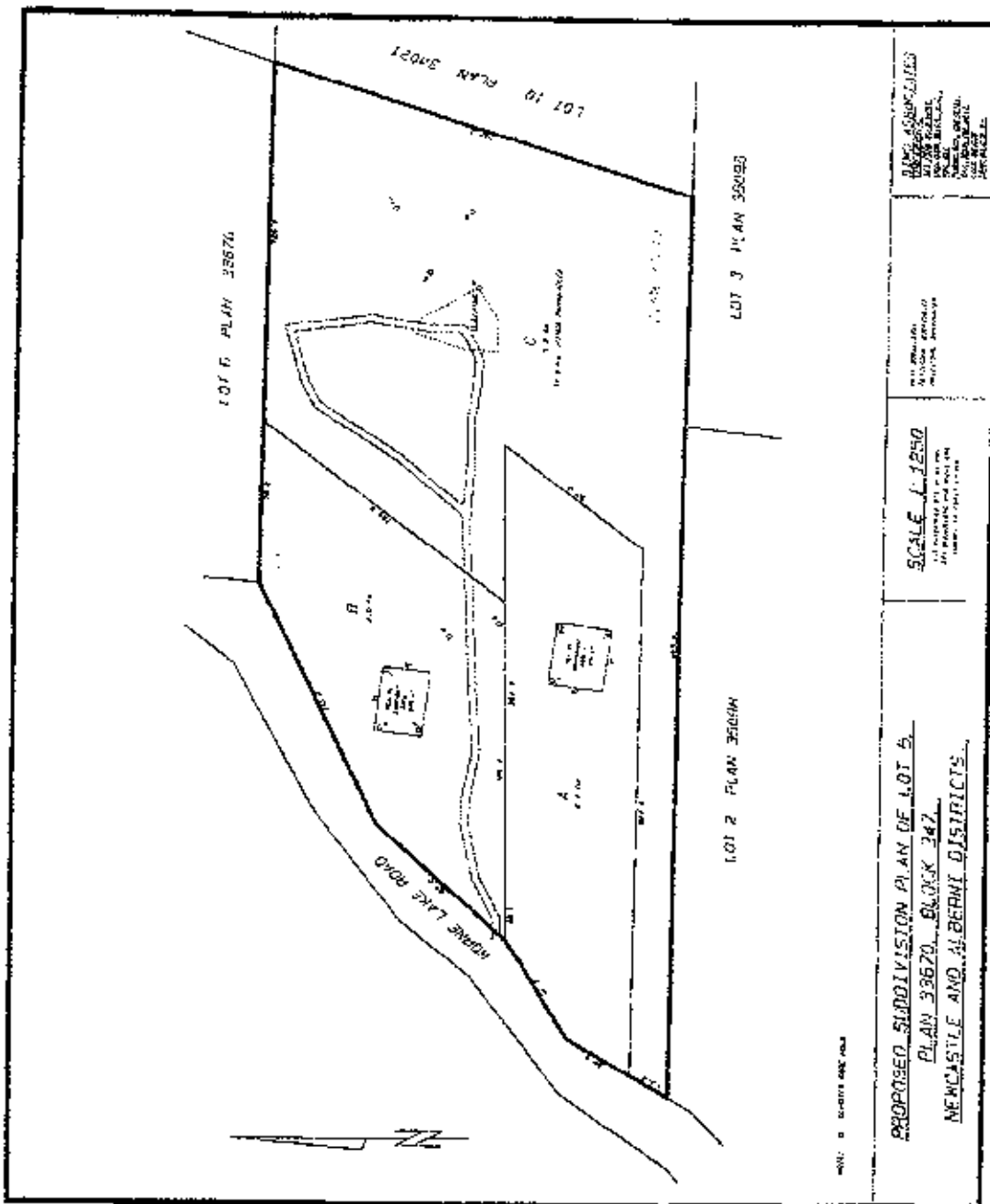
SCHEDULE No. 2 (1 of 5)
Site Plan for Zoning Amendment Application No. 0402
 (as submitted by applicant)
 (reduced for convenience)

Sep 03 04 11:15a

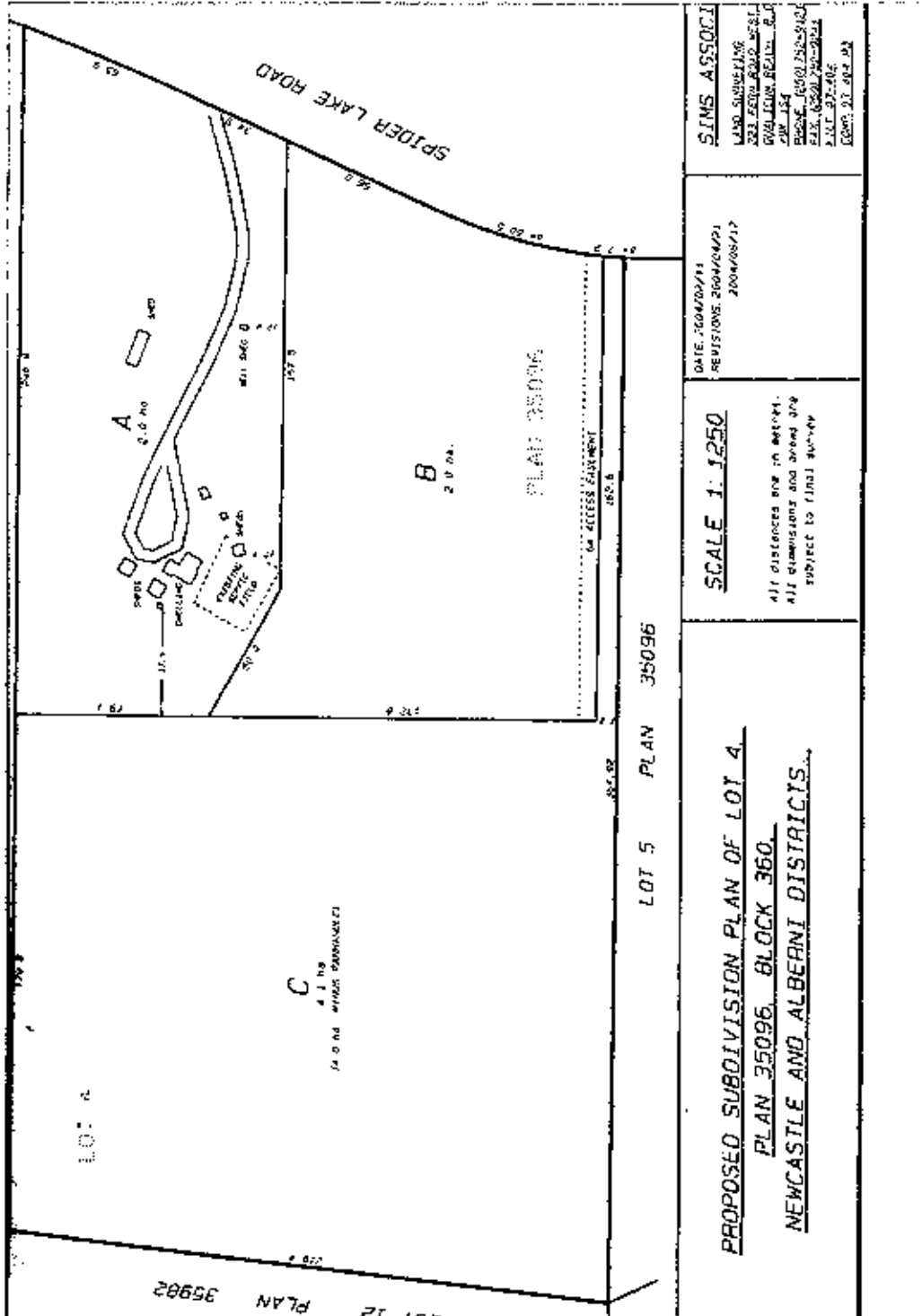
Sims Assoc.

7529241

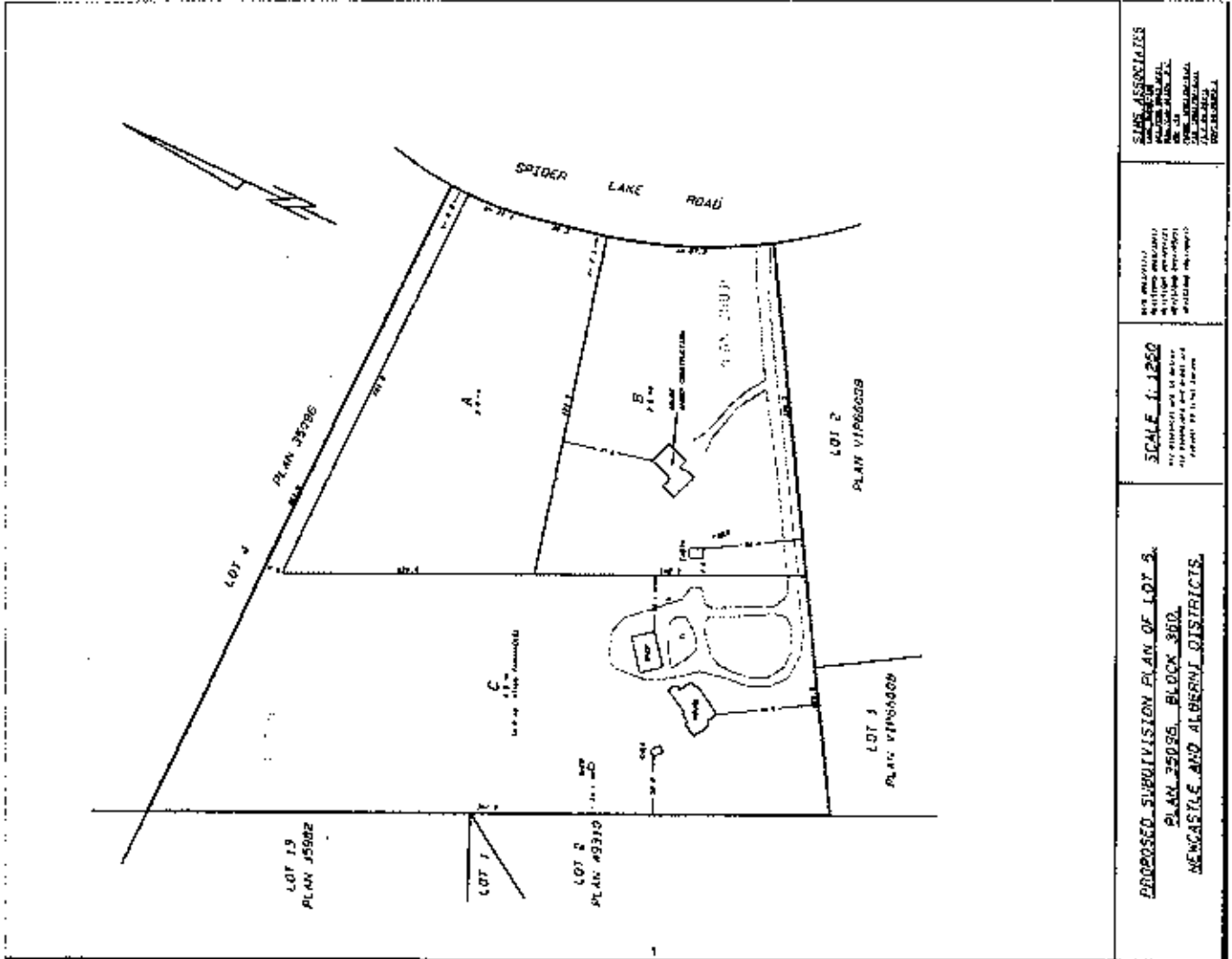
p. 2



SCHEDULE No. 2 (2 of 5)
 Site Plan for Zoning Amendment Application No. 0403
 (as submitted by applicant)
 (reduced for convenience)



SCHEDULE No. 2 (3 of 5)
Site Plan for Zoning Amendment Application No. 0404
(as submitted by applicant)
(reduced for convenience)



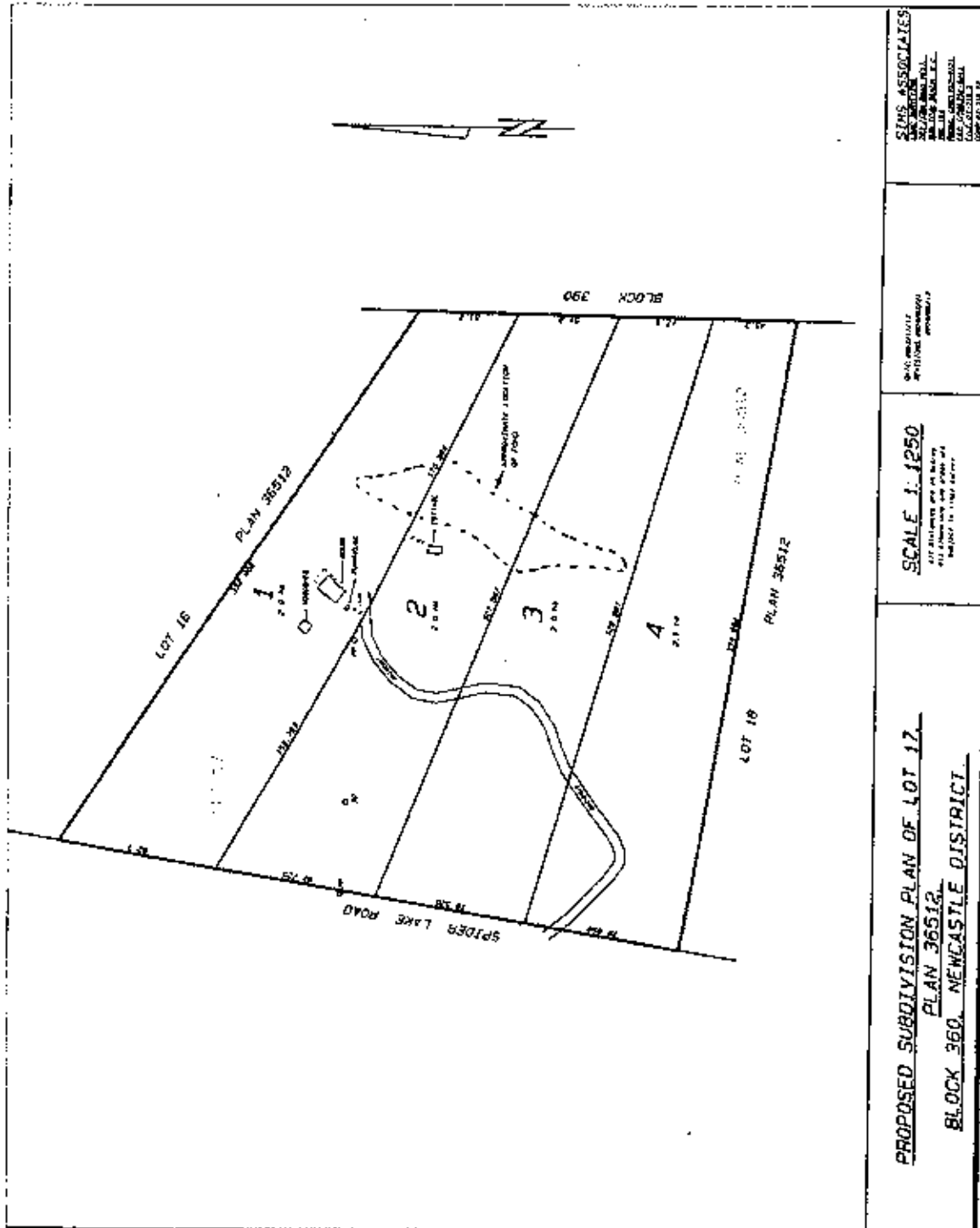
SUNSHINE ASSOCIATES
ARCHITECTS
1000 WEST 10TH AVE. SUITE 100
VANCOUVER, B.C. V6H 2G6
TEL: 604-273-1111
WWW.SUNSHINEASSOCIATES.COM

THIS PLAN IS A PRELIMINARY
DRAWING AND IS NOT TO BE
USED FOR CONSTRUCTION
OR ANY OTHER PURPOSES
WITHOUT THE WRITTEN
CONSENT OF THE ARCHITECT

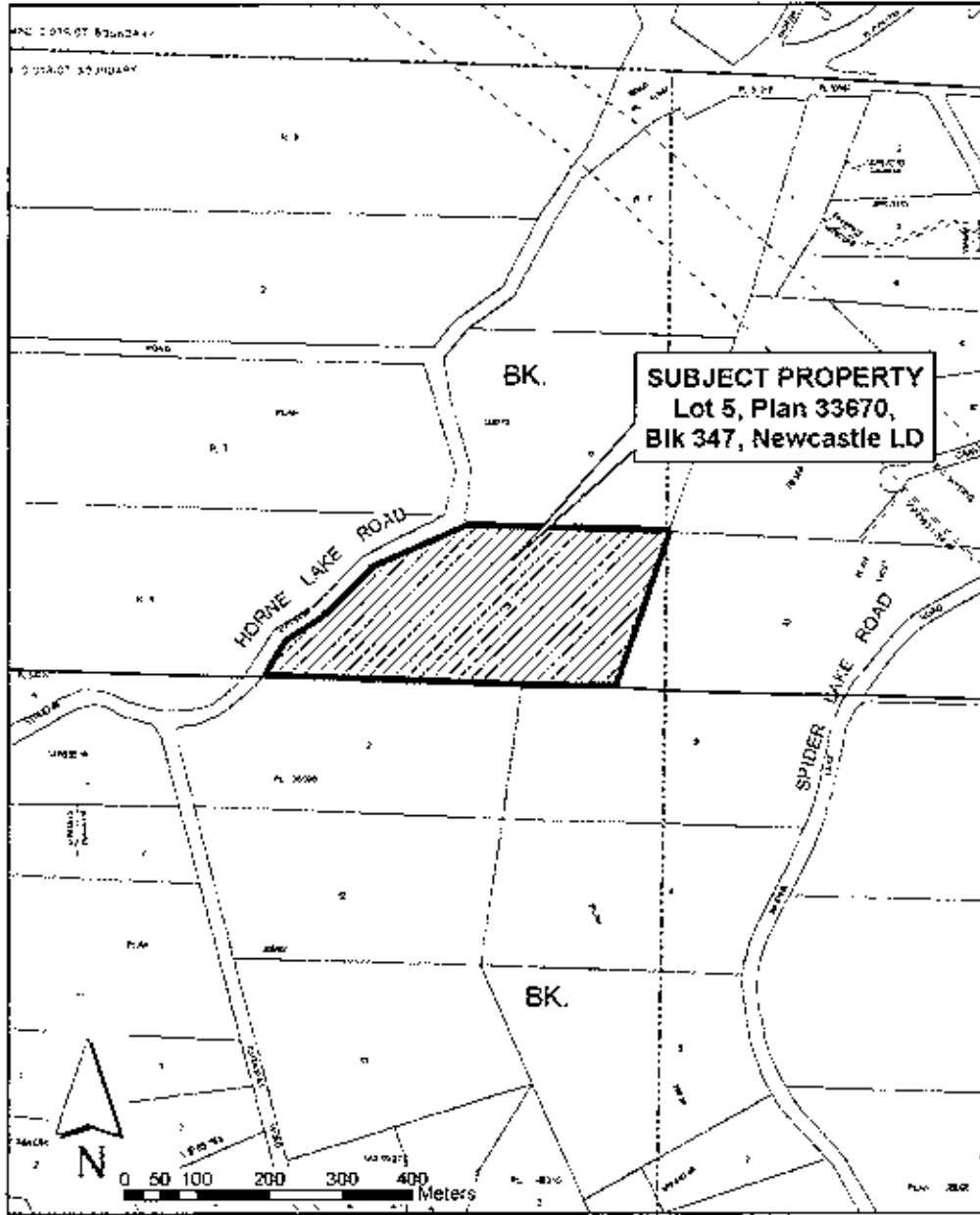
SCALE: 1:1250
NOT TO SCALE
FOR INFORMATION ONLY
SEE ARCHITECT'S NOTES

PROPOSED SUBDIVISION PLAN OF LOT 5,
PLAN J5585, BLOCK 380,
NEWCASTLE AND ALBERTA DISTRICTS.

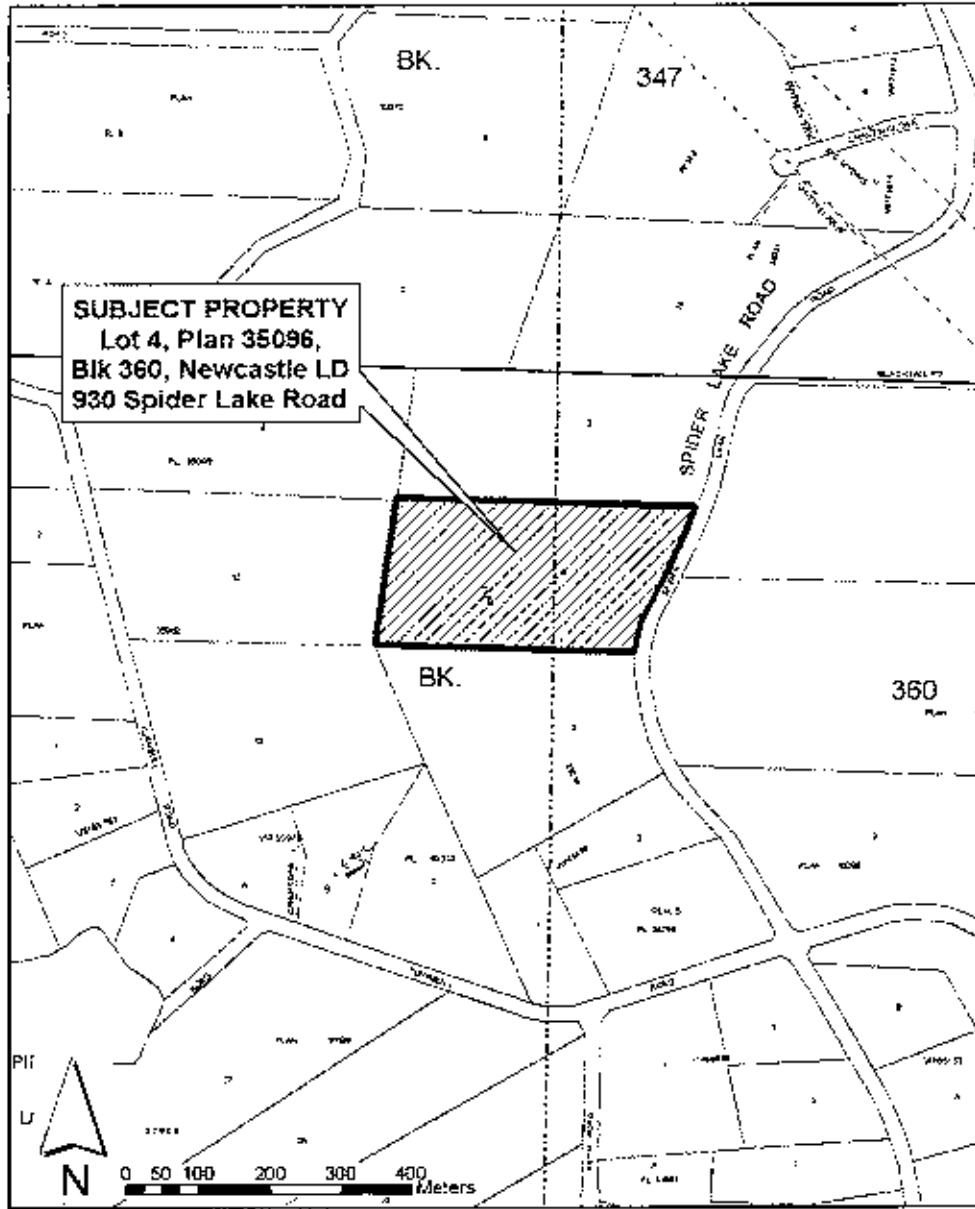
SCHEDULE No. 2 (4 of 5)
Site Plan for Zoning Amendment Application No. 0405
 (as submitted by applicant)
 (reduced for convenience)



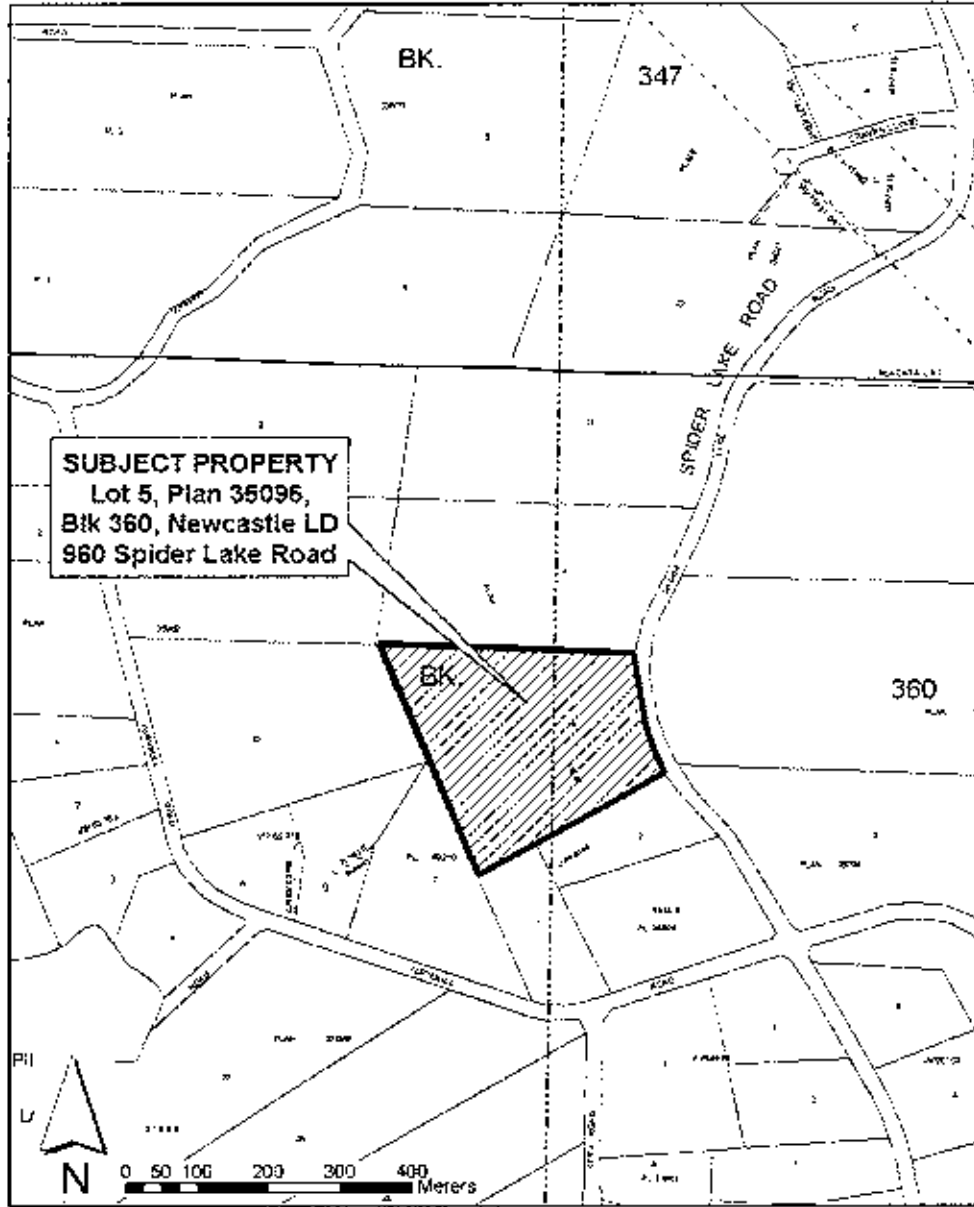
ATTACHMENT No. 1 (1 of 5)
Location of Subject Property
Zoning Amendment Application No. ZA0402



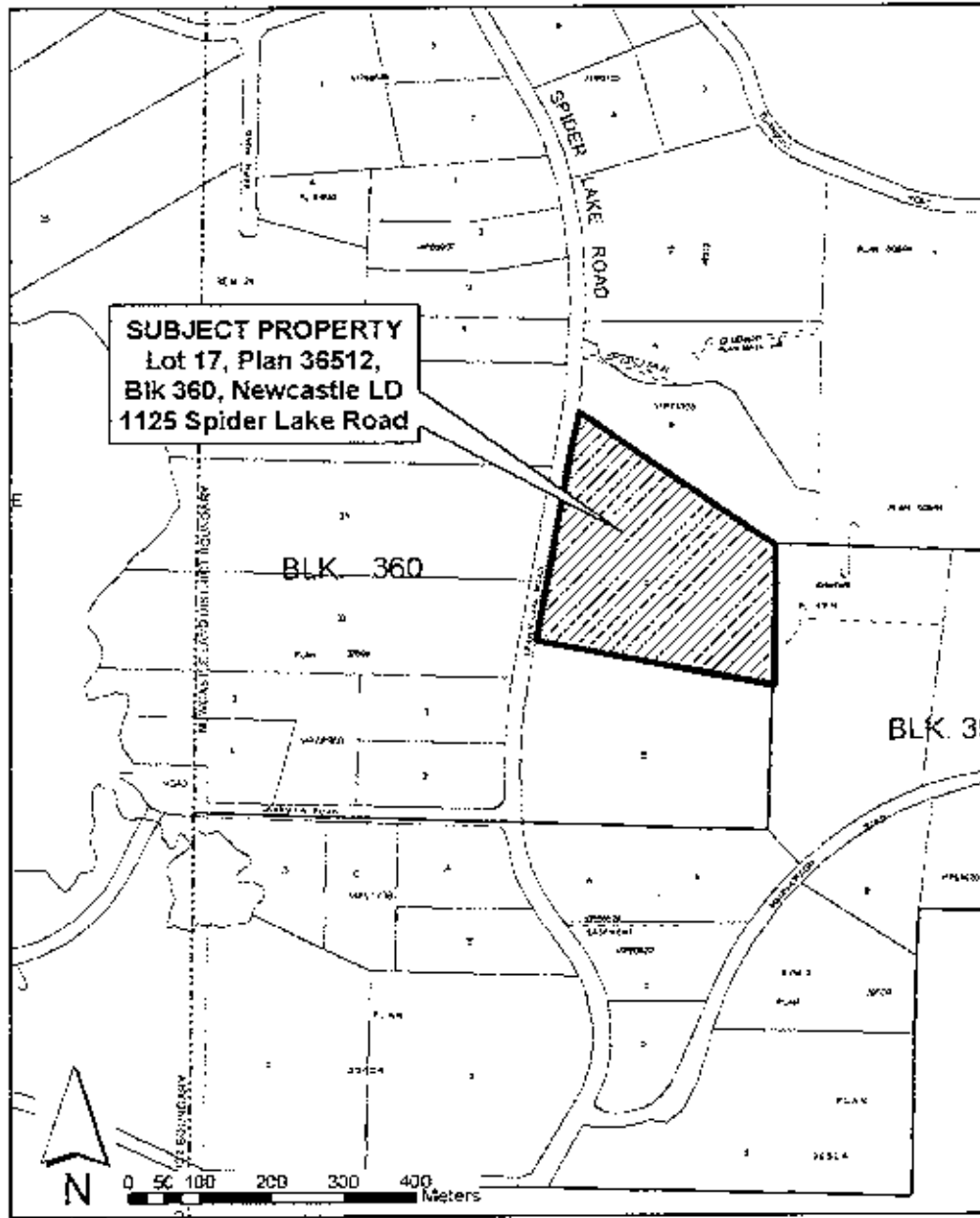
ATTACHMENT No. 1 (2 of 5)
Location of Subject Property
Zoning Amendment Application No. ZA0403



ATTACHMENT No. 1 (3 of 5)
Location of Subject Property
Zoning Amendment Application No. ZA0404

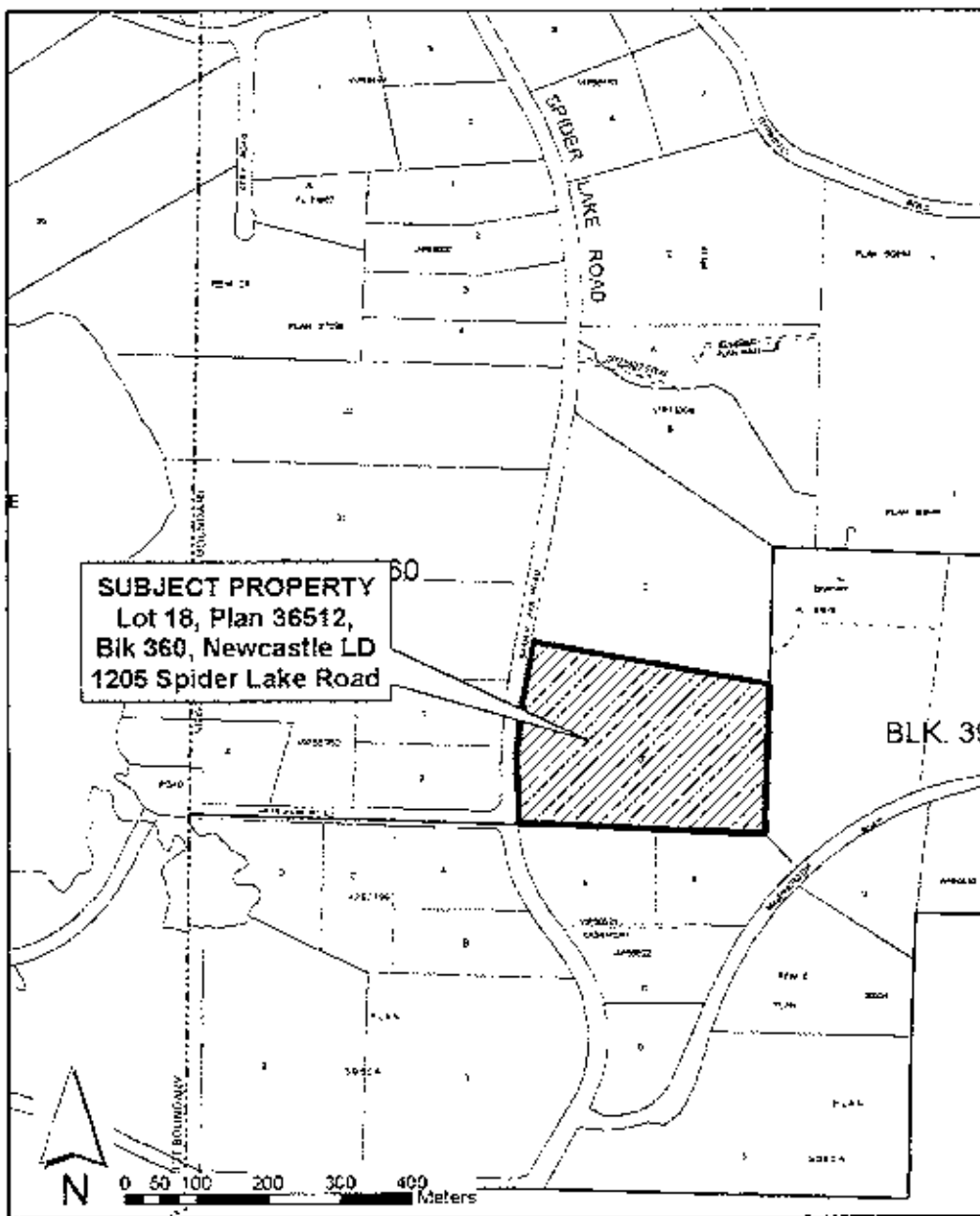


ATTACHMENT No. 1 (4 of 5)
Location of Subject Property
Zoning Amendment Application No. ZA0405



8025 Map Sheet No. 327.23/24

ATTACHMENT No. 1 (5 of 5)
Location of Subject Property
Zoning Amendment Application No. ZA0406



ATTACHMENT NO. 2

REGIONAL DISTRICT OF NANAIMO

REPORT OF THE PUBLIC HEARING HELD TUESDAY SEPTEMBER 7, 2004 AT 7:00 PM AT
LIGHTHOUSE COMMUNITY CENTRE 240 LIONS WAY, QUALICUM BAY, BC
TO CONSIDER REGIONAL DISTRICT OF NANAIMO BYLAW AMENDMENT BYLAW NOS.
500.302, 500.303, 500.304, 500.305 and 500.306, 2004

SUMMARY OF THE MINUTES AND SUBMISSIONS

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

Present for the Regional District of Nanaimo:

Dave Bartram	Chair, Director, Electoral Area 'H'
Joe Stanhope	Director, Electoral Area 'G'
Brigid Reynolds	Senior Planner

There were 7 people in attendance at the Public Hearing.

The Chair, Director Bartram opened the meeting at 7:03 pm, and introduced those attending the meeting from the RDN.

The Chair stated the purpose of the Public Hearing and requested that staff explain the bylaw that was the subject of the Public Hearing.

The Senior Planner provided a description of the Bylaw.

The Chair outlined the public hearing procedures invited submissions with respect to the proposed bylaw from the audience.

The Chair asked if there were any other comments or submissions.

The Chair asked for a second time if there were any other comments or submissions.

The Chair asked for a third time if there were any other comments or submissions.

Hearing none, the Chair thanked those in attendance and announced that the public hearing was closed. The Chair indicated that the Board of the Regional District would consider Bylaw Nos. 500.302, 500.303, 500.304, 500.305, and 500.306 at their regular board meeting to be held Tuesday, September 28, 2004 at the new Regional District Board chambers at 6300 Hammond Bay Road in Nanaimo.

The meeting concluded at 7:11 pm

Brigid Reynolds
Recording Secretary

REGIONAL DISTRICT OF NANALMO

MINUTES OF THE ELECTORAL AREA PLANNING COMMITTEE
MEETING HELD ON TUESDAY, SEPTEMBER 14, 2004, AT 6:30 PM
IN THE RDN BOARD CHAMBERS

Present:

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

Also in Attendance:

B. Lapham	General Manager, Development Services
J. Lewelyn	Manager of Community Planning
N. Tonn	Recording Secretary

LATE DELEGATIONS

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

CARRIED

Hans Heringa, Lost Lake Properties Ltd., re Consideration of Park Land Dedication – Area G.

Mr. Heringa, provided a summary of the subdivision application's history since 1993 and requested that the Board consider a cash-in-lieu of park land request with respect to the thirty-four lot subdivision development.

MINUTES

MOVED Director Bartram, SECONDED Director Bibby, that the minutes of the Electoral Area Planning Committee meeting held July 27, 2004 be adopted.

CARRIED

PLANNING

DEVELOPMENT PERMIT APPLICATIONS

Development Permit Application No. 60437 – Lajeunesse – 1539 Gordon Road – Area A.

MOVED Director Kreiberg, SECONDED Director Bibby, that Development Permit Application No. 60437 submitted by Rob Lajeunesse to approve the land alteration works that have been undertaken within the Streams, Nesting Trees, and Nanaimo River Floodplain Development Permit Area that consists of the introduction of large amounts of fill to create access to a proposed new lot on the property legally described as the North ½ of Section 17, Range 8, Cranberry District, Shown on Plan Deposited Under DDS657N, Except Parts in Plans 31020, 40229, and 2735 RW, be approved subject to the requirements outlined in Schedule No. 1.

CARRIED

Development Permit Application No. 60440 – Keith Brown & Associates on behalf of 646268 BC Ltd. (Country Kitchen) – 1922 Schoolhouse Road – Area A.

MOVED Director Kreiberg, SECONDED Director Bartram, that Development Permit No. 60440 submitted by Keith Brown & Associates, on behalf of 646268 BC Ltd., for the property legally described as Lot 1, Section 13, Range 6, Cranberry District, Plan 12009 and located at 1922 Schoolhouse Road, be approved, subject to the conditions outlined in Schedule Nos. 1, 2, 3, 4, 5 and 6 of the corresponding staff report and to the notification procedure subject to the *Local Government Act* with respect to the proposed variances.

CARRIED

DEVELOPMENT VARIANCE PERMIT APPLICATIONS

Development Variance Permit Application No. 90413 – Skollsberg – 3584 Outrigger Road – Area E.

MOVED Director Bibby, SECONDED Director Biggemann, that Development Variance Permit Application No. 90413, submitted by the property owners Jan-Wilhelm Skollsberg and Anne-Christine Skollsberg for the property legally described as Lot 7, District Lot 78, Nanoose District, Plan 19688 to relax the maximum permitted height to allow for the architectural style and construction of the proposed accessory building be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

Development Variance Permit Application No. 90414 – Kawerau & Butler – 1405 Reef Road – Area E.

MOVED Director Bibby, SECONDED Director Biggemann, that Development Variance Permit Application No. 90414, submitted by the property owners Peter Kawerau and Karen Butler for the property legally described as Lot 23, District Lot 38, Nanoose District, Plan 21633 to legalize the siting of an existing dwelling unit and to facilitate the replacement of an existing attached deck within the front lot line setback area by relaxing the minimum required front lot line setback requirement from 8.0 metres to 3.3 metres and the minimum interior side lot line setback requirement from 2.0 metres to 1.6 metres, be approved subject to the conditions outlined in Schedules No. 1, 2 and 3 and subject to the notification requirements pursuant to the *Local Government Act*.

CARRIED

Development Variance Permit Application No. 90415 & Request for Relaxation of the Minimum 10% Frontage Requirement – Fern Road Consulting Ltd. on behalf of V & M Fritzsche – 1410, 1420 and 1424 Hodge's Road – Area G.

MOVED Director Stanhope, SECONDED Director Bartram, that this item be deferred.

CARRIED

OTHER

Consideration of Park Land Dedication – Lost Lake Properties Ltd., on behalf of McKin Estates – off Sumar Lane – Area G.

MOVED Director Stanhope, SECONDED Director Bartram, that the park land proposals submitted by Lost Lake Properties Ltd. be refused and that the Regional District require that park land be dedicated in conjunction with the proposed subdivision of Lots 1 and 2, Both of District Lot 28, Nanoose District, Plan VIP61866 in the location and amount detailed on Schedule No. 1 of the staff report.

CARRIED

Temporary Use Permit No. 0401 – James & Ellen Rothwell – 241 Hilliers Road North – Area G.

MOVED Director Stanhope, SECONDED Director Kreiberg, that Temporary Use Permit No. 0401, submitted by Jim and Ellen Rothwell for the property legally described as Lot 1, District Lot 91 and 42, Newcastle District and District Lot 144, Nanoose District, Plan 13306, Except Part in Plan VIP59597, to allow a temporary soil mixing and compost storage operation be approved, subject to the Conditions of Approval outlined in Schedule No. 1 and subject to comments received as a result of the notification requirements pursuant to the *Local Government Act*.

CARRIED

Request for Relaxation of the Minimum 10% Frontage Requirement – Dave Scott on behalf of 3170497 Canada Inc., Commonly Known as Fairwinds Development – Carmichael Road – Area E.

MOVED Director Bibby, SECONDED Director Kreiberg, that the request from David Scott, on behalf of 3170497 Canada Inc., commonly known as Fairwinds Development, to relax the minimum 10% perimeter frontage requirement for Proposed Lot 5 shown on the Revised Plan of Proposed Subdivision of Phase 9A be approved subject to Schedule No. 1 of the corresponding staff report.

CARRIED

Electoral Area 'F' – Delegation of Authority for Non-Farm Uses.

MOVED Director Biggemann, SECONDED Director Bartram,:

1. That the staff report be received for information.
2. That staff be directed to report back with a detailed assessment of the implications of assuming delegation of authority for non-farm uses in Electoral Area 'F' and prepare a draft delegation agreement to consider assuming delegation of authority for non-farm uses in Electoral Area 'F'.

CARRIED

DIRECTOR'S AGENDA ITEM

Traffic Flow on Corcan Road.

MOVED Director Bartram, SECONDED Director Stanhope, that the Regional District of Nanaimo request that the Ministry of Transportation work with staff of the RDN to investigate both long and short term solutions to resolve the traffic flow problems on Corcan Road as part of their 2005-2006 work program.

CARRIED

ADJOURNMENT

MOVED Director D. Haime, SECONDED Director Bartram, that this meeting terminate.

CARRIED

TIME: 6:52 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON TUESDAY, SEPTEMBER 14, 2004, AT 7:04 PM IN THE RDN BOARD CHAMBERS

Present:

Director J. Stanhope	Chairperson
Director H. Kreiberg	Electoral Area A
Director G. Lund	Electoral Area B
Director E. Hamilton	Electoral Area C
Director D. Haime	Electoral Area D
Director P. Bibby	Electoral Area E
Director I. 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
Alternate	
Director D. Tyndall	City of Nanaimo
Director T. Krall	City of Nanaimo
Director B. Holdom	City of Nanaimo
Director L. McNabb	City of Nanaimo

Also in Attendance:

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

DELEGATIONS

Ron Tanasichuk, Nanaimo Area Land Trust, re Status Report and Request Regarding Operational Funding,

Mr. Tanasichuk presented an overview of the services that the Nanaimo Area Land Trust provide to the City of Nanaimo and the Regional District of Nanaimo and requested a donation from the RDN to allow NALT to continue operating with the current staff level for the remainder of 2004. They acknowledged that the City of Nanaimo had provided an additional grant of \$5,000.

MINUTES

MOVED Director Sherry, SECONDED Director Bartram, that the minutes of the regular Committee of the Whole meeting held July 27, 2004 be adopted.

CARRIED

COMMUNICATIONS/CORRESPONDENCE

Bill Barisoff, Minister, Ministry of Water, Land and Air Protection, re Fish Protection Act.

MOVED Director Krall, SECONDED Director Bibby, that the correspondence from the Minister of Water, Land and Air Protection with respect to the Fish Protection Act be received.

CARRIED

COMMUNITY SERVICES

Green Buildings.

MOVED Director Holdom, SECONDED Director Bartram,:

1. That the August 31, 2004 report, "Green Buildings", be received.
2. That terms of reference for a project to promote green building in the region be developed for the Board's consideration.

CARRIED

RECREATION & PARKS

Draft Bylaw No. 1399 to Provide for the Regulation of Park Use in the RDN.

MOVED Director McNabb, SECONDED Director Biggemann, that the draft 'Bylaw to Provide for the Regulation of Parks in the Regional District of Nanaimo' be received and that staff be authorized to disseminate the bylaw for public comment.

CARRIED

Staff were directed to advertise that copies of the draft bylaw may also be obtained from the Regional District offices.

CORPORATE SERVICES

FIRE PROTECTION

Financing Bylaws – San Pareil Water Service Security Issuing Bylaw No. 1395 & Coombs-Hilliers Fire Service Security Issuing Bylaw No. 1396.

MOVED Director Westbrook, SECONDED Director Bartram,:

1. That "Regional District of Nanaimo (San Pareil Water Service) Security Issuing Bylaw No. 1395, 2004" be introduced for first three readings.
2. That "Regional District of Nanaimo (San Pareil Water Service) Security Issuing Bylaw No. 1395, 2004" having received three readings, be adopted and forwarded to the Ministry of Community, Aboriginal and Women's Services for a Certificate of Approval.
3. That "Regional District of Nanaimo (Coombs-Hilliers Fire Service) Security Issuing Bylaw No. 1396, 2004" be introduced for first three readings.
4. That "Regional District of Nanaimo (Coombs-Hilliers Fire Service) Security Issuing Bylaw No. 1396, 2004" having received three readings be adopted, and forwarded to the Ministry of Community, Aboriginal and Women's Services for a Certificate of Approval.

CARRIED

DEVELOPMENT SERVICES

BYLAW ENFORCEMENT

Section 57 of the Community Charter – Contravention of Bylaw – Peter and Kathleen Kiidumae – 2993 Dolphin Drive – Area E.

MOVED Director Westbrook, SECONDED Director Krall, that this item be deferred.

CARRIED

ENVIRONMENTAL SERVICES

LIQUID WASTE

Lasqueti Island Septage.

MOVED Director Westbrook, SECONDED Director Bibby,:

1. That “Regional District of Nanaimo Trucked Liquid Waste Disposal Amendment Bylaw No. 988.06, 2004” be introduced for three readings.
2. That “Regional District of Nanaimo Trucked Liquid Waste Disposal Amendment Bylaw No. 988.06, 2004” having received three readings be adopted.

CARRIED

SOLID WASTE

Non-Profit Organizations – Solid Waste Tipping Fee Waivers.

MOVED Director Sherry, SECONDED Director Holdorn, that the Board receive the status report on non-profit organizations tipping fee waiver policies for information.

CARRIED

Status of the Provincial Product Stewardship Business Plan.

MOVED Director Sherry, SECONDED Director Tyndall,:

1. That the report on the status of the Provincial Product Stewardship Business Plan be received for information.
2. That the RDN Board send a letter to the BC Premier, copied to the Minister of Water, Land and Air Protection and UBCM encouraging the Province to accept industry product stewardship plan proposals that are consistent with the guiding principles of the product stewardship business plan and amend the stewardship regulation to include electronics.

CARRIED

UTILITIES

Melrose Terrace Community Water Supply Service Area Establishment Bylaw No. 1397 & Melrose Terrace Community Water Supply Service Area Loan Authorization Bylaw No. 1398 – Area F.

MOVED Director Biggemann, SECONDED Director McNabb,:

1. That “Melrose Terrace Community Water Supply Service Area Establishment Bylaw No. 1397, 2004” be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

2. That "Melrose Terrace Community Water Supply Service Area Loan Authorization Bylaw No. 1398, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

French Creek Sewer Local Service Area Bylaw No. 813.29 & Northern Community Sewer Local Service Area Bylaw No. 889.27 – 978 Lee Road – Area G.

MOVED Director Krall, SECONDED Director Bibby,;

1. That "French Creek Sewer Local Service Area Bylaw No. 813.29, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.
2. That "Northern Community Sewer Local Service Area Bylaw No. 889.27, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

Morningstar Streetlighting Local Service Area Boundary Amendment Bylaw No. 869.06 – Wembley Road – Area G.

MOVED Director Westbrook, SECONDED Director C. Haime, that "Morningstar Streetlighting Local Service Area Boundary Amendment Bylaw No. 869.06, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

Surfside Sewer Local Service Area Bylaw No. 1124.03 & Northern Community Sewer Local Service Area Bylaw No. 889.28 – 965 Surfside Drive – Area G.

MOVED Director Westbrook, SECONDED Director Holdom,;

1. That "Regional District of Nanaimo Surfside Sewer Local Service Area Bylaw No. 1124.03, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.
2. That "Regional District of Nanaimo Northern Community Sewer Local Service Area Bylaw No. 889.28, 2004" be introduced, read three times and forwarded to the Inspector of Municipalities for approval.

CARRIED

COMMISSION, ADVISORY & SELECT COMMITTEE

Area B Parks & Open Space Advisory Committee.

MOVED Director Lund, SECONDED Director D. Haime, that the minutes of the Area B Parks & Open Space Advisory Committee meeting held June 29, 2004 be received for information.

CARRIED

Nanoose Bay Parks & Open Space Advisory Committee.

MOVED Director Bibby, SECONDED Director Krall, that the minutes of the Nanoose Bay Parks & Open Space Advisory Committee meetings held March 22 and July 12, 2004 be received for information.

CARRIED

Regional Growth Monitoring Advisory Committee/Status of Sustainability Project.

MOVED Director Holdom, SECONDED Director Barram, that the minutes of the Regional Growth Monitoring Advisory Committee/Status of Sustainability Project meetings held July 21, August 18 and September 1, 2004 be received for information.

CARRIED

Regional Parks Plan Review Select Committee.

MOVED Director McNabb, SECONDED Director Biggemann, that the minutes of the Regional Parks Plan Review Select Committee meeting held July 5, 2004 be received for information.

CARRIED

ADDENDUM

CORPORATE SERVICES

FIRE PROTECTION

Open Burning as a Land Clearing Technique.

MOVED Director Longmuir, SECONDED Director Bibby,:

1. That the Board request the MWLAP to act on the 1996 request to change portions of the RDN to Category A under the OBSCR.
2. That the Board direct staff to further consider the issue of banning burning in the rural urban interface in the 2005 workplan.

CARRIED

PRESENTATION

City of Nanaimo Directors, re Nanaimo Centre Project.

Director Krall presented a visual and verbal overview of the proposed Nanaimo Centre Project which will go to referendum on November 20, 2004.

BUSINESS ARISING FROM DELEGATIONS OR COMMUNICATIONS

Nanaimo Area Land Trust.

MOVED Director Kreiberg, SECONDED Director Lund, that staff prepare a report for the next Board meeting examining the feasibility of a contribution from the RDN of \$5,000 to the Nanaimo Area Land Trust.

CARRIED

IN CAMERA

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

CARRIED

TIME: 8:25 PM

CHAIRPERSON

REGIONAL DISTRICT OF NANAIMO

MINUTES OF THE TRANSIT BUSINESS PLAN UPDATE SELECT COMMITTEE MEETING HELD ON THURSDAY, SEPTEMBER 9, 2004, AT 12 NOON IN THE RDN BOARD CHAMBERS

Present:

Director T. Krall	Chairperson
Director J. Stanhope	Electoral Area 'G'
Director D. Haime	Electoral Area 'D'
Director T. Westbrook	Town of Qualicum Beach
Director B. Holdom	City of Nanaimo
Director P. Bibby	Electoral Area 'E'

Also In Attendance:

R. Henry	Manager, Transportation Services
N. Connelly	General Manager, Community Services

Regrets:

Director R. Cartelon	City of Nanaimo
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CALL TO ORDER

The meeting was called to order at 12:05 pm.

MINUTES

MOVED Director Haime, SECONDED Director Stanhope that the Minutes of the Transit Business Plan Update Select Committee meeting held April 15, 2004 be adopted. CARRIED

CORRESPONDENCE

MOVED Holdom, SECONDED Stanhope that the letter from City of Nanaimo re Downtown Gordon Street Exchange, dated May 18, 2004, be received for information. CARRIED

MOVED Holdom, SECONDED Westbrook that the letter from BC Transit re Regional District Concerns with BCT Administration costs, dated August 24, 2004, be received for information. CARRIED

Director Krall referred to his planned attendance, along with the Board Chair and Deputy Chair, at the Transit Forum *Focus on the Future* to be hosted by the BC Transit Board of Directors on September 19, 2004 in conjunction with the UBCM Annual Convention in Kelowna.

ADMINISTRATION

Parksville / Qualicum Beach Community Bus Update

Neil Connelly updated the Committee on various issues associated with the June 28, 2004 implementation of community bus and the Department plans for a service evaluation in mid-October to assist with gauging progress, community acceptance and use and possible adjustments for consideration in 2005. R. Henry reported on the meeting held on the new service on September 3rd with a group of seniors in Parksville.

MOVED Director Westbrook, SECONDED Director Haime that the Parksville / Qualicum Beach Community Bus update report be received for information and that staff complete a service evaluation report for October and the next meeting. CARRIED

Transit Service Review -- Nanoose Bay

Neil Connelly provided an overview of the Nanoose Bay Service expansion report prepared by BC Transit and the issues raised by the province's lack of funding to cost share in any new service.

Director Bibby advised the Committee of individuals who have expressed an interest in possible transit service expansion and referred to a need for more detailed information to be developed for consideration by the Committee and the community.

MOVED Holdom, SECONDED Director Westbrook that staff prepare a report, including financial details, on the Option 1 transit service expansion outlined in the Nanoose Bay Transit Service Review Report by BC Transit, that could be used in conjunction with public consultation with Electoral Area 'E' residents. CARRIED

Universal Bus Pass (U-Pass) for Malaspina University-College

R. Henry reported on meetings that had been held with the Malaspina University-College Student Union and others to advance the U-Pass concept over the next two years. It was indicated that the initial step could involve Department participation in a survey by the Student Union.

MOVED Stanhope, SECONDED Holdom that the report be received and that staff be directed to continue to work with Malaspina University-College Student Union and other stakeholders as required to promote the U-Pass initiative with the objective of implementation for 2006. CARRIED

Transit Operational Issue Areas under Review for 2005

Staff referred to the issue areas of:

1. anticipated fuel price increases (projected 19%);
2. increased maintenance costs; and,
3. possible transit exchange relocation in downtown Nanaimo from the current location at Gordon Street.

Each item will have impacts on the 2005 budget process and will be the subject of further discussions over the next several months.

MOVED Holdom, SECONDED Haime, that the 2005 Transit Issues report be received for information. CARRIED

ADJOURNMENT

The meeting was adjourned at 1:15 pm.

T. Krall
Chair

TO: N. Connelly
General Manager of Community Services

DATE: August 23, 2004

FROM: R. Henry
Transportation Services Manager

FILE: 8770-01

SUBJECT: Transit Service Review - Nanoose Bay

PURPOSE

To consider a BC Transit report that reviews transit service and a community bus service option for Electoral Area 'E' (Nanoose Bay).

BACKGROUND

In the Fall of 2003, BC Transit was asked to conduct a transit service review for the Nanoose Bay area. The report was delivered on August 4, 2004 and is attached for information. The report provides options to the Regional District for future service enhancements in the Nanoose Bay area and reviews existing levels of service. The review complements the existing RDN Transit Business Plan sections regarding potential medium range Woodgrove Connector service expansion.

Within the current budget, there is no provision for service expansion. Any costs associated with expansion of the current service in Nanoose Bay would need to be entirely locally funded. The BC Transit Municipal Systems program is currently awaiting a new funding and governance structure to address program sustainability and future expansion of transit province-wide; however for the short to near term, the Regional District cannot count on any funding support from the Province in terms of expanding our existing transit services.

The report provides two options, as follows:

Option 1 - Introduction of Limited Community Bus / Connecting to Existing Service. This service would operate on a fixed route and schedule to areas not served by conventional transit. Based on projected total operating costs of \$59,995 and additional ridership of 16,093, the estimated net cost to the RDN would be \$39,332 for a full year of service. Electoral Area 'E' would be required to cover the increased costs given the additional levels of service to the area.

Option 2 - Expanded Conventional (Intercity) Connector / Enhanced Nanoose Community Bus.

- a. (Part 1) - Expanded Conventional Service only. It would provide for service every hour between Parksville and the Woodgrove exchange. The estimated net cost to RDN would be \$102,869, based on total operating costs of \$210,295 and an additional ridership count of 83,666.
- b. (Part 2) - Introduction of Enhanced Community Bus. This service proposal would allow for hourly community bus service to connect with the increased connector service at the Petro Canada / North West Bay Road site. The estimated net cost to the RDN would be \$80,882, based on total operating costs of \$129,329 and an additional ridership count of 37,732.

Option 2, Parts 1 and 2, provide a more comprehensive transit service to both the Nanoose Bay area and the balance of the Parksville/Qualicum Beach service area but at a total new projected costs of \$339,625 or net local cost of \$183,751, assuming the levels of targeted revenues from ridership are able to be achieved. In addition, Option 2 has cost implications for Nanoose Bay as well as the other transit participants in District 69 given the increased inter-city connector service levels.

ALTERNATIVES

1. Receive the report for information and retain for future consideration pending the reinstatement of BC Transit funding for new service.
2. Receive the report for information and direct staff to further report on implementation and cost issues for the northern transit system.

FINANCIAL IMPLICATIONS

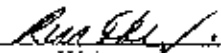
This is an information report and there are no financial implications at this time

SUMMARY/CONCLUSIONS


BC Transit has completed a report on possible transit service adjustments for Nanoose Bay. They include the introduction of a limited community bus service that would connect to the existing service on North West Bay Road, as well as a more comprehensive option for expanded inter-city connector service and an enhanced local community bus service. Given that there is no provincial funding available for service expansions all costs would need to be covered by the Regional District in accordance with the formula agreed to by the participant areas in the District 69 transit service. As a result, staff at this stage recommend that the report be received for information and held for future consideration in conjunction with any new cost sharing funding arrangements from the province.

RECOMMENDATION

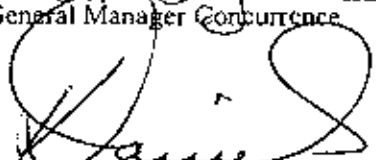
That the Nanoose Bay Transit Service Review report be received for information and held for future consideration pending the reinstatement of BC Transit funding for new service expansions.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:



REGIONAL DISTRICT OF NANAIMO	
SEP 20 2004	
CHAIR	SMCrs
CAO	GMDS
GMCMG	GMES
Bul	

MEMORANDUM

TO: Robert Lapham
General Manager of Development Services

DATE: September 15, 2004

FROM: Brigid Reynolds
Senior Planner

FILE: 3060 30 60418

SUBJECT: Development Permit Application No. 60418 - Gunning
Electoral Area 'G' - 1733 Admiral Tryon Boulevard

PURPOSE

To reconsider an application to vary the maximum height for an existing concrete retaining wall and to approve repair works to the retaining wall that were undertaken without Board approval.

BACKGROUND

At the Regular Board meeting held on June 8, 2004 the Board made the following resolution:

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

The first staff report is attached in Attachment No. 2.

Staff spoke to the property owner regarding the Board resolution and informed them that staff was instructed to meet with the French Creek Residents Association (FCRA) regarding retaining walls and that they would be informed of the outcome of the meeting and further Board direction.

On June 21, 2004, RDN staff was informed that the applicant had undertaken the works on or around June 18 2004. Staff contacted the property owner requesting an engineer's report confirming that the works were property done. Staff received a copy of the engineer's report on July 21, 2004 and have received a subsequent report commenting on impacts to the adjacent parcel.

ALTERNATIVES

1. To reintroduce DP application No. 60418 and to approve the recently constructed rip rap retaining wall at 1733 Admiral Tryon Boulevard.
2. To deny the requested variance.

LAND USE AND DEVELOPMENT IMPLICATIONS

The previous property owner constructed a flat faced concrete retaining wall with no permits. The dwelling unit was constructed in 1997 and there is no reference to a retaining wall in the building permit file. The concrete wall started to become undermined and the property owner made an application to address the failing wall.

As part of the development permit application, the applicant provided the following:

1. a report prepared by an engineer confirming the need to repair the existing wall and recommendations for the construction of the rip rap,
2. permission from the MWLAP to undertake works within the Wildlife Management Area and to work within the covenant area,
3. confirmation from LWBC that the wall could not be sited more than 1 metre below the natural boundary,
4. a legal survey confirming the location of the existing retaining wall (a minimum of 1.1 metres above the present natural boundary and 1.5 metres above the title boundary) and the height (1.2 metres), and
5. permission from the adjacent property owner to access the foreshore through their property.

The applicant was contacted regarding the illegal works and they stated that if the works had not been done the existing wall would fail and it would cost them much more than it already has. The applicant has provided subsequent engineers reports confirming that the wall was installed according to the original engineers report.

According to the applicant's engineer, the applicant did not contact him to supervise the installation of the retaining wall. However, this was not a specific recommendation in his report. In addition, the engineer has verbally stated that the retaining wall on the subject property should be installed together with a similar retaining wall on the adjacent property, 1736 Admiral Tryon. This was not a recommendation in his report.

The engineer has provided comments that the works were undertaken consistent with the original report's recommendations and that the installation of the rip rap should dissipate the wave energy and reduce any scouring action of the seabed and adjacent properties. The report also states that eddy currents on the adjacent property producing scouring action or backflow currents to the newly installed rip rap are not expected to occur.

According to the applicant, a DFO representative attended the site when the works were being done and took no issue with the works. DFO has confirmed that while they were not contacted in advance, a complaint was made and the fisheries officer attended and stated there were no concerns from their agencies perspective.

The rip rap that was recently installed is located a minimum of 0.8 metre below the present natural boundary. While this is not on the subject property but on Crown land, LWBC, the agency responsible for crown lands, has stated that they would not require a lease if the works were less than 1 metre below the present natural boundary. As the existing concrete wall is over 1 metre in height a building permit is required and is a condition of this development permit. The Building Inspection Department have undertaken a preliminary review of the engineering reports and supporting documents and indicated that the information appears to be sufficient to issue a building permit once an application has been made.

ENVIRONMENTAL IMPLICATIONS

Marine shorelines are sensitive and productive environments for fish and wildlife habitats. Retaining walls whether constructed of concrete, rip rap or lock blocks displace once vegetated shorelines with hard surfaces that have little ecological value. However, under Common Law, property owners have riparian rights thereby allowing them to protect their property.

The French Creek Residents' Association/Friends of French Creek Conservation Society have recommended that the applicants be required to remove the recently installed rip rap and concrete retaining wall as they were both done illegally. Removing these structures would result in further damage to the foreshore environment and considerable cost to the property owner. In addition, as common law allows property owners to protect their property from erosion and they would likely propose to reinstall a rip rap retaining wall in the same location. MWLAP and DFO have confirmed that from their agencies perspectives removing the existing structures with the strong likelihood that they would be replaced would cause far greater damage and disturbance to habitat and late summer migration of shorebirds than if it were to remain.

Staff recommend that as a condition of this permit, the applicant be required to undertake pocket plantings of native sea grasses in between the rip rap to assist in binding the rip rap and to accelerate the naturalization of the rip rap installation.

VOTING

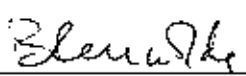
Electoral Area Directors – one vote, except Electoral Area 'B'.

SUMMARY/CONCLUSIONS

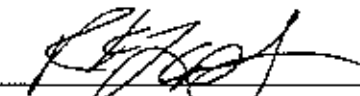
DP application No. 60418 to legalize an existing retaining wall and to repair it by installing rip rap was deferred by the Board at their meeting on June 8, 2004 pending the outcome of a meeting between staff and the French Creek Residents' Association. Without Board approval, the applicants did the work on or about the June 18, 2004 without Board approval. At staff's request, the applicants have provided a second engineers report confirming that the works were undertaken consistent with the first engineers report. The engineer has also confirmed that the rip rap installation should not adversely impact the adjacent undeveloped parcel.

RECOMMENDATION

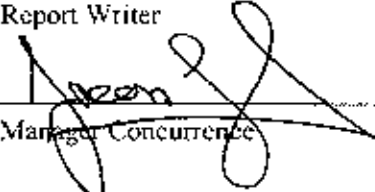
That Development Permit Application No. 60418 to vary the minimum setback from 8.0 metres to 1.1 metres to recognize the siting of the existing concrete retaining wall and to permit the construction of a rip rap retaining wall sited a maximum of 1 metre below the natural boundary of the sea, within the Watercourse Protection Development Permit Area on the property legally described as Lot 30, District Lot 28, Nanoose District, Plan VIP62528, be approved subject to confirming the requirements outlined in Schedules No. 1, 2, 3 and 4 of the original report were met and conditions outlined in Schedule No. 1 of this report be met.



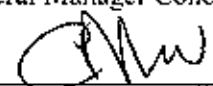
Report Writer



General Manager Concurrence



Manager Concurrence



AICAO Concurrence

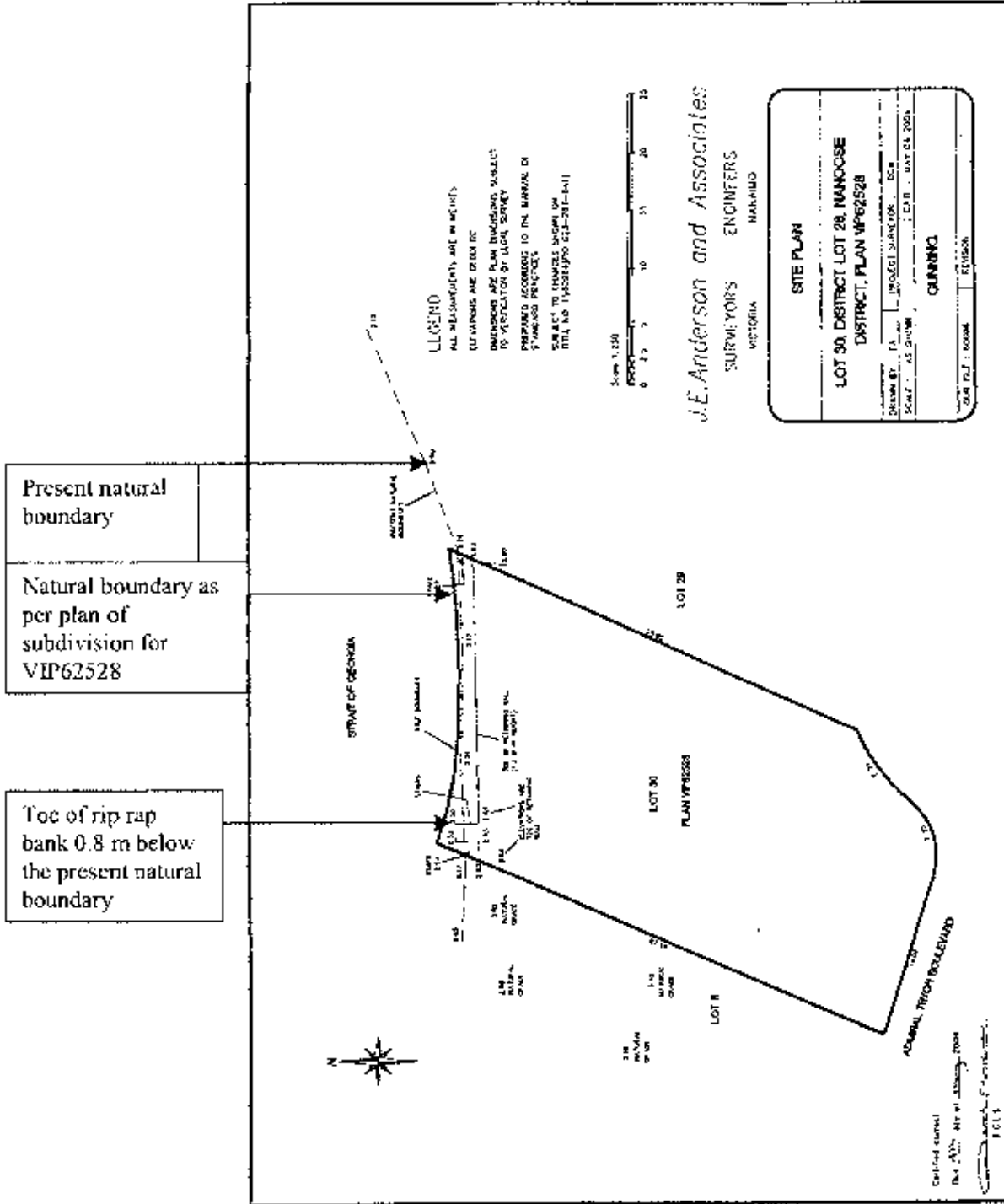
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**Schedule No. 1
Conditions of Approval
Development Permit No. 60418**

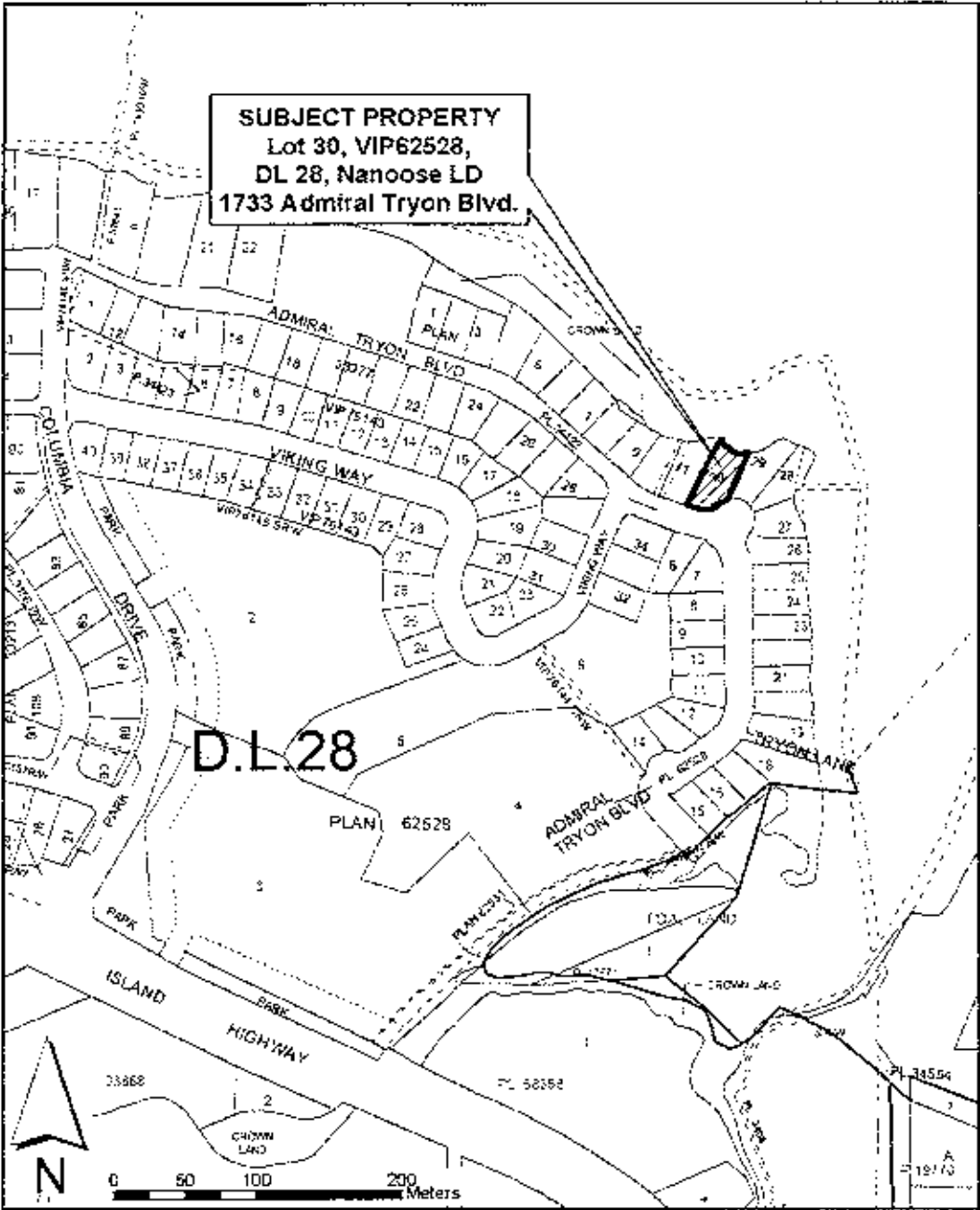
Additional Conditions

1. The geotechnical reports prepared by Bob Davey, dated 29 January 2004, 8 July 2004, and 28 July 2004 and a 'Save Harmless' covenant shall be registered on the title of the property to the satisfaction of the RDN. All costs to be borne by the applicant.
2. Planting of native salt tolerant vegetation (e.g. beach grass) shall be interspersed in rip rap wall.
3. Obtain a building permit for the existing concrete retaining wall from the RDN Building Department.

Schedule No. 2
 Site Survey
 Development Permit No. 60418



Attachment No. 1
Subject Property
Development Permit No. 60418



Attachment No. 2
Original Staff Report



MEMORANDUM

TO:	Robert Lapham General Manager, Development Services	DATE:	May 15, 2004
FROM:	Brigid Reynolds Senior Planner	FILE:	3060 30 60418
SUBJECT:	Development Permit Application No. 60418 - Gunning Electoral Area 'G' – 1733 Admiral Tryon Boulevard		

PURPOSE

To consider an application to vary the maximum height for an existing concrete retaining wall and to facilitate the installation of a rip rap retaining wall to repair the existing concrete retaining wall within the Watercourse Protection for a Development Permit Area pursuant to the "Regional District of Nanaimo French Creek Official Community Plan Bylaw No. 1115, 1998".

BACKGROUND

The subject property, legally described as Lot 30 District Lot 28, Nanoose District, Plan VIP62528, is located at 1733 Admiral Tryon Boulevard in the Columbia Beach area of Electoral Area 'G' (*see Attachment No. 1*).

The subject property is zoned Residential 5 (RS5) pursuant to "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". The minimum setback requirements for buildings and structures adjacent to the sea are 8.0 metres horizontal distance from the natural boundary. The existing concrete retaining wall is 1.2 metres in height and sited 1.1 metres upland from the natural boundary. Therefore a variance is required.

The Watercourse Protection Development Permit Area was established to protect the natural environment. The Development Permit Area is measured 15 m from the natural boundary of the sea. The existing concrete retaining wall is located 1.1 m upland from the natural boundary and the rip rap retaining wall is proposed to be located in front of the existing wall and the toe is proposed to be sited a maximum of 1 metre below the natural boundary. There are also wooden stairs that project outwards from the existing retaining wall by 2 metres (*see Schedule No. 2 for the site plan*).

The land below the natural boundary is within the Provincial Wildlife Management Area (WMA) and any works proposed within WMA requires permission from the Ministry of Water, Land and Air Protection, the Ministry responsible for administering the WMA (*see Schedule No. 2 for a copy of the letter from MWLAP*).

There is a covenant on title delineating a setback for buildings and structures measured 15.0 m from the present natural boundary for flood protection purposes. In addition, the covenant states no removal of vegetation is permitted within 7.5 m from the present natural boundary for environmental protection purposes. Written permission from the Regional Water Manager and Regional Fish and Wildlife Manager with the Ministry of Water, Land and Air Protection have been received to relax the covenant setbacks (*see Schedule No. 3 for a copy of the letter from MWLAP*).

A geotechnical report has been completed by Bob Davey of Davey Consulting and Engineering Ltd. on January 29, 2004 and provides recommendations for the construction of a rip rap retaining wall to remediate the existing concrete retaining wall that is being undermined.

The adjacent property to the east has a concrete retaining wall and the property to the west is currently undeveloped. It is from the latter property that access is proposed.

ALTERNATIVES

3. To approve the requested development permit with variances subject to the conditions outlined in Schedule Nos. 1, 2 and 3.
4. To deny the requested development permit with variances.

LAND USE AND DEVELOPMENT IMPLICATIONS

The existing retaining wall was constructed without a building permit or other approvals. As it was constructed with no permits and is 1.2 metres in height and located 1.1 metres upland from the natural boundary, staff recommends that the existing retaining wall be legalized.

The existing concrete retaining wall is being undermined by erosion and without some form of mitigation it has the potential to fail altogether. As a result, the proposed rip rap has to be sited in front of the existing wall. The land below the natural boundary is Provincial Crown land. Land and Water BC (LWBC) is the Provincial Ministry responsible for leasing Crown land. They have stated that providing the toe of the rip rap retaining wall is located no more than 1 metre below the natural boundary no Crown lease is required.

Staff recommends that the stairs not be recognized as they are wooden and at the furthest point are located more than 2.0 metres below the natural boundary on Crown land and would require a Crown lease. LWBC has stated that as the stairs are a 'temporary' structure, they do not recommend their formal recognition.

ENVIRONMENTAL IMPLICATIONS

The beach is comprised of sand and gravel, which is subject to highly dynamic shoreline processes. This shoreline appears to be experiencing erosion. There is no vegetation in front of the existing wall. Pocket plantings of beach grasses in the rip rap are included as a condition of the approval. This could enable native vegetation to reestablish providing habitat for invertebrates and providing additional stability of the rip rap.

Federal Fisheries and Oceans (DFO) best management practices are included as conditions of approval (*See Schedule No. 1*). In addition, DFO requires that the applicant advise their agency a minimum of five days in advance of the proposed works.

As there is an existing dwelling unit, the works cannot be undertaken from the upland portion of the property. The adjacent lot is currently undeveloped and the property owner has verbally granted permission to allow access through his property to the beach. As there will be heavy equipment machinery on the marine foreshore, conditions of approval detail mitigative measures to reduce the potential for negative impacts to the marine environment.

PUBLIC CONSULTATION IMPLICATIONS

As the existing retaining wall requires a variance to the maximum height, notification is required between the EAPC and Regional Board meetings.

VOTING

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

SUMMARY/CONCLUSIONS

This is an application to vary the setback of an existing retaining wall from the natural boundary of the ocean from 8.0 metres to 1.1 metres and to facilitate the construction of a rip rap retaining wall in front of the existing concrete wall within the Watercourse Protection Development Permit Area.

From staff's assessment of this application, the request to vary the setback from 8.0 metres to 1.1 metres could be supported, as the existing wall is being undermined and mitigative works need to be undertaken to prevent the existing wall from being further undermined. In addition, the mitigative measures included in the conditions of approval are intended to reduce the negative impacts to the marine environment as outlined in Schedule No. 1.

RECOMMENDATION

That Development Permit Application No. 60418 to vary the minimum setback from 8.0 metres to 1.1 metres to recognize the siting of the existing concrete retaining wall and to permit the construction of a rip rap retaining wall sited a maximum of 1 metre below the natural boundary of the sea, within the Watercourse Protection Development Permit Area on the property legally described as Lot 30, District Lot 28, Nanoose District, Plan VIP62528, be approved subject to the requirements outlined in Schedules No. 1, 2, 3 and 4 and subject to notification requirements pursuant to the *Local Government Act*.

Report Writer

General Manager Concurrence

CAO Concurrence

COMMENTS:

devsvsireporis/2004/idp.mn.3060.30.60418.Gunning

**Schedule No. 1
Conditions of Approval
Development Permit No. 60418**

Environmental Protection

3. Foreshore construction should take place during the period of June 1 and December 1 of any calendar year.
4. Federal Fisheries and Oceans (DFO) must be informed of the proposed works a minimum of five days in advance.
5. Excavated beach materials shall be kept to a minimum and shall be evenly distributed on the beach and not stockpiled.
6. No soils or fines shall be introduced into the marine environment.
7. Construction is not to include the use of native beach materials (boulders, cobble, gravel, and drift logs).

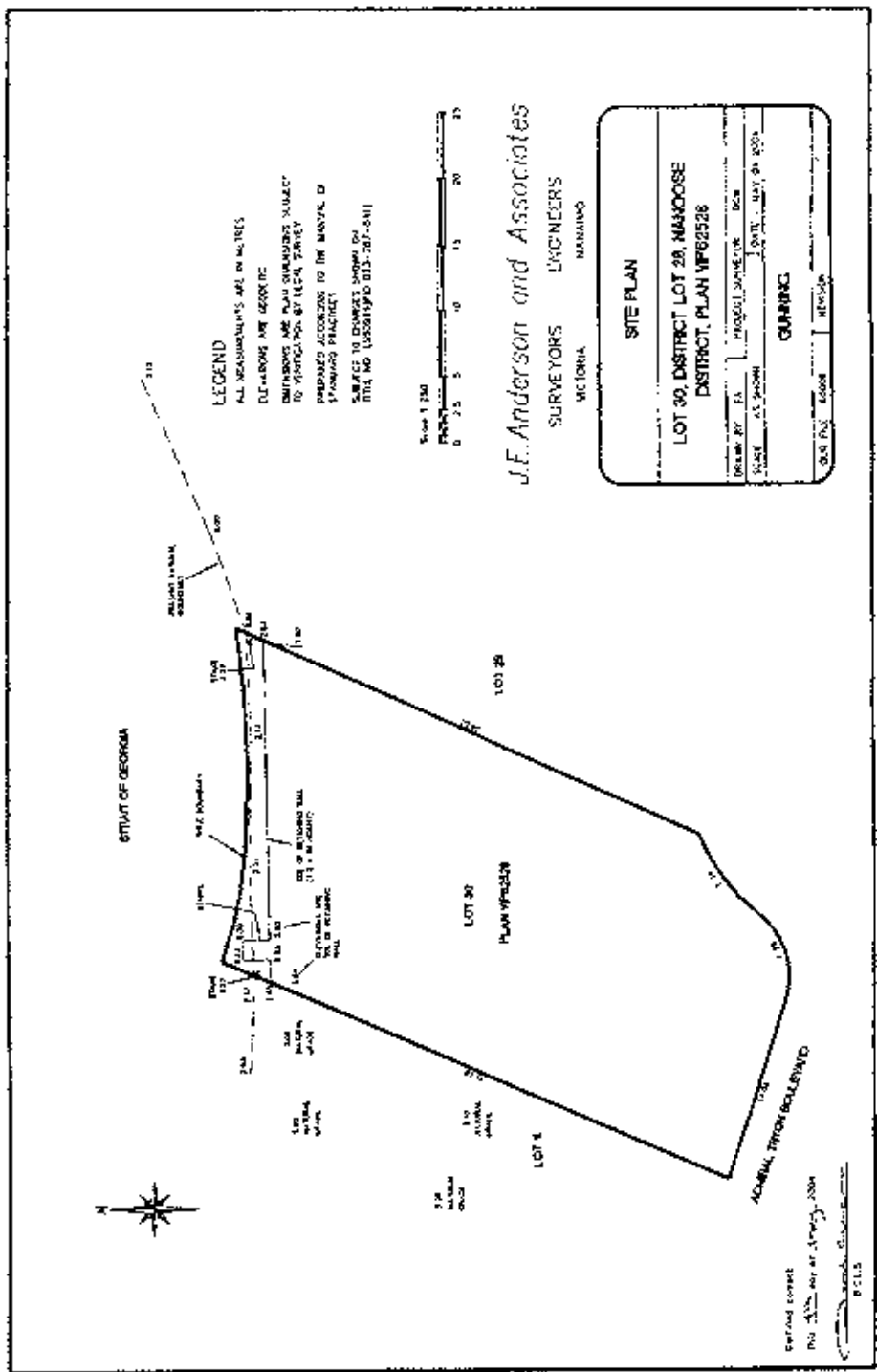
Rip Rap Retaining Wall

8. Recommendations detailed in the Geotechnical Report prepared by Bob Davey of Davey Consulting and Engineering dated January 29, 2004 shall be incorporated into the proposed development.
9. The installation of the rip rap wall shall be undertaken under the supervision of a professional engineer with experience in shoreline processes and the installation of shoreline retaining devices.
10. Rock used for the rip-rap wall should be angular blast rock, clean and free of fines. The rock should be of a size that will not move and require maintenance.
11. The 'toe' of the rip rap seawall shall not extend more than 1 metre below the natural boundary.
12. The rip rap retaining wall shall be less than 1 metre in height.
13. Planting of native salt tolerant vegetation (e.g. beach grass) shall be interspersed in rip rap wall.
14. The rock wall should have a mechanism to drain soils from the upland through the rock without allowing for the loss of upland soils to the freshwater or marine environment. A filter fabric barrier to restrain upland soils is recommended.

Machinery

15. The machine must be in good working order and no fuels, lubricants or construction wastes are permitted to enter the marine environment. No refueling of machinery is to be conducted within 100 m of the marine environment.
16. A spill kit shall be on-site to prevent the introduction of any fuels in the event of a spill. If a spill occurs, the Provincial Emergency Program must be contacted.
17. Written permission from the adjacent property owner must be submitted to the Regional District prior to the works being undertaken.
18. Heavy equipment machinery on the beach shall be limited to a maximum of two days.

Schedule No. 2
 Site Survey
 Development Permit No. 60418



Schedule No. 3

Ministry of Water, Land and Air Protection Approval (1 of 2 pages)
Development Permit No. 60418

February 24, 2004

File: 39580-30/PQ

Town and Country Construction Ltd.
955 Parkdowne Rd.
Parksville BC V9P 2B9ATTENTION, Colin Springford,
Owner/Manager

Dear Colin Springford:

Re: Request to Construct Shoreline Protection within a Wildlife Management Area

Thank you for your letter of February 9, 2004, requesting authorization to construct shoreline protection works fronting 1733 Admiral Fryon Blvd. at French Creek and my apologies for the delay in getting this letter back to you. In his report dated January 29 2004, Bob Davies, the engineer for this project, has recommended the works to be constructed seaward of the existing concrete retaining wall and below the present Natural Boundary, encroaching up to 2 m into the intertidal zone. We understand that you will be accessing the work site from within the intertidal zone and thus within the Parksville Quatcum Beach Wildlife Management Area. We further understand that you have reviewed this plan with Scott Northrup of Fisheries and Oceans Canada, and that he has required the work to be completed by February 15, 2004.

As discussed with my staff, in addition to lying within the Parksville Quatcum Wildlife Management Area, the property is subject to two restrictive covenants that would have applied at the time this seawall was constructed. A flood-proofing covenant was signed by the Water Management Branch, delineating a 7.5 m flood elevation setback, and with which the existing seawall appears to comply. A second covenant was prepared in favour of the Fish and Wildlife Branch, and stipulated a 15 m setback from the Natural Boundary, within which no vegetation or soil disturbance was to occur without the prior written permission of the Fish and Wildlife Manager. The surveyed Natural Boundary at the time of subdivision would have represented the seaward boundary of this lot. We have no record of having received a request for the construction of the existing seawall now located on the subject property boundary.

... 2

Ministry of
Water, Land and
Air ProtectionVancouver Island Region
Environmental Stewardship DivisionMailing Address:
2600A Labour Rd.
Nanaimo BC V9T 6J9Telephone: 250 751-3100
Facsimile: 250 751-3109
Website: <http://mwpwww.gov.bc.ca>

Schedule No. 3
Ministry of Water, Land and Air Protection Approval (2 of 2 pages)
Development Permit No. 60418

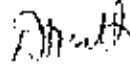
Colin Spraggard February 24, 2004

In addition to the above restrictions on shoreline protection, we understand the Regional District of Nanaimo have established a Shoreline Development Permit Area. Our understanding is that your client, Ms. Judith Gunning, is working with the RDN Planning Department to address their requirements.

Despite the above restrictions and the past oversight to seek authority for construction, we are inclined to agree with Bob Davies' report, that the existing retaining wall requires repairs to avoid future damage and loss of your client's property. The design Bob Davies has proposed is suggesting the placement at a considerably steeper grade than the approach we have recommended for shoreline protection. I am enclosing an alternate design standard for rip rap bank protection, prepared by this ministry.

While I understand that the necessary requirements couldn't be completed in time to effect repairs prior to closure of the fisheries window, I can advise that we are prepared to authorize the proposed works for future consideration, provided all requirements of Fisheries and Oceans Canada have been met.

Yours truly,



R. H. Heath, R.P. Eng., R.P.E.
Regional Environmental Stewardship Manager
Vancouver Island Region

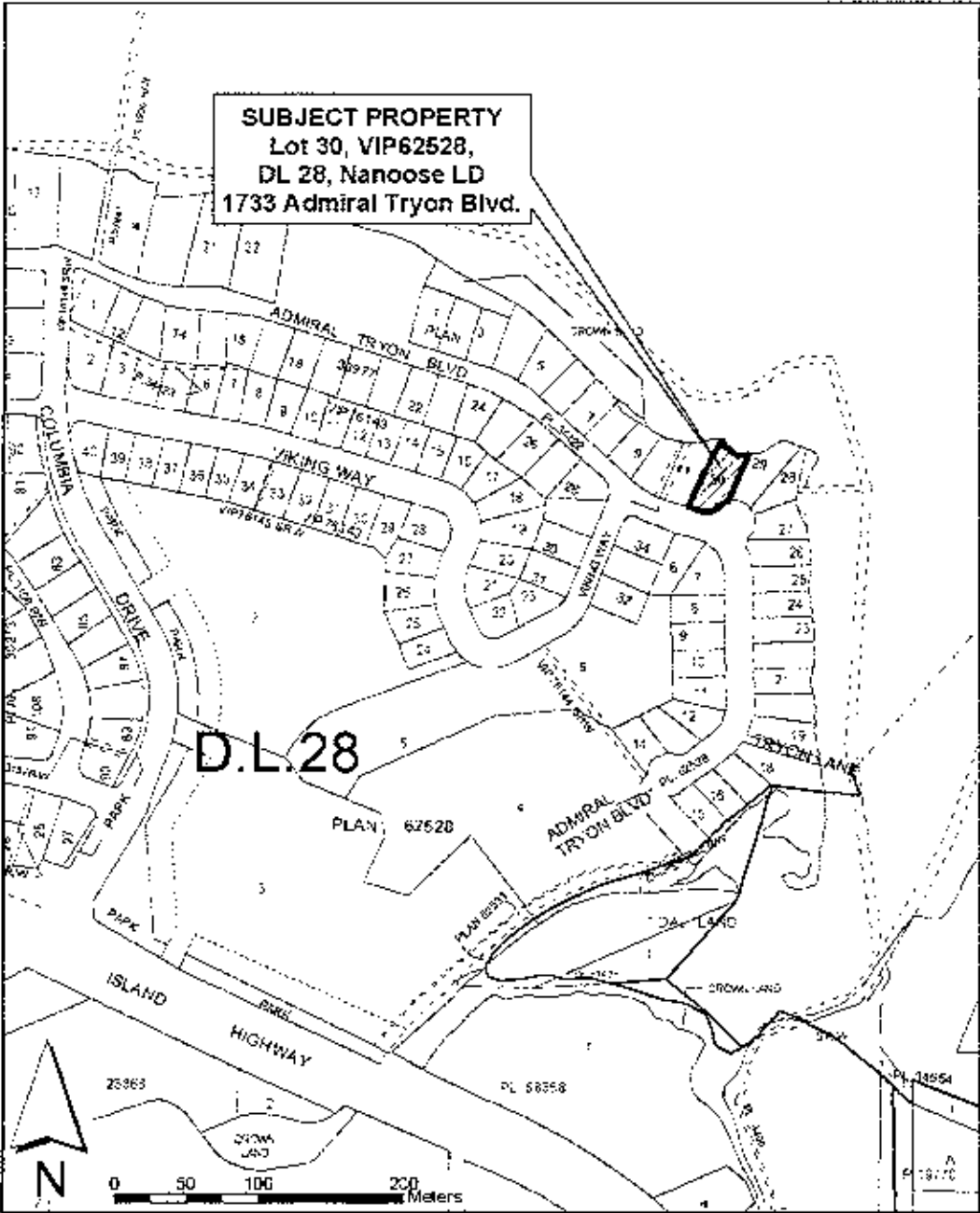
cc: M. Henington, Ecosystems Officer

**Schedule No. 4
Requested Variances
Development Permit No. 60418**

With respect to the lands, the following variance to 'Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987' is requested:

1. Section 3.3.9 Setbacks – Sea is requested to be varied from 8.0 metres horizontal distance from the natural boundary to 1.1 metres in order to legalize a concrete face retaining wall.

Attachment No. 1
Subject Property
Development Permit No. 60418





REGIONAL DISTRICT OF NANAIMO		
SEP 23 2004		
CHAIR		CMCPS
CAO		CMDS
GmCms		CMES

MEMORANDUM

TO: Bob Lapham
General Manager, Development Services

DATE: September 22, 2004

FROM: Jason Lewellyn
Manager, Community Planning

FILE: 3360 30 0414

SUBJECT: Zoning Amendment Application No. ZA0414
Regional District of Nanaimo - Department of National Defense lands

PURPOSE

To consider zoning the currently un-zoned lands controlled by the Department of National Defense.

BACKGROUND

The Department of National Defense (DND) land is identified in Schedule 1 to this report. The land in question consists of two separate properties that are not zoned pursuant to Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987. The land is under Federal ownership and used for national defense purposes; therefore, it is not subject to local government land use regulations. For this reason the land was not zoned. If the land was leased or sold to a private individual or business the Regional District would have little control over the use or subdivision of the land given the lack of zoning in place.

Surrounding uses include primarily a mix of residential, rural, resource, and agricultural uses.

Regional District staff are aware that the DND may consider portions of the land to be surplus and are considering disposal of land through sale or lease. Given this possibility staff propose that the Board consider zoning the land to Public 4, Subdivision District Z (PU4Z) to prepare for the possibility of future private ownership of the land. This will ensure that the Regional District is in a position to regulate the future use of the land in compliance with the intent of the Official Community Plan, should the Federal government take steps to dispose of the land.

Official Community Plan

The land is designated as "Resource Lands" in the current Nanoose Bay Official Community Plan (OCP). The Resource Lands Designation includes lands identified as Agricultural Land Reserve (ALR), Forest Land Reserve (FLR), lands with known and active resource use, and lands owned by the Federal government (DND) or the Crown. This OCP is currently under review with a preliminary draft due on October, 2004.

In the current OCP Resource Lands are intended to not be subdivided into parcels less than 8.0 hectares in area. This is a minimum and does not preclude zoning of lands to further restrict, or prohibit, subdivision. The OCP was developed under the assumption that the land would remain used for DND purposes and would not be made available for private use or lease. Staff expect that this is also the community expectation.

IMPLICATIONS

The Regional District of Nanaimo has initiated this zoning amendment application for the DND land to ensure that any future use or subdivision of the land is in compliance with the OCP. As the OCP was developed under the assumption that the DND land would remain under the ownership of the Federal government and used only for DND purposes, the proposed new PU4 zone limits the use of the DND land to Public Utility Use. Public Utility Use is the use most similar to the DND's use of the land; therefore, the PU4 zone would ensure that the land use could not change significantly, if sold, without prior Board consideration and approval of any new use. Further the OCP was developed under the assumption that the land would remain unsubdivided, therefore, Subdivision District Z has been recommended.

Legal Process

In order to complete this bylaw amendment as soon as possible, and ensure that zoning is in place prior to the sale or lease of the DND land, staff have provided this report directly to the Board without first proceeding to the Electoral Area Planning Committee for consideration. Further, staff are recommending that the Board waive the requirement for a Public Hearing in accordance with Sections 890.(4) and 893 of the *Local Government Act*.

Section 890.(4) of the *Local Government Act* allows the Board to waive the holding of a Public Hearing if the proposed rezoning bylaw is consistent with an Official Community Plan adopted for the area being rezoned. Staff consider the proposed rezoning to be consistent with the Nanoose Bay Official Community Plan.

Section 893 of the *Local Government Act* requires that the Regional District provide public notice regarding the general terms of the bylaw, the lands subject to the bylaw, and the time and place the bylaw may be inspected. This notice must be delivered prior to third reading to the same persons who would otherwise be given notice regarding a Public Hearing.

In staff's opinion waiving of the Public Hearing is acceptable as the application is intended to ensure that the status quo is maintained, and that the use of the land can not change without a typical rezoning process and public input.

ALTERNATIVES

1. To approve the amendment application as submitted for 1st and 2nd reading, waive the requirement for a Public Hearing, and proceed to third reading.
2. To not proceed with zoning the DND lands.

INTERGOVERNMENTAL IMPLICATIONS

The application intends to maintain the status quo and increase the ability of the Ministry of Transportation (MoT) to better review any land use change. Therefore, staff are confident that there shall be no problems obtaining bylaw approval from the MoT pursuant to the *Highway Act*.

VOTING


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

SUMMARY

This is a request to amend Bylaw No. 500, 1987 to zone the un-zoned land owned by the Federal government and controlled by the DND. The land is designated "Resource Lands" in the Nanoose Bay Official Community Plan and is intended to remain as DND land, which is the reason for the un-zoned state. To ensure that the Regional District maintains control over the use of the land it is recommended that a new PU4 zone be created and the PU4Z zoning be applied to the DND land as soon as possible. In order to proceed as quickly as possible it is recommended that this application proceed directly to the Board for consideration and that the Board waive the requirement for a Public Hearing.

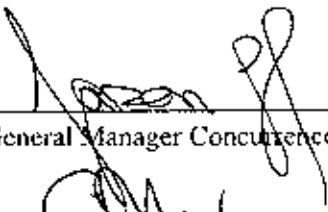
RECOMMENDATIONS

1. That "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.307, 2004" be given 1st and 2nd reading.
2. That the Board pass a resolution waiving the holding of a Public Hearing for "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.307, 2004."
3. That notice be provided regarding "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.307, 2004" in accordance with statutory requirements.
4. That the Bylaw be forwarded to the Ministry of Transportation for approval, prior to final reading.




Report Writer

COMMENTS:

 For GM

General Manager Concurrence



CAO Concurrence

REGIONAL DISTRICT OF NANAIMO

BYLAW NO. 500.307

A Bylaw to Amend Regional District of Nanaimo
Land Use and Subdivision Bylaw No. 500, 1987

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

A. **Schedule 'A'** of "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987", is hereby amended as follows:

1. **PART 3 LAND USE REGULATIONS, Section 3.1 Zones** is hereby amended by adding the following zoning classification and corresponding short title after Public 3 Zone PU3:

Public 4 Zone	PU4
----------------------	------------

2. **PART 3 LAND USE REGULATIONS, Section 3.4 Regulations For Each Zone** is hereby amended by adding Section 3.4.44, Public 4 Zone (PU4)

as shown on Schedule 1 which is attached to and forms part of this Bylaw.

3. **PART 3 LAND USE REGULATIONS, Schedule '3A', ZONING MAPS** is hereby amended by rezoning from no zone to Public 4 (PU4) the land legally described as:

Lot 1, District Lots 7, 11, and 78, Nanoose District, Plan 44488 Except that Part in Plan VIP59494

as shown on Schedule '2' which is attached to and forms part of this Bylaw;

And

Block 1, District Lots 9, 31 and 167, Nanoose District, Plan 14959;

as shown on Schedule '3' which is attached to and forms part of this Bylaw.

4. **PART 4 SUBDIVISION REGULATIONS, SCHEDULE '4A', SUBDIVISION DISTRICT MAPS**, is hereby amended by changing the Subdivision District from no subdivision district to subdivision district 'Z' for the land legally described as:

Lot 1, District Lots 7, 11, and 78, Nanoose District, Plan 44488 Except that Part in Plan VIP59494

as shown on Schedule '4', which is attached to and forms part of this Bylaw;

And

Block 1, District Lots 9, 31 and 167, Nanoose District, Plan 14959;

as shown on Schedule '5', which is attached to and forms part of this Bylaw.

B. This Bylaw may be cited as "Regional District of Nanaimo Land Use and Subdivision Bylaw Amendment Bylaw No. 500.307, 2004".

Introduced and read two times this day of 2004.

Read a third time this day of , 2004

Received approval pursuant to the *Highways Act* this day of , 2004

Adopted this day of , 2004

Chairperson

General Manager, Corporate Services

Chairperson

General Manager, Corporate Services

Section 3.4.44

PUBLIC 4

PU4

Permitted Uses and Minimum Site Area

Permitted Uses	Required Site Area with:		
	Community Water & Sewer Systems	Community Water System	No Community Services
a) Public Utility Use	n/a	n/a	n/a

Maximum Number and Size of Buildings and Structures

Height	- 10.0 m
Parcel coverage	- 10%

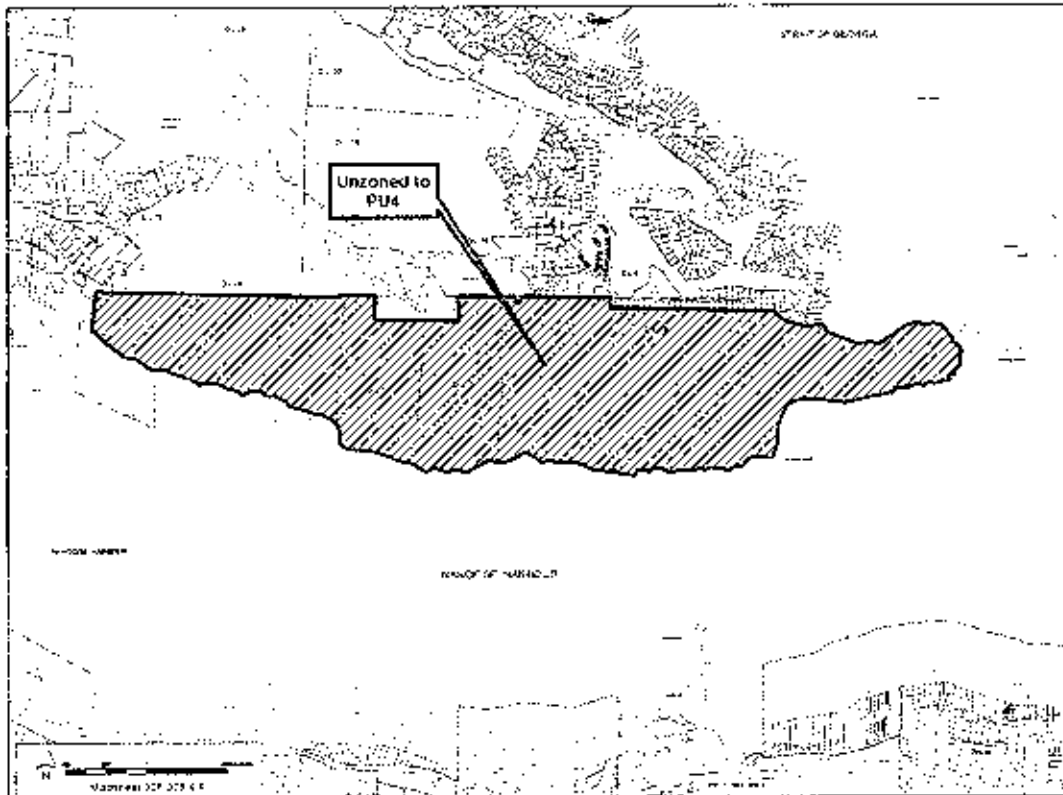
Minimum Setback Requirements

Front lot line	- 8.0 m
Other lot lines	- 5.0 m

except where any part of a parcel is adjacent to or contains a watercourse then the regulations in Section 3 of this Part shall apply.

Chairperson

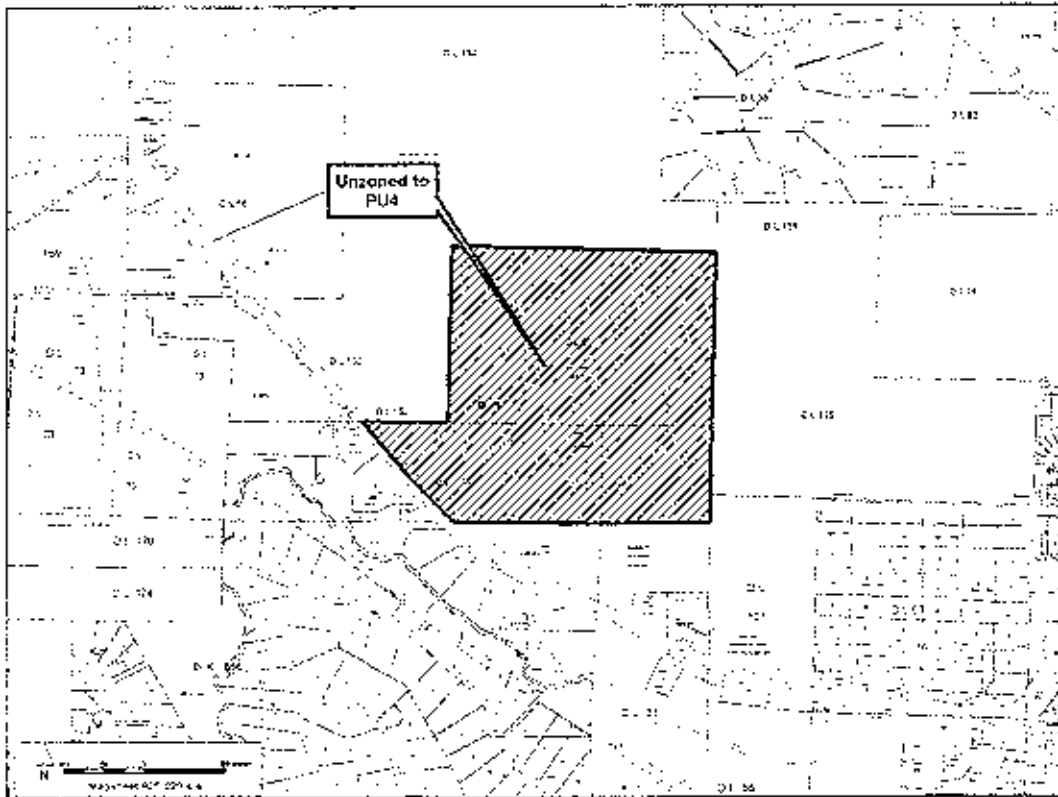
General Manager, Corporate Services



Schedule '3' to accompany "Regional District of
Nanaimo Land Use and Subdivision Bylaw
Amendment Bylaw No. 500.307"

.....
Chairperson

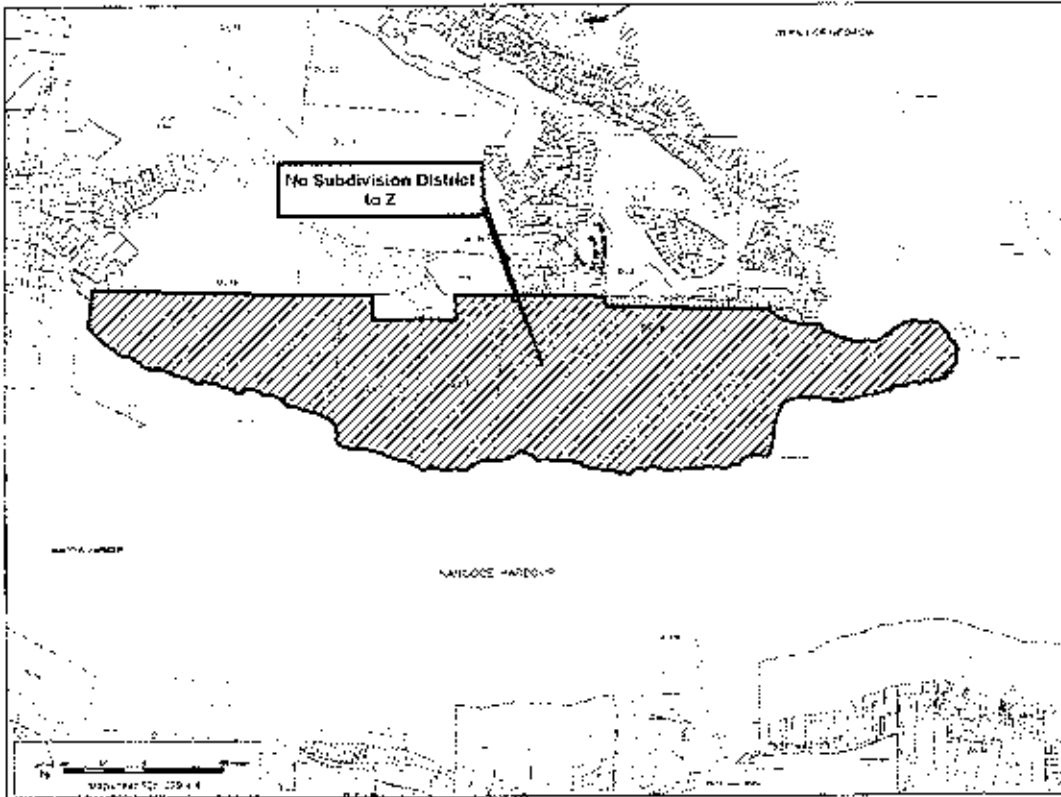
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General Manager, Corporate Services



Schedule '4' to accompany "Regional District of
Nanaimo Land Use and Subdivision Bylaw
Amendment Bylaw No. 500 307"

Chairperson

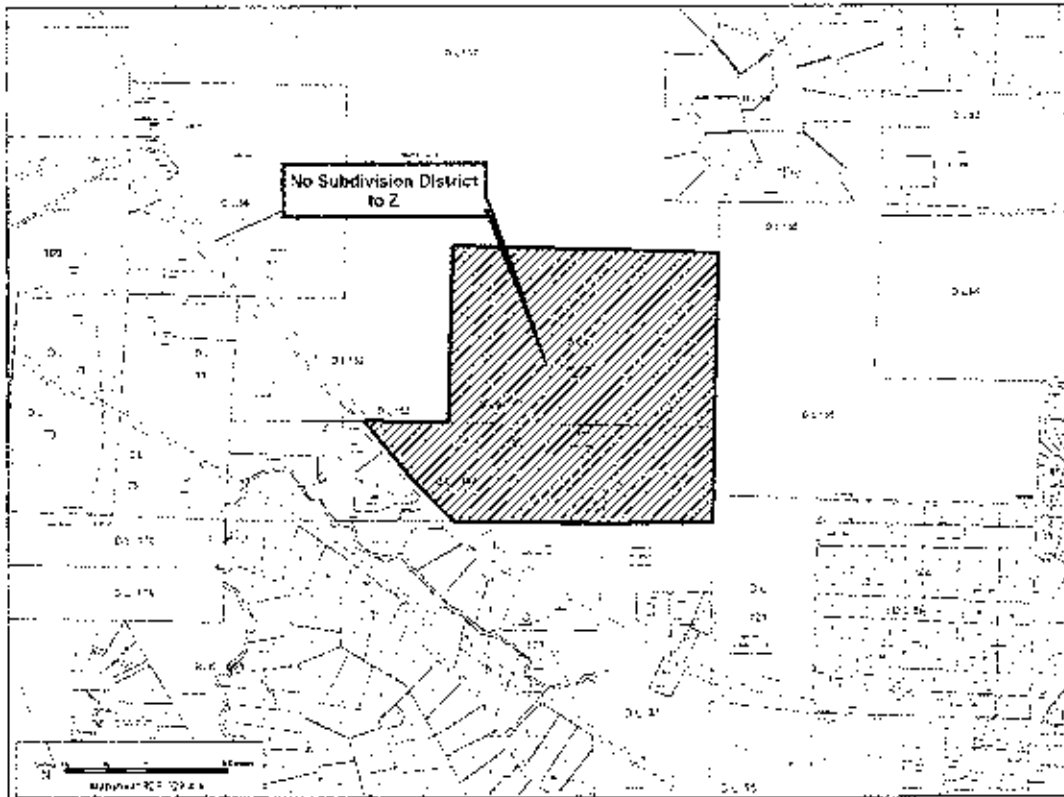
General Manager, Corporate Services



Schedule 'S' to accompany "Regional District of
Nanaimo Land Use and Subdivision Bylaw
Amendment Bylaw No. 500.307"

Chairperson

General Manager, Corporate Services





OF NANAIMO	
SEP 16 2004	
CHAIR	GM/GrS
CAO	CM/US
GM/CMG	ONES
	Bed

MEMORANDUM

TO: Neil Connelly
General Manager, Community Services

DATE: September 16, 2004

FROM: Tom Osborne
Manager of Recreation and Parks

FILE: 0230-20-NALT

SUBJECT: Nanaimo Area Land Trust Additional Funding Request

PURPOSE

To report on the request from Nanaimo Area Land Trust (NALT) for additional funding support in 2004 from the Regional District of Nanaimo (RDN).

BACKGROUND

NALT is involved with public education and promotion of stewardship initiatives. They have assisted property owners with conservation covenants, operate a resource centre and have completed habitat inventory and restoration projects in conjunction with local groups.

The Regional District allocated \$16,000 during the 2004 Annual Budget process through the Regional Parks function to assist with its core service operations.

At the September 14, 2004 Committee of the Whole meeting, NALT informed the Board that their organization is in a position of folding due to not having the necessary operational funds in place to carry them past September 2004 and requested additional funding to assist the organization to continue operating with the current staff level for the remainder of 2004. NALT informed the Board that they also received an additional \$5,000 grant from the City of Nanaimo. The Committee then approved the following recommendation:

That staff prepare a report for the next Board meeting examining the feasibility of a contribution from the RDN of \$5,000 to the Nanaimo Area Land Trust.

Staff have examined the Regional Parks Function 2004 operating budget. With recent park acquisitions and management responsibilities the pressures on the budget have increased substantially in 2004 and moves have already been made to curtail expenditures for the last quarter of the year to prevent the operational budget moving into a deficit situation. There are currently eight regional parks in the system. A formal management plan process is in progress for the Nanaimo River Regional Park, a full Regional Park Plan Review is underway, along with an implementation of a park use bylaw for all Community and Regional Parks. A park zone review for Home Lake Regional Park is scheduled for the Fall, followed by amendments to the Park's management plan and procurement of a long-term park operator. Land management issues are still to be addressed and finalized at the new Englishman River Regional Park, as well as ongoing park responsibilities in the five other regional parks.

In order to secure the requested funding, the Recreation and Parks Department reviewed Regional Parks projects that are unlikely to take place in 2004 due to these other priorities. It was the intent to carry some operational projects forward to 2005 and fund them from prior year surplus. One such project is to review the provision of potable water at Horne Lake Regional Park, estimated to cost \$7,500. This project will likely not take place by the end of the year; therefore \$5,000 from this project area could be reallocated to fund NALT's request. The potable water review project will need to take place and funding would have to be considered next year for it to be completed.

The remaining \$2,500 may be used in 2004 to provide a financial buffer for the entire Regional Parks Function to prevent it from moving into a deficit by the end of the year. The 2004 Annual Budget has a projected surplus of \$1,700 in the 2004 Budget. This provides minimal allowance for overages in expenditures or lower than budgeted revenues.

ALTERNATIVES

1. To receive the funding request report for information and to provide an additional \$5,000 in funding for 2004 to support NALT.
2. To receive the report for information and not provide funding support.
3. To receive the report for information and provide alternative direction for staff to respond to Nanaimo Area Land Trust's request.

FINANCIAL IMPLICATIONS

1. Both the electoral areas and municipalities participate in funding the Regional Park operation's budget. Five thousand dollars (\$5,000) is available in the budget with a postponement of work activities related to Horne Lake Regional Park.
2. The proposed 2004 Regional Park budget would not need to be adjusted if funding is not provided to NALT.

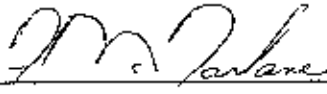
SUMMARY/CONCLUSIONS

The Nanaimo Area Land Trust received \$16,000 in financial support from the Regional District in 2004 to help support their core operations at the beginning of the fiscal year. NALT later requested additional funding from the Regional District at the September 14, 2004 Committee of the Whole to prevent the organization from folding at the end of September 2004 due to lack of funding to support their current operations and initiatives.

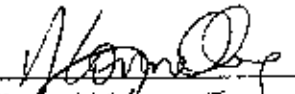
Prior to the request by NALT being made, Park staff had already made changes to the summer and fall work plans to curtail expenditures for the last quarter of the year to prevent the Regional Parks operational budget moving into a deficit situation. The Recreation and Parks Department have now reviewed the 2004 Annual Budget to see if an additional \$5,000 could be issued to NALT. Based on current operational commitments and priorities, one project at Horne Lake Regional Park, slated to take place in 2004 will not be done until the early part of 2005 funded through prior year surplus. These project funds could be used to provide additional funding support to NALT but would have to be considered for reinstatement as part of the 2005 budget process to assist with the longer term arrangements required for the full viability of the campground operation.

RECOMMENDATION

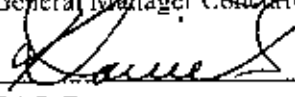
That the report on the Nanaimo Area Land Trust request for additional funding in 2004 from the Regional District, be received.



Report Writer



General Manager Concurrence



CAO Concurrence

COMMENTS:

SEP 28 2004

MEMORANDUM

CHAIR	EMC'S
CAO	GMOS
GRMG	GMES
Board - Admin. Rpt	

TO: Jason Llewellyn
Manager, Community Services

DATE: September 29, 2004

FROM: Susan Cormie
Senior Planner

FILE: 4320-50 - 2954 Canyon Road

SUBJECT: Request to Amend Liquor-Primary Licence for Cassidy Inn Hotel
Electoral Area 'A' - 2954 Canyon Road (off the Trans Canada Highway)

PURPOSE

To consider an application to the Liquor Control and Licensing Branch (LCLB) for an amendment to the existing liquor-primary licence for the Cassidy Inn Hotel.

BACKGROUND

This is a request to amend the current liquor-primary licence for the property located at 2954 Canyon Road (off the Trans Canada Highway) in the Cassidy - South Wellington area of Electoral Area 'A', legally described as Lot 1, Section 3, Range 8, Cranberry District, Plan 15453, and more commonly known as the Cassidy Inn Hotel (see Attachment No. 1 for location). The applicant is requesting the LCLB to amend their current liquor license to relocate a portion of their liquor-primary licence seating capacity to a previously constructed outdoor deck. The Cassidy Inn currently has a seating capacity of 151 persons including a patio capacity of 29 persons. This is request to relocate 14 indoor seats to a second outdoor deck area, resulting in an indoor seating capacity of 108 and a patio seating capacity of 43.

The Liquor Control and Licensing Branch (LCLB), pursuant to the *Liquor Control and Licensing Act*, has regulations and procedures to address changes to an existing liquor licence. Prior to considering an application to amend a liquor license, the LCLB requires the applicant to obtain a resolution from the local government providing input on the proposed amendment.

The Board resolution is required to take the form of the resolution attached as Schedule No. 1. The content of the resolution has been provided by staff for the Board's consideration. The Board should consider the resolution, and amend, as necessary, the resolution to the Board's satisfaction.

The subject property is currently zoned Commercial 5 (CM5) pursuant to the "Regional District of Nanaimo Land Use and Subdivision Bylaw No. 500, 1987". Under this zone, a hotel and related uses are permitted. In addition, the subject property is designated within the South Wellington Development Permit Area (DPA) pursuant to the "Regional District of Nanaimo Electoral Area 'A' Official Community Plan Bylaw No. 1240, 2001", which was established for, in this case, the form and character of the commercial use. As the structure was already in place, a development permit is not required.

ALTERNATIVES

1. To approve the recommended resolution in support of the application.
2. To amend the resolution in support of the application.
3. To not provide any resolution and have the Liquor Control and Licensing Branch consider the application without Board input.

DEVELOPMENT IMPLICATIONS

The subject property is outside an RDN Building Inspection Area. Staff visited the site to confirm the location and approximate age of the deck. In order to ensure the deck is safe for the proposed use, staff recommend that as a condition of support the applicant provide written certification from a professional engineer with expertise in structural engineering that the deck is capable of supporting the intended use and has been built to current building code requirements.

It is noted that the applicant at the time of development permit application in 2002 requested that the free standing signs be consolidated into 1 free standing sign. Since that time, due to the cost of erecting new signage, the applicant has requested the original signs remain in place. It appears these signs are situated within the adjacent highway right-of-way (Canyon Road) and the applicant has provided correspondence from the Ministry of Transportation confirming that it does not take any issue with the location of the signs.

LICENCE REQUIREMENTS IMPLICATIONS

Under the licence amendment application process, the Board must consider a number of criteria including the potential for noise, the impact on the community, and the views of residents.

With respect to the potential for noise, the location of the deck is located to the rear of the front face of the building in the central area of the property, which is surrounded by roads to the north, south, and east. While noise is not expected to be a factor, adjacent property owners will have an opportunity to attend the Board meeting to address any concerns.

With respect to the impact on the community, the Hotel has been operating since 1906 in the same location and as a result, this amendment is not expected to have a negative impact on the community.

With respect to the views of the residents, any interested residents are being invited to attend the Board meeting to express their opinions regarding this application.

If the Regional Board chooses not to consider the application, the Liquor Control and Licensing Branch will consider the application without Board input.

PUBLIC CONSULTATION IMPLICATIONS

The LCLB requires the Board's resolution to be based on public input. Therefore, a notice of intent to consider a resolution regarding a proposed amendment to the existing liquor licence will be advertised in the September 22, 2004 of the Harbour City Star. All interested residents are invited to attend the Board meeting and provide comments on the proposal. Prior to considering the resolution attached as Schedule 1 the Board is asked to solicit input from the gallery on this application.

VOTING

All Directors – one vote.


SUMMARY

The applicant, Cassidy Inn Hotel, has requested support for an application for an amendment to its current Liquor-Primary Licence to move 14 seats to a previously built outside deck. The subject property is not subject to RDN Building Inspection; therefore, to ensure that the structure is safe for its intended use, staff recommends that the applicant provide certification of compliance with current Building Code (*see Schedule No. 1*). With respect to the consideration of the potential impacts of the proposed change on noise and the

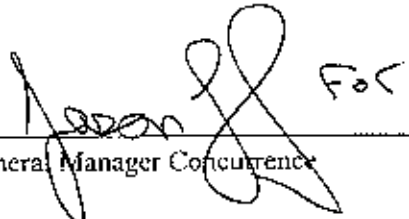
community, staff feels that the amendment will have little effect on the surrounding neighbourhood. With respect to the views of the residents, a Notice of Intent to consider the application will be placed in the newspaper and affected persons are invited to attend the Board meeting. Therefore, staff recommends the Board pass the resolution set out in Schedule No. 1 of the staff report, subject to considering any input resulting from public notification.

RECOMMENDATIONS

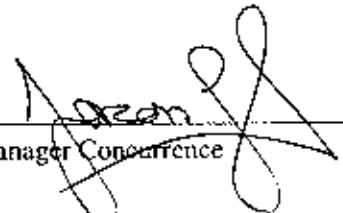
That the resolution with respect to the Liquor License Application submitted by the Cassidy Inn Hotel, attached as Schedule No. 1, be approved subject to consideration of any written submissions or comments resulting from public notification.




Report Writer



General Manager Concurrence



Manager Concurrence



A/CAO Concurrence

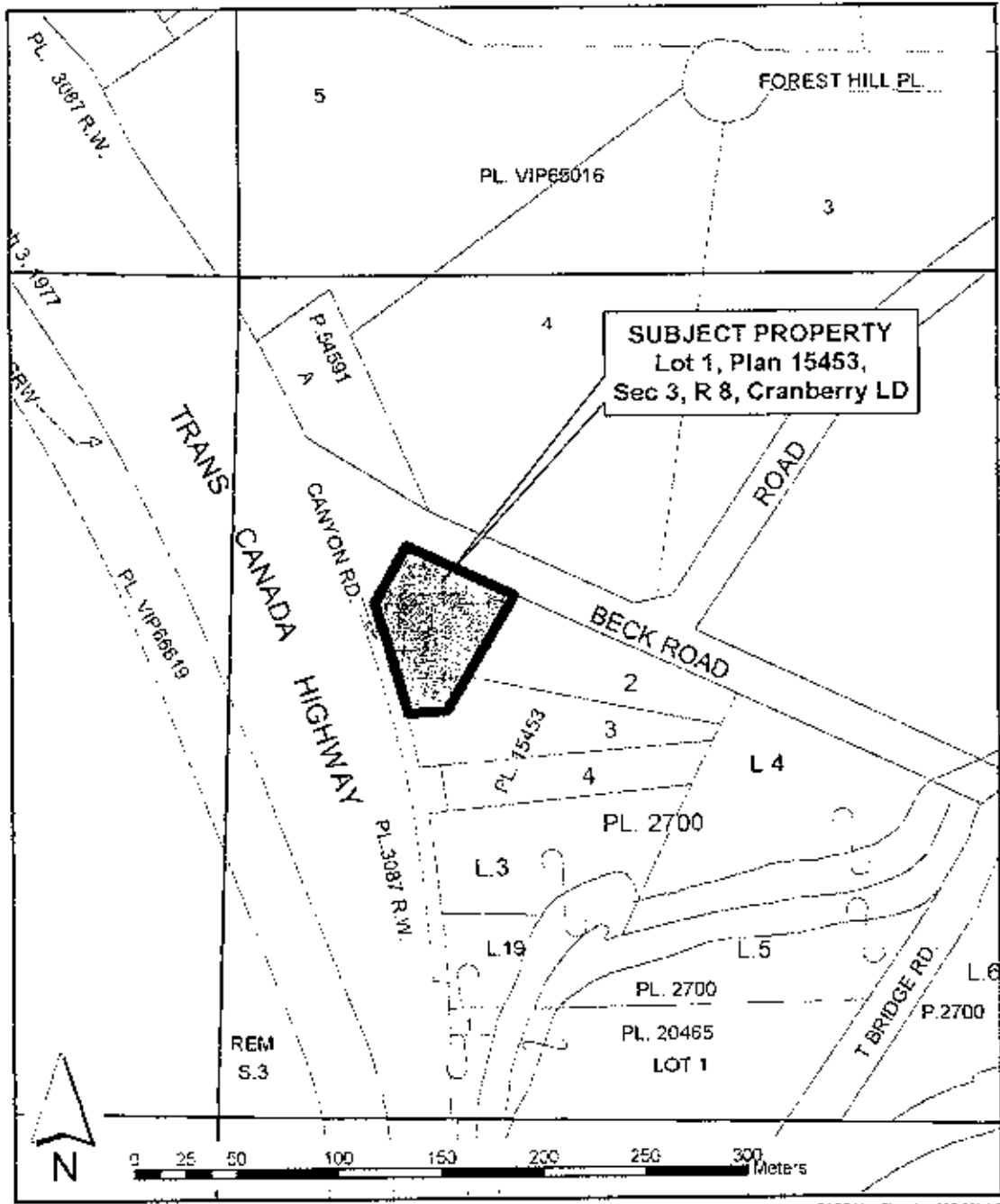
COMMENTS:
devsvs/reports/2004/se brd Cassidy Inn Liquor Primary And

**SCHEDULE NO. 1
Resolution for Cassidy Inn Liquor Licence Amendment**

Be it resolved that:

1. The Board of the Regional District of Nanaimo recommends the amendment of the liquor licence to adjust the total seating capacity by relocating 14 seats to an outside deck as there are no foreseen negative impact associated with this amendment.
2. The Board's comments on the prescribed considerations are as follows:
 - (a) The potential for noise if the application is approved is minimal as the location of the deck is to the rear of the front face of the building in the central area of the property, which is surrounded by roads to the north, south, and east.
 - (b) The impact on the community if the application is approved is considered to be minimal as the use of the property has been in place for many years, and approval of the application is not expected to have a notable impact on the nature of the operation.
 - (c) The views of the residents were solicited and no objections to the application were received. A notice of intent to consider a resolution regarding a proposed amendment to the existing liquor licence was advertised in the local newspaper. All interested residents were invited to attend the Board meeting and provide comments on the proposal. Prior to considering the resolution attached as Schedule No. 1 the Board asked for comments from the gallery on this application.
 - (d) The Board's support of this application is conditional upon the applicant providing written certification to the Regional District from a professional engineer with expertise in structural engineering that the deck is capable of supporting the intended use and has be built to current building code requirements. The Board does not support any alteration to a liquor licence until this condition has be met to the satisfaction of the Regional District.

Attachment No. 1
Location of Subject Property



BOS Map Sheet No. 925.001-41